Dear Sir

I ROAD TRAFFIC REGULATION ACT 1984; AND
II PARKING FOR DISABLED PEOPLE

1. This circular draws attention to the coming into operation of the Road Traffic Regulation Act 1984 and also contains advice on several matters relating to parking for disabled people.

PART I - ROAD TRAFFIC REGULATION ACT 1984

2. The Road Traffic Regulation Act 1984 comes into operation on 26 September 1984. The 1984 Act consolidates the Road Traffic Regulation Act 1967 and subsequent related Acts and statutory instruments. A table showing the derivation of the provisions in the new Act is contained at the end of the printed Act. The Act also amends the law to give effect to certain recommendations by the Law Commission and the Scottish Law Commission. These amendments remedy minor defects and anomalies only and do not involve any substantive changes in law.

3. With the coming into effect of the 1984 Act, the preambles to traffic regulation orders made on or after 26 September will need to cite the relevant sections of the 1984 Act, instead of the present references to the Road Traffic Regulation Act 1967 as amended. Updated preambles for the main types of order are accordingly attached to this circular (models A-L attached).

PART II - PARKING FOR DISABLED PEOPLE

4. This part of the Circular provides advice on a detailed point concerning the Orange Badge Scheme of parking concessions for the disabled, and on facilities for disabled people at car parks. Authorities are requested to bring this to the attention of staff dealing with the Orange Badge Scheme, and with the administration of car parks.

ELIGIBILITY FOR ORANGE BADGES

5. Under Regulation 5(d) of The Disabled Persons (Badges for Motor Vehicles) Regulations 1982, people are eligible for badges if they have a "permanent and substantial disability which causes inability to walk or very considerable difficulty in walking". Paragraph 11 of Department of Transport Circular 4/82, issued on 16 December 1982, in advising local authorities on interpreting this criterion, stated that in order to qualify "the disability must be of a physical, rather than a psychological, nature".
6. It has been represented to the Department that these words could prevent people whose physical inability, or virtual inability, to walk results from a psychological or mental disorder, from obtaining a badge. However, provided a person's actual ability to walk is sufficiently impaired to meet the requirements of Regulation 5(d) the cause of the impairment is immaterial to his or her entitlement to a badge. To avoid misunderstandings on this point, authorities are accordingly asked to disregard the final 13 words in paragraph 11 of Circular 4/82.

7. This slight modification of Circular 4/82 should not been seen as extending entitlement to badges to cater for mental or psychological conditions generally. It is solely designed to ensure that a very limited number of people whose psychological condition permanently and substantially restricts their walking ability in accordance with the requirements for Regulation 5(d) are not denied a badge.

TICKET MACHINES AT CAR PARKS

8. The Department's attention has been drawn to the difficulty which can be caused to disabled people in wheelchairs if ticket machines at off-street car parks are sited too high for them to use conveniently. Authorities are accordingly asked to consider lowering such machines where appropriate. It is appreciated that this may not be feasible with certain types of machine if it is also to be convenient for use from a normal standing position. Nevertheless, in such cases authorities are asked to consider the possibility of lowering those machines which are nearest to parking spaces reserved for disabled people to a height convenient for wheelchair users.

RESERVED PARKING SPACES FOR DISABLED PEOPLE

9. Concern has been expressed to the Department about the abuse by able-bodied people of parking places reserved for disabled people in local authority off-street car parks, and the consequent distress caused to disabled people who are then unable to park. It is understood that frequently such parking places are indicated by advisory signs and markings only and cannot therefore be enforced. Local authorities are accordingly reminded of the desirability of properly designating such spaces by making Orders under Section 35(1) and (3) of the Road Traffic Regulation Act 1984, and of backing these up with notices warning people who use the spaces when not entitled to do so of their liability to prosecution. A suitable model Order for designating off-street parking places with special bays for the disabled is attached to this Circular (Model M). This new model order replaces the old model J1 attached to Circular Roads 33/77.

Yours faithfully

N T REES
Assistant Secretary

Enquiries about the content of this Circular should be made to Traffic Policy Division as follows:-

Part One - Telephone 01-212-7481
Part Two - Telephone 01-212-5252

Enquiries about distribution should be made to:-

Administration Road Construction 2 Division
Telephone 01-212-5169
PREAMBLES TO ORDERS UNDER THE ROAD TRAFFIC REGULATION ACT 1984

NOTE: Where an order revokes or varies an existing order, the preamble below should also cite Part IV of Schedule 9 to the 1984 Act.

