

To local authorities in England with
decriminalised parking enforcement
powers and authorities outside
London applying for these powers.

Direct line: 020 7944 2484
Fax: 020 7944 2469
GTN: 3533 2484

Web site: www.dft.gov.uk

Our Ref: LUT1 11/6/55

7 April 2003

**ENFORCEMENT OF BUS STOP CLEARWAYS
THE ROAD TRAFFIC ACT 1991 (SPECIAL PARKING AREAS) (ENGLAND) ORDER
2003**

I am writing to let you know that the above Order (copy enclosed) will come into force on 16 April 2003. The Order will enable local authorities in England with decriminalised parking enforcement powers to enforce bus stop clearways that have been introduced without making a traffic regulation order (TRO) under the Road Traffic Regulation Act 1984. It should assist local authorities to prevent the obstruction of bus stops by parked vehicles.

The power to allow all local authorities in England and Wales to implement bus stop clearways without making a TRO was introduced by the Traffic Signs Regulations and General Directions 2002 (TSRGD 2002). This means that there is no requirement to follow the procedures for making traffic regulation orders, such as consultation, notification, or the holding of public inquiries to resolve unwithdrawn objections. Bus stop clearways introduced in such a manner would have to be clearly marked and signed in accordance with the requirements of the TSRGD 2002. DfT Circular 02/2003 gives details of the new method for introducing bus stop clearways as well as information about the appropriate signs and markings for bus stop clearways

Local authorities should, however, be aware that the Department recommends, in paragraph 29 of the DfT Circular, that local authorities should consult those that are likely to be affected by the location and times of operation of clearway restrictions. They should also ensure that the hours of bus operation are taken into consideration when deciding the timings of restrictions for bus stop clearways.

Where bus stop clearways have been implemented without a TRO, parking in a bus stop clearway has been made an offence under section 36 of the Road Traffic Act 1988 (RTA 1988), i.e. failing to comply with an authorised sign. The responsibility for enforcing offences under section 36 of the RTA 1988 normally lies with the police. So in order to ensure that local authorities with decriminalised parking enforcement powers do not have to rely on the police to enforce parking offences at bus stop clearways that had been

implemented without a TRO, the attached Order has been made. Paragraph 30 of DfT Circular 02/2003 referred to our intention to make this Order.

This Order will not affect the enforcement of bus stop clearways that have been introduced with a TRO and local authorities with decriminalised parking enforcement powers can continue to enforce those clearways.

If you have any queries about this Order, please contact me on 020 7944 2484 or at the address above.

Yours sincerely,



Sabitha Kumar (Mrs)
Traffic Management Division

cc.
Association of Chief Police Officers
Association of London Government
City of London Police
Confederation of Passenger Transport
Local Government Association
Metropolitan Police
National Parking Adjudication Service
Transport for London

2003 No. 859

ROAD TRAFFIC

The Road Traffic Act 1991 (Special Parking Areas)
(England) Order 2003

<i>Made</i> - - - - -	<i>25th March 2003</i>
<i>Laid before Parliament</i>	<i>26th March 2003</i>
<i>Coming into force</i> - -	<i>16th April 2003</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 76(4) of, and by paragraph 2(5) of Schedule 3 to, the Road Traffic Act 1991(a)(b), and after consultation with the Commissioner of Police of the Metropolis and the Commissioner of Police for the City of London and with appropriate associations of London authorities in accordance with section 76(5) of that Act, and after consultation with appropriate representatives of chief officers of police and appropriate associations of local authorities in accordance with paragraph 2(6) of that Schedule, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Road Traffic Act 1991 (Special Parking Areas) (England) Order 2003 and shall come into force on 16th April 2003.

Amendment of the Road Traffic Act 1991

2.—(1) In section 76(3) of the Road Traffic Act 1991(c) (provisions not having effect in relation to special parking areas in London), after paragraph (f) insert“;

(g) section 36(1) of the Act of 1988(d) (failure to comply with traffic signs), so far as it makes it an offence to fail to comply with an indication given by a traffic sign of a prohibition on causing a vehicle to stop on part of a road in London demarcated by that sign as a stopping area for a bus”.

(2) In paragraph 2(4) of Schedule 3 to that Act(e) (provisions not having effect in relation to special parking areas outside London), after paragraph (e) insert“;

(a) 1991 c. 40.

(b) The powers exercisable under paragraph 2(5) of Schedule 3 to the Road Traffic Act 1991 have been transferred to the National Assembly for Wales with respect to Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), and to the Scottish Ministers with respect to Scotland by virtue of the Scotland Act 1998 (c. 46). The powers exercisable under section 76(4) of the 1991 Act are exercisable only by London local authorities in relation to their areas.

(c) Section 76(3) was amended by the Road Traffic Act 1991 (Amendment of Section 76(3)) Order 1995 (S.I. 1995/1437).

(d) I.e. the Road Traffic Act 1988 (c. 52).

(e) Paragraph 2(4) was amended by Article 2 of the Road Traffic Act 1991 (Amendment of Schedule 3) (England and Wales) Order 1996 (S.I. 1996/500).

- (f) section 36(1) of the Act of 1988 (failure to comply with traffic signs), so far as it makes it an offence to fail to comply with an indication given by a traffic sign of a prohibition on causing a vehicle to stop on part of a road in England (but not in London) demarcated by that sign as a stopping area for a bus”.

Signed by authority of the Secretary of State for Transport

25th March 2003

John Spellar
Minister of State,
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

Section 76(3) of the Road Traffic Act 1991 provides that certain statutory provisions creating criminal offences for the contravention of parking restrictions are to cease to have effect in a special parking area, while the relevant order under section 76(1) (designating all, or part, of a London authority's area a special parking area) is in force.

Similarly, paragraph 2(4) of Schedule 3 to the Road Traffic Act 1991 provides that certain statutory provisions creating criminal offences for the contravention of parking restrictions are to cease to have effect in a special parking area, while the relevant order under paragraph 2(1) (designating all, or part, of an administrative area outside London a special parking area) is in force.

This Order amends section 76(3) and paragraph 2(4) of Schedule 3 by adding to the list of offences which are respectively decriminalised therein, the offence of stopping on a part of a road identified as a stopping place for a bus.

2003 No. 859

ROAD TRAFFIC

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(England) Order 2003**

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