STATUTORY INSTRUMENTS

1967 No. 414

ROAD TRAFFIC

The Parking Places (Transfer of Functions) Order 1967

Made - - -	*14th February* 1967
Laid before Parliament	*23rd February* 1967
Coming into Operation	*26th March* 1967

The Minister of Transport, and the Secretary of State, in exercise of the powers conferred on them by section 5(7) and (8) of the Road Traffic and Roads Improvement Act 1960(a), as amended by section 51 of and Schedule 4 to the Road Traffic Act 1962(b), as read with the Secretary of State for Wales and Minister of Land and Natural Resources Order 1965(c), and the Minister of Transport in exercise of those powers as further amended by section 15 of and paragraph 3 of Part II of Schedule 5 to the London Government Act 1963(d), and of all other powers enabling them in that behalf, hereby make the following Order:—

Commencement and Citation

1. This Order shall come into operation on the 10th day following the day it is approved by Parliament, and may be cited as the Parking Places (Transfer of Functions) Order 1967.

Interpretation

2.—(1) In this Order:—

" local authority " as respects England and Wales means the council of a county borough or county district and as respects Scotland means a county council or a town council;

" the appropriate Minister " means in relation to England (exclusive of Monmouthshire) the Minister of Transport and in relation to Scotland and Wales (inclusive of Monmouthshire) the Secretary of State;

" the principal Act " means the Road Traffic Act 1960(e).

(2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(3) The Interpretation Act 1889(f) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(a) 8 & 9 Eliz. 2. c. 63.
(b) 10 & 11 Eliz. 2. c. 59.
(c) S.I. 1965/319 (1965 I, p. 785).
(d) 1963 c. 33.
(e) 8 & 9 Eliz. 2. c. 16.
(f) 52 & 53 Vict. c. 63.

Areas to which Order applies

3. This Order applies to all areas in Scotland and Wales and all areas in England outside Greater London to which section 85(1) of the principal Act applies from time to time.

Transfer to local authorities of power to make designation orders etc.

4. Subject to the following provisions of this Order, any designation order under section 85(1) of the principal Act and any order which, under section 86 or section 87(3) of that Act, may be made by the appropriate Minister in relation to parking places designated by a designation order shall be made by the local authority instead of by the Minister.

Consents required to making of orders under transferred powers

5. A local authority—

(*a*) shall not make any order which they are empowered by this Order to make except with the consent in writing of the appropriate Minister, and

(*b*) shall not make a designation order designating parking places on, or otherwise making provision with respect to, a highway for which they are not the highway authority except with the consent in writing of that authority.

Modification of certain enactments

6. The provision of sections 85 to 90 of the principal Act, of Schedule 10 to that Act and of section 5(1) to (6) of the Road Traffic and Roads Improvement Act 1960 shall in relation to any functions exercisable by a local authority by virtue of this Order have effect subject to the modifications specified in relation to those provisions in Parts I, II and III respectively of the Schedule to this Order, being modifications which appear to the appropriate Minister to be necessary or expedient for the purposes or in consequence of this Order.

Power of Minister to vary or revoke orders made by local authorities

7.—(1) The appropriate Minister may by order, after giving notice to the local authority and holding (if he thinks fit) a public inquiry, vary or revoke any order made by a local authority by virtue of this Order.

(2) Subsections (3) and (5) of Section 90 of the principal Act and Part II of Schedule 10 to that Act shall apply to any order of the appropriate Minister under the foregoing paragraph as they apply to an order varying or revoking an order made by him under section 85(5) of that Act.

Transitional Provision

8. Where before the coming into operation of this Order an application has been made to the appropriate Minister by a local authority for an order under any of the enactments mentioned in Article 4 of this Order, the application may be proceeded with as if this Order had not been made.

Dated the 13th February 1967.

William Ross,
One of Her Majesty's
Principal Secretaries of State.

Dated the 14th February 1967.

Cledwyn Hughes,
One of Her Majesty's
Principal Secretaries of State.

Given under the Official Seal of the Minister of Transport the 14th February 1967.

(L.S.)

Barbara Castle,
Minister of Transport.

SCHEDULE Article 6

MODIFICATIONS OF ENACTMENTS RELATING TO DESIGNATION ORDERS MADE BY LOCAL AUTHORITIES

PART I

SECTIONS 85 TO 90 OF THE PRINCIPAL ACT

1.—(1) In section 85(1), for the words " the Minister may by order made on the application of the local authority " there shall be substituted the words " the local authority may by order ".

(2) In section 85(2), for the word " Minister " there shall be substituted the words " local authority " and for the word " he " there shall be substituted the word " they ".

