

# **Pavement Parking (Protection of Vulnerable Pedestrians) Bill**

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by Simon Hoare, are published separately as Bill 16 – EN.

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Make powers available to highway authorities to make further provision for the safety, convenience and free movement on pavements of disabled people, older people, people accompanying young children and other vulnerable pedestrians; to clarify, strengthen and simplify the law relating to parking on pavements in England and Wales; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Provision for the control and management of parking on verges, central reservations and footways**

- (1) The Road Traffic Act 1988 is amended as follows.  
(2) After section 19 insert—

**“19A Parking on verges, central reservations and footways**

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- (1) A person who parks a motor vehicle (as defined in section 185 of this Act) wholly or partly—

- (a) on the verge of an urban road, or  
(b) on a footway comprised of an urban road,

is guilty of a civil offence, subject to the provisions of regulations made under section 3 of the Pavement Parking (Protection of Vulnerable Pedestrians) Act 2016.

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- (2) An offence under this section shall be treated as a traffic contravention for the purposes of Part 6 of the Traffic Management Act 2004 and regulations made under it.

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- (3) A highway authority may by resolution, or in the case of the Secretary of State by such notice as appears to him to be appropriate, authorise, from a date specified in the resolution or notice, the parking of vehicles on or over a footway or any part of a footway as referred to in subsection (1).

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- (4) In this section—

“carriageway” and “footway” have the same meanings as in the Highways Act 1980,

“urban road” means a road which—

- (a) is a restricted road for the purposes of section 81 of the Road Traffic Regulation Act 1980, or
- (b) is subject to an order under section 84 of that Act imposing a speed limit not exceeding 40 miles per hour, or
- (c) is subject to a speed limit not exceeding 40 miles per hour which is imposed by or under any local Act,

“vehicle” means a mechanically propelled vehicle or a vehicle designed or adapted for towing by, or to be attached to, a mechanically propelled vehicle but does not include a heavy commercial vehicle within the meaning of section 19 of the Road Traffic Act 1988.”

## 2 Consequential amendments

- (1) Schedule 7, Part 1 of the Traffic Management Act 2004 is amended as follows.
- (2) After paragraph 3(2)(h) insert—
  - “(i) an offence under section 19A of the Road Traffic Act 1988 (c.52) (parking on verges, central reservations or footways).”
- (3) After paragraph 4(2)(i) insert—
  - “(j) an offence under section 19A of the Road Traffic Act 1988 (c.52) (parking on verges, central reservations or footways).”

## 3 Regulations

- (1) The Secretary of State shall make regulations as to statutory exemptions from the provisions in section 1 of this Act and requirements as to adequate advertisement, markings and signage.
- (2) The Secretary of State shall, following such public consultation as the Secretary of State considers sufficient, make regulations amending the maximum fine levels in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (S.I. 2007/3487) so as to allow those authorities who take up the additional enforcement powers available to them under this Act to make a fair increase in the level of such fines.
- (3) In making regulations under this section the Secretary of State shall give directions about how “fair” is to be defined for the purposes of this section.

## 4 Guidance

- (1) The Secretary of State shall consult on and issue statutory guidance to all civil enforcement authorities before this Act comes into force.
- (2) Guidance issued under this section shall include a requirement that civil enforcement authorities shall prioritise enforcement in areas already subject to an existing Traffic Regulation Order, made under the Road Traffic Regulation Act 1984, or where the relevant authority has formally been notified that pavement parking is taking place.

- (3) In this section, “relevant authority” means a local authority in England or Wales that has assumed civil parking enforcement powers under Part 6 of the Traffic Management Act 2004.

**5 Short title, commencement and extent**

- (1) This Act may be cited as the Pavement Parking (Protection of Vulnerable Pedestrians) Act 2016. 5
- (2) This Act shall come into force 12 months following the date of Royal Assent.
- (3) This Act extends to England and Wales.

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## B I L L

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