

PAVEMENT PARKING (PROTECTION OF VULNERABLE PEDESTRIANS) BILL

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Pavement Parking (Protection of Vulnerable Pedestrians) Bill as introduced in the House of Commons on 24 June 2015 (Bill 16).

- These Explanatory Notes have been produced by Simon Hoare in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament as a whole.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill. So where a provision of the Bill does not seem to require any explanation or comment, the Notes simply say in relation to it that the provision is self-explanatory.

Overview of the Bill

- 1 This Bill seeks to overcome some disincentives to local authorities taking action against car and lorry drivers who park on pavements, footways and verges of urban roads in ways that inconvenience and endanger pedestrians, especially vulnerable pedestrians, by forcing them to take to the road or find an alternative route or turn back. The bill does not seek to impose a blanket ban in relation to parking on the margins of all urban roads. Rather it establishes offences, makes powers available and envisages guidance, all to enable and encourage the relevant authorities to deal with identified problem areas in an efficient and effective manner for the benefit of all urban roadway users, and in particular vulnerable pedestrians.

Policy background

- 2 In essence, local authorities have powers under the Road Traffic Regulation Act 1984 to take specific action against 'pavement parking' but at the moment must do so on a street by street basis, making a traffic regulation order (TRO) for each location. Since this also involves 'lining and signing' each location, the process is expensive, laborious and time-consuming.
- 3 The Department for Transport has stated that: "There is currently no national legislation banning the parking of all vehicles on the pavement, due to the wide range of circumstances and locations where pavement parking occurs. For example in some narrow residential roads with a lack of off-street parking provision, drivers have little option but to park on the pavement to avoid causing traffic hazards. The Government has no plans at present to introduce new legislation specifically aimed at banning pavement parking on a national scale." (DfT, Policy, research, guidance: [Parking on pavements and alongside dropped kerbs.](#)) More recently, the previous Coalition Government has [wrote to councils](#) prompting the use of existing powers to prevent pavement parking where it is a problem and has given English councils leave to use signs to indicate a local pavement parking ban (DfT, 21 February 2011).
- 4 Disabled Motoring UK (a campaigning charity for disabled road and footway users) states that: "... pavement parking concerns many disabled people as ... parking on the kerb hinders people's mobility. Not only does pavement parking force wheelchair and scooter users onto the road, but it also causes problems for blind and visually impaired people who don't expect a vehicle to be parked in their path. The [problem of pavement parking](#) is certainly not new and a campaign was launched in 1979 by the National Federation of the Blind called 'Give Us Back Our Pavements' " (DMUK, [Policy Sheet 8: Pavement Parking](#)).

Legal Background

- 5 Rule 244 of the Highway Code states; "You must not park partially or wholly on the pavement in London and should not do so elsewhere unless signs permit it." Rule 243 of the Highway Code clearly states: "Do not stop or park where the kerb has been lowered to help wheelchair-users and powered-mobility vehicles."
- 6 As Rule 244 indicates, pavement parking is banned in all London boroughs, and the City of London under the Greater London (General Purposes) Act 1974. In the rest of England and Wales the UK the law is more complex.
- 7 Heavy commercial vehicles are banned from parking on a footway (Road Traffic Act 1988 s19 and s20), except when goods are being unloaded and the vehicle is not creating a danger or an obstruction. It is illegal to drive a vehicle on a footway (Highways Act 1835 s.72) and to cause an obstruction (Highways Act 1980 s.137). Both of these activities carry fines (Road Traffic

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Offenders Act 1988, s.51 and schedule 3).

- 8 As mentioned above, local authorities have powers under the Road Traffic Regulation Act 1984 to restrict or prohibit pavement parking on an individual street via a specific traffic regulation order (TRO).

Territorial extent and application

- 9 Clause 5 states that the Bill would extend to England and Wales.

Commentary on provisions of the Bill

Clause 1

- 10 This clause would amend the Road Traffic Act 1988 to create a civil parking offence of parking a motor vehicle on a verge or footway of an urban road subject to (a) exemptions authorised by a local authority or the Secretary of State, and (b) regulations to be made under clause 3.

Clause 2

- 11 This clause is self-explanatory, containing amendments, consequential on Clause 1, to the Traffic Management Act 2004.

Clause 3

- 12 This clause requires the Secretary of State to make regulations about exemptions from Clause 1 and about the level of fines to be levied in relation to offences committed under that clause.

Clause 4

- 13 This clause would require the Secretary of State to consult, and then issue guidance to, civil enforcement authorities prior to any Act resulting from this Bill coming into force. The clause also requires that such guidance obliges authorities to prioritise existing problem areas.

Clause 5

- 14 Clause 5 contains self-explanatory technical provisions.

Commencement

- 15 Clause 5 states that the Act would come into force 12 months after Royal Assent.

Financial implications of the Bill

- 16 The Bill has no financial effects.

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