

2007 No. 1902

ROAD TRAFFIC

The Road Traffic (Permitted Parking Area and Special Parking Area) (County of North Yorkshire) (Borough of Scarborough) Order 2007

<i>Made</i> - - - -	4th July 2007
<i>Laid before Parliament</i>	5th July 2007
<i>Coming into force</i> - -	30th July 2007

This Order is made in exercise of the powers conferred by paragraphs 1(1), 2(1) and 3(3) of Schedule 3 to the Road Traffic Act 1991(a).

North Yorkshire County Council has applied to the Secretary of State for an Order to be made under paragraphs 1(1) and 2(1) of that Schedule with respect to part of its area.

The Secretary of State has consulted the chief officer of the North Yorkshire Police in accordance with the requirements of paragraphs 1(3) and 2(3) of that Schedule and the Council on Tribunals in accordance with the requirements of section 8 of the Tribunals and Inquiries Act 1992(b).

Accordingly the Secretary of State for Transport makes this Order:

Citation and commencement

1. This Order may be cited as the Road Traffic (Permitted Parking Area and Special Parking Area) (County of North Yorkshire) (Borough of Scarborough) Order 2007 and shall come into force on 30th July 2007.

Interpretation

2. In this Order—

- (1) “the 1984 Act” means the Road Traffic Regulation Act 1984(c);
- (2) “the 1991 Act” means the Road Traffic Act 1991; and

(a) 1991 c.40 Schedule 3 was amended by the Road Traffic Act 1991 (Amendment of Schedule 3) (England and Wales) Order 1996 (S.I. 1996/500) as regards England and Wales, and by the Road Traffic Act 1991 (Special Parking Areas) (England) Order 2003 (S.I. 2003/859) as regards England.

(b) 1992 c.53.

(c) 1984 c.27. Section 32(4)(a) was amended by the Local Government Act 1985 (c.51) section 102 and Schedule 17. Section 45(1) was substituted by the New Roads and Street Works Act 1991 (c.22) Schedule 8, paragraph 44. Sections 46(1A), 63A and 101(4A) and (5A) were inserted by the Road Traffic Act 1991, sections 64(2), 44(1) and 67(4) and (6). Section 102(8) was amended by the Road Traffic Act 1991, section 68(3). Section 121A was inserted by the New Roads and Street Works Act 1991 (c.22), section 168(1) and Schedule 8, paragraph 70.

(3) "the parking area" means the area designated as a permitted parking area and as a special parking area by article 4 of this Order.

Application

3. This Order applies to the whole of the Borough of Scarborough except—

- (a) The length of the A64 Leeds to Scarborough trunk road, between the point where it crosses the administrative boundary of Scarborough Borough Council and its termination point at Musham Bank Roundabout, including the roundabout area.

Designation of permitted parking area and special parking area

4. The Secretary of State designates the area to which this Order applies as—

- (a) a permitted parking area; and
- (b) a special parking area.

Modification and application of Part II of the 1991 Act

5. Sections 66, 69 to 74, 78, 79 and 82 of, and Schedule 6 to, the 1991 Act shall apply in relation to the parking area and as so applied shall have effect subject to the modifications specified in Schedule 1 to this Order.

Modification of other provisions

6. The 1984 Act shall be modified in relation to the parking area as specified in Schedule 2 to this Order.

Signed by authority of the Secretary of State

Rosie Winterton
Minister of State
Department for Transport

4th July 2007

SCHEDULE 1

Article 5

MODIFICATIONS OF PROVISIONS OF PART II OF THE ROAD TRAFFIC ACT 1991 APPLIED IN RELATION TO THE PARKING AREA

1.—(1) Section 66 shall be modified as follows.

(2) In subsection (1) the words "in a designated parking place" shall be omitted.

(3) Subsection (2) shall be omitted.

(4) In subsection (3)—

- (a) in paragraph (d) for the words "the specified proportion" there shall be substituted "one half"; and
- (b) in paragraph (e) for the words "the London authority" there shall be substituted "the parking authority".

(5) Subsection (4) shall be omitted.

(6) In subsection (5) for paragraph (b) there shall be substituted—

"(b) the parking authority."

2.—(1) Section 69 shall be modified as follows.

