STATUTORY INSTRUMENTS

1971 No. 374 (S.52)

POLICE

Functions of Traffic Wardens (Scotland) Order 1971

Laid before Parliament in draft

Made - - -	*4th March* 1971
Coming into Operation	*1st April* 1971

In exercise of the powers conferred on me by section 81(3) of the Road Traffic Regulation Act 1967(**a**), and of subsections (4A) and (4B) of that section as inserted by section 131(6) of the Transport Act 1968(**b**), I hereby make the following order, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

1.—(1) This order may be cited as the Functions of Traffic Wardens (Scotland) Order 1971 and shall come into operation on 1st April 1971.

(2) The Interpretation Act 1889(**c**) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament and Section 38 of that Act shall apply as if this order were an Act of Parliament and as if the orders revoked by this order were Acts of Parliament repealed by an Act of Parliament.

(3) The Functions of Traffic Wardens (Scotland) Order 1962(**d**) and the Functions of Traffic Wardens (Scotland) Order 1966(**e**) are hereby revoked.

(4) This order shall extend to Scotland only.

2. In this order—

"the Act of 1960" and "the Act of 1967" mean respectively the Road Traffic Act 1960(**f**) and the Road Traffic Regulation Act 1967;

"street parking place order" means an order made under the Act of 1967 relating to a street parking place;

"traffic order" means an order made under section 1, 5, 9, or 84A of the Act of 1967.

(**a**) 1967 c. 76.
(**b**) 1968 c. 73.
(**c**) 1889 c. 63.
(**d**) S.I. 1962/1271 (1962 II, p. 1376).
(**e**) S.I. 1966/222 (1966 I, p. 429).
(**f**) 1960 c. 16.

3.—(1) The functions set out in the Schedule to this order are hereby prescribed as appropriate for discharge by traffic wardens.

(2) For the purposes of the discharge by traffic wardens of such functions, references to a constable or police constable in the following enactments shall include references to a traffic warden—

(*a*) sections 14 and 15 of the Act of 1960 (drivers and pedestrians to comply with traffic directions given by police constables);

(*b*) section 229 of the Act of 1960 (the power of constables to obtain the names and addresses of pedestrians failing to comply with traffic directions).

(3) For the purposes of the discharge by traffic wardens of the functions set out in the Schedule to this order, references in section 226(1) of the Act of 1960 to a police constable shall, in so far as it applies to the furnishing of names and addresses, include references to a traffic warden if the traffic warden has reasonable cause to believe that there has been committed an offence—

(*a*) in respect of a vehicle by its being left or parked on a road during the hours of darkness (as defined by the Road Transport Lighting Act 1957(**a**)) without the lights or reflectors required by law;

(*b*) in respect of a vehicle by its obstructing a road, or waiting, or being left or parked or being loaded or unloaded, in a road;

(*c*) in contravention of section 14 of the Act of 1960;

(*d*) in contravention of a provision of the Vehicles (Excise) Act 1962(**b**);

(*e*) created by section 42 of the Act of 1967 (offences relating to parking places on highways where charges are made).

Gordon Campbell,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
4th March 1971.

SCHEDULE

Functions of Traffic Wardens

1.—(1) Traffic wardens may be employed to enforce the law with respect to an offence—

(*a*) committed in respect of a vehicle by its being left or parked on a road during the hours of darkness (as defined by the Road Transport Lighting Act 1957) without the lights or reflectors required by law; or

(**b**) committed in respect of a vehicle by its obstructing a road, or waiting, or being left or parked, or being loaded or unloaded, in a road or other public place; or

(**a**) 1957 c. 51. (**b**) 1962 c. 13.

(*c*) committed in contravention of a provision of the Vehicles (Excise) Act 1962; or

(*d*) created by section 42 of the Act of 1967 (offences relating to parking places on highways where charges are made).

(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 offences to which section 80 of the Act of 1967 (which relates to the fixed penalty procedure) applies, other than an offence committed in respect of a vehicle by its obstructing a road or the offence created by section 16 of the Act of 1960 (which relates to leaving vehicles in dangerous positions), traffic wardens may exercise the functions conferred on constables by the said section 80 in an area to which the said section 80 extends.

2.—(1) Traffic wardens may, under arrangements made with a local authority or the Secretary of State, be employed to act as parking attendants at street parking places provided or controlled by a local authority or the Secretary of State.

(2) A traffic warden may exercise functions conferred on a traffic warden by a traffic order or a street parking place order.

3. Without prejudice to the generality of paragraph 1 above, traffic wardens may be employed in connection with obtaining information under section 232 of the Act of 1960 or section 85 of the Act of 1967 (duty to give information as to identity of driver, etc. in certain cases).

4. Where a police authority provides school crossing patrols under section 24 of the Act of 1967, whether as the appropriate authority or by agreement with the appropriate authority, traffic wardens appointed by or on behalf of that police authority may be employed to act as school crossing patrols.

5.—(1) Subject to the foregoing paragraphs, traffic wardens may be employed in the control and regulation of traffic (including foot passengers) or vehicles whether on a highway or not and to discharge any other functions normally undertaken by the police in connection with the control and regulation of traffic (including foot passengers) or vehicles.

(2) Nothing in this paragraph shall permit the functions described in sub-paragraph (1) to be exercised by a traffic warden who is in a moving vehicle.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes and replaces Orders relating to the functions of traffic wardens. The Schedule to the Order specifies the functions. Paragraph 2(1) of the Schedule authorises traffic wardens to be employed as parking attendants at street parking places. Paragraph 2(2) extends the functions by referring to functions conferred on traffic wardens by traffic orders or parking place orders. Paragraph 3 authorises traffic wardens to be employed in obtaining information as to the identity of drivers.

Paragraphs (2) and (3) of Article 3 enable traffic wardens to exercise the powers conferred by certain enactments on constables.