STATUTORY INSTRUMENTS

# 1999 No. 132

# ROAD TRAFFIC

## The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (City of Winchester) (Amendment) Order 1999

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| *Made - - - -* | *23rd January 1999* |
| *Laid before Parliament* | *26th January 1999* |
| *Coming into force* | *16th February 1999* |

Whereas the Hampshire County Council has applied to the Secretary of State for an order to be made under paragraphs 1(1) and 2(1) of Schedule 3 to the Road Traffic Act 1991**(a)** with respect to part of their area and the Secretary of State has consulted the Chief Constable of Hampshire in accordance with the requirements of paragraphs 1(3) and 2(3) of that Schedule and the Council on Tribunals in accordance with the requirements of section 8 of the Tribunals and Inquiries Act 1992**(b)**;

NOW, the Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by paragraphs 1(1), 2(1) and 3(3) of Schedule 3 to the Road Traffic Act 1991 and of all other powers enabling him in that behalf, hereby makes the following Order:–

### Citation and commencement

**1.** This Order may be cited as the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (City of Winchester) (Amendment) Order 1999 and shall come into force on 16th February 1999.

### Preliminary

**2.** The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (City of Winchester) Order 1996**(c)** shall be amended in accordance with the following provisions of this Order.

### Amendment of paragraph 5 of Schedule 1

**3.** For paragraph 5 of Schedule 1 there shall be substituted–

"**5.**—(1) Section 73 shall be modified as follows.

(2) In subsection (3) paragraphs (b) and (c) shall be omitted.

**(a)** 1991 c. 40. Schedule 3 was amended by the Road Traffic Act 1991 (Amendment of Schedule 3) (England and Wales) Order 1996 (S.I. 1996/500).
**(b)** 1992 c. 53.
**(c)** S.I. 1996/1171, to which there are amendments not relevant to this Order.

(3) The following subsections shall be inserted after subsection (3)–

"(3A) A parking adjudicator appointed under subsection (3) of this section is authorised until 4th July 1999 to act as a parking adjudicator in relation to the permitted parking area and the special parking area.

(3B) The parking authorities–

(a) shall provide or enter into arrangements for the provision of accommodation and administrative staff for parking adjudicators acting in relation to either of those areas by virtue of subsection (3A) above;

(b) may enter into arrangements with the Joint Committee appointed under subsection (1) above for the remuneration of such parking adjudicators; and

(c) shall determine the places where they are to sit.

(3C) Any accommodation provided under subsection (3B)(a) above is to be treated as including the principal office of the adjudicator acting in relation to the permitted parking area or the special parking area.

(3D) The functions conferred on the parking authorities by the following provisions of this section shall be discharged by them jointly, in pursuance of arrangements entered into by them and for the time being in force pursuant to section 101(5) of the Local Government Act 1972**(a)**, with two or more other authorities (being county or district councils in England or county or county borough councils in Wales) in whose areas permitted parking areas or special parking areas have been designated under Schedule 3 to this Act, and by means of a joint committee of the parking authorities and those other authorities.

(3E) References in this section to "the constituent authorities" are to the authorities which are for the time being constituent authorities of the joint committee referred to in subsection (3D) above.

(3F) The parking authorities shall–

(a) with the consent of the Lord Chancellor appoint persons to act as parking adjudicators for the purposes of this Act (as well as those authorised under subsection (3A) above) in relation to the special parking area and the permitted parking area;

(b) provide or secure the provision of accommodation and administrative staff for parking adjudicators so appointed; and

(c) determine the places at which such parking adjudicators are to sit."

(4) In subsection (5) after the words "the London authorities" there shall be inserted "or, as the case may be, the parking authorities".

(5) After subsection (12) there shall be inserted the following subsection–

"(12A) Any regulations made under subsection (11) with regard to parking adjudicators acting in relation to London shall apply, with necessary modifications, to the procedure to be followed in relation to proceedings before parking adjudicators who are acting in relation to the special parking area or the permitted parking area under authority conferred by subsection (3A) of this section."

(6) In subsection (17) after the words "parking adjudicator" there shall be inserted "appointed by that Committee".

(7) In subsection (18) after the words "the parking adjudicators" there shall be inserted "appointed by that Committee".

(8) After subsection (18) there shall be inserted the following subsections–

"(19) In accordance with such requirements as may be imposed by the constituent authorities, each parking adjudicator appointed by those authorities shall make an annual report to them on the discharge of his functions.

(20) The constituent authorities shall make and publish an annual report in writing to the Secretary of State on the discharge by the parking adjudicators appointed by them of their functions.""

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**(a)** 1972 c. 70.

**Amendment of paragraph 7 of Schedule 1**

**4.**—(1) Paragraph 7 of Schedule 1 shall be amended as follows.

(2) In the definition of "parking authority" in the substituted section 82(1) of the Road Traffic Act 1991 after paragraph (b) there shall be inserted "and references to "the parking authorities" are to the Hampshire County Council and the Winchester City Council;".

**Amendment of paragraph 8 of Schedule 1**

**5.**—(1) Paragraph 8 of Schedule 1 shall be amended as follows.

(2) In sub-paragraph (3)(d)–

(a) for the words "paragraphs (c) and (d)" there shall be substituted "paragraph (c)"; and

(b) paragraph (d) as inserted into paragraph 2(4) of Schedule 6 to the Road Traffic Act 1991 shall be omitted.

Signed by authority of the Secretary of State

*Glenda Jackson*
Parliamentary Under Secretary of State,
23rd January 1999 Department of the Environment, Transport and the Regions

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (City of Winchester) Order 1996 ("the principal Order") which designated a permitted parking area and a special parking area in the City of Winchester.

Paragraph 5 of Schedule 1 to the principal Order modified section 73 of the Road Traffic Act 1991 (parking adjudicators) in its application to the designated areas so that adjudicators appointed by the Joint Committee of London authorities are authorised to act in relation to those areas. Article 3 of this Order amends the modifications of section 73 in the principal Order to provide that the authority of London adjudicators to act in Winchester ceases to have effect on 4th July 1999 and to provide for the appointment of adjudicators to act in Winchester through a joint committee of local authorities, none of which are London authorities. Article 4 makes a consequential amendment to the modifications to section 82 of the 1991 Act and article 4 revokes a modification to paragraph 2 of Schedule 6.

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