(2) For subsection (1) there shall be substituted—

“(1) Where, in the case of a stationary vehicle, a parking attendant has reason to believe that it has been allowed to remain at rest in any of the circumstances in which a penalty charge is payable under this Act, he or another person acting under his direction may fix an immobilisation device to the vehicle.”

(3) For subsection (8) there shall be substituted—

“(8) In this section “relevant authority” means the parking authority.”

3.—(1) Section 71 shall be modified as follows.

(2) In subsection (1) for the words “a London authority” there shall be substituted “the parking authority”.

(3) For subsection (4) there shall be substituted—

“(4) The grounds are—

- (a) that there were no reasonable grounds for the parking attendant concerned to believe that the vehicle had been permitted to remain at rest in the parking area in circumstances in which a penalty charge was payable;
- (b) that the vehicle had been permitted to remain at rest in the place where it was by a person who was in control of the vehicle without the consent of the owner;
- (c) that the place where the vehicle was at rest was not in the parking area;
- (d) in a case within subsection (1)(d) above, that, by virtue of an exemption given by section 70 of this Act, section 69 did not apply to the vehicle in question; or
- (e) that the penalty or other charge in question exceeded the amount applicable in the circumstances of the case.”

4.—(1) Section 73 shall be modified as follows.

(2) For subsections (1) to (3) there shall be substituted—

“(1) The functions conferred on the parking authorities by this section shall be discharged by them through a joint committee (“the Joint Committee”) which has been set up in pursuance of arrangements entered into under section 101(5) of the Local Government Act 1972(a) and of which the parking authority and at least two other local authorities are constituent authorities.

(2) In subsection (1) “local authorities” means authorities which are county or district councils in England or county or county borough councils in Wales in whose areas permitted parking areas or special parking areas have been designated under Schedule 3 to this Act.

(3) The parking authority shall—

- (a) with the consent of the Lord Chancellor appoint persons to act as parking adjudicators for the purposes of this Act in relation to the parking area;
- (b) provide or secure the provision of accommodation and administrative staff for parking adjudicators so appointed; and
- (c) determine the places at which such parking adjudicators are to sit.”

(3) In subsection (5) for the words “the appointing authorities” there shall be substituted “the parking authority”.

(4) Subsections (8) to (10) shall be omitted.

(5) After subsection (12) there shall be inserted the following subsection—

(a) 1972 c.70.

“(12A) The Road Traffic (Parking Adjudicators) (England and Wales) Regulations 1999(a) shall apply to the parking area as they apply to the areas designated by the Orders listed in the Schedule to those Regulations.”

5. For section 74, there shall be substituted the following section—

“74.—(1) It shall be the duty of the parking authority to set the levels of additional parking charges to apply in the parking area.

(2) Different levels may be set for different parts of the parking area.

(3) The levels of additional parking charges set by the parking authority under this section shall accord with guidance given by the Secretary of State whether such guidance is given specifically to the parking authority or to local authorities generally.

(4) Guidance given by the Secretary of State under subsection (3) above may be varied at any time by the Secretary of State.

(5) The parking authority shall publish, in such manner as the Secretary of State may determine, the levels of additional parking charges which have been set under this section.

(6) In this section “additional parking charges” means penalty charges, charges made by the parking authority for the removal, storage and disposal of vehicles and charges for the release of vehicles from immobilisation devices fixed under section 69 of this Act.”

6.—(1) Section 78 shall be modified as follows.

(2) After subsection (7) there shall be inserted the following subsection—

“(8) Any order made under subsection (2), and any regulations made under subsection (4), of this section shall apply with necessary modifications, including in particular the substitution for references to a London authority of references to the parking authority, in relation to the recovery of Part II debts payable in relation to the parking area.”

7.—(1) Section 82 shall be modified as follows.

(2) For subsection (1) there shall be substituted—

“(1) In this section and sections 66, 69 to 74, 78 and 79 of, and Schedule 6 to, this Act—

“immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984;

“the Joint Committee” has the meaning given by section 73(1) of this Act;

“the parking area” means the area designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (County of North Yorkshire) (Borough of Scarborough) Order 2007;

“parking attendant” has the same meaning as in section 63A of the Road Traffic Regulation Act 1984;

“parking authority”—

(a) in relation to—

(i) a parking place provided or authorised under section 32(1) of the Road Traffic Regulation Act 1984, or designated under section 45 of that Act, or

(ii) a vehicle that is or was stationary in such a parking place,

means the authority (North Yorkshire County Council or Scarborough Borough Council) by whom the parking place was provided, authorised or designated, and

(b) in relation to any other place, or a vehicle that is or was stationary in any other place, means North Yorkshire County Council;

“penalty charge” means a penalty charge which is payable by virtue of paragraph 3(1) and (2) of Schedule 3 to this Act;

(a) S.I. 1999/1918.

