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**B I L L**

TO

Amend the law relating to parking on verges and footways in England outside of Greater London and in Wales.

**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 and footways**

(1) The Road Traffic Act 1988 is amended as follows.

(2) After section 19 insert—

**“19A Parking vehicles on verges and footways**

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|--|----|
| (1) Subject to the provisions of this section and section 19B, a person who parks a vehicle wholly or partly—  | 5  |
| (a) on the verge of a road, or   |    |
| (b) on a footway,  |    |
| is guilty of an offence.   |    |
| (2) For the purposes of this section—  | 10 |
| (a) a vehicle is parked on a verge or footway if—  |    |
| (i) it is stationary, and  |    |
| (ii) one or more of its wheels (or any part of them) is on any part of the verge or footway,   |    |
| (b) a stationary vehicle is parked whether or not—   | 15 |
| (i) the driver of the vehicle is in attendance at the vehicle,   |    |
| (ii) the engine of the vehicle is running.   |    |
| (3) An offence under this section is to be treated as a traffic contravention for the purposes of Part 6 of the Traffic Management Act 2004 and regulations made under it.   | 20 |
| (4) A highway authority may by resolution, or in the case of the Secretary of State by such notice as appears to the Secretary of State to be appropriate, authorise, from a date specified in the resolution or notice, |    |

the parking of vehicles on or over a verge, footway or any part of a footway as referred to in subsection (1).

- (5) The Secretary of State may make regulations as to exemptions from the provisions of this section and requirements as to adequate advertisement, markings and signage. 5
- (6) In this section and section 19B—  
 “footway” has the same meaning as in the Highways Act 1980,  
 “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. 10

### **19B Parking vehicles on verges and footways: exemptions**

- (1) Nothing in section 19A makes it unlawful to park a vehicle where the vehicle is being used for— 15
- (a) police purposes,
  - (b) ambulance purposes,
  - (c) fire and rescue authority purposes,
  - (d) Her Majesty’s Coastguard purposes, or
  - (e) naval, military or air force purposes, 20
- and the achievement of the purposes would be likely to be hindered if the vehicle were not parked on a verge or footway.
- (2) Nothing in section 19A makes it unlawful to park a vehicle where the vehicle— 25
- (a) is being used for or in connection with—
    - (i) the undertaking of street works,
    - (ii) the removal of an obstruction to traffic,
    - (iii) the collection of waste by or on behalf of a local authority, or
    - (iv) postal services (within the meaning of section 125(1) of the Postal Services Act 2000), 30
  - (b) cannot reasonably be so used without being parked on a verge or footway, and
  - (c) is so parked for no longer than is necessary for that use.
- (3) Nothing in section 19A makes it unlawful to park a vehicle where— 35
- (a) the vehicle is being used by a registered medical practitioner, registered nurse or registered midwife for or in connection with the provision of urgent or emergency health care, or
  - (b) the vehicle is parked for the purpose of saving life or responding to another similar emergency, and 40
  - (c) the vehicle is so parked for no longer than is reasonable in connection with action under paragraph (a) or (b), and
  - (d) that action would be likely to be hindered if the vehicle were not parked on a verge or footway.
- (4) Nothing in section 19A makes it unlawful to park a vehicle where— 45
- (a) the vehicle is in the course of business—

- (i) being used for the purpose of delivering goods to, or collecting goods from, any premises, or
    - (ii) being loaded from or unloaded to any premises,
  - (b) the vehicle is so parked for no longer than is necessary for the delivery, collection, loading or unloading and in any event for no more than a continuous period of 20 minutes, 5
  - (c) the delivery, collection, loading or unloading cannot reasonably be carried out without the vehicle being parked on a verge or footway, and
  - (d) the vehicle is not left unattended at any time while it so parked. 10
- (5) Nothing in section 19A makes it unlawful to park a vehicle where the vehicle is parked wholly within a parking place that is –
  - (a) authorised by order under section 32(1)(b) of the Road Traffic Regulation Act 1984, or
  - (b) designated by order under section 45 of that Act. 15
- (6) Nothing in section 19A makes it unlawful to park a vehicle where the vehicle is parked in accordance with permission given by a constable in uniform.
- (7) Nothing in section 19A makes it unlawful to park a vehicle where –
  - (a) the vehicle has broken down and is awaiting assistance or is parked for the purpose of providing assistance at an accident or breakdown, 20
  - (b) the vehicle is so parked for no longer than is necessary for that purpose, and
  - (c) the assistance could not be safely or reasonably provided if the vehicle were not parked on a verge or footway.” 25

## 2 Consequential amendments

- (1) Schedule 7 to the Traffic Management Act 2004 is amended as follows.
- (2) In Part 1, after paragraph 4(2)(i) insert –
  - “(j) an offence under section 19A of the Road Traffic Act 1988 (parking on verges and footways).” 30

## 3 Guidance

- (1) The Secretary of State and Welsh Ministers must consult on and issue guidance to all civil enforcement authorities before sections 1 and 2 of this Act come into force. 35
- (2) Guidance issued under this section must state that civil enforcement authorities are to 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. 40
- (3) In this section, “relevant authority” means a local authority in England or Wales that has assumed civil parking enforcement powers under Part 2 of Schedule 8 to the Traffic Management Act 2004.

**4 Extent, commencement and short title**

- (1) This Act extends to England and Wales only.
- (2) Sections 1 and 2 come into force at the end of the period of 12 months following the day on which this Act is passed.
- (3) Section 3 and this section come into force on the day on which this Act is passed. 5
- (4) This Act may be cited as the Pavement Parking Act 2020.



# Pavement Parking Bill [HL]

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To amend the law relating to parking on verges and footways in England outside of Greater London and in Wales.

*Lord Low of Dalston*

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