MODEL A

CLOSURE OF GAP IN CENTRAL RESERVATION, PROHIBITION OF LEFT/RIGHT TURN, ONE-WAY TRAFFIC, BUS LANE, PROHIBITION OF U-TURN, URBAN CLEARWAY

The Council of the County of _______________ ("the Council") in exercise of its powers under sections 1(1) and (2), 2(1) to (3) [* and 4(1)] of the Road Traffic Regulation Act 1984 ("the Act"), and of all other enabling powers, and after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

[The Council of the [District] [Borough] [City] of _______________ pursuant to arrangements made under section 101 of the Local Government Act 1972 with the Council of the County of _______________, in exercise of the powers conferred on that County Council under sections 1(1) and (2), 2(1) to (3) [*and 4(1)] of the Road Traffic Regulation Act 1984 "the Act"), and of all other enabling powers, and after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-]

* Bus lane orders

MODEL B

PROHIBITION OF TRAFFIC (GENERAL), CONTRA-FLOW BUS LANE

The Council of the County of _______________ ("the Council") in exercise of its powers under sections 1(1) and (2), 2(1) to (3), 3(2) [* and 4(1)] of the Road Traffic Regulation Act 1984 ("the Act"), and of all other enabling powers, and [and with the consent of the Secretary of State for Transport under Part II of Schedule 9 to the Act] after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

* Bus lane orders

MODEL C

PROHIBITION OF HEAVY COMMERCIAL VEHICLES

The Council of the County of _______________ ("the Council") in exercise of its powers under sections 1(1) and (2), 2(4) and 3(2) of the Road Traffic Regulation Act 1984 ("the Act"), and of all other enabling powers, [and with the consent of the Secretary of State for Transport under Part II of Schedule 9 to the Act] and after consultation with the chief officer of police in accordance with Part III of that Schedule hereby makes the following Order:-

MODEL D

PROHIBITION AND RESTRICTION OF WAITING

The Council of the County of _______________ ("the Council") in exercise of its powers under sections 1(1) and (2), 2(1) to (3) and 4(2) of the Road Traffic Regulation Act 1984 ("the Act"), and of all other enabling powers, and after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-
BOX JUNCTION

The Council of the County of _______________ ("the Council") in exercise of its powers under sections 1(1) and (2), 2(1) to (3) and 4(1) of the Road Traffic Regulation Act 1984 ("the Act"), and of all other enabling powers, and after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

24 HOURS CLEARWAY, BUS STOP CLEARWAY

The Council of the County of _______________ ("the Council") in exercise of its powers under sections 1(1) and (2), 2(1) to (3), 3(2) and 4(1) of the Road Traffic Regulation Act 1984 ("the Act"), and of all other enabling powers, [and with the consent of the Secretary of State for Transport under Part II of Schedule 9 to the Act] and after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

TEMPORARY RESTRICTION OF TRAFFIC

WHEREAS the Council of the County of _______________ ("the Council") being the highway authority for _______________ Road is satisfied that traffic on the said road in the District of _______________ in the County of _______________ should be restricted by reason [works proposed to be executed thereon];

NOW, THEREFORE, the Council in exercise of the powers conferred by section 14(1) of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers, hereby makes the following Order:-

Note

1. Section 14(5) of the 1984 Act should be cited if the Order also regulates traffic on alternative roads. If the Council are not the highway authority for the alternative road and the latter is not a trunk road, reference should be made to the Order being made with the consent of the _______________ Council in so far as the Order affects roads for which the said Council are the highway authority.