“prescribed” means prescribed by regulations made by the Secretary of State;

“vehicle hiring agreement” and “vehicle-hire firm” have the same meanings as in section 66 of the Road Traffic Offenders Act 1988(a) (hired vehicles).”

(3) In subsection (5) for the words “the London authority concerned” there shall be substituted “the parking authority”.

8.—(1) Schedule 6 shall be modified as follows.

(2) In paragraph 1(1) for the words “the London authority concerned” there shall be substituted “the parking authority”.

(3) In paragraph 2—

(a) in sub-paragraph (1) for the words “the London authority who served the notice on him” there shall be substituted “the parking authority”;

(b) in sub-paragraph (2) for the words “in such form as” to the end of the sub-paragraph there shall be substituted “in writing”;

(c) in sub-paragraph (3) for the words “The authority” there shall be substituted “The parking authority”;

(d) in sub-paragraph (4) for paragraph (c) there shall be substituted—

“(c) that the vehicle has been permitted to remain at rest in the parking area by the person who was in control of the vehicle without the consent of the owner;” and

(e) in sub-paragraph (7) for the words “an authority to whom representations are duly made” there shall be substituted “the parking authority when representations are duly made to it”.

(4) In paragraph 3 for the words “the London authority concerned” in both places where they occur there shall be substituted “the parking authority”.

(5) In paragraph 4 for the words “the London authority concerned” and for the words “the authority” there shall be substituted “the parking authority”.

(6) In paragraph 5—

(a) in sub-paragraph (1) for the words “an authority” there shall be substituted “the parking authority” and for the words “the authority’s decision” there shall be substituted “the parking authority’s decision”;

(b) in sub-paragraph (2) for the words “the London authority concerned” there shall be substituted “the parking authority”; and

(c) for sub-paragraph (3) there shall be substituted—

“(3) It shall be the duty of the parking authority to comply with any direction given to it under sub-paragraph (2) above.”

(7) In paragraph 6—

(a) in sub-paragraph (1) for the words “the authority serving the notice” there shall be substituted “the parking authority”; and

(b) in sub-paragraph (2)(b)(ii) for the words “the authority concerned” there shall be substituted “the parking authority”.

(8) In paragraph 7, for the words “the authority concerned” there shall be substituted “the parking authority”.

(9) In paragraph 8—

(a) in sub-paragraphs (2)(b) and (5)(d) for the words “the London authority concerned” in both places where they occur there shall be substituted “the parking authority”; and

(b) in sub-paragraphs (6) and (7) for the words “the London authority” in both places where they occur there shall be substituted “the parking authority”.

(a) 1988 c.53.

SCHEDULE 2

Article 6

MODIFICATION OF THE ROAD TRAFFIC REGULATION ACT 1984

- 1.—(1) Section 46 shall be modified as follows.
 - (2) Subsection (1) shall be omitted.
 - (3) In subsection (1A) for “Greater London” there shall be substituted by “the parking area”.
- 2.—(1) Section 55 shall be amended as follows.
 - (2) For subsection (1) there shall be substituted—
 - “(1) A local authority shall keep an account—
 - (a) of their income and expenditure in respect of designated parking places for which they are the local authority and which are in the permitted parking area; and
 - (b) of their income from additional parking charges (within the meaning of section 74(6) of the Road Traffic Act 1991) received by them in respect of vehicles found within the special parking area and the expenditure incurred by them in relation to that area by virtue of any provision of Part II of the Road Traffic Act 1991 as it applies in relation to that area.
 - (1A) As soon as reasonably possible after the end of each financial year the local authority shall forward to the Secretary of State a copy of the account for that year.”.
 - (3) Subsections (3A) and (3B) shall be omitted.
3. In section 63A(4)—
 - (a) for the words “Greater London” there shall be substituted “the parking area”; and
 - (b) for the words “Greater London Authority” there shall be substituted “Secretary of State”.
- 4.—(1) Section 101 shall be modified as follows.
 - (2) Subsection (4) shall be omitted.
 - (3) In subsection (4A) for the words “Greater London” there shall be substituted “the parking area”.
 - (4) Subsection (5) shall be omitted.
 - (5) In subsection (5A) for the words “Greater London” there shall be substituted “the parking area”.
- 5.—(1) Section 102 shall be modified as follows.
 - (2) For subsection (1) there shall be substituted—

