
STATUTORY INSTRUMENTS

1993 No. 1475

ROAD TRAFFIC

**The Removal and Disposal of Vehicles
(Amendment) (No. 2) Regulations 1993**

<i>Made</i>	- - - -	<i>11th June 1993</i>
<i>Laid before Parliament</i>		<i>11th June 1993</i>
<i>Coming into force</i>	- -	<i>5th July 1993</i>

The Secretary of State for Transport, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred by section 99 of the Road Traffic Regulation Act 1984(1), and of all other enabling powers, and after consultation with representative organisations in accordance with section 134(2) of that Act, hereby make the following Regulations:—

1.—(1) These Regulations may be cited as the Removal and Disposal of Vehicles (Amendment) (No. 2) Regulations 1993 and shall come into force on 5th July 1993.

(2) These Regulations extend only to England and Wales.

2. The Removal and Disposal of Vehicles Regulations 1986(2) shall be amended in accordance with the following provisions of these Regulations.

3. After regulation 5, there shall be inserted the following—

“Powers of parking attendants to remove vehicles

5A.—(1) Except as provided by regulation 7 of these Regulations where, in the area of a particular local authority, a vehicle—

(a) has been permitted to remain at rest or has broken down and remained at rest on a road in Greater London in contravention of a prohibition or restriction having effect under—

(1) 1984 c. 27. Sections 6 and 9 were amended by paragraph 4 of Schedule 5 to the Local Government Act 1985 (c. 51), by paragraphs 21 and 23 of Schedule 8 and by Schedule 9 to the New Roads and Street Works Act 1991 (c. 22). Section 46 was amended by paragraph 2 of the Schedule to the Parking Act 1989 (c. 16) and sections 64 of the Road Traffic Act 1991 (c. 40). Section 99 was amended by paragraph 32 of Schedule 4 and by Schedule 8 to (“the 1991 Act”). Section 100 was amended by paragraph 4 of Schedule 5, by Schedule 17 to the Local Government Act 1985 and by paragraph 68 of Schedule 8 to the New Roads and Street Works 1991. Sections 101 and 102 are amended by sections 67 and 68 of and Schedule 8 to the 1991 Act. Section 103 was amended by paragraph 33 of Schedule 4 to the 1991 Act. Further amendments are prospectively made to section 46 by section 64 of the 1991 Act.

(2) S.I. 1986/183, amended by S.I. 1993/278.

- (i) section 6 of the 1984 Act so far as it designates any parking place; or
 - (ii) section 9 so far as it designates any parking place in an area in respect of which section 65 of the Road Traffic Act 1991(3) is in force;
 - (iii) section 46 of the 1984 Act so far as it relates to a parking place in such an area;
- (b) has been permitted to remain at rest or has broken down and remained at rest on a road outside Greater London in contravention of an order under section 46 of the 1984 Act in circumstances in which an offence would have been committed in respect of the vehicle but for paragraph 1(4)(b) of Schedule 3 to the 1991 Act (permitted parking areas); or
- (c) has been permitted to remain at rest or has broken down and remained at rest on a road in contravention of a statutory prohibition or restriction in circumstances in which an offence would have been committed with respect to the vehicle but for section 76(3) of, or paragraph 1(4)(a) or 2(4) of Schedule 3 to, the Road Traffic Act 1991 (permitted parking areas or special parking areas), a parking attendant acting on behalf of the local authority may, subject to the provisions of sections 99 and 100 of the 1984 Act, remove or arrange for the removal of the vehicle from the road to a place which is not on that or any other road, or may move it or arrange for its removal to another position on that or another road.
- (2) Sub-paragraphs (ii) and (iii) of paragraph (1)(a) and paragraph (1)(b) above shall not apply in relation to a vehicle if—
- (a) not more than 15 minutes have elapsed since the end of any period for which the appropriate charge was duly paid at the time of parking; or
 - (b) not more than 15 minutes have elapsed since the end of any unexpired time (in respect of another vehicle) which is available at the relevant parking meter at the time of parking.
- (3) This regulation applies only in respect of—
- (a) a vehicle which is on a road in, and
 - (b) its removal in and to a place in, England or Wales.
- (4) In this regulation—
- “local authority” has the same meaning as in section 100 of the 1984 Act; and “parking meter” has the same meaning as in section 46(2)(a) of that Act. ”.

Signed by Authority of the Secretary of State for Transport

10th June 1993

Robert Key
Parliamentary Under Secretary of State,
Department of Transport

11th June 1993

John Redwood
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations further amend the Removal and Disposal of Vehicles Regulations 1986. They apply only in England and Wales.

2. Section 63A of the Road Traffic Regulation Act 1984 authorises local authorities to provide for the supervision of parking places within their area by individuals to be known as parking attendants.

3. Sections 6 and 9 of the 1984 Act (among other things) enables the London local authorities to make orders designating places where vehicles may park either generally or at particular times. Section 45 enables any local authority to make an order designating a parking place on the highway and section 46 enables the authority to make an order imposing parking charges in relation to parking places designated under section 45.

4. Contravention of an order under section 6, 9 or 46 is generally a criminal offence. The prospective effect of section 65 of the Road Traffic Act 1991 is to remove the criminal sanction in relation to designated parking places in London. As at the date that these Regulations come into force, section 65 will apply only in relation to the London borough of Wandsworth.

5. Section 76 of the 1991 Act enables the Secretary of State to make an order designating the whole or part of a London authority's area as a special parking area. One of the effects of designating an area as a special parking area is to remove the criminal sanction under various enactments controlling parking where the sanction is not removed by section 65. Schedule 3 enables the Secretary of State to make an order applying the other provisions of Part II of the 1991 Act to areas outside London. Part II of the 1991 Act includes sections 65 and 76.

6. The amendments made by these Regulations enable a parking attendant to remove or arrange for the removal of a vehicle parked in contravention of an order under section 6 so far as it designates a parking place. They also enable a parking attendant to remove or arrange for the removal of a vehicle parked in contravention of an enactment in circumstances where an offence would have been committed but for the provisions of the 1991 Act referred to above.