



Road Traffic Act 1991

1991 CHAPTER 40

PART II

TRAFFIC IN LONDON

Parking in London

63 The Secretary of State's parking guidance

- (1) The Secretary of State shall issue guidance ("the Secretary of State's parking guidance") to the London authorities with a view to those authorities co-ordinating their action with respect to parking in London.
- (2) It shall be the duty of the joint planning committee for London established under section 5 of the Local Government Act 1985—
 - (a) to make proposals to the Secretary of State (if it thinks fit) as to the content of the Secretary of State's parking guidance; and
 - (b) to keep that guidance under review, with a view to making from time to time such further proposals as it considers appropriate.
- (3) Before issuing or varying any guidance under this section, the Secretary of State shall consult—
 - (a) the two Commissioners;
 - (b) London Regional Transport;
 - (c) the Disabled Persons Transport Advisory Committee;
 - (d) such associations of London authorities (if any) as he thinks appropriate; and
 - (e) such other persons (if any) as he thinks appropriate.
- (4) In connection with the preparation of the Secretary of State's parking guidance regard shall be had to the needs of people with a disability.
- (5) The Secretary of State's parking guidance may, in particular, include provision with respect to appropriate levels for—
 - (a) parking charges;

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- (b) penalty charges;
- (c) charges made by London authorities for the removal, storage and disposal of vehicles; and
- (d) charges in respect of the release of vehicles from immobilisation devices fixed under section 69 of this Act.

(6) The Secretary of State’s parking guidance may be varied at any time by the Secretary of State.

64 Charges at designated parking places

(1) In section 46 of the Road Traffic Regulation Act 1984 (charges at, and regulation of, designated parking places), in subsection (1) after the word “made” there shall be inserted the words “with respect to any parking place outside Greater London”.

(2) After subsection (1) of that section there shall be inserted the following subsection—

“(1A) Subject to Parts I to III of Schedule 9 to this Act, where the authority by whom a designation order is made with respect to any parking place in Greater London impose charges to be paid for vehicles left in a parking place designated by the order, those charges shall be prescribed by the designation order or by a separate order made by the authority.”

65 Contravention of certain orders relating to parking places in London not to be criminal offence

(1) In section 47 of the Road Traffic Regulation Act 1984 (offences relating to designated parking places) the words “;but this subsection does not apply in relation to any designated parking place in Greater London” shall be added at the end of subsection (1).

(2) In section 8 of that Act (contravention of orders under section 6 to be an offence), the following subsection shall be inserted after subsection (1)—

“(1A) Subsection (1) above does not apply in relation to any order under section 6 of this Act so far as it designates any parking places.”

(3) The provisions of section 11 of that Act (contravention of experimental traffic order) shall become subsection (1) of that section and the following subsection shall be inserted as subsection (2)—

“(2) This section does not apply in relation to any experimental traffic order so far as it designates any parking places in Greater London.”

66 Parking penalties in London

(1) Where, in the case of a stationary vehicle in a designated parking place, a parking attendant has reason to believe that a penalty charge is payable with respect to the vehicle, he may—

- (a) fix a penalty charge notice to the vehicle; or
- (b) give such a notice to the person appearing to him to be in charge of the vehicle.

(2) For the purposes of this Part of this Act, a penalty charge is payable with respect to a vehicle, by the owner of the vehicle, if—

- (a) the vehicle has been left—
 - (i) otherwise than as authorised by or under any order relating to the designated parking place; or
 - (ii) beyond the period of parking which has been paid for;
 - (b) no parking charge payable with respect to the vehicle has been paid; or
 - (c) there has, with respect to the vehicle, been a contravention of, or failure to comply with, any provision made by or under any order relating to the designated parking place.
- (3) A penalty charge notice must state—
- (a) the grounds on which the parking attendant believes that a penalty charge is payable with respect to the vehicle;
 - (b) the amount of the penalty charge which is payable;
 - (c) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
 - (d) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion;
 - (e) that, if the penalty charge is not paid before the end of the 28 day period, a notice to owner may be served by the London authority on the person appearing to them to be the owner of the vehicle;
 - (f) the address to which payment of the penalty charge must be sent.
- (4) In subsection (3)(d) above “specified proportion” means such proportion, applicable to all cases, as may be determined by the London authorities acting through the Joint Committee.
- (5) A penalty charge notice fixed to a vehicle in accordance with this section shall not be removed or interfered with except by or under the authority of—
- (a) the owner, or person in charge, of the vehicle; or
 - (b) the London authority for the place in which the vehicle in question was found.
- (6) A person contravening subsection (5) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) Schedule 6 to this Act shall have effect with respect to penalty charges, notices to owners and other matters supplementing the provisions of this section.