“(1) If a vehicle is removed from the parking area in circumstances in which an offence would have been committed but for the provisions of paragraph 1(4) or 2(4) of Schedule 3 to the Road Traffic Act 1991, the local authority shall be entitled to recover from any person responsible, such charges in respect of the removal, storage and disposal of the vehicle, as they may require.”
 - (3) Subsection (2) shall be omitted.
 - (4) In subsection (4) for the words “by virtue of paragraph (a) or (b) of subsection (2) above” there shall be substituted the words “by virtue of subsection (1) above”.
 - (5) In subsection (8) in paragraph (b) of the definition of “appropriate authority” for “Greater London” there shall be substituted “the parking area”.
6. In section 142(1) after the definition of “owner” there shall be inserted—

““the parking area” means the area designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking

Area) (County of North Yorkshire) (Borough of Scarborough) Order 2007 and
“permitted parking area” and “special parking area” are to be read accordingly;”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies to the whole of the Borough of Scarborough, except the road specified in article 3.

The Order designates the Borough of Scarborough, other than the excepted road, as both a permitted parking area and a special parking area in accordance with Schedule 3 to the Road Traffic Act 1991. It also applies, with modifications, the various provisions of Part II of that Act to the designated area and modifies the Road Traffic Regulation Act 1984 in relation to the designated area.

A full impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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Traffic Management Act 2004 c(18)

86 Prohibition of parking at dropped footways etc.

(1) In a special enforcement area a vehicle must not be parked on the carriageway adjacent to a footway, cycle track or verge where—

(a) the footway, cycle track or verge has been lowered to meet the level of the carriageway for the purpose of—

- (i) assisting pedestrians crossing the carriageway,
- (ii) assisting cyclists entering or leaving the carriageway, or
- (iii) assisting vehicles entering or leaving the carriageway across the footway, cycle track or verge; or

(b) the carriageway has, for a purpose within paragraph (a)(i) to (iii), been raised to meet the level of the footway, cycle track or verge.

This is subject to the following exceptions.

(2) The first exception is where the vehicle is parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised.

A "designated parking place" means a parking place designated by order under section 6, 9, 32(1)(b) or 45 of the Road Traffic Regulation Act 1984 (c. 27).

(3) The second exception is where the vehicle is parked outside residential premises by or with the consent (but not consent given for reward) of the occupier of the premises.

This exception does not apply in the case of a shared driveway.

(4) The third exception is where the vehicle is being used for fire brigade, ambulance or police purposes.

(5) The fourth exception is where—

- (a) the vehicle is being used for the purposes of delivering goods to, or collecting goods from, any premises, or is being loaded from or unloaded to any premises,
- (b) the delivery, collection, loading or unloading cannot reasonably be carried out in relation to those premises without the vehicle being parked as mentioned in subsection (1), and
- (c) the vehicle is so parked for no longer than is necessary and for no more than 20 minutes.

(6) The fifth exception is where—

- (a) the vehicle is being used in connection with any of the following—
 - (i) undertaking any building operation, demolition or excavation,
 - (ii) the collection of waste by a local authority,

- (iii) removing an obstruction to traffic,
- (iv) undertaking works in relation to a road, a traffic sign or road lighting, or
- (v) undertaking works in relation to a sewer or water main or in relation to the supply of gas, electricity, water or communications services,

(b) it cannot be so used without being parked as mentioned in subsection (1), and

(c) it is so parked for no longer than is necessary.

(7) In this section "carriageway", "cycle track" and "footway" have the meanings given by section 329(1) of the Highways Act 1980 (c. 66).

(8) References in this section to parking include waiting, but do not include stopping where—

(a) the driver is prevented from proceeding by circumstances beyond his control or it is necessary for him to stop to avoid an accident, or

(b) the vehicle is stopped, for no longer than is necessary, for the purpose of allowing people to board or alight from it.

