

Status: Point in time view as at 05/02/2007.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic Act 1991, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 43.

PERMITTED AND SPECIAL PARKING AREAS OUTSIDE LONDON

Modifications etc. (not altering text)

- C1** Sch. 3 modified (3.2.1997) by S.I. 1996/2650, art. 5(2), **Sch. 3 Pt. II**
Sch. 3 modified (3.3.1997) by S.I. 1997/56, art. 6(2), **Sch. 4 Pt. II**
Sch. 3 modified (27.10.1997) by S.I. 1997/2304, art. 6(2), **Sch. 2 Pt. II**
Sch. 3 modified (1.7.2002) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Dorset) (District of East Dorset) Order 2002 (S.I. 2002/1485), **art. 6(2)**, Sch. 2 Pt. II
Sch. 3 modified (1.7.2002) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Dorset) (District of West Dorset) Order 2002 (S.I. 2002/1486), **art. 6(2)**, Sch. 2 Pt. II
Sch. 3 modified (S.) (1.7.2002) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Perth and Kinross Council) Designation Order 2002 (S.S.I. 2002/398), **art. 5(2)**, Sch. 3 Pt. II
- C2** Sch. 3: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. I**
- C3** Sch. 3 modified (S.) (3.3.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation Order 2003 (S.S.I. 2003/70), arts. 1, 5(2), **sch. 3 Pt. II**
- C4** Sch. 3 modified (S.) (1.4.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Dundee City Council) Designation Order 2004 (S.S.I. 2004/87), arts. 1, 5(2), **sch. 3 Pt. II**
- C5** Sch. 3 modified (S.) (7.2.2005) by The Road Traffic (Permitted Parking Area and Special Parking Area) (South Lanarkshire Council) Designation Order 2005 (S.S.I. 2005/11), arts. 1, 5(2), **sch. 3 Pt. II**

Commencement Information

- II** Sch. 3 wholly in force at 16.6.1997; Sch. 3 in force at 1.10.1991 for England and Wales by S.I.1991/2054, art. 3, **Sch.** and at 16.6.1997 for Scotland by S.I. 1997/1580, **art. 2(b)**

Permitted parking areas

- 1 (1) Where an application for an order under this sub-paragraph is made to the Secretary of State—
- (a) with respect to the whole, or any part, of their area, by a county council in England^{F1} . . .;
 - [^{F2}(aa) with respect to the whole, or any part, of their area, by a county council or county borough council in Wales;]
 - (b) with respect to the whole of their area, by a metropolitan district council;
 - (c) with respect to the whole of their areas, by two or more metropolitan district councils acting jointly;
 - (d) with respect to the whole, or any part, of their area, by a [^{F3}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] in Scotland;
 - ^{F4}(e) or

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(f) with respect to the whole, or any part, of the Isles of Scilly, by the Council of the Isles of Scilly,

he may make an order designating the whole, or any part, of the area to which the application relates as a permitted parking area.

^{F4}(2)

(3) Before making an order under sub-paragraph (1) above, the Secretary of State shall consult the appropriate chief officer of police.

(4) While an order under sub-paragraph (1) above is in force, the following provisions shall cease to apply in relation to the permitted parking area designated by the order—

(a) section 35A(1) of the ^{M1}Road Traffic Regulation Act 1984 (offences), so far as it relates to the contravention of, or non-compliance with, any provision of an order made under section 35 of that Act (use of parking places) in relation to parking places provided under section 32(1)(b) of that Act (power of local authorities to provide free parking places on roads); ^{F5} . . .

[^{F6}(ab) section 35A(1) of the Act of 1984 (offences), so far as it relates to the contravention of, or non-compliance with any other provision of any order made under section 35 of that Act (use of parking places) applying in relation to a stationary vehicle.]

(b) section 47(1) of the Act of 1984 (offences) in so far as it applies in relation to any designated parking place.

[^{F7}; and

(c) subsections (5) and (6) of section 53 of the Act of 1984 so far as those subsections apply in relation to stationary vehicles.]

(5) The Secretary of State may by order amend sub-paragraph (4) above by adding further provisions (but only in so far as they apply in relation to stationary vehicles).

(6) Before making an order under sub-paragraph (5) above, the Secretary of State shall consult—

(a) such representatives of chief officers of police; and

(b) such associations of local authorities (if any),

as he considers appropriate.

