

2004 No. 2684

ROAD TRAFFIC

The Road Traffic (Special Parking Area) (GLA Roads and GLA Side Roads) Order 2004

<i>Made</i> - - - -	<i>14th October 2004</i>
<i>Laid before Parliament</i> -	<i>22nd October 2004</i>
<i>Coming into force</i> - -	<i>15th November 2004</i>

Whereas Transport for London has applied to the Secretary of State for Transport for an order to be made under section 76(1) and (1A) of the Road Traffic Act 1991^(a) designating the area consisting of GLA roads and GLA side roads as a special parking area and the Secretary of State has consulted the Commissioner of Police of the Metropolis and of the Commissioner for the City of London:

NOW, the Secretary of State for Transport, in exercise of the powers conferred by sections 76(1) and 77(3) and (6) of the Road Traffic Act 1991, and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Road Traffic (Special Parking Area) (GLA Roads and GLA Side Roads) Order 2004 and shall come into force on 15th November 2004.

Interpretation

2. In this Order—

“the 1984 Act” means the Road Traffic Regulation Act 1984^(b);

“the 1991 Act” means the Road Traffic Act 1991; and

“the special parking area” means the area designated as a special parking area by article 3.

^(a) 1991 c. 40; subsection (1A) of section 76 was inserted by the Greater London Authority Act 1999 (c. 29), section 285(2).
^(b) 1984 c. 27; section 55(1) was amended by the Road Traffic Act 1991, Schedule 7, paragraph 5(2) and by the Greater London Authority Act 1999, section 282(2).
[DfT 13420]

Designation of special parking area

3. The Secretary of State hereby designates as a special parking area the area consisting of all GLA roads and GLA side roads(a) except—

- (a) Victoria Embankment (A3211) from Westminster Bridge to its junction with Northumberland Avenue; and
- (b) Westminster Bridge (A302) between its junction with Victoria Embankment and its junction with York Road.

Modification of the 1984 Act

4.—(1) Section 55 of the 1984 Act shall have effect in relation to Transport for London as if—

- (a) at the end of subsection (1) there were inserted—

“and of the income from additional parking charges (within the meaning of section 74(12) of the Road Traffic Act 1991(b)) received by it in respect of vehicles found within the special parking area and the expenditure incurred by them in the discharge of functions exercisable by them in relation to the special parking area by virtue of Part II of the Road Traffic Act 1991”; and

- (b) after subsection (1) there were inserted—

“(1A) In subsection (1) above references to “the special parking area” are to the area designated as a special parking area by the Road Traffic Special Parking Area (GLA Roads and GLA Side Roads) Order 2004.”

(2) Section 102(2) of the 1984 Act (charges for removal, storage and disposal of vehicles) shall have effect in relation to a vehicle found within the special parking area as if for paragraph (d) there were substituted—

“(d) a London authority shall be entitled to recover from any person responsible such charges as they may require in respect of the removal, storage and disposal of a vehicle removed from—

- (i) a parking place designated under section 6, 9 or 45 of this Act or otherwise provided or controlled by that authority, or
- (ii) a place where the vehicle was stationary in circumstances in which an offence would have been committed in respect of the vehicle but for section 76(3) of the Road Traffic Act 1991.”

Modification of the 1991 Act

5.—(1) Section 70 of the 1991 Act (exemptions from provisions relating to the immobilisation of vehicles in parking places) shall have effect in relation to a vehicle found in the special parking area as if, in subsections (1) and (2), after “section 69(1)” in each place occurring, there were inserted “or section 77(4)”.

(2) Section 71 of the 1991 Act (representations in relation to removal or immobilisation of vehicles) shall have effect in relation to a vehicle found in the special parking area as if, for subsection (4), there were substituted—

“(4) The grounds are —

(a) As to the meaning of “GLA road” and “GLA side road” see the definitions in the Road Traffic Act 1991 section 82(1), inserted by section 287(3) of the Greater London Authority Act 1999 (“the 1999 Act”). The original network of GLA roads was designated by the GLA Roads Designation Order 2000, S.I. 2000/1379, amended by S.I. 2000/1230, but subsequent changes have been made by orders made by the Mayor of London under the Highways Act 1980 (c. 66) section 14B, inserted by section 261 of the 1999 Act. The original network of GLA side roads was designated by separate orders made with respect to each London borough (except Harrow) and the City of London by the Secretary of State under section 124A(1) of the Road Traffic Regulation Act 1984, inserted by section 272 of the 1999 Act, but subsequent changes have been made by orders made by the Mayor of London under section 124B of the Road Traffic Regulation Act 1984, inserted by S.I. 2000/2237.

(b) Section 74 was substituted by the Greater London Authority Act 1999 section 284.

- (a) that there were no reasonable grounds for the parking attendant concerned to believe that either—
 - (i) the vehicle had been permitted to remain at rest in the parking place in circumstances specified in section 66(2)(a), (b) or (c) of this Act; or
 - (ii) the vehicle had been permitted to remain at rest in a special parking area (other than in a designated parking place) in circumstances in which an offence would have been committed in respect of the vehicle but for section 76(3) of this Act;
- (b) that the vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner;
- (c) that the place at which the vehicle was at rest was neither a designated parking place nor in a special parking area;
- (d) in a case within subsection (1)(d) above, that, by virtue of an exemption given by section 70 of this Act, neither section 69 nor 77(4) of this Act applied to the vehicle at the time in question; or
- (e) that the penalty or other charge in question exceeded the amount applicable in the circumstances of the case.”

(3) Section 74(12) of the 1991 Act (fixing of certain parking and other charges for London) shall have effect in relation to the special parking area as if, for “section 69 above”, there were substituted “section 69 or 77(4) of this Act”.

(4) Section 79(2) of the 1991 Act(a) (application to Crown and visiting forces) shall have effect in relation to a vehicle found in the special parking area as if, for “66 and 69 to 71”, there were substituted “66, 69 to 71, 76 and 77”.

(5) Schedule 6 to the 1991 Act (parking penalties) shall have effect in relation to a vehicle found in the special parking area as if—

- (a) in sub-paragraph (c) of paragraph 2(4), for the words “the parking place” there were substituted the words “the place in question”, and
- (b) in sub-paragraph (d) of paragraph 2(4), the word “designation” were omitted.

Signed by authority of the Secretary of State

14th October 2004

Tony McNulty
Minister of State,
Department for Transport

(a) Section 79(2) was amended by the Vehicle Excise and Registration Act 1994 (c. 22), Schedule 3, paragraph 29.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the area consisting, with 2 specified exceptions, of all GLA roads and GLA side roads as a special parking area for the purposes of Part II of the Road Traffic Act 1991 (*article 3*). The Order also makes consequential modifications to the Road Traffic Regulation Act 1984 (*article 4*) and to Part II of the Road Traffic Act 1991 (*article 5*).

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

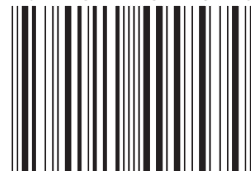
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