67 Recovery of vehicles or of proceeds of disposal

- (1) Section 101 of the Road Traffic Regulation Act 1984 shall be amended as follows.
- (2) In subsection (1) for “(5)” there shall be substituted “(5A)”.
- (3) In subsection (4) after the words “before a vehicle” there shall be inserted the words “found outside Greater London”.
- (4) After that subsection there shall be inserted—
 - “(4A) If, before a vehicle found in Greater London is disposed of by an authority in pursuance of subsections (1) to (3) above, the vehicle is claimed by a person who satisfies the authority that he is its owner and pays—

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- (a) any penalty charge payable in respect of the parking of the vehicle in the place from which it was removed; and
 - (b) such sums in respect of the removal and storage of the vehicle—
 - (i) as the authority may require; or
 - (ii) in the case of sums payable to a competent authority which is not a local authority, as may be prescribed,
 the authority shall permit him to remove the vehicle from their custody within such period as they may specify or, where paragraph (b)(ii) applies, as may be prescribed.”
- (5) In subsection (5) after the words “which a vehicle” there shall be inserted the words “found outside Greater London”.
- (6) After that subsection there shall be inserted—
- “(5A) If, before the end of the period of one year beginning with the date on which a vehicle found in Greater London is sold by an authority in pursuance of this section, any person satisfies that authority that at the time of the sale he was the owner of the vehicle, that authority shall pay him any sum by which the proceeds of sale exceed the aggregate of—
- (a) any penalty charge payable in respect of the parking of the vehicle in the place from which it was removed; and
 - (b) such sums in respect of the removal, storage and disposal of the vehicle—
 - (i) as the authority may require; or
 - (ii) in the case of sums payable to a competent authority which is not a local authority, as may be prescribed.”
- (7) In subsection (6) for the words “and (5)” there shall be substituted the words “to (5A)”.

68 Charges for removal, storage and disposal of vehicles

- (1) Section 102 of the Road Traffic Regulation Act 1984 shall be amended as follows.
- (2) In subsection (2)—
- (a) in paragraphs (b) and (c) after the words “local authority” there shall be inserted the words “other than a London authority”; and
 - (b) after paragraph (c) there shall be added—
 - “and
 - (d) a London authority shall be entitled to recover from any person responsible, such charges in respect of the removal, storage and disposal of a vehicle removed from a parking place designated under section 6, 9 or 45 of this Act or otherwise provided or controlled by that authority as they may require.”
- (3) In subsection (8)—
- (a) in the definition of “appropriate authority”, for paragraph (b) there shall be substituted—
 - “(b) in relation to a vehicle removed (by a person other than a constable or person acting in aid of a police force) from a place outside Greater London, which is a parking place

- provided or controlled by a local authority, or from a place (not being a parking place) on a road or land in the open air, means the local authority in whose area that place is,”;
- (b) in that definition, the words following paragraph (b) shall be omitted; and
 - (c) at the end of that subsection there shall be added—

“and

“London authority” means any council of a London borough or the Common Council of the City of London.”

- (4) The following subsection shall be added at the end—

“(9) For the purposes of—

- (a) subsection (2)(d) above, and
- (b) paragraph (b) in the definition of “appropriate authority” in subsection (8) above,

a parking place provided under a letting or arrangements made by a local authority in pursuance of section 33(4) of this Act shall be treated as provided by that authority.”

