
STATUTORY INSTRUMENTS

1999 No. 854

The Functions of Traffic Wardens (Scotland) Order 1999

Prescribed functions of traffic wardens

3.—(1) The functions set out in the Schedule to this Order are hereby prescribed as appropriate for discharge by traffic wardens.

(2) For the purposes of the discharge by traffic wardens of such functions, references to a constable or police constable in the following enactments shall include references to a traffic warden—

- (a) in the 1984 Act—
 - (i) section 100(3) (interim disposal of vehicles removed under section 99 of that Act⁽¹⁾);
 - (ii) section 104 (immobilisation of vehicles illegally parked)⁽²⁾; and
 - (iii) section 105 (exemptions from section 104)⁽³⁾; and
- (b) in the 1988 Act—
 - (i) section 35(1) (drivers to comply with traffic directions);
 - (ii) section 37 (directions to pedestrians); and
 - (iii) section 169 (pedestrian contravening constable's direction to stop to give name and address).

(3) For the purposes of the discharge by traffic wardens of the functions set out in the Schedule to this Order, references in section 165(1) of the 1988 Act (power of constables to obtain names and addresses of drivers and others, and to require production of evidence of insurance or security and test certificate)⁽⁴⁾ to a police constable shall, in so far as it applies to the furnishing of names and addresses, include references to a traffic warden if the traffic warden has reasonable cause to believe that there has been committed an offence—

- (a) in respect of a vehicle by its being left or parked on a road during the hours of darkness (as defined by the Road Vehicles Lighting Regulations 1989⁽⁵⁾) without the lights or reflectors required by law;
- (b) in respect of a vehicle by its obstructing a road, or waiting, or being left or parked or being loaded or unloaded, in a road;
- (c) in contravention of section 35(1) of the 1988 Act;
- (d) in contravention of section 33(1) of the Vehicles Excise and Registration Act 1994 (not exhibiting licence)⁽⁶⁾;
- (e) created by section 47 of the 1984 Act (offences relating to designated parking places)⁽⁷⁾.

(1) Section 99 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 32.

(2) Section 104 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraphs 34 and 35.

(3) Section 105 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 36 and Schedule 7, paragraph 6.

(4) Section 165(1) was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 69(2).

(5) S.I. 1989/1796, amended by S.I. 1994/2280 and 1996/3016.

(6) 1994 c. 22.

(7) Section 47 was amended by the Local Government Act 1985 (c. 51), Schedule 17, by the Road Traffic (Consequential Provisions) Act 1988 (c. 54), Schedule 1, by the Parking Act 1989 (c. 16), Schedule, paragraph 3, by the Road Traffic Act 1991 (c. 40), section 65(1) and by S.I. 1996/1553, article 2 and Schedule.

(4) References in section 164(1) and (2) of the 1988 Act⁽⁸⁾ (powers of constables to require production of driving licence and in certain cases statement of date of birth) to a constable or police constable shall include references to a traffic warden only where—

- (a) the traffic warden has reasonable cause to believe that there has been committed—
 - (i) an offence by causing a vehicle, or any part of it, to stop in contravention of regulations made under section 25 of the 1984 Act (pedestrian crossing regulations); or
 - (ii) an offence in contravention of section 22 of the 1988 Act (leaving vehicles in dangerous positions)⁽⁹⁾; or
- (b) the traffic warden is employed to perform functions in connection with the custody of vehicles removed from a road or land in the open air in pursuance of regulations made under section 99 of the 1984 Act (removal of vehicles illegally, obstructively or dangerously parked, or abandoned or broken down) or from a parking place in pursuance of a street parking place order, and he has reasonable cause to believe that there has been committed an offence in respect of a vehicle by its obstructing a road or waiting, or being left or parked, or being loaded or unloaded, in a road.

⁽⁸⁾ Section 164(1) was amended by S.I. 1990/144, Schedule 1 and by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 68(2); section 164(2) was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 68(3).

⁽⁹⁾ Section 22 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 48.