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Road Traffic Act 1988

1988 CHAPTER 52

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Stopping on verges, etc., or in dangerous positions, etc.

19 Prohibition of parking of HGVs on verges, central reservations and footways.

- (1) Subject to subsection (2) below, a person who parks a heavy commercial vehicle (as defined in section 20 of this Act) wholly or partly—
 - (a) on the verge of a road, or
 - (b) on any land situated between two carriageways and which is not a footway, or
 - (c) on a footway,is guilty of an offence.
- (2) A person shall not be convicted of an offence under this section in respect of 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
 - (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 the verge of a road or on a 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.

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- [^{F1}(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.]
- (4) In this section “carriageway” and “footway”, in relation to England and Wales, have the same meanings as in the ^{M1}Highways Act 1980.

Textual Amendments

- F1** S. 19(3A)(3B) inserted (*prosp.*) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 4, 8(3)(b), **Sch. 2 Pt. II para. 21** (which para. 21 was repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix).

Modifications etc. (not altering text)

- C2** S. 19 excluded (temp.) (E.W.) (1.10.1991) and (S.) (*prosp.*) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 43, 76(3)(e), 84, **Sch. 3 para. 2(4)(d)**; S.I. 1991/2054, art. 3, **Sch.**

Marginal Citations

- M1** 1980 c. 66.

19 **Prohibition of parking of HGVs on verges, central reservations and footways.** **E** **+W+S**

- (1) Subject to subsection (2) below, a person who parks a heavy commercial vehicle (as defined in section 20 of this Act) wholly or partly—
- on the verge of a road, or
 - on any land situated between two carriageways and which is not a footway, or
 - on a footway,
- is guilty of an offence.
- (2) A person shall not be convicted of an offence under this section in respect of a vehicle if he proves to the satisfaction of the court—
- that it was parked in accordance with permission given by a constable in uniform, or
 - 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
 - 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—
- that the vehicle was parked on the verge of a road or on a footway for the purpose of loading or unloading, and
 - 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
 - that the vehicle was not left unattended at any time while it was so parked.

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- (4) In this section “carriageway” and “footway”, in relation to England and Wales, have the same meanings as in the ^{M6}Highways Act 1980.

Marginal Citations

M6 1980 c. 66.

[^{F2}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—
- on the verge of an urban road, or
 - on any land which is situated between two carriageways of an urban road and which is not a footway, or
 - 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—
- that it was parked in accordance with permission given by a constable in uniform, or
 - 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
 - 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—
- that the vehicle was parked on a verge or footway for the purpose of loading or unloading, and
 - 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
 - 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 ^{M2}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

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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 ^{M3}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.]

Textual Amendments

- F2** S. 19A inserted (*prosp.*) except so far as relates to subsections (5) to (8) which came into force on 15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 4, 8(3)(b), Sch. 2 Pt. II para. 22(1)

Marginal Citations

- M2** 1984 c.27 (107:1).
M3 1980 c.66 (59).

20 Definition of “heavy commercial vehicle” for the purposes of section 19.

(1) In section 19 of this Act, “heavy commercial vehicle” means any goods vehicle which has an operating weight exceeding 7.5 tonnes.

(2) The operating weight of a goods vehicle for the purposes of this section is—

- (a) in the case of a motor vehicle not drawing a trailer or in the case of a trailer, its maximum laden weight,
- (b) in the case of an articulated vehicle, its maximum laden weight (if it has one) and otherwise the aggregate maximum laden weight of all the individual vehicles forming part of that articulated vehicle, and
- (c) in the case of a motor vehicle (other than an articulated vehicle) drawing one or more trailers, the aggregate maximum laden weight of the motor vehicle and the trailer or trailers attached to it.

(3) In this section “articulated vehicle” means a motor vehicle with a trailer so attached to it as to be partially superimposed upon it; and references to the maximum laden weight of a vehicle are references to the total laden weight which must not be exceeded in the case of that vehicle if it is to be used in Great Britain without contravening any regulations for the time being in force under section 41 of this Act.

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- (4) In this section, and in the definition of “goods vehicle” in section 192 of this Act as it applies for the purposes of this section, “trailer” means any vehicle other than a motor vehicle.
- (5) The Secretary of State may by regulations amend subsections (1) and (2) above (whether as originally enacted or as previously amended under this subsection)—
 - (a) by substituting weights of a different description for any of the weights there mentioned, or
 - (b) in the case of subsection (1) above, by substituting a weight of a different description or amount, or a weight different both in description and amount, for the weight there mentioned.
- (6) Different regulations may be made under subsection (5) above as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects different localities.
- (7) Regulations under subsection (5) above shall not so amend subsection (1) above that there is any case in which a goods vehicle whose operating weight (ascertained in accordance with subsection (2) above as originally enacted) does not exceed 7.5 tonnes is a heavy commercial vehicle for any of the purposes of section 19 of this Act.