69 Immobilisation of vehicles in parking places

- (1) Where, in the case of a stationary vehicle in a designated parking place, a parking attendant has reason to believe that the vehicle has been permitted to remain at rest there in any of the circumstances specified in section 66(2) (a), (b) or (c) of this Act, he or another person acting under his direction may fix an immobilisation device to the vehicle.
- (2) On any occasion when an immobilisation device is fixed to a vehicle in accordance with this section, the person fixing the device shall also fix to the vehicle a notice—
 - (a) indicating that such a device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from that device;
 - (b) specifying the steps to be taken in order to secure its release; and
 - (c) giving such other information as may be prescribed.
- (3) A vehicle to which an immobilisation device has been fixed in accordance with this section may only be released from that device by or under the direction of a person authorised by the relevant authority to give such a direction.
- (4) Subject to subsection (3) above, a vehicle to which an immobilisation device has been fixed in accordance with this section shall be released from that device on payment in any manner specified in the notice fixed to the vehicle under subsection (2) above of—
 - (a) the penalty charge payable in respect of the parking; and
 - (b) such charge in respect of the release as may be required by the relevant authority.
- (5) A notice fixed to a vehicle in accordance with this section shall not be removed or interfered with except by or under the authority of—
 - (a) the owner, or person in charge, of the vehicle; or
 - (b) the relevant authority.

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- (6) A person contravening subsection (5) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) Any person who, without being authorised to do so in accordance with this section, removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) In this section “relevant authority” means the London authority for the place in which the vehicle in question was found.

70 Exemptions from section 69

- (1) Section 69(1) of this Act shall not apply in relation to a vehicle if—
 - (a) a current disabled person’s badge is displayed on the vehicle;
 - (b) 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
 - (c) 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.
- (2) In any case in which section 69(1) of this Act would apply to a vehicle but for subsection (1)(a) above and the vehicle was not, at the time at which it was parked, being used—
 - (a) in accordance with regulations under section 21 of the Chronically Sick and Disabled Persons Act 1970; and
 - (b) in circumstances falling within section 117(1)(b) of the Road Traffic Regulation Act 1984 (use where a disabled person’s concession would be available),

the person in charge of the vehicle at that time shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In this section “disabled person’s badge” has the same meaning as in section 142(1) of the Road Traffic Regulation Act 1984, and “parking meter” has the same meaning as in section 46(2)(a) of that Act.

71 Representations in relation to removal or immobilisation of vehicles

- (1) The owner or person in charge of a vehicle who—
 - (a) removes it from the custody of a London authority in accordance with subsection (4A) of section 101 of the Road Traffic Regulation Act 1984 (ultimate disposal of vehicles abandoned and removable under that Act);
 - (b) receives any sum in respect of the vehicle under subsection (5A) of that section;
 - (c) is informed that the proceeds of sale of the vehicle did not exceed the aggregate amount mentioned in subsection (5A) of that section; or
 - (d) secures its release from an immobilisation device in accordance with section 69(4) of this Act,

shall thereupon be informed of his right under this section to make representations to the relevant authority and of the effect of section 72 of this Act.

- (2) The relevant authority shall give that information, or shall cause it to be given, in writing.
- (3) Any person to whom subsection (1) above applies may make representations to the relevant authority on one or more of the grounds mentioned in subsection (4) below.
- (4) The grounds are—
 - (a) that there were no reasonable grounds for the parking attendant concerned to believe that 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;
 - (b) that the vehicle had been permitted to remain at rest in the parking place by a person who was in control of the vehicle without the consent of the owner;
 - (c) that the place in which the vehicle was at rest was not a designated parking place;
 - (d) in a case within subsection (1)(d) above, that, by virtue of an exemption given by section 70 of this Act, section 69 of this Act did not apply 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.
- (5) An authority may disregard any representations which are received by them after the end of the period of 28 days beginning with the date on which the person making them is informed, under subsection (1) above, of his right to make representations.
- (6) It shall be the duty of an authority to whom representations are duly made under this section, before the end of the period of 56 days beginning with the date on which they receive the representations—
 - (a) to consider them and any supporting evidence which the person making them provides; and
 - (b) to serve on that person notice of their decision as to whether they accept that the ground in question has been established.
- (7) Where an authority serve notice under subsection (6)(b) above that they accept that a ground has been established they shall (when serving that notice) refund any sums—
 - (a) paid under subsection (4A) of section 101 of the Act of 1984 when the vehicle was removed from the custody of the authority;
 - (b) deducted from the proceeds of sale of the vehicle under subsection (5A) of that section; or
 - (c) paid under section 69(4) of this Act when the vehicle was released,except to the extent (if any) to which those sums were properly paid or deducted.
- (8) Where an authority serve notice under subsection (6)(b) above that they do not accept that a ground has been established, that notice shall—
 - (a) inform the person on whom it is served of his right to appeal to a parking adjudicator under section 72 of this Act;
 - (b) indicate the nature of a parking adjudicator's power to award costs against any person appealing to him under that section; and
 - (c) describe in general terms the form and manner in which such an appeal is required to be made.
- (9) Where an authority fail to comply with subsection (6) above before the end of the period of 56 days mentioned there—