2. Section 14(7) of the 1984 Act should be cited if the Order also suspends an existing statutory provision etc.

IMPOSITION OF RESTRICTED ROAD STATUS

The Council of the County of _______________ ("the Council") in exercise of its powers under sections 82(2) and 83(2) of the Road Traffic Regulation Act 1984 ("the Act"), and of all other enabling powers, [and with the consent of the Secretary of State for Transport under Part II of Schedule 9 to the Act], and after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

REMOVAL OF RESTRICTED ROAD STATUS

The Council of the County of _______________ ("the Council") in exercise of its powers under sections 82(2) and 83(2) of the Road Traffic Regulation Act 1984 ("the Act"), and of all other enabling powers, [and with the consent of the Secretary of State for Transport under Part II of Schedule 9 to the Act], and after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-
IMPOSITION OF SPEED LIMIT HIGHER THAN 30 MPH

The Council of the County of _______________ ("the Council") in exercise of its powers under sections 84(1) and (2) of the Road Traffic Regulation Act 1984 ("the Act"), and of all other enabling powers, [and with the consent of the Secretary of State for Transport under Part II of Schedule 9 to the Act], and after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

ON-STREET PARKING PLACE (WITHOUT CHARGES)

The Council of the County of _______________ ("the Council") in exercise of its powers under sections 32(1) and 35(1) of the Road Traffic Regulation Act 1984 ("the Act"), and of all other enabling powers, [and with the consent of every authority and person responsible for the maintenance of the road affected by this Order], and after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

ON-STREET PARKING PLACES (WITH CHARGES)

The Council of the County of _______________ ("the Council") in exercise of its powers under sections 45, 46, 49 and 53 of the Road Traffic Regulation Act 1984 ("the Act"), and of all other enabling powers, [and, with respect to any highway for which the Council are not the highway authority, with the consent of that authority], and after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-
MODEL OFF-STREET PARKING PLACES ORDER INCORPORATING PARKING BAYS RESERVED FOR DISABLED PERSONS' VEHICLES

THE

(OFF-STREET PARKING PLACES) ORDER 19

[The Council of the County of ("the Council") in exercise of its powers under section 35(1) and (3) of the Road Traffic Regulation Act 1984 ("the Act") [and of Part IV of Schedule 9 to the Act], and of all other enabling powers, and after consulting the Council of in accordance with section 39(1) of the Act and the chief officer of police in accordance with Part III of Schedule 9 to the Act, hereby makes the following order:-]

[The Council of the [Borough] [District] [City] of ("the Council") in exercise of its powers under section 35(1) and (3) of the Road Traffic Regulation Act 1984 ("the Act") [and Part IV of Schedule 9 to the Act], and of all other enabling powers, with the consent of the County Council of in accordance with section 39(3) of the Act and after consulting the chief officer of police in accordance with Part III of Schedule 9 to the Act, hereby makes the following order:-]

1. This Order shall come into operation on 19 and may be cited as the Off-street Parking Places Order 19 .

2. - (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order, and any reference in this Order to "the Schedule" is a reference to the Schedule to this Order.

   (2) In this Order:-

       "charging hours" means any period specified in column 5 of the Schedule in respect of which a charge is specified in Article 4;

       "driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;

       "owner", in relation to a vehicle, means the person by whom such vehicle is kept and used;

       ["parking bay" means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place]; and

       "parking place" means any area of land specified by name in column 1 of the Schedule provided by [the Council] [the Council of under section 32(1) of the Act for use as a parking place.

USE OF LAND AND PARKING PLACE

3. - (1) Each area of land specified by name in column 1 of the Schedule may be used, subject to the following provisions of this Order, as a parking place for such classes of the vehicles, in such positions on such days and during such hours as are specified in relation to that area in the Schedule.

   (2) Where in the Schedule a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place unless it is of the class and in the position so specified.
(3) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled person's vehicle.

(4) In so far as a vehicle is left in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in the following provisions of this Order.

AMOUNT OF INITIAL CHARGE AT PARKING PLACES

4. - (1) This Article applies to the parking places specified by name at item[s] in column 1 of the Schedule.

(2) The initial charge for a vehicle left in a parking place during the charging hours shall be …………… per hour.

(3) The charge referred to in the paragraph (2) of this Article shall be payable by the insertion of an appropriate coin or coins into the apparatus or device provided, being an apparatus or device approved in accordance with section 35(3) of the Act, and the provisions of section 47(5) of the Act shall apply in respect of such apparatus.

(4) The owner of a vehicle may on application to the Council purchase a season ticket in respect of that vehicle for a charge ascertained by reference to the charge specified in paragraph (2) of this Article and that season ticket shall be valid in such parking places as are specified thereon during the period for which it is issued.

