



# Traffic Management Act 2004

## 2004 CHAPTER 18

### PART 6 **E+W**

#### CIVIL ENFORCEMENT OF TRAFFIC CONTRAVENTIONS

##### *Additional contraventions in special enforcement areas*

#### 84 Designation of special enforcement areas **E+W**

Schedule 10 provides for the designation of areas (“special enforcement areas”) where the following sections apply—

- section 85 (prohibition of double parking etc.);
- section 86 (prohibition of parking at dropped footways etc.).

#### Commencement Information

- I1** S. 84 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)
- I2** S. 84 in force at 31.3.2008 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 3\(1\)\(2\)\(c\)](#) (with [arts. 5-8](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3, 5)

#### 85 Prohibition of double parking etc. **E+W**

- (1) In a special enforcement area a vehicle must not be parked on the carriageway in such a way that no part of the vehicle is within 50 centimetres of the edge of the carriageway.

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).

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- (3) The second exception is where the vehicle is being used [<sup>F1</sup>—
- (a) for fire brigade or police purposes, or
  - (b) for ambulance purposes or for the purpose of providing a response to an emergency at the request of an NHS ambulance service.  
 “An NHS ambulance service” means—
    - (a) an NHS trust or NHS foundation trust established under the National Health Service Act 2006 which has a function of providing ambulance services;
    - (b) an NHS trust established under the National Health Service (Wales) Act 2006 which has a function of providing ambulance services;
    - (c) the Scottish Ambulance Service Board.]
- (4) The third 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.
- (5) The fourth 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.
- (6) In this section “carriageway” has the meaning given by section 329(1) of the Highways Act 1980 (c. 66).
- (7) 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.
- (8) 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;
  - (b) elsewhere in England and Wales, by an order under section 1 of that Act.
- [<sup>F2</sup>(9) In this section “ local authority ” includes a non-metropolitan district council. ]

**Changes to legislation:** There are currently no known outstanding effects for the Traffic Management Act 2004.  
Cross Heading: Additional contraventions in special enforcement areas. (See end of Document for details)

#### Textual Amendments

- F1** Words in s. 85(3) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(d), [Sch. 9 para. 2](#)
- F2** S. 85(9) inserted (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 127\(3\)](#), 134(2)

#### Commencement Information

- I3** S. 85 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)
- I4** S. 85 in force at 31.3.2008 for E. by [S.I. 2007/2053](#), [arts. 1\(2\)](#), 3(1)(2)(c) (with [arts. 5-8](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), [arts. 3](#), 5)

## 86 Prohibition of parking at dropped footways etc. **E+W**

- (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 [<sup>F3</sup>—
- (a) for fire brigade or police purposes, or
- (b) for ambulance purposes or for the purpose of providing a response to an emergency at the request of an NHS ambulance service.
- “An NHS ambulance service” means—
- (a) an NHS trust or NHS foundation trust established under the National Health Service Act 2006 which has a function of providing ambulance services;
- (b) an NHS trust established under the National Health Service (Wales) Act 2006 which has a function of providing ambulance services;
- (c) the Scottish Ambulance Service Board.]

- (5) The fourth exception is where—

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- (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.

[<sup>F4</sup>(10) In this section “ local authority ” includes a non-metropolitan district council. ]

#### Textual Amendments

**F3** Words in s. 86(4) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(d), [Sch. 9 para. 3](#)

**F4** S. 86(10) inserted (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 127\(4\)](#), 134(2)

#### Commencement Information

**I5** S. 86 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)

**I6** S. 86 in force at 31.3.2008 for E. by [S.I. 2007/2053](#), [arts. 1\(2\)](#), 3(1)(2)(c) (with [arts. 5-8](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3, 5)

**Changes to legislation:**

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