



# Road Traffic Regulation Act 1984

## 1984 CHAPTER 27

### PART IV

#### PARKING PLACES

*Provision of off-street parking, and parking on roads without payment*

#### **32 Power of local authorities to provide parking places.**

- (1) Where for the purpose of relieving or preventing congestion of traffic it appears to a local authority to be necessary to provide within their area suitable parking places for vehicles, the local authority, subject to Parts I to III of Schedule 9 to this Act—
  - (a) may provide off-street parking places (whether above or below ground and whether or not consisting of or including buildings) together with means of entrance to and egress from them, or
  - (b) may by order authorise the use as a parking place of any part of a road within their area, not being a road the whole or part of the width of which is within Greater London.
- (2) A local authority may adapt for use as, or for providing means of entrance to or egress from, a parking place any land acquired or appropriated by them for the purposes of this section, and may, with the consent of the authority or person responsible for the maintenance of a road, adapt any part of it for the purpose of providing means of entrance to or egress from a parking place.
- (3) Any power conferred by this section to provide a parking place includes power to maintain it (if below ground) and to maintain buildings comprised in it, and to provide and maintain any cloakroom or other convenience for use in connection with it; and references in other provisions of this section to parking places shall accordingly be construed as including references to any such conveniences.
- (4) In this section and in sections 33 to 41 of this Act—
  - (a) “local authority”, in relation to England and Wales, means (subject to section 36(3)) the council of a county, London borough or district . . . <sup>F1</sup> or the

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Common Council of the City of London and, in relation to Scotland, means [<sup>F2</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

- (b) “parking place” means a place where vehicles, or vehicles of any class, may wait;

and for the purposes of this section and of sections 33 to 41 of this Act, an underground parking place shall not be deemed to be part of a road by reason only of its being situated under a road.

#### Textual Amendments

- F1** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)
- F2** Words in [s. 32\(4\)\(a\)](#) substituted (S.) (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 134\(4\)](#); S.I. 1996/323, [art. 4](#)

#### Modifications etc. (not altering text)

- C1** [S. 32](#) restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(2), [Sch. 5 para. 6\(3\)](#)
- C2** [S. 32](#) restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#) s. 8(2), [Sch. 5 para. 12](#)
- C3** [S. 32](#) restricted (S.) (1.4.1995) by [1994 c. 39, ss. 7\(2\), 44\(2\)](#); S.I. 1994/2850, [art. 3\(a\)](#), [Sch. 2](#)

### 33 Additional powers of local authorities in connection with off-street parking places.

- (1) The power of a local authority under section 32 of this Act to provide off-street parking places shall include power to provide them in buildings used also for other purposes, and to erect or adapt, and to maintain, equip and manage, buildings accordingly; and the authority by whom a parking place is so provided may let, on such terms as they think fit, parts of the building which are not used for the parking place, and may provide services for the benefit of persons occupying or using those parts, and may make such reasonable charges for those services as they may determine.
- (2) A local authority may adapt for use as a temporary off-street parking place any land owned by them or under their control, not being, in the case of land owned by them, land acquired or appropriated by them for use as an off-street parking place.
- (3) A local authority may let for use as a parking place any off-street parking place provided by them; and, where the parking place is in a building, they may let the parking place separately from the rest of the building or let the whole or any part of the building with the parking place.
- (4) A local authority may, on such terms as they think fit,—
  - (a) let land on which they could erect or adapt a building for the purpose of providing an off-street parking place with a view to its being provided by some other person, or
  - (b) arrange with any person for him to provide such a parking place on any land of which he is the owner or in which he has an interest.
- (5) A local authority may, at an off-street parking place provided by them under section 32 of this Act, provide and maintain such buildings, facilities and apparatus as they think fit for the storage and sale of fuel and lubricants and the supply of air and water for the vehicles, and may let or hire out, on such terms as they think fit, the buildings, facilities or apparatus so provided, but shall not themselves sell or supply fuel or lubricants.

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- (6) Subsections (1) to (5) above shall not affect the provisions of any local Act as to the provision of parking places.
- (7) A local authority shall have power to enter into arrangements with any person under which, in consideration of the payment by him to the authority of a lump sum, or of a series of lump sums, he is authorised to collect and retain the charges made in respect of the parking of vehicles in an off-street parking place provided by the authority under section 32 of this Act.

### **34 Provision of access to premises through off-street parking place.**

- (1) Where it appears to a local authority <sup>F3</sup> . . . which proposes to provide, or has provided, an off-street parking place under section 32 of this Act—
  - [<sup>F4</sup>(a) that it would relieve or prevent congestion of traffic on a highway or, in Scotland, a road if use were made of the parking place to provide a means of access from the highway or road to premises adjoining, or abutting on, the parking place, and]
  - (b) that it would be possible to provide such access and at the same time ensure that vehicles using the parking place to obtain access to the premises in question would, while in the parking place, proceed in the direction in which other vehicles using the parking place are to be, or are, required to proceed,the authority may provide such a means of access in accordance with the provisions of this section.
- (2) A local authority may adapt for use as, or for providing, means of access under this section—
  - (a) an off-street parking place provided by them under section 32 of this Act;
  - (b) any land acquired or appropriated by them for the purposes of this section or section 32; or
  - (c) with the consent of the authority or person responsible for the maintenance of a road, any part of that road.
- (3) A local authority which proposes to provide, or has provided, a means of access to any premises under this section—
  - (a) may enter into an agreement with the occupier of the premises with respect to the use of the means of access and for the making by him of contributions towards the expenses incurred by the authority in providing the means of access;
  - (b) may, for such consideration and on such terms and conditions as may be agreed, grant to the occupier of the premises, or any other person having an interest in them, a right of way over any such part of the land comprised in the parking place as is to be used as the means of access, and such other rights (if any) incidental to, or connected with, the use of the means of access as they think it necessary or expedient to grant.
- (4) Subject to the provisions of any agreement made by them under paragraph (a) of subsection (3) above and to any rights granted by them under paragraph (b) of that subsection, a local authority may stop up any means of access provided by them under this section.
- (5) References in this section to a parking place include references to the means of entrance to and egress from the parking place.

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### Textual Amendments

- F3** Words in s. 34(1) repealed (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), ss. 125, 128(1), 156(3), Sch. 10 para. 4(1), [Sch. 11](#) and repealed (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1)(2), Sch. 8 para. 40(a), [Sch. 9](#); S.I. 1991/2286, art. 2(2), [Sch.2](#); S.I. 1991/2288, [art. 3](#), Sch.
- F4** S. 34(1)(a) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 40\(b\)](#); which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), [Sch.2](#), and for England and Wales only by S.I. 1991/2288, [art. 3](#), Sch.

### Modifications etc. (not altering text)

- C4** S. 34 extended (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), ss. 125, 128(1)

## 35 Provisions as to use of parking places provided under s. 32 or 33.

- (1) As respects any parking place—
- (a) provided by a local authority under section 32 of this Act, or
  - (b) provided under any letting or arrangements made by a local authority under section 33(4) of this Act,

the local authority, subject to Parts I to III of Schedule 9 to this Act, may by order make provision as to—

- (i) the use of the parking place, and in particular the vehicles or class of vehicles which may be entitled to use it,
- (ii) the conditions on which it may be used,
- (iii) the charges to be paid in connection with its use (where it is an off-street one), and
- (iv) the removal from it of a vehicle left there in contravention of the order and the safe custody of the vehicle

[<sup>F5</sup>and the power under paragraph (iii) to make provision as to the payment of charges shall include power to make provision requiring those charges, or any part of them, to be paid by means of the hire or purchase in advance, or the use, of parking devices in accordance with the order.].

- (2) Where under section 34 of this Act a means of access to any premises has been provided by a local authority through an off-street parking place, then, subject to Parts I to III of Schedule 9 to this Act and to the provisions of any agreement made by the local authority under subsection (3) of section 34 and to any rights granted by them under that subsection, the authority may by an order under subsection (1) above make provision as to the use of the parking place as the means of access and, in particular, as to the vehicles or class of vehicles which may be entitled to use the means of access and as to the conditions on which the means of access may be used.
- (3) An order under subsection (1) above may provide for a specified apparatus or device to be used—
- (a) as a means to indicate—
    - (i) the time at which a vehicle arrived at, and the time at which it ought to leave, a parking place, or one or other of those times, or
    - (ii) the charges paid or payable in respect of a vehicle in an off-street parking place; or

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(b) as a means to collect any such charges,  
and may make provision regulating the use of any such apparatus or device; <sup>F6</sup> . . .

[<sup>F7</sup>(3A) An order under subsection (1) above may also provide—

- (a) for regulating the issue, use and surrender of parking devices;
- (b) for requiring vehicles to display parking devices when left in any parking place in respect of which the parking devices may be used;
- (c) without prejudice to the generality of paragraph (b) above, for regulating the manner in which parking devices are to be displayed or operated;
- (d) for prescribing the use, and the manner of use, of apparatus, <sup>F8</sup> . . . , designed to be used in connection with parking devices;
- (e) for treating—
  - (i) the indications given by a parking device, or
  - (ii) the display or the failure to display a parking device on or in any vehicle left in any parking place,as evidence (and, in Scotland, as sufficient evidence) of such facts as may be provided by the order;
- (f) for the refund, in such circumstances and in such manner as may be prescribed in the order, of the whole or part of the amount of any charge paid in advance in respect of a parking device;
  - (g) for the payment of a deposit in respect of the issue of a parking device and for the repayment of the whole or any part of any such deposit.