Textual Amendments

- F1** Words in Sch. 3 para. 1(1)(a) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 43(a), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, arts. 3, 4, Sch. 1, **Sch. 2**
- F2** Sch. 3 para. 1(1)(aa) inserted (1.4.1996) by 1994 c. 19, s. 22(1), Sch. 7 Pt. II para. 43(b) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F3** Words in Sch. 3 para. 1(1)(d) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 171**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F4** Sch. 3 para. 1(1)(e)(2) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 43(c), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, arts. 3, 4, Sch. 1, **Sch. 2**
- F5** Words in Sch. 3 para. 1(4) omitted (E.W.) (1.4.1996) by virtue of S.I. 1996/500, **art. 2(b)** and omission extended to (S.) (4.10.1998) by S.I. 1998/2018, **art. 2**
- F6** Sch. 3 para. 1(4)(ab) inserted (E.W.) (1.4.1996) by S.I. 1996/500, **art. 2(2)(a)** and insertion extended to (S.) (4.10.1998) by S.I. 1998/2018, **art. 2**

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F7 Sch. 3 para. 1(4)(c) and word inserted (E.W.) (1.4.1996) by [S.I. 1996/500](#), [art. 2\(2\)\(c\)](#) and insertion extended to (S.) (4.10.1998) by [S.I. 1998/2018](#), [art. 2](#)

Commencement Information

I2 Sch. 3 para. 1 wholly in force at 16.6.1997; Sch. 3 para. 1 in force at 1.10.1991 for England and Wales only by [S.I. 1991/2054](#), [art. 3](#), [Sch.](#) and at 16.6.1997 for Scotland by [S.I. 1997/1580](#), [art. 2\(b\)](#)

Marginal Citations

M1 [1984 c. 27](#).

Special parking areas

2 (1) Where an application for an order under this sub-paragraph is made to the Secretary of State—

(a) with respect to the whole, or any part, of their area, by a county council in England ^{F8}. . . ;

[^{F9}(aa) with respect to the whole, or any part, of their area, by a county council or county borough council in Wales;]

(b) with respect to the whole, or any part, of their area, by a metropolitan district council;

(c) with respect to the whole, or any part, of their area, by a [^{F10}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] in Scotland; or

(d) with respect to the whole, or any part, of the Isles of Scilly, by the Council of the Isles of Scilly,

he may make an order designating the whole, or any part, of the area to which the application relates as a special parking area.

^{F11}(2)

(3) Before making an order under sub-paragraph (1) above, the Secretary of State shall consult the appropriate chief officer of police.

(4) While an order under sub-paragraph (1) above is in force, the following provisions shall cease to apply in relation to the special parking area designated by the order—

(a) section 5 of the ^{M2}Road Traffic Regulation Act 1984 (contravention of a traffic regulation order under section 1 of that Act to be an offence), so far as it relates to the contravention of any provision of such an order prohibiting or restricting the waiting, or the loading and unloading, of vehicles;

(b) section 11 of the Act of 1984 (contravention of, or failure to comply with, experimental traffic order under section 9 of that Act), so far as it relates to the contravention of, or failure to comply with, any provision of such an order prohibiting or restricting the waiting, or the loading and unloading, of vehicles;

[^{F12}(baa) section 16C of the Road Traffic Regulation Act 1984 (contravention of order under section 16A of that Act to be an offence) so far as it applies in relation to stationary vehicles;]

[^{F13}(ba) section 16(1) of the Act of 1984 ^{F14}(contravention of temporary orders under section 14 of that Act to be an offence) so far as it relates to the contravention of any provision of an order or notice under section 14 of that Act prohibiting or restricting the waiting, or the loading and unloading, of vehicles;

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- (bb) section 61(5) of the Act of 1984 (prohibition of vehicles in loading areas) so far as it applies in relation to stationary vehicles;]
 - [^{F15}(bc) section 62(5) of the Roads (Scotland) Act 1984 (contravention of order under subsection (1) of that section to be an offence) so far as it applies in relation to stationary vehicles;]
 - (c) section 129(6) of the ^{M3}Roads (Scotland) Act 1984 (parking of a motor vehicle wholly or partly on a cycle track to be an offence);
 - (d) section 19 of the ^{M4}Road Traffic Act 1988 (parking of heavy vehicles on verges, central reservations and footpaths etc. to be an offence);
 - (e) section 21 of the Act of 1988 (prohibition of driving or parking on cycle tracks), so far as it makes it an offence to park a motor vehicle wholly or partly on a cycle track^{F16};
 - (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].
 - [^{F17}(f) section 36(1) of the Act of 1988 (drivers 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 demarcated by that sign as a stopping area for a bus.]
- (5) The Secretary of State may by order amend sub-paragraph (4) above by adding further provisions (but only in so far as they apply in relation to stationary vehicles).
- (6) Before making an order under sub-paragraph (5) above, the Secretary of State shall consult—
- (a) such representatives of chief officers of police; and
 - (b) such associations of local authorities (if any);
- as he considers appropriate.

