

**EXPLANATORY MEMORANDUM TO THE  
ROAD TRAFFIC (SPECIAL PARKING AREA) (GLA ROADS AND GLA  
SIDE ROADS) ORDER 2004**

**2004 No. 2684**

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
2. **Description**
  - 2.1 The Order designates the network of GLA roads and side roads as a special parking area, thereby enabling Transport for London as traffic authority for those roads to enforce parking contraventions on them, as the London borough councils already do in relation to the roads for which they are the traffic authorities. Enforcement will be through a civil law regime, and not by police or traffic wardens in a criminal law context.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None.
4. **Legislative Background**
  - 4.1 The Order is made under powers conferred by sections 76(1) and 77(3) and (6) of the Road Traffic Act 1991.
  - 4.2 In many areas the police are no longer able to devote the resources to traffic policing that are necessary to encourage observance of traffic restrictions and prohibitions on the conduct of road traffic. This problem has been addressed in respect of parking offences by the Road Traffic Act 1991, which provides for the decriminalisation and civil enforcement of non-endorsable stationary vehicle restrictions within designated areas.
  - 4.3 Part II of the 1991 Act creates a regime for the civil enforcement of parking contraventions in London. Offences in respect of designated on-street parking places are already decriminalised. Sections 76, 76A and 77 provide for the designation by Order of special parking areas in London within which other types of parking offence, such as those committed by parking in contravention of restrictions indicated by yellow or red lines, are decriminalised. Such orders may make appropriate consequential modifications to the 1991 Act, and other legislation.

## **5. Extent**

5.1 This instrument applies to England.

## **6. European Convention on Human Rights**

The Minister, Tony McNulty, has made the following statement regarding human rights:

“In my view the provisions of the Road Traffic (Special Parking Area) (GLA Roads and GLA Side Roads) Order 2004 are compatible with Convention rights.”

## **7. Policy background**

7.1 Effective traffic regulation requires effective enforcement of traffic restriction and prohibition orders, otherwise they may be abused or ignored. This has been addressed in relation to parking by the Road Traffic Act 1991. That Act enables the creation of "special parking areas" in which responsibility for enforcing parking restrictions is transferred from the police and police traffic wardens to parking attendants employed by local traffic authorities. An example of such contraventions is unlawful parking on yellow or red lines. Special parking areas have been designated for each London borough but these areas exclude the roads and lengths of road which now constitute the Transport for London Road Network.

7.2 The Transport for London Road Network comprises London's main strategic routes and is based on the priority "red routes" designated under the provisions of Part II of the Road Traffic Act 1991. The main network was established by the GLA Roads Designation Order 2000 SI 2000/1117 and The GLA Roads Designation (Amendment) Order 2000 SI 2000/1230. The associated GLA side roads were designated by a series of borough based designation orders (see for example The GLA Side Roads (City of Westminster) Designation Order 2000 SI 2000/1379). Changes have been made to the initial network by Orders made by the Mayor of London under powers conferred on him by the Greater London Authority Act 1999. Transport for London is the traffic authority for every GLA road and GLA side road.

7.3 It is Government policy to encourage traffic authorities to take on decriminalised parking enforcement powers. An authority is then able to target enforcement effort to support their local traffic management policies. An increased level of enforcement helps reduce parking problems and congestion and improve safety. Although parking enforcement on borough roads in London was decriminalised in 1994, enforcement of the strategic red routes remained with the police. In practice enforcement is carried out by police traffic wardens (the "red route patrols"). In the light of changing traffic management responsibilities, in particular the introduction of a new network

management duty under Part 2 of the Traffic Management Act 2004, it has been concluded by Transport for London that they should take over direct responsibility for the enforcement of parking on their road network. Pursuant to the Order, the Transport for London Road Network, with the exception of the lengths of road specified in article 3, will be designated as a special parking area.

- 7.4 Article 4 of the Order modifies the operation of relevant sections of the Road Traffic Regulation Act 1984. The modification to section 55 will require Transport for London to keep an account of the income and expenditure in respect of parking enforcement within the special parking area. The modification to section 102(2) will enable Transport for London to recover such charges incurred for the removal, storage or disposal of unlawfully parked vehicles within the special parking area, as they may require.
- 7.5 Article 5 of the Order sets out the modifications to the 1991 Act. As modified, section 70 sets out exemptions to the immobilising (wheel-clamping) of vehicles to include those within a special parking area and section 71(4) and specifies the grounds on which a person may make representations in relation to the removal or clamping of their vehicle in the special parking area. The effect of section 74(12) of the 1991 Act (as modified by article 5(3) of the Order) is to extend the definition of the 'additional parking charges' (which must be set by a joint committee of Transport for London and the London borough councils and approved by the Mayor of London) to include charges for the release of vehicles immobilised in the special parking area.
- 7.6 Section 79(2) of the 1991 Act (which confers certain exemptions from specified provisions of the Act in favour of the Crown and visiting forces) is modified so as to extend those exemptions to sections 76 and 77 (special parking areas and application of provisions in relation to special parking areas). Article 5(5) modifies Schedule 6, which concerns the enforcement of unpaid penalty charges, so as to adapt it to charges incurred in respect of the new special parking area.
- 7.7 The Order has been made following consultation with the Commissioner of Police of the Metropolis, the Commissioner of Police for the City of London and the Council on Tribunals. They made no objection to the proposed order.

## **8. Impact**

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.
- 8.2 Transport for London may use the income from the parking charges to finance their enforcement operations. They expect decriminalised parking enforcement to be financially viable from the beginning.

## **9. Contact**

John Gant at the Department for Transport Tel: 020 7944 2468 or e-mail: [john.gant@dft.gsi.gov.uk](mailto:john.gant@dft.gsi.gov.uk) can answer any queries regarding the instrument.