(3B) In this section and in section 35A below “parking device” means either a card, disc, token, meter, permit, stamp or other similar device, whether used in a vehicle or not, <sup>F9</sup> . . . , which, being used either by itself, or in conjunction with any such apparatus as is referred to in subsection (3A)(d) above—

- (a) indicates, or causes to be indicated, the payment of a charge, and—
  - (i) the period in respect of which it has been paid and the time of the beginning or end of the period, or
  - (ii) whether or not the period for which it has been paid or any further period has elapsed, or
  - (iii) the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place, and the time of the beginning or end of the period, or
  - (iv) whether or not the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place or any further period has elapsed; or
- (b) operates apparatus controlling the entry of vehicles to or their exit from the parking place, or enables that apparatus to be operated;

or any other device of any such description as may from time to time be prescribed for the purposes of this section and section 35A below by order made by the Secretary of State, <sup>F9</sup> . . .

(3C) An order under subsection (3B) above which revokes or amends a previous order under that subsection may make such savings and transitional provision as appears to the Secretary of State to be necessary or expedient.

(3D) The power to make orders under subsection (3B) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

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F10(4) .....

F11(8) .....

F12(9) .....

#### Textual Amendments

- F5** Words inserted by [Parking Act 1989 \(c. 16, SIF 107:1\), s. 1\(2\)\(5\)](#)
- F6** Words in s. 35(3) repealed (13.9.1996) by S.I. 1996/1553, art. 2(1), [Sch.](#)
- F7** [S. 35\(3A\)–\(3D\)](#) inserted by [Parking Act 1989 \(c. 16, SIF 107:1\), s. 1\(3\)\(5\)](#)
- F8** Words in s. 35(3A)(d) repealed (13.9.1996) by S.I. 1996/1553, art. 2(1), [Sch.](#)
- F9** Words in s. 35(3B) repealed (13.9.1996) by S.I. 1996/1553, art. 2(1), [Sch.](#)
- F10** [S. 35\(4\)–\(7\)](#) repealed by [Parking Act 1989 \(c. 16, SIF 107:1\), s. 1\(4\)\(5\)](#)
- F11** [S. 35\(8\)](#) repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\), ss. 3, 5, Sch. 1 Pt. I, Sch. 4 paras. 1–3](#)
- F12** [S. 35\(9\)](#) repealed (1.10.1991) by [Road Traffic Act 1991 \(c. 40, SIF 107\), ss. 44\(2\), 83, Sch. 8; S.I. 1991/2054, art. 3, Sch.](#)

#### Modifications etc. (not altering text)

- C5** [S. 35](#) restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\), ss. 1, 2, 8\(2\), Sch. 5 para. 6\(3\)](#)
- C6** [S. 35](#) restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 8\(2\), Sch. 5 para. 12](#)
- C7** [S. 35](#) restricted (S.) (4.1.1995) by [1994 c. 39, ss. 7\(2\), 44\(2\); S.I. 1994/2850, art. 3\(a\), Sch. 2](#)

### [<sup>F13</sup>35A Offences and proceedings in connection with parking places provided under s. 32 or 33.

- (1) In the event of any contravention of, or non-compliance with, a provision of an order under section 35(1) above, the person responsible shall be guilty of an offence.
- (2) A person who, with intent to defraud—
- interferes with any such apparatus or device mentioned in section 35(3) above as is by an order under section 35(1) above to be used for the collection of charges at an off-street parking place, or operates or attempts to operate it by the insertion of objects other than current coins or bank notes of the appropriate denomination, or the appropriate credit or debit cards, or
  - interferes with any such apparatus as is mentioned in section 35(3A)(d) above or with a parking device, or operates or attempts to operate any such apparatus or any parking device otherwise than in the manner prescribed, or
  - displays a parking device otherwise than in the manner prescribed,
- shall be guilty of an offence.
- (3) An order under section 35(1) above may include provision—
- for determining the person responsible for any contravention of or non-compliance with the order;
  - for treating—
    - the indications given by any such apparatus or device as is mentioned in section 35(3) above used in pursuance of the order, or
    - the indications given by any such apparatus as is mentioned in section 35(3A)(d) above used in pursuance of the order, or any tickets

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- issued by it, or the absence of any such ticket from a vehicle left in a parking place,  
as evidence (and, in Scotland, as sufficient evidence) of such facts and for such purposes as may be provided by the order;
- (c) for applying with any appropriate adaptations any of the provisions of subsections (4) to (6) of section 47 of this Act.

<sup>F14</sup>(4) .....

- (5) While a vehicle is within a parking place, it shall not be lawful for the driver or conductor of the vehicle, or for any person employed in connection with it, to ply for hire or accept passengers for hire; and if a person acts in contravention of this subsection he shall be guilty of an offence.

- (6) In this section—

“credit card” means a card or similar thing issued by any person, use of which enables the holder to defer the payment by him of the charge for parking a vehicle; and

“debit card” means a card or similar thing issued by any person, use of which by the holder causes the charge for parking a vehicle to be paid by the electronic transfer of funds from any current account of his at a bank or other institution providing banking services.]

**Textual Amendments**

**F13** S. 35A inserted by [Parking Act 1989 \(c. 16, SIF 107:1\)](#), s. 2

**F14** s. 35A(4) repealed (13.9.1996) by [S.I. 1996/1553](#), art. 2(1), [Sch.](#)

**Modifications etc. (not altering text)**

**C8** S. 35A excluded (temp.) ((1.10.1991) (E.W.) (16.6.1997) (S.)) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), ss. 43, 84(1), [Sch. 3 para. 1\(4\)\(a\)](#); by [S.I. 1991/2054](#), art. 3, [Sch.](#); [S.I. 1997/1580](#), art. 2

**[<sup>F15</sup>35B Display of information.**

- (1) The Secretary of State may make regulations requiring local authorities to display at off-street parking places provided by them under section 32 above such information about parking there as is specified in the regulations.
- (2) Regulations under this section may also—
- (a) require the display of any orders under section 35(1) above relating to the parking place;
  - (b) specify the manner in which the information and orders are to be displayed;
  - (c) exempt local authorities, in specified circumstances or subject to specified conditions, from the requirement to display information and orders, or to display them in the specified manner; and
  - (d) provide, in relation to a parking place at which a local authority fails to comply with the regulations or with any specified provision of the regulations, that, except in any specified circumstances, any order under section 35(1) above shall be of no effect in its application to that parking place in so far as it requires the payment of any charge in connection with use of the parking place—

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- (i) while the failure to comply continues, and
  - (ii) as respects vehicles parked there when the failure to comply was remedied, during a specified period thereafter.
- (3) Regulations under this section may make different provision for different circumstances and for different descriptions of parking place, and may exempt specified descriptions of parking place from any provision of the regulations.
- (4) In any proceedings for contravention of, or non-compliance with, an order under section 35(1) above relating to an off-street parking place, it shall be assumed, unless the contrary is shown, that any relevant regulations under this section were complied with at all material times.]

#### Textual Amendments

**F15** S. 35B inserted by [Parking Act 1989 \(c. 16, SIF 107:1\)](#), s. 3

### [<sup>F16</sup>35C Variation of charges at off-street parking places.

- (1) Where an order under section 35(1)(iii) of this Act makes provision as to the charges to be paid in connection with the use of off-street parking places, the authority making that order may vary those charges by notice given under this section.
- (2) The variation of any such charges by notice is not to be taken to prejudice any power to vary those charges by order under section 35 of this Act.
- (3) The Secretary of State may by regulations make provision as to the procedure to be followed by any local authority giving notice under this section.
- (4) The regulations may, in particular, make provision with respect to—
- (a) the publication, where an authority propose to give notice, of details of their proposal;
  - (b) the form and manner in which notice is to be given; and
  - (c) the publication of notices.
- (5) In giving any notice under this section a local authority shall comply with the regulations.]

#### Textual Amendments

**F16** S. 35C inserted (5.7.1993 in relation to E.W. and otherwise 10.10.1997) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s.41; S.I. 1993/1461, art. 2(a); S.I. 1993/1686, art.2.; S.I. 1997/2260, art. 2

### 36 Provisions as to authorising use of roads for parking.

- (1) Subject to section 37 of this Act, no order under section 32(1)(b) of this Act shall—
- (a) authorise the use of any part of a road so as unreasonably to prevent access to any premises adjoining the road or the use of the road by any person entitled to use it, or so as to be a nuisance, or
  - (b) be made in respect of any part of a road without the consent of the authority or person responsible for the maintenance of the road.



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- (2) The exercise by a local authority of their powers under section 32 of this Act with respect to the use as a parking place of any part of a road shall not render them subject to any liability in respect of the loss of or damage to any vehicle or the fittings or contents of any vehicle parked in the parking place.
- (3) In relation to roads in England the power to make an order under section 32(1)(b) of this Act shall not be exercisable by [<sup>F17</sup>non-metropolitan] district councils.
- (4) Subsection (3) above shall not affect the operation of section 101(1) of the <sup>M1</sup>Local Government Act 1972 (arrangements for discharge of functions by local authorities), which shall have effect as if subsection (3) above were contained in an Act passed before that Act.

#### Textual Amendments

**F17** Word inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(14\)](#)

#### Marginal Citations

**M1** [1972 c. 70\(81:1\)](#).

### 37 Extension of powers for purposes of general scheme of traffic control.

- [<sup>F18</sup>(1) This section applies to an order made under both section 1 and section 32 of this Act by—
- (a) the council of a county or metropolitan district in England and Wales, or
  - (b) by a [<sup>F19</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]]in Scotland,
- where the order is, and is stated to be, made by virtue of this section and for the purposes of a general scheme of traffic control in a stated area.
- (2) Without prejudice to Parts I to III of Schedule 9 to this Act, the following provisions of this Act, that is to say, section 3(1), so far as it relates to vehicles, and sections 3(2) and 36(1)(a), shall not apply to any order to which this section applies, or to any order under this Act revoking or varying such an order.
  - (3) Any provision of—
    - (a) an order to which this section applies in so far as it has effect by virtue of section 1 of this Act, or
    - (b) an order revoking or varying such an order, in so far as the order revoked or varied has effect by virtue of that section,may, notwithstanding anything in that section, be made so as to apply to [<sup>F20</sup>a road for which the Secretary of State is the traffic authority].
  - (4) No authority shall make an order to which this section applies unless they are satisfied that the general scheme of traffic control—
    - (a) is adequate in point of area;
    - (b) takes adequate account of the need for maintaining the free movement of traffic and of the need for maintaining reasonable access to premises;
    - (c) takes adequate account of the effect of heavy commercial vehicles on amenities; and

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- (d) makes provision for street parking places, and for regulating their use with the aid of apparatus or devices<sup>F21</sup>. . ., which is suitable, regard being had to the extent to which off-street parking places are available in the neighbourhood or their provision is likely to be encouraged by the scheme.

#### Textual Amendments

- F18** S. 37(1) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 41\(2\)](#); which substitution is in force for Scotland only by [S.I. 1991/2286, art. 2\(2\)](#), [Sch. 2](#), and for England and Wales only by [S.I. 1991/2288, art. 3](#), [Sch. 2\(2\)](#), [Sch. 2](#), and for England and Wales only by [S.I. 1991/2288, art. 3](#), [Sch. 2\(2\)](#), [Sch. 2](#), and for England and Wales only by [S.I. 1991/2288, art. 3](#), [Sch. 2](#).
- F19** Words in s. 37(1)(b) substituted (S.) (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 134\(5\)](#); [S.I. 1996/323, art. 4](#)
- F20** Words in s. 37(3) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 41\(3\)](#); which substitution is in force for Scotland only by [S.I. 1991/2286, art. 2\(2\)](#), [Sch. 2](#), and for England and Wales only by [S.I. 1991/2288, art. 3](#), [Sch. 2\(2\)](#), [Sch. 2](#), and for England and Wales only by [S.I. 1991/2288, art. 3](#), [Sch. 2\(2\)](#), [Sch. 2](#).
- F21** Words in s. 37(4)(d) repealed (13.9.1996) by [S.I. 1996/1553, art. 2\(1\)](#), [Sch. 2](#).

#### Modifications etc. (not altering text)

- C9** S. 37 restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(2), [Sch. 5 para. 6\(3\)](#)
- C10** S. 37 restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8(2), [Sch. 5 para. 12](#)
- C11** S. 37 restricted (S.) (4.1.1996) by [1994 c. 39, ss. 7\(2\), 44\(2\)](#); [S.I. 1994/2850, art. 3\(a\)](#), [Sch. 2](#)

### 38 Parking place to be used as bus or coach station.

- (1) Where, in pursuance of the powers conferred by section 32 of this Act, a local authority provides a parking place which may be used by public service vehicles, then, subject to Parts I to III and Part V of Schedule 9 to this Act, the local authority may, if they think fit,—
- by order appoint that parking place as a station for, or for a specified class of, public service vehicles;
  - in England or Wales by regulation, and in Scotland by order, declare that section [<sup>F22</sup>35A(5)] of this Act shall not apply to public service vehicles, either absolutely or to such extent as may be specified in the regulation or order.
- (2) A local authority by whom a parking place is appointed under this section as a station for public service vehicles may—
- do all such things as are necessary to adapt the parking place for use as such a station, and in particular provide and maintain waiting rooms, ticket offices and lavatories and other similar accommodation in connection with it;
  - make reasonable charges for the use of, or let on hire to any person, any accommodation so provided; and
  - make regulations as to the use of any such accommodation.
- (3) Subject to subsection (4) below, a local authority shall have power to make such reasonable charges for the use of a parking place (not being part of a [<sup>F23</sup>road]) as a station for public service vehicles as may be fixed by the local authority.
- (4) If the holder of a PSV operator's licence in respect of any vehicles using the parking place as a station considers that the charges fixed under subsection (3) above are unreasonable, then, in default of agreement between the licence holder and the local authority for a reduction of them, the charges in respect of those vehicles shall be such as may be determined by the appropriate traffic [<sup>F24</sup>commissioner].

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- (5) The powers conferred on a local authority by subsections (1) and (2) above shall be in addition to, and not in substitution for, the powers conferred on a local authority by sections 32 and 33(1) of this Act.
- (6) The purposes of this section shall be purposes for which a local authority may borrow.
- (7) In this section—
  - (a) “the appropriate traffic [<sup>F24</sup>commissioner]” means the [<sup>F24</sup>commissioner] for any traffic area constituted for the purposes of the <sup>M2</sup>Public Passenger Vehicles Act 1981 in which the area or any part of the area of the local authority is situated; and
  - (b) “PSV operator’s licence” means a PSV operator’s licence granted under the provisions of Part II of the said Act of 1981.

#### Textual Amendments

- F22** “35A(5)” substituted by [Parking Act 1989 \(c. 16, SIF 107:1\), s. 4, Sch. para. 1](#)
- F23** Word in [s. 38\(3\)](#) substituted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\), s. 128\(1\), Sch. 9 para. 93\(17\)](#) and substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\), Sch. 8 para.42; S.I. 1991/2288, art. 3, Sch.](#)
- F24** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3, Sch. 2 Pt. II para. 6](#)

#### Modifications etc. (not altering text)

- C12** [S. 38](#) restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\), ss. 1, 2, 8\(2\), Sch. 5 paras. 6\(3\), 12](#) and by [Transport Act 1985 \(c. 67, SIF 126\), s. 82](#)

#### Marginal Citations

- M2** [1981 c. 14\(107:1\)](#).

### 39 Supplementary provisions as to exercise of powers under ss. 32–35 in England or Wales.

- (1) Before exercising their powers under section 32(1) or section 35(1) of this Act, except in the case of the exercise of the power conferred by section 32(1)(b) of this Act in relation to a road in England, a county council in England or Wales shall consult with the council of the district in which the parking place is to be, or is, situated.

<sup>F25</sup>(2) . . . . .

- (3) A district council [<sup>F26</sup>, other than a metropolitan district council,] shall not exercise its powers under any of the following provisions of this Act, that is to say, section 32, subsections (1), (3) and (4) of section 33, section 34 and section 35(1), without the consent of the county council; and any consent given by the county council may be subject to such conditions or restrictions as they think fit.
- (4) Where <sup>F27</sup>. . . a [<sup>F28</sup>non-metropolitan] district council in England <sup>F29</sup>. . . proposes to make an order under section 35 of this Act, the council shall submit a draft of the order to the county council, who (without prejudice to their power to give or withhold consent to the making of the order) may require such modifications of the terms of the proposed order as they think appropriate.
- (5) A district council aggrieved by the refusal of the county council to give consent under subsection (3) above, by any conditions or restrictions subject to which any such

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consent is given, or by any modifications required under subsection (4) above, may appeal to the Secretary of State; and on any such appeal the Secretary of State may give such directions as he thinks fit, either dispensing with the need for consent or varying or revoking any such conditions, restrictions or modifications.

- (6) Subject to subsections (7) and (8) below, the power to vary or revoke an order made by a district council [<sup>F30</sup>, other than a metropolitan district council,] under section 32(1) or section 35(1) of this Act shall be exercisable by the county council as well as by the district council; and the powers of a county council under section 35 of this Act shall apply in relation to a parking place—
- (a) provided by the council of a district in the county under section 32 of this Act, or
  - (b) provided under any letting or arrangements made by the council of such a district under section 33(4) of this Act,

as they apply in relation to parking places provided by, or under any letting or arrangements made by, the county council.

- (7) Where a county council proposes to make an order by virtue of subsection (6) above, the county council shall send a copy of the proposed order to the district council; and if, not later than 6 weeks after they have received such a copy from the county council, the district council serve notice on the county council and the Secretary of State of their objection to the making of the proposed order, and the objection is not withdrawn by a further notice served not later than 6 weeks after the service of the notice of objection, the county council shall submit a copy of the proposed order to the Secretary of State, and shall not make the order except with his consent.

[<sup>F31</sup>(7A) Subsection (7) above does not apply to Wales.]

- (8) If the Secretary of State consents to an order submitted to him for his consent under subsection (7) above, he may consent to the order either in the form in which it was submitted to him or with such modifications as he thinks fit, which may include additions, exceptions or other modifications of any description; but where he proposes to consent to the order with modifications which appear to him substantially to affect the character of the order as submitted to him, he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the county council and district council in question and any other persons likely to be concerned.

#### Textual Amendments

- F25** S. 39(2) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**
- F26** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(16)(a)**
- F27** Words in s. 39(4) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(1), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.**
- F28** Word inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(16)(b)(ii)**
- F29** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), 102(2)(3), **Sch. 5 para. 4(16)(b)(iii)**, Sch. 17
- F30** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(16)(c)**
- F31** S. 39(7A) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 38(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.**

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#### **40 Acquisition of land: provisions as to parking places.**

- (1) A local authority may be authorised by the Secretary of State to purchase compulsorily land for the purposes of sections 32, 33(4)(a) and 34 of this Act; and the <sup>M3</sup>Acquisition of Land Act 1981 or, as the case may be, the <sup>M4</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to the compulsory purchase of land under this subsection and, in the latter case, shall apply as if this subsection had been in force immediately before the commencement of that Act.
- (2) The power of a local authority to acquire land for the purposes of sections 32, 33(4)(a) and 34 of this Act shall extend to the acquisition of any interest or right in, over or under land; and in subsection (1) above “land” shall be construed as including any such interest or right.
- (3) Land compulsorily acquired by a local authority otherwise than for the purposes of an off-street parking place, and not appropriated for a purpose other than that for which it was acquired, shall not be used by them for providing an off-street parking place on it for a period exceeding 12 months except with the consent of the Minister of the Crown who, at the time when his consent is sought, is the Minister concerned with the function for the purposes of which the land was acquired.

#### **Marginal Citations**

**M3** 1931 c. 67(28:1).

**M4** 1947 c. 42(28:2).

#### **41 Financial provisions relating to parking places.**

- (1) A local authority may contribute towards the expenses incurred by any other authority in the exercise of their powers under the following provisions of this Act, that is to say, sections 32, 33(1), 34, 35(9) and 40.
- (2) A local authority in Scotland may borrow such sums as the authority may require for the purpose of those provisions.

#### **42 Provisions as to foreshore in Scotland.**

—Nothing in section 32, 33(1), 38 or 40(1) of this Act shall authorise the execution of any works on, over or under tidal lands in Scotland below high-water mark of ordinary spring tides except in accordance with such plans and sections, and subject to such restrictions and regulations, as have been approved in writing by the Secretary of State before the commencement of the works.

#### *Control of off-street parking*

#### **43 Control of off-street parking in Greater London.**

- (1) The provisions of this section shall apply to any area in Greater London which [<sup>F32</sup>the local authority] may by regulations designate as a controlled area for the purposes of this section: and any such regulations—
  - (a) in addition to including any such provision as is authorised by subsection (6) below, may prescribe forms to be used for the purposes of this section and

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any other matters which under this section or Schedule 4 to this Act are to be prescribed;

- (b) may include such supplementary, incidental and consequential provision as appear to [<sup>F32</sup>the local authority] to be necessary or expedient for the purposes of this section; and
- (c) may make different provision as respects like matters in different circumstances;

but the provisions of Part I of the said Schedule 4 shall apply to the making of any such regulations <sup>F33</sup> . . .

- (2) Subject to subsection (15) below, in a controlled area no person other than the local authority shall operate a public off-street parking place of a prescribed description except under and in accordance with the terms and conditions of a licence granted to that person by the local authority.
- (3) An applicant for a licence in respect of any premises may apply either for a permanent licence or for a licence for such limited period not exceeding five years as the applicant may specify, and any application to the local authority for a licence shall be accompanied by the prescribed fee appropriate to the type of licence applied for towards the administrative expenses of the local authority under this section; and, subject to subsection (6) below, on any such application the local authority may at their discretion either grant the applicant a licence of the type applied for or refuse the application.
- (4) Subject to subsection (6) below, every licence shall specify—
  - (a) the period of its duration, that is to say, whether it is a permanent licence or a licence for a limited period and, if for a limited period, the period for which it is granted;
  - (b) the maximum number of parking spaces to be provided at the licensed parking place for all, and, if the local authority think fit, for any respectively, of the following descriptions of parking, namely, short-term parking, long-term parking, casual parking and regular parking or any particular category of regular parking;
  - (c) any conditions in addition to those specified in subsection (5) below subject to which the licence is granted, being such conditions, if any, as the local authority may think fit with respect to all or any of the following matters, namely—
    - (i) the scale of charges, or the minimum charges, or the maximum and minimum charges, to be made for the use of parking spaces at the licensed parking place for all, or for any respectively, of the descriptions of parking referred to in paragraph (b) above;
    - (ii) the proportion of parking spaces to be available respectively for casual parking and for, or for any specified category of, regular parking;
    - (iii) the times of opening and closing of the licensed parking place for the reception of vehicles;
    - (iv) the manner in which users of the licensed parking place are to be informed of the effect of the terms and conditions of the licence;
    - (v) the keeping by the operator of the licensed parking place as respects all, or as respects any respectively, of the descriptions of parking referred to in the said paragraph (b) of records showing for each day the number of vehicles using parking spaces at the licensed parking

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place and the sums received by way of charges for the use of those parking spaces.

(5) It shall be a condition of every licence—

- (a) that any person authorised in that behalf in writing by the local authority<sup>F34</sup> . . . may, subject to production if requested of his authority, at all reasonable hours enter upon and inspect the licensed parking place; and
- (b) that the holder of the licence shall, on being given reasonable notice for the purpose by any such person, produce to that person and permit him to examine and make copies of, or take extracts from, any records required by virtue of subsection (4)(c)(v) above to be kept in connection with the operation of that parking place;

but if any such person discloses to any other person otherwise than in the performance of his duty any information with regard to the operation of that parking place or to any trade secret obtained by him at that parking place or from any such examination, or if any member or officer of the local authority to whom any such information is disclosed by reason of his official position discloses that information to any person otherwise than in the performance of his duty, that person or, as the case may be, that member or officer shall (in England and Wales) be guilty of an offence.

(6) Regulations made by [<sup>F35</sup>a local authority] under subsection (1) above may include provision—

- (a) as to the maximum number of parking spaces to be made available at licensed parking places for all, or for any respectively, of the descriptions of parking referred to in subsection (4)(b) above in, or in any specified part of, any controlled area<sup>F36</sup> . . . ;
- (b) requiring that, in the case of licensed parking places in a particular controlled area or part of a controlled area, all or any of the matters referred to in subsection (4)(c) above shall or as the case may be shall not be the subject of conditions specified in the licence;
- (c) regulating the conditions which may be imposed with respect to any of the matters aforesaid;

<sup>F37</sup> . . . . .

(7) Where the local authority decide in pursuance of subsection (3) above—

- (a) to refuse an application for a licence; or
- (b) to grant a licence subject to any conditions which they are not required by regulations under subsection (6) above to impose with respect to any of the matters referred to in subsection (4)(c)(i) to (v) above,

they shall inform the applicant in writing of the reasons for their decisions at the same time as they inform him of that decision.

(8) Where a licence has been granted—

- (a) the local authority shall, if so requested by a successor in title to the business (so far as it consists of the operation of the licensed parking place) of the person to whom the licence was granted, transfer the licence to that successor in title, but a licence shall not otherwise be transferable;
- (b) the holder of the licence may at any time surrender it by giving notice in writing for the purpose to the local authority which shall include a statement certifying either that the holder is the only person entitled to any interest in the licensed premises or that not less than 21 days before the date of the notice

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- the holder has notified all other persons known to him to be so entitled of his intention to serve the notice;
- (c) the local authority may at any time on the application or with the agreement of the holder of the licence vary any of the terms and conditions specified in the licence under subsection 4(b) and (c) above;
- (d) in the case of a permanent licence, the local authority shall have the powers of revocation or variation of the licence conferred by Part II of Schedule 4 to this Act.
- (9) The provisions of Parts III and IV of Schedule 4 to this Act shall have effect with respect to appeals and compensation in connection with certain decisions of a local authority under this section; <sup>F38</sup> . . . ; and every person who applies for or is the holder of a licence in respect of any premises shall give to any other person known to him to be entitled to any interest in those premises information as soon as may be—
- (a) of the making of the application; and
- (b) of any decision of the local authority relating to the premises of which he is, or is deemed under paragraph 14(2) of the said Schedule to have been, notified by the local authority; and
- (c) of the bringing, and of the determination or abandonment, of any appeal from any such decision brought by that person under the said Part III.
- (10) Subject to subsection (15) below and to the provisions of Part V of Schedule 4 to this Act, any holder of a licence who contravenes or fails to comply with any of the terms and conditions of the licence and who does not show that the contravention or failure was due to an act or omission of a person not connected with the operation of the licensed parking place which the persons so connected could not reasonably have been expected to prevent shall be guilty of an offence; and on the conviction of the holder of a licence of an offence under this subsection the court before whom he is convicted may, if on an application made for the purpose by the local authority the court is satisfied that it is proper so to do by reason of the extent to which, or the period over which, or the frequency with which, the holder of the licence has contravened or failed to comply with the terms and conditions of the licence or by reason of the wilfulness of the offence, make an order for the revocation of the licence.
- (11) Save as provided by subsection (10) above or Part II of Schedule 4 to this Act, a licence shall not be revoked; and the revocation of a licence in pursuance of an order under that subsection or the revocation or variation of a licence under the said Part II shall not take effect—
- (a) before the expiration of the period for giving notice of appeal from the order or, as the case may be, notice of appeal under Part III of that Schedule from the local authority's decision to revoke or, as the case may be, vary the licence; or
- (b) if such a notice of appeal is duly given, until the effectiveness or otherwise of the order or, as the case may be, the local authority's decision is finally determined in accordance with the relevant procedure.
- (12) Subject to subsection (15) below and to the provisions of Part V of Schedule 4 to this Act, any person who, in contravention of subsection (2) above, operates a public off-street parking place without holding a licence for the purpose shall be guilty of an offence.
- (13) The local authority for a controlled area shall have regard to any regulations for the time being in force under this section when exercising in that area any of their functions under sections 32 to 36 and 39 to 41 of this Act; and where a public off-street parking



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place is provided in a controlled area by the local authority under the said section 32, any such regulations shall apply to the operation of that parking place with such modifications as may be prescribed for the purpose, being modifications appearing to [F39 the local authority] to be necessary to ensure that the parking place is operated by or on behalf of the local authority with suitable provision as to the matters referred to in subsection (4)(b) and (c)(i) to (iv) above in like manner as if it were being operated under a licence granted by the local authority.

(14) In this section, section 44 of, and Schedule 4 to this Act—

“charges” includes fares, rates, tolls and dues of every description;

F40 .....

“licence” means a licence under this section;

[F41 “local authority” means the council of a London borough or the Common Council of the City of London;]

“long-term parking” and “short-term parking” mean parking for a continuous period exceeding, or, as the case may be, not exceeding, four hours or such longer period as may be prescribed;

“prescribed” means prescribed by regulations made under this section;

“public off-street parking place” means a place, whether above or below ground and whether or not consisting of or including buildings, where [F42 off-street parking accommodation] is made available by any person to the public for payment; and references to operating, or to the operation of, or to the operator of, such a parking place shall be construed as references to making, or as the case may be to the person making, such parking [F42 accommodation] at the parking place so available.

(15) The Secretary of State, after consultation with [F43 a local authority], may at any time, if it appears to him expedient so to do by reason of any emergency which appears to him to have arisen or to be likely to arise, by order, which shall be laid before Parliament after being made, provide that this subsection shall apply either in relation to all areas for the time being designated [F44 by the local authority] as controlled areas or in relation to such parts of any of those areas as may be specified in the order; and—

(a) during the period while any such order is in force in relation to any controlled area or part thereof, any public off-street parking place in that area or part may be operated as if that area or part were not, or, as the case may be, were not comprised in, a controlled area; and

(b) nothing in subsection (10) or (12) above shall apply to anything done at any such parking place during that period.

#### Textual Amendments

**F32** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(17\)\(a\)](#)

**F33** Words repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), [Sch. 6 Pt. 1](#)

**F34** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)

**F35** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(17\)\(b\)](#)

**F36** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(17\)\(b\)](#), Sch. 17

**F37** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), 102(2)(3), [Sch. 5 para. 4\(17\)\(b\)](#), Sch. 17

**F38** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)

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- F39** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(17)(c)**
- F40** Definitions repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), 102(2)(3), **Sch. 5 para. 4(17)(d)**, Sch. 17
- F41** Definition substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(17)(d)**
- F42** Words in s. 43(14) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59,108), ss. 168(1), 170(1), **Sch. 8 para.43**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.
- F43** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(17)(e)**
- F44** Words in s. 43(15) inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(17)(e)**

#### 44 Control of off-street parking outside Greater London.

- (1) With a view to providing further means of regulating traffic in urban areas, Her Majesty may by Order in Council provide for enabling the operation of public off-street parking places to be regulated—
- [<sup>F45</sup>(a) in English counties, by the county council or metropolitan district council, and in [<sup>F46</sup>Welsh counties or county boroughs by the county council or (as the case may be ) county borough council], by the county council; and]
- (b) in Scottish [<sup>F47</sup>local authority areas by the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] .
- (2) An Order in Council under this section may make any such provision for the remainder of England and Wales, or for Scotland as the case may be, as is made for Greater London by section 43 of this Act and shall be so framed as to conform with the London provisions as respects all matters there dealt with, subject only to the modifications permitted or required by the following subsection and other minor and incidental modifications.
- (3) The modifications referred to above are that the Order—
- (a) shall provide for controlled areas to be so designated that they comprise only premises to which there is no road access otherwise than (directly or indirectly) from one or more urban roads;
- [<sup>F48</sup>(b) may in relation to non-metropolitan counties in England and <sup>F49</sup> . . . provide for certain functions of local authorities under the London provisions in respect of areas designated as controlled areas to be conferred on district councils or on both county councils and district councils, and may in consequence of any such distribution of functions make such incidental and supplementary provision as appears to Her Majesty to be necessary or expedient;]
- (c) may take account of Scottish legislation corresponding to legislation for England and Wales; and
- (d) may include, in place of references and requirements which are apposite only for London, corresponding references and requirements apposite for other areas of Great Britain.
- (4) Any such Order shall also require councils—
- (a) to consult organisations representative of the disabled before deciding to propose the designation of a controlled area under the Order; and

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- (b) if representations are received from such organisations about the proposal, to send to the Secretary of State (together with copies of representations received from other organisations consulted) a statement of how parking requirements of the disabled arising from implementation of the proposal are met by existing facilities or, if in the opinion of the council they are not already so met, how it is intended to meet them.
- (5) In this section—
- (a) “the London provisions” means section 43 of, and Schedule 4 to, this Act; and
- (b) “urban road” means a road which—
- (i) is a restricted road for the purposes of section 81 of this Act; or
- (ii) is subject to an order [<sup>F50</sup>made by virtue of section 84(1)(a)] of this Act imposing a speed limit of not more than 40 m.p.h.
- (6) An Order in Council made under this section shall be subject to annulment by resolution of either House of Parliament.

#### Textual Amendments

- F45** S. 44(1)(a) substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), **Sch. 5 para. 4(18)(a)**
- F46** Words in s. 44(1)(a) substituted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 38(2)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F47** Words in s. 44(1)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 134(6)**; S.I. 1996/323, **art. 4**
- F48** S. 44(3)(b) substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), **Sch. 5 para. 4(18)(b)**
- F49** Words in s. 44(3)(b) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), **Sch. 7 Pt. II para. 38(2)(b)** **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F50** Words in s. 44(5)(b)(ii) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, **Sch. 4, para. 26**; S.I. 1992/1286, art. 2, **Sch.**

#### *Parking on highways for payment*

#### **45 Designation of paying parking places on highways.**

[<sup>F51</sup>(1) A local authority may by order designate parking places on highways or, in Scotland, roads in their area for vehicles or vehicles of any class specified in the order; and the authority may make charges (of such amount as may be prescribed under section 46 below) for vehicles left in a parking place so designated.

The exercise of this power by a local authority <sup>F52</sup>. . . in relation to a highway or road for which they are not the traffic authority is subject to obtaining the consent of the traffic authority.]

[<sup>F53</sup>(1A) Transport for London may not by virtue of subsection (1) above designate parking places on any highway which is not a GLA road.]

(2) An order under this section may designate a parking place for use (either at all times or at times specified in the order) only by such persons or vehicles, or such persons or vehicles of a class specified in the order, as may be authorised for the purpose by a permit from the authority operating the parking place [<sup>F54</sup>or both by such persons or

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vehicles or classes of persons or vehicles and also, with or without charge and subject to such conditions as to duration of parking or times at which parking is authorised, by such other persons or vehicles, or persons or vehicles of such other class, as may be specified]; and

- (a) in the case of any particular parking place and any particular vehicle, or any vehicle of a particular class, the authority operating the parking place<sup>F55</sup> . . . may issue a permit for that vehicle to be left in the parking place while the permit remains in force, either at all times or at such times as may be specified in the permit, and
  - (b) except in the case of a public service vehicle, may make such charge in connection with the issue or use of the permit, of such amount and payable in such manner, as the authority by whom the designation order was made may by order prescribe.
- (3) In determining what parking places are to be designated under this section the authority concerned shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which that authority shall have regard include—
- (a) the need for maintaining the free movement of traffic;
  - (b) the need for maintaining reasonable access to premises; and
  - (c) the extent to which [<sup>F56</sup>off-street parking accommodation, whether in the open or under cover,] is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section.
- (4) The exercise by an authority of functions under this section shall not render the authority subject to any liability in respect of the loss of or damage to any vehicle in a parking place or the contents or fittings of any such vehicle.
- (5) Nothing in this section shall affect the operation of section 6 or 32 of this Act.
- (6) Subject to Parts I to III of Schedule 9 to this Act, where it appears to the authority concerned to be expedient to do so having regard to any objections duly made in respect of proposals made by that authority for a designation order<sup>F57</sup> . . . they may, if they think fit, make an interim order pursuant to the proposals or application in respect of any one or more of the sites affected, or in respect of any part of any of those sites, and postpone for further consideration the making of any further order in pursuance of the proposals or application.
- (7) In this section and in sections 46 to 55 of this Act, “local authority”—
- (a) in England, means the council of a county [<sup>F58</sup>, metropolitan district] or London borough or the Common Council of the City of London [<sup>F59</sup> or Transport for London];
  - (b) in Wales, means the council of a county [<sup>F60</sup> or a county borough]; and
  - (c) in Scotland, means the [<sup>F61</sup> a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994],
- and “the local authority”, in relation to a parking place or proposed parking place on any site,<sup>F62</sup> . . . means the local authority (as defined above) in whose area the site is<sup>F63</sup> . . . [<sup>F64</sup> unless the site is in Greater London, in which case—
- (i) if the site is on a GLA road and the parking place is, or is proposed to be, designated by Transport for London, “the local authority” means Transport for London;

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- (ii) if the site is on a GLA road and the parking place is, or is proposed to be, designated by the London local authority in whose area the site is, “the local authority” means that London local authority; and
- (iii) if the site is on a highway which is not a GLA road, “the local authority” means the London local authority in whose area the site is.]

[<sup>F65</sup>(8) In this section “London local authority” means the council of a London borough or the Common Council of the City of London.]

#### Textual Amendments

- F51** S. 45(1) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para.44\(2\)](#); which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), [Sch. 2](#), and for England and Wales only by S.I. 1991/2288, art. 3, [Sch.](#)
- F52** Words in s. 45(1) repealed (3.7.2000) by 1999 c. 29, ss. 281(1)(2), 423, [Sch. 34 Pt. IV](#) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, [Sch.](#)
- F53** S. 45(1A) inserted (3.7.2000) by 1999 c. 29, s. [281\(1\)\(3\)](#) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, [Sch.](#)
- F54** Words inserted by [Road Traffic Regulation \(Parking\) Act 1986 \(c. 27, SIF 107:1\)](#), s. [1\(a\)](#)
- F55** Words repealed by [Road Traffic Regulation \(Parking\) Act 1986 \(c. 27, SIF 107:1\)](#), s. [1\(b\)](#)
- F56** Words in s. 45(3)(c) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 44\(3\)](#); which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), [Sch. 2](#), and for England and Wales only by S.I. 1991/2288, art. 3, [Sch.](#)
- F57** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)
- F58** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(19\)\(b\)](#)
- F59** Words in s. 45(7) added (3.7.2000) by 1999 c. 29, s. [281\(1\)\(4\)](#) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, [Sch.](#)
- F60** Words in s. 45(7) substituted (1.4.1996) by 1994 c. 19, s. 22(1), [Sch. 7 Pt. II para. 38\(3\)\(a\)](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, [Sch. 1](#)
- F61** Words in s. 45(7)(c) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13 para. 134\(7\)](#); S.I. 1996/323, art. 4
- F62** Words in s. 45 repealed (1.4.1996) by virtue of S.I. 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(3)(b), [Sch. 18](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, [Sch. 1](#)
- F63** Words in s. 45 repealed (1.4.1996) by S.I. 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(3)(b), [Sch. 18](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, [Sch. 1](#)
- F64** S. 45(7): words and paras. (i)-(iii) in definition of local authority “the local authority” added (3.7.2000) by 1999 c. 29, s. [281\(1\)\(5\)](#) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, [Sch.](#)
- F65** S. 45(8) added (3.7.2000) by 1999 c. 29, s. [281\(1\)\(6\)](#) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, [Sch.](#)

#### Modifications etc. (not altering text)

- C13** S. 45 restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(2), Sch. 5 paras. 6(3), [12](#)
- C14** S. 45 restricted (S.) (4.1.1995) by 1994 c. 39, ss. [7\(2\)](#), [44\(2\)](#); S.I. 1994/2850, art. 2, [Sch.](#)

## 46 Charges at, and regulation of, designated parking places.

- (1) Subject to Parts I to III of Schedule 9 to this Act the authority by whom a designation order is made [<sup>F66</sup>with respect to any parking place outside Greater London] shall by order prescribe any charges to be paid for vehicles left in a parking place designated by the order; and any such charge may be prescribed either—
  - (a) as an amount (in this Act referred to as an “initial charge”) payable in respect of an initial period and an amount (in this Act referred to as an “excess

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charge") payable, in addition to an initial charge, in respect of any excess over an initial period, or

(b) as an amount payable regardless of the period for which a vehicle is left.

[<sup>F67</sup>(1A) Subject to Parts I to III of Schedule 9 to this Act, where the authority by whom a designation order is made with respect to any parking place in Greater London impose charges to be paid for vehicles left in a parking place designated by the order, those charges shall be prescribed by the designation order or by a separate order made by the authority.]

(2) The authority by whom a designation order is made may, subject to Parts I to III of Schedule 9 to this Act, by order make such provision as may appear to that authority to be necessary or expedient for regulating or restricting the use of any parking place designated by the order, or otherwise for or in connection with the operation of such a parking place, and in particular (but without prejudice to the generality of the foregoing words) provision—

(a) for regulating the time at which and the method by which any charge is to be paid and for requiring the use of apparatus (in this Act referred to as a “parking meter”) <sup>F68</sup> . . . , being apparatus designed either—

(i) to indicate whether any charge has been paid and whether the period for which it has been paid or any further period has elapsed, or

(ii) to indicate the time and to issue tickets indicating the payment of a charge and the period in respect of which it has been paid;

(b) for treating the indications given by a parking meter or any ticket issued by it, or the absence of any such ticket from a vehicle left in a parking place, as evidence (and, in Scotland, sufficient evidence) of such facts as may be provided by the order;

[<sup>F69</sup>(c) for prohibiting the insertion in a parking meter of coins or bank notes additional to those inserted by way of payment of any charge, or for prohibiting the insertion or re-insertion in a parking meter of a credit or debit card additional to the original insertion of such a card.]

(d) for enabling the local authority to determine, subject to any restrictions specified in the order, the number and dimensions of the spaces in which vehicles may be left in a parking place;

(e) for authorising the alteration of the position in a parking place, or the removal from a parking place, of vehicles in respect of which any order relating to the parking place has been contravened or not complied with and for the safe custody of vehicles so removed;

(f) for exempting from the payment of any charge any vehicle left in a parking place in such circumstances as may be specified in the order, and for treating any vehicle so exempted as having been left there, and the charge from which it is exempted as having been paid, at such time as may be so specified;

(g) for prohibiting or restricting the carrying on of trade or other activities, or the doing of any other thing, at a parking place;

(h) for conferring on the local authority powers of illuminating parking places, and of erecting notices or signs and carrying out work on or in the vicinity of a parking place;

(i) for regulating the grant, revocation and surrender of any permit such as is mentioned in section 45(2)(a) of this Act and the issue, use and surrender of tokens indicating the holding of such a permit, or the payment of any charge in connection with the issue or use of the permit;

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- (j) for requiring a vehicle to which such a permit applies to display the permit or such a token when left in a parking place to which the permit applies, and for treating the display of or failure to display the permit or such a token on any vehicle left at a parking place as evidence (and, in Scotland, sufficient evidence) of such facts as may be provided by the order;
  - (k) for the refund, in such circumstances and in such manner as may be prescribed by the order, of the amount of any charge paid in advance by virtue of section 45(2)(b) of this Act.
- (3) Where provision is made for the use of parking meters it shall be the duty of the local authority to take such steps as appear to them to be appropriate for the periodical inspection of the meters and for dealing with any found to be out of order; for securing the testing of the meters, both before they are brought into force and afterwards; and for recording the date on which, and the person by whom, a meter has been tested.
- (4) Where provision is made for the use of apparatus other than parking meters, subsection (3) above shall apply to such apparatus as it applies to a parking meter.
- [<sup>F70</sup>(5) In this section and in section 47 below, “credit card” and “debit card” have the meanings given by section 35A(6) above.]

#### Textual Amendments

- F66** Words in s. 46(1) inserted (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994, 5.4.1994 and 4.7.1994 respectively for specified London boroughs and otherwise prosp.) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 64(1) (with s. 79(1)); S.I. 1993/1461, art. 3(1)(a); S.I. 1993/2229, art. 3(a); S.I. 1993/2803, art. 2(a); S.I. 1993/3238, art. 2(a); S.I. 1994/81, art. 3(b); S.I. 1994/1482, art. 2(a), Sch.; S.I. 1994/1484, art. 2(a)
- F67** S. 46(1A) inserted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 64(2) (with s. 79(1)); S.I. 1991/2054, art. 3, Sch.
- F68** Words in s. 46(2) repealed (13.9.1996) by S.I. 1996/1533, art. 2(1), Sch.
- F69** S. 46(2)(c) substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 2(a)
- F70** S. 46(5) inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 2(b)

#### Modifications etc. (not altering text)

- C15** S. 46 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), Sch. 5 paras. 6(3), 12  
S. 46 modified (10.6.1993) by S.I. 1993/1461, art. 3(2)  
S. 46 restricted (S.) (4.1.1995) by 1994 c. 39, ss. 7(2), 44(2); S.I. 1994/2850, art. 3(a), Sch. 2
- C16** S. 46(2)(a): definition of “parking meter” applied (5.7.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 70(3) (with s. 79(1)); S.I. 1993/1461, art. 2(d)

#### [<sup>F71</sup>46A Variation of charges at designated parking places.

- (1) Where, by virtue of section 46 of this Act, any charges have been prescribed by a designation order or by an order under that section, the authority making that order may vary those charges by notice given under this section.
- (2) The variation of any such charges by notice is not to be taken to prejudice any power to vary those charges by order under section 46 of this Act.
- (3) The Secretary of State may by regulations make provision as to the procedure to be followed by any local authority giving notice under this section.

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- (4) The regulations may, in particular, make provision with respect to—
  - (a) the publication, where an authority propose to give notice, of details of their proposal;
  - (b) the form and manner in which notice is to be given; and
  - (c) the publication of notices.
- (5) In giving any notice under this section a local authority shall comply with the regulations.]

**Textual Amendments**  
**F71** S. 46A inserted (5.7.1993 in relation to E.W. and otherwise 10.10.1997) by Road Traffic Act 1991 (c. 40, SIF 107:1), s.42; S.I. 1993/1461, art. 2(b); S.I. 1993/1686, art.2.; S.I. 1997/2260, art. 2

**47 Offences relating to designated parking places.**

- (1) A person who—
  - (a) being the driver of a vehicle, leaves the vehicle in a designated parking place otherwise than as authorised by or under an order relating to the parking place, or leaves the vehicle in a designated parking place for longer after the excess charge has been incurred than the time so authorised, or fails duly to pay any charge payable under section 45 of this Act, or contravenes or fails to comply with any provision of an order relating to the parking place as to the manner in which vehicles shall stand in, or be driven into or out of, the parking place, or
  - (b) whether being the driver of a vehicle or not, otherwise contravenes or fails to comply with any order relating to designated parking places,
 shall, subject to section 48 of this Act, be guilty of an offence [<sup>F72</sup>;but this subsection does not apply in relation to any designated parking place in Greater London].
- (2) In relation to an offence under paragraph (a) of subsection (1) above of leaving a vehicle for longer after the excess charge has been incurred than the time authorised by an order relating to the parking place, or failing duly to pay any charge payable under section 45 of this Act, the reference in that paragraph to the driver of a vehicle shall be construed as a reference to the person driving the vehicle at the time when it was left in the parking place.
- (3) A person who, with intent to defraud, interferes with a parking meter, or operates or attempts to operate a parking meter by the insertion of objects other than current coins [<sup>F73</sup>or bank notes of the appropriate denomination, or the appropriate credit or debit cards], shall be guilty of an offence.
- (4) Where, in any proceedings in England or Wales for an offence under this section of failing to pay any charge, it is proved that the amount which has become due, or any part of that amount, has not been duly paid, the court shall order the payment of the sum not paid; and any sum ordered to be paid by virtue of this subsection shall be recoverable as a penalty.
- <sup>F74</sup>(5) .....
- (6) Where in any proceedings for an offence under this section of failing to pay an excess charge it is not proved that the excess charge had become due, but it is proved that an



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initial charge has not been paid, the defendant may be convicted of an offence under this section of failing to pay an initial charge.

(7) ..... F75

#### Textual Amendments

- F72** Words in s. 47(1) inserted (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994, 5.4.1994 and 4.7.1994 respectively for specified London boroughs and otherwise prosp.) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 65(1) (with s. 79(1)); S.I. 1993/1461, art. 3(1)(b); S.I. 1993/2229, art. 3(b); S.I. 1993/2803, art. 2(b); S.I. 1993/3238, art. 2(b); S.I. 1994/81, art. 3(b); S.I. 1994/1482, art. 2(a), Sch.; S.I. 1994/1484, art. 2(a)
- F73** Words substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 3(a)
- F74** Words in s. 47(5) repealed (13.9.1996) by S.I. 1996/1553, art. 2(1), Sch.
- F75** S. 47(7) repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, Sch. 4 paras. 1-3

#### Modifications etc. (not altering text)

- C17** S. 47(1) excluded (temp. from 1.10.1991 for E.W. and from 16.6.1997 for S.) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 43, 84(1), Sch. 3, para. 1(4)(b); S.I. 1991/2054, art. 3, Sch.; S.I. 1997/1580, art. 2

### 48 Acceptance of payment as bar to proceedings under s. 47.

- (1) Where a parking meter relating to the space in which a vehicle is left in a designated parking place indicates that the period for which payment was made for the vehicle by an initial charge has expired, but the authority by whom the parking place is controlled are satisfied that the initial charge was not paid, acceptance by the authority of payment of the excess charge shall be a bar to proceedings for an offence under section 47(1) (a) of this Act of failing to pay the initial charge.
- (2) Where in the case of any vehicle—
- (a) an authorisation by way of such a certificate, other means of identification or device as is referred to in section 4(2), 4(3), 7(2) or 7(3) of this Act, or such a permit or token as is referred to in section 46(2)(i) of this Act, has been issued with respect to the vehicle, and
- (b) the authority by whom a designated parking place is controlled are satisfied that, in accordance with the terms on which the authorisation was issued, a charge has become payable and has not been paid in respect of any period for which the vehicle has been left in that parking place,
- acceptance by that authority of payment of the amount of that charge shall be a bar to proceedings for an offence under section 47(1)(a) of this Act of failing duly to pay the charge.

### 49 Supplementary provisions as to designation orders and designated parking places.

- (1) Where under a designation order vehicles may not be left at all times in the designated parking place—

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- (a) the parking place shall for the purposes of sections 46 and 47 of this Act be treated, as respects any time during which vehicles may not be left there in pursuance of the order, as if it were not designated by the order; and
- (b) any vehicle left in the parking place which remains there at the beginning of a period during which vehicles may be left there in pursuance of the order shall, for the purposes of those sections, be treated as if it had been left there at the beginning of that period, but without prejudice to any rights or liabilities in respect of anything done or omitted at any time before the beginning, or after the end, of that period.
- (2) Subject to subsection (3) below, a designation order may revoke the designation of any place as a parking place under section 6 or 32 of this Act; and such an order, or an order under either of those sections containing a designation of a place as a parking place, may provide that the designation shall not have effect as respects any time in respect of which provision is made under section 45 of this Act for the leaving of vehicles in that place.

<sup>F76</sup>(3) .....

- (4) Subject to Parts I to III of Schedule 9 to this Act, the authority by whom a parking place is designated under section 45 of this Act may by order empower the local authority, the chief officer of police or any other person specified by or under the order to provide for the moving, in case of emergency, of vehicles left in the parking place; to suspend the use of the parking place or any part of it on such occasions or in such circumstances as may be determined by or under the order; and to provide for the temporary removal of any parking meters installed at the parking place.

[<sup>F77</sup>(4A) A constable, or a person acting under the instructions (whether general or specific) of the chief officer of police, may suspend the use of a parking place designated under section 45 of this Act for not more than 7 days in order to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances.]

- (5) Any local authority may acquire, whether by purchase or by hiring, such parking meters and other apparatus as appear to the authority to be required or likely to be required for the purposes of their functions under sections 45 and 46 of this Act and subsections (1) to (4) above.
- (6) Anything authorised or required by the provisions of sections 45 and 46 of this Act and subsections (1) to (4) above to be prescribed or done by order may, except as otherwise expressly provided, be prescribed or done either by a designation order or by a general order.

#### Textual Amendments

- F76** S. 49(3) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(4), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F77** S. 49(4A) inserted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4**, para. 27; S.I. 1991/2054, art. 3, **Sch.**

#### Modifications etc. (not altering text)

- C18** S. 49(2)(4) restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), Sch. 5 paras. 6(3), **12**

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<sup>F78</sup>50 .....

