
STATUTORY INSTRUMENTS

1994 No. 1489

**The Road Traffic (Special Parking Area)
(London Borough of Ealing) Order 1994**

Citation and commencement

1. This Order may be cited as the Road Traffic (Special Parking Area) (London Borough of Ealing) Order 1994 and shall come into force on 4th July 1994.

Interpretation

2. In this Order—

“the 1984 Act” means the Road Traffic Regulation Act 1984(1);

“the 1991 Act” means the Road Traffic Act 1991;

a reference in the Schedule to a number followed by the letter “m” is a reference to that number of metres; and

where a road referred to in the Schedule to this Order (“the main road”) is joined by another road (“the side road”), whether or not that other road is referred to in the Schedule, and the footway to the main road runs on either side of the mouth of the side road, the junction between the two roads shall be taken to be an imaginary line drawn across the mouth of the side road between the respective ends of the back line of the footway to the main road on each side.

Designation of special parking area

3.—(1) The Secretary of State hereby designates the London borough of Ealing except the roads named or described in the Schedule to this Order as a special parking area.

(2) A reference in the following provisions of this Order to the special parking area is a reference to the area designated by this article.

Modification of the Road Traffic Regulation Act 1984

4.—(1) Section 55 of the 1984 Act (financial provisions relating to designation orders) shall have effect in relation to the London borough of Ealing as if—

(a) at the end of subsection (1) there were inserted the words “and of the income from additional parking charges (within the meaning of section 74(8) of the Road Traffic Act 1991) received by them in respect of vehicles found within the special parking area and the expenditure incurred by them in the discharge of functions exercisable by them in relation to the special parking area by virtue of Part II of the Road Traffic Act 1991”; and

(b) after subsection (1) there were inserted the following subsection:—

(1) 1984 c. 27; section 55 is amended by paragraph 5 of Schedule 7 to the Road Traffic Act 1991. Section 101 is amended by section 67 and section 102 by section 68 of that Act. Both sections are affected by transitional provisions in the Road Traffic Act 1991 (Commencement No. 6 and Transitional Provisions) Order 1993 (S.I. 1993/1461, amended by S.I. 1993/2229) and in the Road Traffic Act 1991 (Commencement No. 11 and Transitional Provisions) Order 1994 (S.I. 1994/1482).

“(1A) In subsection (1) above, references to “the special parking area” are to the area designated as a special parking area by the Road Traffic (Special Parking Area) (London Borough of Ealing) Order 1994.”

(2) Section 102(2) of the 1984 Act (charges for removal, storage and disposal of vehicles) shall have effect in relation to a vehicle found in the special parking area as if, in paragraph (d), for the words “a parking place” to the end there were substituted—

- “(i) a parking place designated under section 6, 9 or 45 of this Act or otherwise provided or controlled by that authority, or
- (ii) a place where the vehicle was stationary in circumstances in which an offence would have been committed in respect of the vehicle but for section 76(3) of the Road Traffic Act 1991,

as they may require.”

Modification of the Road Traffic Act 1991

5.—(1) Section 70 of the 1991 Act (exemptions from provisions relating to the immobilisation of vehicles in parking places) shall have effect in relation to a vehicle found in the special parking area as if, in subsections (1) and (2), after the words “section 69(1)” there were inserted the words “or section 77(4)”.

(2) Section 71 of the 1991 Act (representations in relation to removal or immobilisation of vehicles) shall have effect in relation to a vehicle found in the special parking area as if, for subsection (4), there were substituted the following subsection:—

- “(4) The grounds are—
 - (a) that there were no reasonable grounds for the parking attendant concerned to believe that either—
 - (i) the vehicle had been permitted to remain at rest in the parking place in circumstances specified in section 66(2)(a), (b) or (c) of this Act, or
 - (ii) the vehicle had been permitted to remain at rest in a special parking area (other than in a designated parking place) in circumstances in which an offence would have been committed in respect of the vehicle but for section 76(3) of this Act;
 - (b) that the vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner;
 - (c) that the place at which the vehicle was at rest was neither a designated parking place nor in a special parking area;
 - (d) in a case within subsection (1)(d) above, that, by virtue of an exemption given by section 70 of this Act, neither section 69 nor 77(4) of this Act applied to the vehicle at the time in question; or
 - (e) that the penalty or other charge in question exceeded the amount applicable in the circumstances of the case.”

(3) Section 74(8) of the 1991 Act (fixing of certain parking and other charges for London) shall have effect in relation to the London borough of Ealing as if, after the words “section 69”, there were inserted the words “or section 77(4)”.

(4) Section 79(2) of the 1991 Act (application to Crown and visiting forces) shall have effect in relation to a vehicle found in the special parking area as if, for “66 and 69 to 71”, there were substituted “66, 69 to 71, 76 and 77”.

(5) Schedule 6 to the 1991 Act (parking penalties) shall have effect in relation to a vehicle found in the special parking area as if—

- (a) in sub-paragraph (c) of paragraph 2(4), for the words “the parking place” there were substituted the words “the place in question”, and
- (b) in sub-paragraph (d) of paragraph 2(4), the word “designation” were omitted.

Signed by authority of the Secretary of State for Transport

6th June 1994

Steven Norris
Parliamentary Under Secretary of State,
Department of Transport