

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic (Consequential Provisions) Act 1988, Part II. (See end of Document for details)

SCHEDULES

SCHEDULE 2

RE-ENACTMENT OR AMENDMENT OF CERTAIN ENACTMENTS NOT BROUGHT INTO FORCE

PART II

STOPPING ON VERGES, ETC.

- 21 In section 19 of the Road Traffic Act 1988, after subsection (3) there is inserted—
- “(3A) The Secretary of State may by regulations provide that, in relation to vehicles of such classes as may be specified in the regulations, subsection (1) above shall not apply or shall apply subject to such conditions as may be so specified.
- (3B) In England and Wales, the council of a county, district or London borough or the Common Council of the City of London may institute proceedings for an offence under this section committed in relation to the verge of a road, land or a footway in their area”.
- 22 (1) After section 19 of the ^{M1}Road Traffic Act 1988 there is inserted—
- “19A Prohibition of parking of vehicles on verges, central reservations and footways.**
- (1) Subject to the provisions of this section, a person who parks a vehicle, other than a heavy commercial vehicle (as defined in section 20 of this Act) wholly or partly—
- (a) on the verge of an urban road, or
 - (b) on any land which is situated between two carriageways of an urban road and which is not a footway, or
 - (c) on a footway comprised in an urban road,
- is guilty of an offence.
- (2) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court—
- (a) that it was parked in accordance with permission given by a constable in uniform, or
 - (b) that it was parked in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency, or

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- (c) that it was parked in contravention of this section but the conditions specified in subsection (3) below were satisfied.
- (3) The conditions mentioned in subsection (2)(c) above are—
- (a) that the vehicle was parked on a verge or footway for the purpose of loading or unloading, and
 - (b) that the loading or unloading of the vehicle could not have been satisfactorily performed if it had not been parked on the footway or verge, and
 - (c) that the vehicle was not left unattended at any time while it was so parked.
- (4) The Secretary of State may by regulations provide that, in relation to vehicles of such classes as may be specified in the regulations, subsection (1) above shall not apply or shall apply subject to such conditions as may be so specified.
- (5) The authority having power, otherwise than by virtue of Part I of Schedule 9 to the Road Traffic Regulation Act 1984 (reserve powers of Secretary of State), to make an order under section 1 or section 6 of that Act (orders for regulating traffic) in relation to a road may by order specifying that road provide that the provisions of subsection (1) above shall not apply in relation to it or to any part of it specified in the order, either at all times or during periods so specified.
- (6) In England and Wales, the council of a county, district or London borough or the Common Council of the City of London may institute proceedings for an offence under this section committed in relation to the verge of a road, land or a footway in their area.
- (7) Section 125 of the Road Traffic Regulation Act 1984 (boundary roads) applies for the purposes of subsection (5) above as it applies for the purposes of sections 1 (1) and 6 (1) of that Act; and Parts I (reserve powers of Secretary of State), III (procedure as to certain orders), IV (variation or revocation of certain orders) and VI (validity of certain orders) of Schedule 9 to that Act shall apply in relation to orders under subsection (5) above as they apply in relation to orders under any provision of section 1 or 6 of that Act.
- (8) Section 122 of the Road Traffic Regulation Act 1984 (manner of exercise of functions by local authorities) applies to functions conferred by subsections (1) and (5) above as it applies to functions conferred by that Act.
- (9) In this section—
- “footway”, in relation to England and Wales, has the same meaning as in the Highways Act 1980, and
- “urban road” means a road which—
- (i) is a restricted road for the purposes of section 81 of the Road Traffic Regulation Act 1984 (30 m.p.h. speed limit), or
 - (ii) is subject to an order under section 84 of that Act imposing a speed limit not exceeding 40 m.p.h., or
 - (iii) is subject to a speed limit not exceeding 40 m.p.h. which is imposed by or under any local Act.”

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(2) In section 172(2)(a) of the ^{M2}Road Traffic Act 1988, after the words “chief officer of police” there is inserted “or in the case of an offence under section 19 or 19A of this Act, the council of a county, district or London borough or the Common Council of the City of London”.

(3) In Schedule 1 to the ^{M3}Road Traffic Offenders Act 1988, after the entry for section 19 of the Road Traffic Act 1988 there is inserted—

“RTA section 19A	Prohibition of parking of vehicles other than heavy commercial vehicles on verges, etc.	Sections 11 and 12 of this Act.”
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(4) In Part I of Schedule 2 to the Road Traffic Offenders Act 1988, after the entry for section 19 of the Road Traffic Act 1988 there is inserted—

“RTA section 19A	Prohibition of parking of vehicles other than heavy commercial vehicles on verges, etc.	Summarily	Level 3 on the standard scale.”
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(5) In Schedule 3 to the Road Traffic Offenders Act 1988, after the entry for section 19 of the Road Traffic Act 1988 there is inserted—

“RTA section 19A	Parking a vehicle other than a heavy commercial vehicle on verge, etc.”
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Marginal Citations

M1 1988 c. 52.

M2 1988 c. 52.

M3 1988 c. 53.

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