(9) The prohibition in this section is enforceable as if imposed—

(a) in Greater London, by an order under section 6 of the Road Traffic Regulation Act 1984 (c. 27),

(b) elsewhere in England and Wales, by an order under section 1 of that Act

STATUTORY INSTRUMENTS

2009 No. 1116

ROAD TRAFFIC, ENGLAND

The Local Authorities' Traffic Orders (Procedure) (England and Wales) (Amendment) (England) Regulations 2009

<i>Made</i> - - - -	<i>29th April 2009</i>
<i>Laid before Parliament</i>	<i>5th May 2009</i>
<i>Coming into force</i> - -	<i>1st June 2009</i>

The Secretary of State for Transport makes these Regulations in exercise of the powers conferred by section 124(1) of, and paragraphs 21, 22, 23 and 25 of Schedule 9 to, the Road Traffic Regulation Act 1984(a), after consultation with representative organisations in accordance with section 134(2)(b) of that Act.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Authorities' Traffic Orders (Procedure) (England and Wales) (Amendment) (England) Regulations 2009 and shall come into force on 1st June 2009.

(2) These Regulations apply in relation to England only.

Amendment of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996

2. In regulation 18 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996(c), after paragraph (3) insert the following—

“(4) Nothing in this regulation requires the placing of any traffic sign on or near a road, or the maintenance of such signs, in a special enforcement area in England for the purpose of providing information to road users as to the effect of section 85 or 86 of the Traffic Management Act 2004 in that area.

(5) In paragraph (4) a “special enforcement area” means an area designated as a special enforcement area by means of—

-
- (a) 1984 c.27. Paragraph 21 was amended by paragraph 4(39)(i) of Schedule 5 to the Local Government Act 1985 (c.51) and by Part III of Schedule 8 and paragraph 80 of Schedule 9 to the New Roads and Street Works Act 1991 (c.22). Paragraph 23 was amended by paragraph 4(39)(j) of Schedule 5 to the Local Government Act 1985, by Part II of Schedule 8 and paragraph 80 of Schedule 9 to the New Roads and Street Works Act 1991, and by S.I. 2000/1547. Paragraph 25 was also amended by Part II of Schedule 8 to the New Roads and Street Works Act 1991. The functions of the Secretary of State, so far as exercisable in relation to Wales, are vested in the Welsh Ministers. Those functions were transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 (c.38) by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers immediately after the end of the initial period as defined by section 161(5) of that Act.
- (b) Section 134(2) was amended by paragraph 77 of Part II of Schedule 8 to the New Roads and Street Works Act 1991; there are other amendments but none is relevant.
- (c) S.I. 1996/2489, to which there are amendments not relevant to these Regulations.

[DfT 00214]

- (a) an order made under paragraph 1(1) or 3(1) of Schedule 10 to the Traffic Management Act 2004(a); or
- (b) an order which, by virtue of paragraph 2(5) or 3(5) of that Schedule, has effect as if it were an order so made.”

Signed by authority of the Secretary of State for Transport

Paul Clark
Parliamentary Under Secretary of State

29th April 2009

Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Sections 85 and 86 of the Traffic Management Act 2004 impose prohibitions on double parking and parking at dropped or raised footways in special enforcement areas designated under that Act. Sections 85(8) and 86(9) of the 2004 Act provide that the prohibitions are enforceable as if imposed by orders under section 1 or 6 of the Road Traffic Regulation Act 1984. *Regulation 2* of these Regulations amends regulation 18 of the 1996 Regulations so as to provide that there is no requirement to place and maintain traffic signs to indicate the effect of sections 85 or 86 on roads in a special enforcement area.

No impact assessment has been prepared for this instrument as it has no significant effect on the cost to business and the voluntary sector.

(a) 2004 c.18.

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1996 (S.I. 2006/2489) that parking restrictions made under Traffic Regulation Orders be indicated with traffic signs.

5. Territorial Extent and Application

- 5.1. These Regulations apply to special enforcement areas in England.
- 5.2. Aside from in respect of London (see paragraph 4.3 above), the Regulations do not replicate legislation which already exists in another part of the United Kingdom.