2. In section 86, for the word " Minister " wherever occurring (except in subsection 2(*a*)) there shall be substituted the words " local authority " and in section 86(2) for the words " he considers " there shall be substituted the words " they consider ".

3. In section 87(3), for the word " Minister " there shall be substituted the words " local authority ".

4. In section 88(1)(*b*), for the word " Minister " there shall be substituted the words " local authority ".

5.—(1) In section 90(1), after the word " Act " there shall be inserted the words " (other than section 87(5)) " prescribed " means prescribed by order of the local authority, and in the said section 87(5) ".

(2) In section 90(2), for the word " Minister " there shall be substituted the words " local authority ".

6. In section 90(6), at the end there shall be added the words " and any order made by the appropriate Minister which could have been made by a local authority if the Parking Places (Transfer of Functions) Order 1967 had been in operation at the time may be varied or revoked by the local authority under this subsection as if the order had been made by them ".

PART II

SCHEDULE 10 TO THE PRINCIPAL ACT

1. For paragraph 1 there shall be substituted the following paragraph:

" 1. Before applying for the consent of the appropriate Minister to the making of a designation order a local authority shall consult with the appropriate Minister and the Chief Officer of Police."

2. In paragraph 2(1), for the words "On applying for" there shall be substituted the words "After such consultation as aforesaid and before applying for the consent of the appropriate Minister to the making of" and for the word "Minister" in sub-paragraph (*c*) there shall be substituted the words "local authority".

3. In paragraph 2(2), for the words "On applying for" there shall be substituted the words "Before applying for the consent of the appropriate Minister to the making of".

4. For sub-paragraph (3) of paragraph 2 there shall be substituted the following sub-paragraphs:—

"(3) On the expiration of the period specified in the advertisement under sub-paragraph (1) of this paragraph the local authority shall apply to the appropriate Minister for his consent to the making of the order and shall on making such application refer to him (as regards England both at the head office of the Ministry of Transport and at the office of the Divisional Road Engineer for the area in which are situate the highways in which parking places are to be designated) copies of any objections duly made to the making of the order which have not been withdrawn and of the local authority's replies to those objections:

Provided that where the local authority proposes that the order should designate parking places on, or otherwise make provision with respect to, a highway for which they are not the highway authority, the application shall not be made unless the consent of the highway authority has been obtained to the making of the order.

(4) Where it appears to the appropriate Minister that, before the application is further dealt with, the local authority should take further steps for the purpose mentioned in sub-paragraph (2) of this paragraph, he may direct the authority to take such further steps for that purpose as he may specify, and if he does so the period within which a copy of the order and plan may be inspected, and objections may be made, shall be deemed to be extended by such time as the appropriate Minister may direct."

5. For paragraph 3 there shall be substituted the following paragraph:—

"3. The appropriate Minister shall, after the period for objecting to the making of the order has expired, consider the application and any objections duly made thereto which have not been withdrawn and may hold a public inquiry."

6. For paragraph 4 there shall be substituted the following paragraph:—

"4.—(1) After compliance with the provisions of the last foregoing paragraph the appropriate Minister may consent to the making of the order, either as proposed by the local authority or with such modifications as he may direct.

(2) The power of the appropriate Minister under the foregoing sub-paragraph to consent to the making of the order with modifications includes power to consent to the making of the order with additions, exceptions or other modifications of any description; but where the appropriate Minister proposes to consent to the making of the order with modifications which appear to him substantially to affect the character of the order as proposed by the local authority at the time when they published the advertisement referred to in paragraph 2(1) of this Schedule he shall, before giving his consent, inform the local authority and take such steps, or

direct the local authority to take such steps, as appear to him to be sufficient and reasonably practicable for informing other persons likely to be concerned.

(3) On making the order the local authority shall forthwith send a copy to the appropriate Minister."

7. Paragraph 5(1) and (2) shall be omitted.

PART III

SUBSECTIONS (1) TO (6) OF SECTION 5 OF THE ROAD TRAFFIC AND ROADS IMPROVEMENT ACT 1960

1. In section 5(1), for the words " appropriate Minister " there shall be substituted the words " local authority ".

EXPLANATORY NOTE

(This Note is not part of the Order.)

Under section 85 of the Road Traffic Act 1960, designation orders can be made designating parking places on highways at which charges may be made for vehicles authorised by the orders to be left in the parking places. Sections 86 and 87 of that Act, as substituted by section 29(1) of the Road Traffic Act 1962, confer power also to make orders dealing with incidental matters, such as charges, relating to the parking places.

The power to make such orders in respect of all areas outside Greater London is by this Order now transferred from the Minister of Transport or the Secretary of State to certain local authorities (Article 4). By Article 5, however, certain consents must first be obtained before local authorities make orders.