STATUTORY INSTRUMENTS

1971 No. 1493

ROAD TRAFFIC

The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1971

Made - - -	*7th September* 1971
Laid before Parliament	*17th September* 1971
Coming into Operation	*1st December* 1971

The Secretary of State for the Environment (as respects England excluding Monmouthshire) and the Secretary of State for Wales (as respects Wales and Monmouthshire), in exercise of their powers under section 84C(2), (3) and (4) of the Road Traffic Regulation Act 1967(**a**), as amended by Part IX of the Transport Act 1968(**b**) and as read with section 32 of the Countryside Act 1968(**c**) and section 21(1)(*b*) of the Chronically Sick and Disabled Persons Act 1970(**d**), and of all other enabling powers, after consultation with representative organisations in accordance with section 107(2) of the said Act of 1967 and after consultation with the Greater London Council, hereby make the following Regulations :—

Commencement, citation and interpretation

1.—(1) These Regulations shall come into operation on the 1st December 1971, and may be cited as the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1971.

(2) In these Regulations the following expressions have the meanings hereby respectively assigned to them :—

"the Act of 1967" means the Road Traffic Regulation Act 1967 as amended by Part IX of the Transport Act 1968 and as read with section 32 of the Countryside Act 1968 and section 21(1)(*b*) of the Chronically Sick and Disabled Persons Act 1970 ;

"the Act of 1970" means the Chronically Sick and Disabled Persons Act 1970 ;

"disabled person's badge" has the same meaning as in Regulation 1(2) of the Disabled Persons (Badges for Motor Vehicles) Regulations 1971(**e**), except that the expression includes a badge treated as a disabled person's badge for a period of two years by Regulation 11 of those Regulations ;

"disabled person's vehicle" means a motor vehicle driven by, or used for the carriage of, a disabled person of a description prescribed by the said Regulations of 1971 ;

"London local authority" means the Greater London Council, the Council of a London Borough, or the Common Council of the City of London ;

"road", in relation to an order under section 6 or 9 of the Act of 1967, includes a street as defined in section 6(12) of the Act of 1967.

(**a**) 1967 c. 76. (**b**) 1968 c.73.
(**c**) 1968 c. 41. (**d**) 1970 c. 44.
(**e**) S.I. 1971/1492. (1971 III, p. 4177).

(3) Any reference in these Regulations to an order under any particular section of the Act of 1967 includes a reference to an order varying an order made, or having effect as if made, under that section.

(4) Any reference in these Regulations to any enactment shall be construed as a reference to that enactment as amended by or under any subsequent enactment.

(5) The Interpretation Act 1889(**a**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

Application of Regulations

2. These Regulations apply—

(*a*) to orders made by a local authority (other than a London local authority) under any of the following provisions of the Act of 1967, that is to say, sections 1, 9, 31, 35 and 36, after the date of the coming into operation of these Regulations ; and

(*b*) to orders made by the Greater London Council under any of the following provisions of the Act of 1967, that is to say, sections 6, 9, 35 and 36, after the date of the coming into operation of these Regulations except that they do not apply to an order made after the said date by the said Council under any of the said sections in so far as the order applies in the City of London, the City of Westminster or the Royal Borough of Kensington and Chelsea, or any part of the London Borough of Camden or Islington south of, and including Euston Road, Pentonville Road, City Road between Pentonville Road and Old Street, and Old Street between City Road and Hackney Road.

Exemptions in Orders for vehicles displaying disabled persons' badges

3.—(1) Where an order under section 1, 6 or 9 of the Act of 1967—

(*a*) includes a provision ; or

(*b*) applies a provision of an existing order under any such section,

which provision prohibits the waiting of vehicles, or of any class of vehicles, in a road or part of a road and the provision is one which in relation to any particular vehicle prohibits that vehicle from waiting in that road or that part of a road either—

(i) beyond a specified period of waiting by that vehicle permitted by that provision, or

(ii) if less than a specified period has elapsed since a previous period of waiting by that vehicle in that road or that part of a road, as the case may be,

then in the case mentioned in (*a*) above, the order shall also include a provision for exempting from any such prohibition contained therein any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority, and in the case mentioned as (*b*) above, the order shall also include a provision for exempting from any prohibition as applied and as originally enacted and subsequently extended (where this is the case) any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority.

(2) Where an order under section 6 or 31 of the Act of 1967—

(*a*) includes a provision ; or

(**a**) 1889 c. 63.