(5) Any ticket issued on payment of the charge referred to in paragraph (2) of this Article, [or season ticket issued in accordance with paragraph (4) of this Article] shall be attached in a conspicuous position to the vehicle in respect of which it was issued. A vehicle shall not be left in a parking place if it displays an out of date ticket.

[AMOUNT OF EXCESS CHARGE AT PARKING PLACES]

5. - (1) If a vehicle is left in a parking place during the charging hours for longer than the initial period for which payment was made, the initial charge together with an additional amount of …………… (which additional amount is hereinafter referred to as the "excess charge") shall be payable.

(2) In the case of a vehicle in respect of which an excess charge may have been incurred, it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:-

(a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;

(b) the time at which he first observed that the initial period for which payment was made by the initial charge has expired;

(c) a statement that the excess charge of …………… is required to be paid;

(d) the manner in which, and the time within which, the excess charge should be paid; and

(e) a statement that it is an offence under section 35(4) of the Act for the driver of a vehicle who has left the vehicle in a parking place to fail to pay the excess charge.
PERIOD FOR WHICH VEHICLE MAY BE LEFT AFTER EXCESS CHARGE INCURRED

6. - (1) The period for which a vehicle may be left in a parking place during the charging hours after the excess charge has been incurred shall not exceed .......... hours.

(2) If a vehicle is left in a parking place during the charging hours for more than .......... hours after the excess charge has been incurred, it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:-

(a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;

(b) the time at which he first observed that the vehicle had been left in the parking place for more than .......... hours after the excess charge had been incurred; and

(c) a statement that it is an offence under section 35(4) of the Act for the driver of a vehicle who has left the vehicle in a parking place to leave the vehicle therein for longer than .......... hours after the excess charge has been incurred.

RESTRICTION ON REMOVAL OF NOTICES

7. When a notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council in that behalf or the driver or a person authorised by the driver in that behalf shall remove the notice from the vehicle.

OTHER PROVISIONS

8. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1972.

9. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in order to depart from the parking place.

10. - (1) No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skills or services.

(2) No person shall use any part of a parking place or any vehicle left in a parking place -

(a) for sleeping or camping or cooking; or

(b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

11. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.

12. - (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 3, a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.

(2) If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal.
(3) Fore the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.

(4) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (1) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraphs (2) or (3) of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.

(5) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (2) or (3) of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.

13. Where in a parking place signs are erected or surface markings are laid for the purpose of:

(a) indicating the entrance to or exit from the parking place, or

(b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,

no person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated, or (ii) in a direction other than so specified.

14. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

15. The driver of a disabled person's vehicle shall be exempt from any limitation of time specified in Article 3 and from any payments specified in Article 4 and 5.

[16. The [Byelaws] [Orders] [is] [are] hereby revoked].

The Common Seal of the

Council of

was hereunto
## SCHEDULE

<table>
<thead>
<tr>
<th>Name of parking place</th>
<th>Position in which vehicle may wait</th>
<th>Classes of vehicle</th>
<th>Days of operation of parking place</th>
<th>Hours of operation of parking place</th>
<th>Maximum period for which vehicles may wait</th>
<th>Scale of charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Street Car Park</td>
<td>[Wholly within a parking bay]</td>
<td>All classes</td>
<td>All days</td>
<td>All hours</td>
<td>No limit</td>
<td>No charge</td>
</tr>
</tbody>
</table>
| 2. Road Car Park      | "-"                               | (i) Motor cars within the provisions of Section 136(2)(a) of the Act  
(ii) Motor cycles as defined in Section 136(4) of the Act  
(iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1525 kg  
(iv) Invalid carriages  
(v) Disabled persons vehicles | Mondays to Saturdays inclusive | 7 am to 7 pm       | 2 hours                           | As specified in Article[s] 4 [and 5]     |
From the
Department of Transport
2 Marsham Street
LONDON
SW1P 3EB

The Chief Executive
County Councils ) in England
District Councils )
London Borough Councils
The Town Clerk, City of London
The Director General, Greater London Council 2 October 1984

CIRCULAR ROADS 6/84

I ROAD TRAFFIC REGULATION ACT 1984; AND
II PARKING FOR DISABLED PEOPLE

Corrigendum

It is regretted that some of the pages in the Appendix to the above Circular were inserted in the wrong order.

Would you please rearrange the pages so that those referring to Model M are inserted after those which refer to Models A to L. The Schedule should remain as the final page.