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- (a) they shall be deemed to have accepted that the ground in question has been established and to have served notice to that effect under subsection (7) above; and
 - (b) subsection (7) above shall have effect as if it required any refund to be made immediately after the end of that period.
- (10) A person who makes any representation under this section or section 72 of this Act which is false in a material particular and does so recklessly or knowing it to be false in that particular is guilty of an offence.
- (11) Any person convicted of an offence under subsection (10) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (12) Any notice required to be served under this section may be served by post.
- (13) Where the person on whom any document is required to be served by subsection (6) above is a body corporate, the document is duly served if it is sent by post to the secretary or clerk of that body.
- (14) In this section and in section 72 of this Act “relevant authority” has the same meaning as in section 69(8) of this Act.

72 Appeals to parking adjudicator in relation to decisions under section 71

- (1) Where an authority serve notice under subsection (6)(b) of section 71 of this Act that they do not accept that a ground on which representations were made under that section has been established, the person making those representations may, before—
- (a) the end of the period of 28 days beginning with the date of service of that notice; or
 - (b) such longer period as a parking adjudicator may allow,
- appeal to a parking adjudicator against the authority’s decision.
- (2) On an appeal under this section, the parking adjudicator shall consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in section 71(4) of this Act and, if he concludes—
- (a) that any of the representations are justified; and
 - (b) that the relevant authority would have been under the duty imposed by section 71(7) of this Act to refund any sum if they had served notice that they accepted that the ground in question had been established,
- he shall direct that authority to make the necessary refund.
- (3) It shall be the duty of any authority to whom such a direction is given to comply with it forthwith.

73 Appointment of parking adjudicators by joint committee of the London authorities

- (1) The London authorities shall establish a single joint committee under section 101(5) of the Local Government Act 1972 (“the Joint Committee”) before the end of the period of two months beginning with the date on which the Secretary of State first issues his guidance under section 63 of this Act.

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- (2) The functions conferred on the London authorities by this section and section 74 of this Act shall be discharged by the Joint Committee.
- (3) The London authorities shall—
 - (a) with the consent of the Lord Chancellor, appoint persons to act as parking adjudicators for the purposes of this Part of this Act;
 - (b) provide accommodation and administrative staff for the parking adjudicators; and
 - (c) determine the places at which parking adjudicators are to sit.
- (4) To be qualified for appointment as a parking adjudicator, a person must have a 5 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990).
- (5) Each parking adjudicator shall be appointed for such term, not exceeding five years, as the London authorities may specify in relation to his appointment.
- (6) On the expiry of his term of appointment, a parking adjudicator shall be eligible for re-appointment.
- (7) A parking adjudicator may be removed from office only for misconduct or on the ground that he is unable or unfit to discharge his functions but shall otherwise hold and vacate office in accordance with the terms of his appointment.
- (8) The expenses of the Joint Committee incurred in the discharge of functions conferred on the London authorities by this Act shall be defrayed by the London authorities in such proportions as they may decide or, in default of a decision by them, as may be determined by an arbitrator nominated by the Chartered Institute of Arbitrators on the application of the Joint Committee.
- (9) The costs of any reference to arbitration under subsection (8) above shall be borne by the London authorities in equal shares.
- (10) Where the Secretary of State is satisfied that there has been, or is likely to be, a failure on the part of the London authorities to agree on the proportions in which the expenses of the Joint Committee are to be defrayed by them under subsection (8) above he may give the Joint Committee such directions as he considers appropriate in order to require it to refer the matter to arbitration under that subsection.
- (11) The Secretary of State shall by regulations make provision as to the procedure to be followed in relation to proceedings before parking adjudicators.
- (12) The regulations may, in particular, include provision—
 - (a) as to the manner in which appeals to parking adjudicators are to be made or withdrawn;
 - (b) authorising an appeal to a parking adjudicator to be disposed of on the basis of written representations unless the appellant requests an oral hearing;
 - (c) prescribing the procedure to be followed before the hearing of an appeal by a parking adjudicator;
 - (d) requiring any such hearing to be held in public except in prescribed circumstances;
 - (e) as to the persons entitled to appear and be heard on behalf of the parties;
 - (f) requiring persons to attend to give evidence and to produce documents;
 - (g) as to evidence at the hearing;