(*b*) applies a provision of an existing order under either such section, which provision prohibits the waiting of vehicles, or of any class of vehicles, in a street parking place or part of such a parking place and the provision is one which in relation to any particular vehicle prohibits that vehicle from waiting in that parking place or that part of a parking place either—

(i) beyond a specified period of waiting by that vehicle permitted by that provision, or

(ii) if less than a specified period has elapsed since a previous period of waiting by that vehicle in that parking place or that part of a parking place, as the case may be,

then in the case mentioned in (*a*) above, the order shall also include a provision for exempting from any such prohibition contained therein any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority, and in the case mentioned at (*b*) above, the order shall also include a provision for exempting from any prohibition as applied and as originally enacted and subsequently extended (where this is the case) any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority.

(3) Where an order under section 35 or 36 of the Act of 1967—

(*a*) includes a provision ; or

(*b*) applies a provision of an existing order under either such section, which provision prescribes—

(i) a charge for a vehicle, or a vehicle of any class, left in a parking place,

(ii) a time limit in relation to the leaving of, or waiting by, vehicles, or vehicles of any class, in a parking place, or

(iii) a period which must elapse before a vehicle which has been taken away from a parking place may again be left therein,

then in the case mentioned in (*a*) above, the order shall also include a provision for exempting from any such matter prescribed therein any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority, and in the case mentioned at (*b*) above, the order shall also include a provision for exempting from any matter prescribed and as applied and as originally enacted and subsequently extended (where this is the case) any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority.

(4) Any provision for exemption required by this Regulation to be contained in any order referred to therein may be limited to the same class of vehicle as that to which the provision, from which exemption is required to be given by this Regulation, applies.

(5) For the purposes of this Regulation and any order referred to therein, a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when—

(*a*) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen ; and

(*b*) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the vehicle.

Amendment of (Procedure) Regulations of 1969

4. The Local Authorities' Traffic Orders (Procedure) (England and Wales)

Regulations 1969(**a**) shall have effect as though—

(*a*) in Regulation 2(1) for the definition of "consolidation order" there were substituted the following definition—

" 'consolidation order' means an order which revokes provisions of one or more existing orders, reproduces those provisions without any change in substance and makes no other provision, but so, however, that for the purpose of this definition the inclusion in the order (by way of addition to the provisions of any existing order or orders) of an exemption required by the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1971(**b**) in respect of a disabled person's vehicle shall not be regarded as constituting a change in substance ;"

(*b*) in Regulation 4(3) after the words "Regulation 18" there were inserted the words "and Regulation 20" ;

(*c*) in Regulation 5(2) and 6(3) after the words "and 19" there were inserted the words "and 20" ;

(*d*) after Regulation 19, there were inserted the following Regulation—

"Special provisions for certain variation orders

20. Regulations 4(1)(*a*) and (*c*), 5 and 6 above shall not apply to an order the sole effect of which is to vary an order under section 1, 9, 31, 35 or 36 of the Act so as to include in the order being varied an exemption in respect of a disabled person's vehicle of the same kind as is mentioned in Regulation 3 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1971."

Signed by authority of the Secretary of State.
Dated 7th September 1971.

R. Graham Page,
Minister for Local Government and Development,
Department of the Environment.

Peter Thomas,
Secretary of State for Wales.

Dated 7th September 1971.

(**a**) S.I. 1969/463 (1969 I, p. 1318). (**b**) S.I. 1971/1493 (1971 III, p. 4185).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations concern certain orders made by local authorities under the Road Traffic Regulation Act 1967 after the 1st December 1971, applying in England and Wales generally but not in certain parts of central London.

The orders to which the Regulations apply are those which, inter alia, prohibit beyond a certain period the waiting of vehicles in roads or in street parking places, whether a charge is made or not (Regulations 3(1)—(3)).

The Regulations require the orders to which they relate to include an exemption from charges and time limits at places where vehicles may park or wait in respect of a disabled person's badge issued under section 21 of the Chronically Sick and Disabled Persons Act 1970 and the Disabled Persons (Badges for Motor Vehicles) Regulations 1971 or a badge having effect as if it were so issued. The Regulations also make certain amendments to the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1969, dispensing with consultation and advertisement, in connection with orders which include exemptions for disabled persons' vehicles.

The Regulations do not provide for exemptions at places marked with a continuous yellow line or lines on the carriageway.

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