STATUTORY INSTRUMENTS

1986 No. 2107 (S. 157)

POLICE

Functions of Traffic Wardens (Scotland) Amendment Order 1986

Laid before Parliament in draft

Made - - - - 28*th November* 1986

Coming into Operation 1*st December* 1986

Whereas a draft of this order has been approved by a resolution of each House of Parliament:

Now, therefore, in exercise of the powers conferred on him by section 95(5) of the Road Traffic Regulation Act 1984(**a**) and of all other powers enabling him in that behalf, the Secretary of State hereby makes the following order:-

1.—(1) This order may be cited as the Functions of Traffic Wardens (Scotland) Amendment Order 1986 and shall come into operation on 1st December 1986.

(2) This order shall extend to Scotland only.

2. The Schedule to the Functions of Traffic Wardens (Scotland) Order 1971(**b**) shall be amended by substituting for sub-paragraph (2) of paragraph 1 the following sub-paragraph:-

"(2) For the purposes of the enforcement of the law with respect to such of the offences described in sub-paragraph (1) of this paragraph as are fixed penalty offences within the meaning of section 27(5) of the Transport Act 1982(**c**), other than an offence committed in respect of a vehicle by its obstructing a road or the offence created by section 24 of the Road Traffic Act 1972(**d**) (which relates to leaving vehicles in dangerous positions), traffic wardens may exercise the functions conferred on constables by Part III of the said Act of 1982.".

Ian Lang,
Parliamentary Under Secretary of State,
Scottish Office.

New St. Andrew's House,
Edinburgh.
28th November 1986.

(**a**) 1984 c.27.
(**b**) S.I. 1971/374.
(**c**) 1982 c.49.
(**d**) 1972 c.20.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Part III of the Transport Act 1982 ("Part III") makes provision for a new system of fixed penalties which come into force in Scotland on 1st December 1986 by virtue of the Transport Act 1982 (Scotland) (Commencement No. 2) Order 1986 (S.I. 1986/1874). This order makes a consequential amendment to the Schedule to the Functions of Traffic Wardens (Scotland) Order 1971.

That Schedule sets out the functions which are prescribed as appropriate for discharge by traffic wardens. The new sub-paragraph (2) of paragraph 1 substituted by this order provides, with two specified exceptions, that, for the purposes of enforcing the law with respect to such parking offences, etc. as are fixed penalties offences for the purposes of Part III, traffic wardens may exercise the functions conferred on constables by Part III.

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