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- (h) as to the adjournment of hearings;
 - (i) for the award of costs in prescribed circumstances;
 - (j) for the settlement of costs, by taxation (and in particular by taxation in a county court) or by some other prescribed method;
 - (k) authorising decisions of parking adjudicators to be reserved;
 - (l) authorising or requiring parking adjudicators—
 - (i) to revise or set aside decisions;
 - (ii) to revoke or vary orders made by them;
 - (m) requiring decisions of, and orders made by, parking adjudicators, to be recorded;
 - (n) as to the proof of decisions of, and orders made by, parking adjudicators;
 - (o) authorising the correction of clerical errors in records kept in accordance with the requirements of the regulations;
 - (p) requiring service of—
 - (i) notice of decisions of parking adjudicators;
 - (ii) copies of any orders made by such adjudicators; or
 - (iii) notice of any corrections made by parking adjudicators in their decisions or orders.
- (13) Subject to any provision made by the regulations, a parking adjudicator may regulate his own procedure.
- (14) If any person who is required to attend a hearing held by a parking adjudicator, or to produce any document to a parking adjudicator in accordance with any regulations under subsection (11) above, fails without reasonable excuse to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (15) Any amount which is payable under an adjudication of a parking adjudicator shall, if a county court so orders, be recoverable by the person to whom the amount is payable, as if it were payable under a county court order.
- (16) Subsection (15) above does not apply to a penalty charge which remains payable following an adjudication under paragraph 5 of Schedule 6 to this Act.
- (17) In accordance with such requirements as may be imposed by the Joint Committee, each parking adjudicator shall make an annual report to the Joint Committee on the discharge of his functions.
- (18) The Joint Committee shall make and publish an annual report in writing to the Secretary of State on the discharge by the parking adjudicators of their functions.

74 Fixing of certain parking and other charges for London

- (1) It shall be the duty of the London authorities to set the levels of additional parking charges to apply in London.
- (2) Different levels may be set for different areas in London and for different cases or classes of case.
- (3) In discharging their duties under this section the London authorities shall have regard to the Secretary of State's parking guidance.

- (4) The London authorities shall submit to the Secretary of State, for his approval, the levels of additional parking charges which they propose to set under subsection (1) above.
- (5) If—
 - (a) the London authorities fail to discharge their duty under subsection (1) above; or
 - (b) the Secretary of State does not approve the levels of additional parking charges proposed by the London authorities,the levels of additional parking charges for London shall be set by regulations made by the Secretary of State.
- (6) It shall be the duty of the London authorities to impose additional parking charges at the levels set in accordance with the provisions of this section.
- (7) The London authorities shall publish, in such manner as the Secretary of State may determine, the levels of additional parking charges which they have set.
- (8) In this section “additional parking charges” means penalty charges, charges made by London authorities for the removal, storage and disposal of vehicles and charges in respect of the release of vehicles from immobilisation devices fixed under section 69 of this Act.