6. European Convention on Human Rights

- 6.1. As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- *What is being done and why*

- 7.1. The amendment to the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 is to expressly provide that local authorities are not required to place or maintain traffic signs in respect of the dropped kerb and double parking prohibitions in respect of special enforcement areas in England.
- 7.2. As far as the Department is aware, the "no signs" regime in respect of Greater London is working well whilst at the same time contributing to the de-cluttering of traffic signs and providing savings in costs to the authorities in relation to provision of signage for enforcement purposes. The policy intention is to establish consistency for the enforcement of dropped kerbs and double parking throughout England which these regulations will help to achieve.

8. Consultation outcome

- 8.1. Consultation took place between July 2008 and November 2008. The consultation was widespread and covered all key stakeholders and those we had identified with an interest. Responses to the consultation showed clear overall support for these amendment Regulations, with 77% support, including from both the public and private sectors. A summary of the consultation has been posted on the Department's website (www.dft.gov.uk).

9. Guidance

- 9.1. The Department for Transport has informed the local authorities concerned that the Instrument has been made and of its effect. The operational guidance to local authorities on parking policy and enforcement has been updated and the relevant section from it has been copied to local authorities. The revised version of the document is on the Department's website and is available for purchase from The Stationery Office.

10. Impact

- 10.1. There is no significant impact on the cost to business, charity or the voluntary sector.
- 10.2. Similarly, the impact on the public sector is nil. There are no costs associated with the introduction of these regulations for local authorities with civil parking enforcement powers. In fact responses to the consultation clearly indicated that there would be significant savings for the majority of the authorities that responded in costs for the introduction of signs and markings and their maintenance.
- 10.3. An impact assessment has not been prepared for these Regulations.

11. Regulating small business

- 11.1. This legislation does not apply to small business.

12. Monitoring & review

- 12.1. The criteria for success are that enforcement authorities understand what they may and may not do and use their powers to ensure that motorists that have parked in contravention of the prohibitions pay a financial penalty. The Department will monitor the effects of the Regulations through its regular contacts with enforcement authorities as a group and individually, as well as with other stakeholders.

13. Contact

- 13.1. Clint D'Souza at the Department for Transport can answer any queries regarding the instrument. Telephone: 020 7944 2976. E-mail: clint.d'souza@dft.gsi.gov.uk

EXPLANATORY MEMORANDUM TO
THE LOCAL AUTHORITIES' TRAFFIC ORDERS (PROCEDURE) (ENGLAND AND WALES) (AMENDMENT) (ENGLAND) REGULATIONS

2009 No. 1116

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1. The purpose of these Regulations is to amend regulation 18 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 to make clear that there is no requirement for local authorities to place and maintain traffic signs to indicate the effects of prohibitions on parking more than 50cm from the edge of the carriageway ("double parking etc") and parking at dropped or raised footways ("parking at dropped footways etc") in special enforcement areas in England. It is prohibited to double park or park at a dropped or raised footway in a special enforcement area under sections 85 and 86 of the Traffic Management Act 2004 ("the TMA").
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1. None.
4. **Legislative Context**
 - 4.1. Part 6 of the TMA sets out a framework for the civil enforcement of traffic contraventions. The Act, and the Regulations made under it, replace existing provisions in the Road Traffic Act 1991 (with regard to parking, and will in due course replace section 144 of the Transport Act 2000 (with regard to bus lanes) and London local legislation (see further paragraph 4.3 below).
 - 4.2. Sections 85 and 86 of the TMA prohibit parking alongside dropped footways (i.e. kerbs) etc. or raised carriageways or more than 50 cm from the kerb, except in the circumstances set out in the legislation, in special enforcement areas. The prohibitions are enforceable as if they were imposed by way of a Traffic Regulation Order under the Road Traffic Regulation Act 1984 (which, in combination with the TMA, enables local authorities to serve Penalty Charge Notices to motorists who do not comply with the prohibition). Special enforcement areas are designated by Order by the Secretary of State (as respects England) under powers in section 84 of, and Schedule 10 to, the TMA.
 - 4.3. The provisions in the TMA were designed to mirror provisions already existing in London. Local authorities in Greater London could already enforce these prohibitions under the London Local Authorities Acts of 2000 and 2003. However, the provisions of the TMA have one significant difference to the provisions of the London Acts – it did not expressly exempt authorities from the general requirement in regulation 18 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations