

Enforcement of bus stop clearways: letter to local authorities

Sabitha Kumar
Traffic Management Division
Zone 3/15
Great Minster House
76 Marsham Street
London
SW1P 4DR

Direct line: 020 7944 2484
Fax: 020 7944 2469
GTN: 3533 2484

Web site: www.dft.gov.uk

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To local authorities in England with decriminalised parking enforcement powers and authorities outside London applying for these powers.

Enforcement of bus stop clearways

The Road Traffic Act 1991 (Special Parking Areas) (England) Order 2003

I am writing to let you know that the above Order (copy enclosed) will come into force on 16 April 2003. The Order will enable local authorities in England with decriminalised parking enforcement powers to enforce bus stop clearways that have been introduced without making a traffic regulation order (TRO) under the Road Traffic Regulation Act 1984. It should assist local authorities to prevent the obstruction of bus stops by parked vehicles.

The power to allow all local authorities in England and Wales to implement bus stop clearways without making a TRO was introduced by the Traffic Signs Regulations and General Directions 2002 (TSRGD 2002). This means that there is no requirement to follow the procedures for making traffic regulation orders, such as consultation, notification, or the holding of public inquiries to resolve unwithdrawn objections. Bus stop clearways introduced in such a manner would have to be clearly marked and signed in accordance with the requirements of the TSRGD 2002. DfT Circular 02/2003 gives details of the new method for introducing bus stop clearways as well as information about the appropriate signs and markings for bus stop clearways.

Local authorities should, however, be aware that the Department recommends, in paragraph 29 of the DfT Circular, that local authorities should consult those that are likely to be affected by the location and times of operation of clearway restrictions. They should also ensure that the hours of bus operation are taken into consideration when deciding the timings of restrictions for bus stop clearways.

Where bus stop clearways have been implemented without a TRO, parking in a bus stop clearway has been made an offence under section 36 of the Road Traffic Act 1988 (RTA 1988), i.e. failing to comply with an authorised sign. The responsibility for enforcing offences under section 36 of the RTA 1988 normally lies with the police. So in order to ensure that local authorities with decriminalised parking enforcement powers do not have to rely on the police to enforce parking offences at bus stop clearways that had been implemented without a TRO, the attached Order has been made. Paragraph 30 of DfT Circular 02/2003 referred to our intention to make this Order.

This Order will not affect the enforcement of bus stop clearways that have been introduced with a TRO and local authorities with decriminalised parking enforcement powers can continue to enforce those clearways.

If you have any queries about this Order, please contact me on 020 7944 2484 or at the address above.

Yours sincerely,

Sabitha Kumar (Mrs)
Traffic Management Division

cc.

Association of Chief Police Officers
Association of London Government
City of London Police
Confederation of Passenger Transport
Local Government Association
Metropolitan Police
National Parking Adjudication Service
Transport for London