Textual Amendments

- F8** Words in Sch. 3 para. 2(1)(a) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 43(a), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, arts. 3, 4, Sch. 1, **Sch. 2**
- F9** Sch. 3 para. 2(1)(aa) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 43(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F10** Words in Sch. 3 para. 2(1)(c) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 171**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F11** Sch. 3 para. 2(2) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 43(c), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, arts. 3, 4, Sch. 1, **Sch. 2**
- F12** Sch. 3 para. 2(4)(baa) inserted (S.) (4.10.1999) by S.S.I. 1999/61, **art. 2(2)(a)**
- F13** Sch. 3 para. 2(4)(ba)(bb) inserted (E.W.) (1.4.1996) by S.I. 1996/500, **art. 2(3)** and insertion of para. 2(4)(ba) extended to (S.) (4.10.1998) by S.I. 1998/2018, **art. 2**
- F14** I.e. of the **Road Traffic Regulation Act 1984 (c.27)**. Section 14 was substituted by the **Road Traffic (Temporary Provisions) Act 1991 (c.26)**, **Schedule 1**.
- F15** Sch. 3 para. 2(4)(bc) inserted (S.) (4.10.1999) by S.S.I. 1999/61, **art. 2(2)(b)**
- F16** Sch. 3 para. 2(4)(f) inserted (16.4.2003) by **The Road Traffic Act 1991 (Special Parking Areas) (England) Order 2003 (S.I. 2003/859)**, arts. 1, **2(2)**
- F17** Sch. 3 para. 2(4)(f) inserted (S.) (18.11.2003) by **The Road Traffic Act 1991 (Special Parking Area) (Scotland) Order 2003 (S.S.I. 2003/508)**, arts. 1, **2**

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Commencement Information

- I3** Sch. 3 para. 2 wholly in force at 16.6.1997; Sch. 3 para. 2 wholly in force at 01.10.1991 for England and Wales only by [S.I. 1991/2054](#), [art. 3](#), [Sch.](#) and at 16.6.1997 for Scotland by [S.I. 1997/1580](#), [art. 2\(b\)](#)

Marginal Citations

- M2** 1984 c. 27.
M3 1984 c. 54.
M4 1988 c. 52.

Control of parking in permitted and special parking areas

- 3 (1) This paragraph applies in relation to any vehicle which is stationary in a permitted parking area, or special parking area, in circumstances in which an offence would have been committed with respect to the vehicle but for paragraph 1 or (as the case may be) paragraph 2 above.
- (2) A penalty charge shall be payable with respect to the vehicle, by the owner of the vehicle.
- (3) An order under paragraph 1 or 2 above designating a permitted parking area, or special parking area, may—
- (a) provide for such provisions of Part II of this Act as the Secretary of State considers appropriate to apply, with such modifications (if any) as he considers appropriate, in relation to the permitted or special parking area in question; and
 - (b) make such modifications of any enactment, including any provision of this Act, as the Secretary of State considers appropriate in consequence of the provisions of paragraph 1 or 2 above, this paragraph or the order.

Commencement Information

- I4** Sch. 3 para. 3 wholly in force at 16.6.1997; Sch. 3 para. 3 wholly in force at 01.10.1991 for England and Wales only by [S.I. 1991/2054](#), [art. 3](#), [Sch.](#) and at 16.6.1997 for Scotland by [S.I. 1997/1580](#), [art. 2\(b\)](#)

Orders under this Schedule

- 4 (1) Any power to make an order conferred by this Schedule shall be exercisable by statutory instrument.
- (2) Any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

- I5** Sch. 3 para. 4 wholly in force at 16.6.1997; Sch. 3 para. 4 wholly in force at 01.10.1991 for England and Wales only by [S.I. 1991/2054](#), [art. 3](#), [Sch.](#) and at 16.6.1997 for Scotland by [S.I. 1997/1580](#), [art. 2\(b\)](#)

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