75 Immobilisation of vehicles in London by police

In the Road Traffic Regulation Act 1984, the following section shall be inserted after section 106—

“106A Immobilisation of vehicles in London

- (1) Sections 104 and 105 of this Act shall extend throughout Greater London if the Secretary of State makes an order to that effect.
- (2) If such an order is made, section 106 of this Act shall cease to apply in relation to Greater London when the order comes into force.
- (3) Before such an order comes into force, section 106 of this Act shall have effect as if in subsection (7) the words “or by the Traffic Director for London” were added at the end and as if the following subsection were inserted after subsection (7)—

“(7A) Before making an order under this section at the request of the Traffic Director for London, the Secretary of State shall consult the appropriate local authority.”
- (4) The power of the Secretary of State to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

76 Special parking areas

- (1) Where a London authority apply to the Secretary of State for an order to be made under this section, the Secretary of State may make an order designating the whole, or any part, of that authority’s area as a special parking area.

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- (2) Before making an order under this section, the Secretary of State shall consult the relevant Commissioner or, if appropriate, both Commissioners.
- (3) While an order under this section is in force, the following provisions shall cease to apply in relation to the special parking area designated by the order—
- (a) section 8 of the Road Traffic Regulation Act 1984 (contravention of, or failure to comply with, an order under section 6 of that Act to be an offence), so far as it relates to the contravention of, or failure to comply with, any provision of such an order—
 - (i) prohibiting or restricting the waiting of vehicles on any road; or
 - (ii) relating to any of the matters mentioned in paragraph 7 or 8 of Schedule 1 to that Act (conditions for loading or unloading, or delivery or collecting);
 - (b) section 11 of the Act of 1984 (contravention of, or failure to comply with, an experimental traffic order under section 9 of that Act to be an offence), so far as it relates to any contravention of, or failure to comply with, any provision of such an experimental traffic order—
 - (i) prohibiting or restricting the waiting of vehicles on any road; or
 - (ii) relating to any of the matters mentioned in paragraph 7 or 8 of Schedule 1 to that Act (conditions for loading or unloading, or delivery or collecting);
 - (c) section 16 of the Act of 1984 (contravention of a temporary restriction order or notice 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 which suspends any provision of an order made under section 45 or 46 of the Act of 1984;
 - (d) section 15 of the Greater London Council (General Powers) Act 1974 (parking of vehicles on verges, central reservations and footpaths etc. to be an offence);
 - (e) section 19 of the Road Traffic Act 1988 (parking of heavy vehicles on verges, central reservations and footpaths etc. to be an offence);
 - (f) 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.
- (4) The Secretary of State may by order amend subsection (3) above by adding further provisions (but only in so far as they apply in relation to stationary vehicles).
- (5) Before making an order under subsection (4) above, the Secretary of State shall consult—
- (a) the two Commissioners; and
 - (b) such associations of London authorities (if any) as he thinks appropriate.

77 Application of provisions in relation to special parking areas

- (1) This section applies in relation to any vehicle which is stationary in a special parking area (but which is not in a designated parking place) in circumstances in which an offence would have been committed with respect to the vehicle but for section 76(3) above.
- (2) A penalty charge shall be payable with respect to the vehicle by the owner of the vehicle.

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- (3) Section 66 of, and Schedule 6 to, this Act shall apply in relation to penalty charges payable by virtue of subsection (2) above, but subject to such modifications (if any) as the Secretary of State considers it appropriate to make in the order designating the special parking area in question.
- (4) Where a parking attendant has reason to believe that a penalty charge is payable with respect to the vehicle by virtue of subsection (2) above, he or another person acting under his direction may fix an immobilisation device to the vehicle.
- (5) Subsections (2) to (8) of section 69 of this Act shall apply in relation to a device fixed to a vehicle under subsection (4) above, but subject to such modifications (if any) as the Secretary of State considers it appropriate to make in the order designating the special parking area in question.
- (6) An order under section 76 designating a special parking area may make such modifications of any provision of, or amended by, this Part of this Act as the Secretary of State considers appropriate in consequence of the provisions of section 76 or this section or of the order.