
STATUTORY INSTRUMENTS

1996 No. 1553

DEREGULATION

The Deregulation (Parking Equipment) Order 1996

Made - - - - *13th June 1996*

Coming into force - - *13th September 1996*

Whereas:

- (a) the Secretary of State is of the opinion that certain provisions of the Road Traffic Regulation Act 1984(1) impose burdens affecting persons in the carrying on of a trade, business, profession or otherwise and that by amending or repealing the provisions concerned and by making certain other provision it is possible to remove or reduce the burdens without removing any necessary protection;
- (b) he has consulted such organisations as appear to him to be representative of interests substantially affected by his proposals and such other persons as he considers appropriate;
- (c) it appears to the Secretary of State that it is appropriate, following that consultation, to proceed with the making of this Order;
- (d) a document setting out the Secretary of State's proposals has been laid before Parliament as required by section 3 of the Deregulation and Contracting Out Act 1994(2) and the period for Parliamentary consideration under section 4 of that Act has expired;
- (e) the Secretary of State has had regard to the representations made during that period;
- (f) a draft of this Order has been laid before Parliament with a statement giving details of those representations and has been approved by resolution of each House of Parliament.

Now, therefore, the Secretary of State, in exercise of the powers conferred by section 1 of the Deregulation and Contracting Out Act 1994, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Deregulation (Parking Equipment) Order 1996.

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- (1) 1984 c. 27. Section 35 of the Road Traffic Regulation Act 1984 was inserted by section 1 of the Parking Act 1989 (c. 16) ("the 1989 Act"); section 35A was inserted by section 2 of the 1989 Act; section 46 was amended by paragraph 2 of the Schedule to the 1989 Act; section 47 was amended by paragraph 3 of the Schedule to the 1989 Act; section 51 was substituted by section 2 of the Road Traffic Regulation (Parking) Act 1986 (c. 27) ("the 1986 Act") and amended by paragraph 4 of the Schedule to the 1989 Act; section 115 was amended by section 2 of the 1986 Act and paragraph 7 of the Schedule to the 1989 Act; paragraph 13 of Schedule 10 was amended by paragraph 3 of the Schedule to the 1989 Act; other amendments have been made which are not relevant for the purposes of this Order.
- (2) 1994 c. 40.

(2) This Order shall come into force at the end of the period of 3 months beginning with the day on which it is made.

(3) In this Order, “the 1984 Act” means the Road Traffic Regulation Act 1984.

Removal of requirement for parking equipment to be approved by the Secretary of State

2.—(1) Subject to article 3 below—

- (a) the provisions of the 1984 Act mentioned in the first column of the Schedule to this Order are hereby repealed to the extent specified in the second column of that Part, and
- (b) paragraphs 3(b), 4(c)(ii), 5 and 7 of the Schedule to the Parking Act 1989⁽³⁾ (which are spent in consequence of the repeals mentioned in sub-paragraph (a) above) are hereby repealed.

(2) In Schedule 10 to the 1984 Act, in paragraph 13, for the words “subsections (1) to (4)” there shall be substituted the words “subsections (1) to (3)”.

Supplementary provisions

3.—(1) Nothing in article 2 above shall affect the validity of any order having effect by virtue of the 1984 Act and made before this order comes into force, but—

- (a) any provision in such an order having effect by virtue of section 4(3), 7(3) or 35(1)(iii) or (3) of the 1984 Act shall apply to any apparatus or device which has not been approved by the Secretary of State to the extent (if any) that the provision would, apart from this paragraph, have applied to it had it been approved by him, and
- (b) any provision in such an order having effect by virtue of section 35(3A), 46(2)(a), (b) or (c) or 51 of the 1984 Act shall apply to any apparatus or device which is of a type and design that has not been approved by the Secretary of State to the extent (if any) that the provision would, apart from this paragraph, have applied to it had apparatus or devices of that type and design been approved by him.

(2) Without prejudice to section 16 of the Interpretation Act 1978⁽⁴⁾, the repeals made by this Order of sections 35A(4), 47(5), 52(2) and 115(2A) of the 1984 Act (presumptions relating to the approval of the Secretary of State) and to section 130(2)(a) of that Act (application to the Crown) shall not have effect in relation to proceedings for an offence committed before this Order comes into force.

Signed by the authority of the Secretary of State for Transport

John Watts
Minister of State,
Department of Transport

13th June 1996

⁽³⁾ 1989 c. 16.
⁽⁴⁾ 1978 c. 30.

THE SCHEDULE

Article 2(1)

REPEALS

REPEALS OF PROVISIONS OF THE ROAD TRAFFIC REGULATION ACT 1984

Section	Extent of Repeal
Section 4	In subsection (3), the words “(to be approved either generally or specially by the Secretary of State)”.
Section 7	In subsection (3), the words from “(to be approved either generally or specially by the Secretary of State)”.
Section 35	In subsection (3), the words from “; but” to the end of the subsection. In subsection (3A)(d), the words “, of such type as may be approved by the Secretary of State either generally or specially,”. In subsection (3B), the words “of such type or design as may be approved by the Secretary of State either generally or specially,” in the first place where they occur, and the words “, and of such type or design as may be approved by the Secretary of State either generally or specially”.
Section 35A	Subsection (4).
Section 37	In subsection (4)(d), the words “approved by the Secretary of State”.
Section 46	In subsection (2)(a), the words “of such type or design as may be approved either generally or specially by the Secretary of State”.
Section 47	Subsection (5).
Section 51	In subsection (2)(d), the words “, of such type as may be approved by the Secretary of State either generally or specially,”. In subsection (4), the words “of such type or design as may be approved by the Secretary of State either generally or specially,” in the first place where they occur, and the words “, and of such type or design as may be approved by the Secretary of State either generally or specially”.
Section 52	Subsections (5) and (6). Subsection (2).
Section 115	Subsection (2A).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Section	Extent of Repeal
Section 130	In subsection (2)(a), the words “(2) and”.

EXPLANATORY NOTE

(This note is not part of the Order)

The Road Traffic Regulation Act 1984 contains various provisions giving local authorities power to make orders regulating the use of on and off street parking places. Such orders may require anyone wishing to park a vehicle to use a parking meter, pay and display ticket machine or other parking device such as a voucher or permit, which is capable of indicating how much has been paid and the period for which the vehicle may be parked.

Previously an order could require the use of such apparatus or such a device only if it was of a type or design approved by the Secretary of State. This Order removes the need for the Secretary of State’s approval.