21 Prohibition of driving or parking on cycle tracks.

- (1) Subject to the provisions of this section, any person who, without lawful authority, drives or parks a motor vehicle wholly or partly on a cycle track is guilty of an offence.
- (2) A person shall not be convicted of an offence under subsection (1) above with respect to a vehicle if he proves to the satisfaction of the court—
 - (a) that the vehicle was driven or (as the case may be) parked in contravention of that subsection for the purpose of saving life, or extinguishing fire or meeting any other like emergency, or
 - (b) that the vehicle was owned or operated by a highway authority or by a person discharging functions on behalf of a highway authority and was driven or (as the case may be) parked in contravention of that subsection in connection with the carrying out by or on behalf of that authority of any of the following, that is, the cleansing, maintenance or improvement of, or the maintenance or alteration of any structure or other work situated in, the cycle track or its verges, or
 - (c) that the vehicle was owned or operated by statutory undertakers and was driven or (as the case may be) parked in contravention of that subsection in connection with the carrying out by those undertakers of any works in relation to any apparatus belonging to or used by them for the purpose of their undertaking.
- (3) In this section—
 - (a) “cycle track” and other expressions used in this section and in the ^{M4}Highways Act 1980 have the same meaning as in that Act,
 - (b) in subsection (2)(c) above “statutory undertakers” means any body who are statutory undertakers within the meaning of the Highways Act 1980, any sewerage authority within the meaning of that Act or the operator of a telecommunications code system (as defined by paragraph 1(1) of Schedule 4

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to the ^{M5}Telecommunications Act 1984), and in relation to any such sewerage authority “apparatus” includes sewers or sewerage disposal works.

(4) This section does not extend to Scotland.

Modifications etc. (not altering text)

- C3** S. 21 excluded (temp.) (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 43, 76(3)(f), **Sch. 3 para. 2(4)(e)**; S.I. 1991/2054, **art. 3**, Sch.
- C4** S. 21 extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xxxvii)**; S.I. 1996/218, **art. 2**
- C5** S. 21(2)(c) extended by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 1(2)(xxx)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) and by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), **Sch. 16 para. 1(1)(xxxviii)**(with Sch. 17 paras. 33, 35(1))

Marginal Citations

- M4** 1980 c. 66.
- M5** 1984 c. 12.

22 Leaving vehicles in dangerous positions.

If a person in charge of a vehicle causes or permits the vehicle or a trailer drawn by it to remain at rest on a road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road, he is guilty of an offence.

VALID FROM 01/07/1992

[^{F3}22A Causing danger to road-users.

- (1) A person is guilty of an offence if he intentionally and without lawful authority or reasonable cause—
- (a) causes anything to be on or over a road, or
 - (b) interferes with a motor vehicle, trailer or cycle, or
 - (c) interferes (directly or indirectly) with traffic equipment,
- in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous.
- (2) In subsection (1) above “dangerous” refers to danger either of injury to any person while on or near a road, or of serious damage to property on or near a road; and in determining for the purposes of that subsection what would be obvious to a reasonable person in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.
- (3) In subsection (1) above “traffic equipment” means—
- (a) anything lawfully placed on or near a road by a highway authority;
 - (b) a traffic sign lawfully placed on or near a road by a person other than a highway authority;
 - (c) any fence, barrier or light lawfully placed on or near a road—

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- (i) in pursuance of section 174 of the Highways Act 1980, section 8 of the Public Utilities Street Works Act 1950 or section 65 of the New Roads and Street Works Act 1991 (which provide for guarding, lighting and signing in streets where works are undertaken), or
 - (ii) by a constable or a person acting under the instructions (whether general or specific) of a chief officer of police.
- (4) For the purposes of subsection (3) above anything placed on or near a road shall unless the contrary is proved be deemed to have been lawfully placed there.
- (5) In this section “road” does not include a footpath or bridleway.
- (6) This section does not extend to Scotland.]

Textual Amendments

F3 S. 22A inserted (E.W.) (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 6; S.I. 1992/1286, art. 2, Sch.

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