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STATUTORY INSTRUMENTS

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**1998 No. 2019 (S. 105)**

**ROAD TRAFFIC**

**The Removal and Disposal of Vehicles  
(Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>5th August 1998</i>
<i>Laid before Parliament</i>		<i>14th August 1998</i>
<i>Coming into force</i>	- -	<i>5th October 1998</i>

The Secretary of State, in exercise of the powers conferred by section 99 of the Road Traffic Regulation Act 1984(1) and of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 134(2) of that Act, hereby makes the following Regulations:—

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Removal and Disposal of Vehicles (Amendment) Regulations 1998 and shall come into force on 5th October 1998.

(2) These Regulations extend to Scotland only.

**Amendment**

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 5A there shall be inserted the following regulation—

“**5B.**—(1) 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 contravention of a prohibition or restriction contained in an order under section 46 of the 1984 Act in circumstances in which an offence would have been

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(1) 1984 c. 27; relevant amendments were made as follows; section 46 was amended by section 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 Road Traffic Act 1991 (c. 40). Section 100 was amended by paragraph 68 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22) and by the Local Government etc. (Scotland) Act 1994 (c. 39). Sections 101 and 102 were amended by sections 67 and 68 of and Schedule 8 to the Road Traffic Act 1991 (c. 40). Section 103 was amended by paragraph 33 of Schedule 4 to the Road Traffic Act 1991 (c. 40).

(2) S.I.1986/183, amended by S.I. 1993/278, 1475 and 1708.

committed in respect of the vehicle but for paragraph 1(4)(b) of Schedule 3 to the Road Traffic Act 1991 (permitted parking areas); or

- (b) has been permitted to remain at rest or has broken down and remained at rest on a road in contravention of a prohibition or restriction in circumstances in which an offence would have been committed with respect to the vehicle but for 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 remove it or arrange for its removal to another position on that or another road.

(2) Paragraph (1)(a) 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,

Scotland.

(4) In this regulation—

- “local authority” has the same meaning as in section 100(5)(c) of the 1984 Act; and
- “parking meter” has the same meaning as in section 46(2)(a) of that Act.”.

St Andrew’s House,  
Edinburgh  
5th August 1998

*Calum MacDonald*  
Parliamentary Under Secretary of State, Scottish  
Office

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, extending only to Scotland, amend the Removal and Disposal of Vehicles Regulations 1986.

Where an application is made by a local authority and an order is made under Schedule 3 to the Road Traffic Act 1991 to designate an area as a permitted or special parking area certain powers may be given to parking attendants in terms of section 63A of the Road Traffic Regulation Act 1984.

The effect of an order under Schedule 3 is that certain parking offences cease to apply in the area in question.

In circumstances in which (but for the disapplication of the offence provisions) an offence would otherwise be committed a parking attendant is given power in the new regulation 5B to remove vehicles.

As at the date of coming into force of these Regulations the City of Edinburgh is the only area in respect of which an order under Schedule 3 has been made.