

## SCHEDULES

### SCHEDULE 3

Section 43.

#### PERMITTED AND SPECIAL PARKING AREAS OUTSIDE LONDON

##### *Permitted parking areas*

- 1 (1) Where an application for an order under this sub-paragraph is made to the Secretary of State—
- (a) with respect to the whole, or any part, of their area, by a county council in England and Wales;
  - (b) with respect to the whole of their area, by a metropolitan district council;
  - (c) with respect to the whole of their areas, by two or more metropolitan district councils acting jointly;
  - (d) with respect to the whole, or any part, of their area, by a regional or islands council in Scotland;
  - (e) with respect to the whole, or any part, of their area, by a district council in Wales acting with the consent of the county council; or
  - (f) with respect to the whole, or any part, of the Isles of Scilly, by the Council of the Isles of Scilly,
- he may make an order designating the whole, or any part, of the area to which the application relates as a permitted parking area.
- (2) Before making any such application, a county council in Wales shall consult the district councils whose areas lie wholly or partly within the area to which the application relates.
- (3) Before making an order under sub-paragraph (1) above, the Secretary of State shall consult the appropriate chief officer of police.
- (4) While an order under sub-paragraph (1) above is in force, the following provisions shall cease to apply in relation to the permitted parking area designated by the order—
- (a) section 35A(1) of the Road Traffic Regulation Act 1984 (offences), so far as it relates to the contravention of, or non-compliance with, any provision of an order made under section 35 of that Act (use of parking places) in relation to parking places provided under section 32(1)(b) of that Act (power of local authorities to provide free parking places on roads); and
  - (b) section 47(1) of the Act of 1984 (offences) in so far as it applies in relation to any designated parking place.
- (5) The Secretary of State may by order amend sub-paragraph (4) above by adding further provisions (but only in so far as they apply in relation to stationary vehicles).
- (6) Before making an order under sub-paragraph (5) above, the Secretary of State shall consult—
- (a) such representatives of chief officers of police; and
  - (b) such associations of local authorities (if any),

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*Status: This is the original version (as it was originally enacted).*

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as he considers appropriate.

*Special parking areas*

- 2 (1) Where an application for an order under this sub-paragraph is made to the Secretary of State—
- (a) with respect to the whole, or any part, of their area, by a county council in England and Wales;
  - (b) with respect to the whole, or any part, of their area, by a metropolitan district council;
  - (c) with respect to the whole, or any part, of their area, by a regional or islands council in Scotland; or
  - (d) with respect to the whole, or any part, of the Isles of Scilly, by the Council of the Isles of Scilly,
- he may make an order designating the whole, or any part, of the area to which the application relates as a special parking area.
- (2) Before making any such application, a county council in Wales shall consult the district councils whose areas lie wholly or partly within the area to which the application relates.
- (3) Before making an order under sub-paragraph (1) above, the Secretary of State shall consult the appropriate chief officer of police.
- (4) While an order under sub-paragraph (1) above is in force, the following provisions shall cease to apply in relation to the special parking area designated by the order—
- (a) section 5 of the Road Traffic Regulation Act 1984 (contravention of a traffic regulation order under section 1 of that Act to be an offence), so far as it relates to the contravention of any provision of such an order prohibiting or restricting the waiting, or the loading and unloading, of vehicles;
  - (b) section 11 of the Act of 1984 (contravention of, or failure to comply with, experimental traffic order under section 9 of that Act), so far as it relates to the contravention of, or failure to comply with, any provision of such an order prohibiting or restricting the waiting, or the loading and unloading, of vehicles;
  - (c) section 129(6) of the Roads (Scotland) Act 1984 (parking of a motor vehicle wholly or partly on a cycle track to be an offence);
  - (d) section 19 of the Road Traffic Act 1988 (parking of heavy vehicles on verges, central reservations and footpaths etc. to be an offence);
  - (e) 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.
- (5) The Secretary of State may by order amend sub-paragraph (4) above by adding further provisions (but only in so far as they apply in relation to stationary vehicles).
- (6) Before making an order under sub-paragraph (5) above, the Secretary of State shall consult—
- (a) such representatives of chief officers of police; and
  - (b) such associations of local authorities (if any);
- as he considers appropriate.

*Control of parking in permitted and special parking areas*

- 3 (1) This paragraph applies in relation to any vehicle which is stationary in a permitted parking area, or special parking area, in circumstances in which an offence would have been committed with respect to the vehicle but for paragraph 1 or (as the case may be) paragraph 2 above.
- (2) A penalty charge shall be payable with respect to the vehicle, by the owner of the vehicle.
- (3) An order under paragraph 1 or 2 above designating a permitted parking area, or special parking area, may—
- (a) provide for such provisions of Part II of this Act as the Secretary of State considers appropriate to apply, with such modifications (if any) as he considers appropriate, in relation to the permitted or special parking area in question; and
  - (b) make such modifications of any enactment, including any provision of this Act, as the Secretary of State considers appropriate in consequence of the provisions of paragraph 1 or 2 above, this paragraph or the order.

*Orders under this Schedule*

- 4 (1) Any power to make an order conferred by this Schedule shall be exercisable by statutory instrument.
- (2) Any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.