**Textual Amendments**

**F78** S. 50 repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)

**[<sup>F79</sup>51 Parking devices for designated parking places.**

- (1) Any power of a local authority to make charges under section 45 of this Act for vehicles left in a designated parking place shall include power to require those charges, or any part of them, to be paid by means of the hire or purchase in advance, or the use, of parking devices in accordance with any relevant provision of an order under section 46 of this Act.
- (2) Any power of a local authority to make orders under section 46(2) of this Act shall include power by any such order to make provision—
  - (a) for regulating the issue, use and surrender of parking devices;
  - (b) for requiring vehicles to display parking devices when left in any parking place in respect of which the parking devices may be used;
  - (c) without prejudice to the generality of paragraph (b) above, for regulating the manner in which parking devices are to be displayed or operated;
  - (d) for prescribing the use, and the manner of use, of apparatus, <sup>F80</sup> . . . , designed to be used in connection with parking devices;
  - (e) for treating—
    - (i) the indications given by a parking device; or
    - (ii) the display or the failure to display a parking device on or in any vehicle left in any parking place,as evidence [<sup>F81</sup>(and, in Scotland, as sufficient evidence)] of such facts as may be provided by the order;
  - (f) for the refund, in such circumstances and in such manner as may be prescribed in the order, of the whole or part of the amount of any charge paid in advance in respect of a parking device;
  - (g) for the payment of a deposit in respect of the issue of a parking device and for the repayment of the whole or part of any such deposit.
- (3) For the purposes of subsection (2) above—
  - (a) the references to parking meters in section 46(2)(b) and (c) of this Act shall include references to the apparatus referred to in subsection (2)(d) above; and
  - (b) the reference in section 46(2)(c) of this Act to the insertion in a parking meter of coins [<sup>F82</sup>or banknotes] additional to those inserted by way of payment of any charge [<sup>F83</sup>or to the insertion or re-insertion in a parking meter of a credit or debit card additional to the original insertion of such a card] shall include (so far as is appropriate) a reference to insertions or re-insertions in any such apparatus of parking devices additional to the original insertion of those devices.
- (4) [<sup>F84</sup>In this section and in section 52 below “parking device” means either] a card, disc, token, meter, permit, stamp or other similar device, whether used in a vehicle or not, <sup>F85</sup> . . . , which, being used either by itself, or in conjunction with any such apparatus

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as is referred to in subsection (2)(d) above, indicates, or causes to be indicated, the payment of a charge, and—

- (a) the period in respect of which it has been paid and the time of the beginning or end of the period; or
- (b) whether [<sup>F86</sup>or not] the period for which it has been paid or any further period has elapsed; [<sup>F87</sup>or]
- <sup>F87</sup>(c) [ the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place, and the time of the beginning or end of the period; or
- (d) whether or not the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place or any further period has elapsed;

or any other device of any such description as may from time to time be prescribed for the purposes of this section and section 52 below by order made by the Secretary of State, <sup>F85</sup> . . . .]

<sup>F88</sup>(4A) [ An order under subsection (4) above which revokes or amends a previous order under that subsection may make such saving and transitional provision as appears to the Secretary of State to be necessary or expedient.

(4B) The power to make orders under subsection (4) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

<sup>F89</sup>(5) . . . . .

<sup>F89</sup>(6) . . . . .]

#### Textual Amendments

- F79** S. 51 substituted by Road Traffic Regulation (Parking) Act 1986 (c. 27, SIF 107:1), s. 2(1)
- F80** Words in s. 51(2)(d) repealed (13.9.1996) by S.I. 1996/1553, art. 2(1), Sch.
- F81** Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 4(a)
- F82** Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 4(b)
- F83** Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 4(b)
- F84** Words substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 4(c)(i)
- F85** Words in s. 51(4) repealed (13.9.1996) by S.I. 1996/1533, art. 2(1), Sch.
- F86** Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 4(c)(iii)
- F87** Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 4(c)(iv)
- F88** S. 51(4A)(4B) inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 4(d)
- F89** S. 51(5)(6) repealed (13.9.1996) by S.I. 1996/1533, art. 2(1), Sch.

## 52 Offences and proceedings in connection with parking devices and associated apparatus.

- (1) A person who, with intent to defraud,—
- (a) interferes with any apparatus referred to in section 51(2)(d) of this Act or with a parking device, or operates or attempts to operate any such apparatus or any parking device otherwise than in the manner prescribed, or
  - (b) displays a parking device otherwise than in the manner prescribed,
- shall be guilty of an offence.

*Status: Point in time view as at 01/10/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part IV. (See end of Document for details)*

<sup>F90</sup>(2) .....

- (3) In section 48(1) of this Act the reference to a parking meter relating to the space in which a vehicle is left in a designated parking place shall include references to—
- (a) any such apparatus as is referred to in section 51(2)(d) of this Act which relates to the space in which a vehicle is so left, and
  - (b) to a parking device used in respect of a vehicle left in a space in a designated parking place.

**Textual Amendments**

**F90** S. 52(2) repealed (13.9.1996) by S.I. 1996/1533, art. 2(1), Sch.

**53 Designation orders outside Greater London.**

- (1) A designation order made in respect of [<sup>F91</sup>highways or, in Scotland, roads] in any area outside Greater London may include such provisions—
- (a) for any of the purposes specified in paragraphs (a) to (c) of section 2(2) of this Act, or
  - (b) for authorising the use without charge (subject to such, if any, conditions as may be specified in the order) of any part of a road as a parking place for vehicles, or for vehicles of such classes as may be specified in the order,
- as the authority making the order may consider appropriate in connection with the designation order.
- (2) A designation order making provision for any of the purposes referred to in subsection (1)(a) above may vary or revoke any subsisting provision made for any of those purposes under section 1 of this Act.
- (3) A designation order making such provision as is mentioned in subsection (1)(b) above may include provision for the removal, from any place authorised by virtue of that paragraph to be used as a parking place, of any vehicle left there in contravention of the order, and for the safe custody of the vehicle.
- (4) Section 47 of this Act shall not apply to contraventions of, or failures to comply with, any provisions of a designation order having effect by virtue of subsection (1) above.
- (5) A person who uses a vehicle, or causes or permits a vehicle to be used, in contravention of any provision of a designation order having effect by virtue of subsection (1)(a) above shall be guilty of an offence.
- (6) In the event of a contravention of, or non-compliance with, a provision of a designation order having effect by virtue of subsection (1)(b) above, the person responsible (as determined in accordance with the order) shall be guilty of an offence.

<sup>F92</sup>(7) .....

**Textual Amendments**

**F91** Words in s. 53(1) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59,108\)](#), s. 168(1), [Sch. 8 para.45](#); which substitution is in force for Scotland only by [S.I. 1991/2286, art. 2\(2\), Sch.2](#), and for England and Wales only by [S.I. 1991/2288, art. 3](#),Sch.

*Status: Point in time view as at 01/10/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part IV. (See end of Document for details)*

**F92** S. 53(7) repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

**Modifications etc. (not altering text)**

**C19** S. 53 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 5(2), Sch. 5 paras. 6(3), **12**

**F93** **54** .

.....

**Textual Amendments**

**F93** S. 54 repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(5), **Sch. 18** (with ss. 54(7)(5), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

**55 Financial provisions relating to designation orders.**

- (1) A local authority shall keep an account of their income and expenditure in respect of parking places [<sup>F94</sup> for which they are the local authority and which are—
  - (a) in the case of [<sup>F95</sup>Transport for London,] the council of a London borough and the Common Council of the City of London, parking places on the highway; and
  - (b) in the case of any other authority, designated parking places.]
- (2) At the end of each financial year any deficit in the account shall be made good out of the [<sup>F96</sup>general fund][<sup>F97</sup>or, in Wales, council fund], and (subject to subsection (3) below) any surplus shall be applied for all or any of the purposes specified in subsection (4) below and, in so far as it is not so applied, shall be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to carrying it out.
- (3) If the local authority so determine, any amount not applied in any financial year, instead of being or remaining so appropriated, may be carried forward in the account kept under subsection (1) above to the next financial year.
- <sup>F98</sup>[(3A) [<sup>F99</sup>Transport for London,] The council of each London borough and the Common Council of the City of London shall, after each financial year, report to the [<sup>F100</sup>Mayor of London] on any action taken by them, pursuant to subsection (2) or (3) above, in respect of any deficit or surplus in their account for the year.
- (3B) The report under subsection (3A) above shall be made as soon after the end of the financial year to which it relates as is reasonably possible.]
- (4) The purposes referred to in subsection (2) above are the following, that is to say—
  - (a) the making good to the [<sup>F101</sup>general fund][<sup>F97</sup>or, in Wales, council fund] of any amount charged to that fund under subsection (2) above in the 4 years immediately preceding the financial year in question;
  - (b) meeting all or any part of the cost of the provision and maintenance by the local authority of [<sup>F102</sup>off-street parking accommodation, whether in the open or under cover;]
  - (c) the making to other local authorities, <sup>F103</sup> . . . or to other persons of contributions towards the cost of the provision and maintenance by them,

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- in the area of the local authority or elsewhere, of [<sup>F102</sup>off-street parking accommodation, whether in the open or under cover;]
- <sup>F104</sup>[<sup>F105</sup>(d) if it appears to the local authority that the provision in their area of further off-street parking accommodation is unnecessary or undesirable, the following purposes—
- (i) meeting costs incurred, whether by the local authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services, and
  - (ii) the purposes of a highway or road improvement project in the local authority’s area.]
- [<sup>F106</sup>(e) in the case of a London authority, meeting all or any part of the cost of the doing by the authority in their area of anything—
- (i) which facilitates the implementation of the London transport strategy, and
  - (ii) which is for the time being specified in that strategy as a purpose for which a surplus may be applied by virtue of this paragraph;
- (f) in the case of a London authority, the making to any other London authority of contributions towards the cost of the doing by that other authority of anything towards the doing of which in its own area the authority making the contribution has power—
- (i) to apply any surplus on the account required to be kept under subsection (1) above; or
  - (ii) to incur expenditure required to be brought into that account.]
- <sup>F107</sup>[(4A) For the purposes of subsection (4)(d)(ii)—
- (a) a highway improvement project means a project connected with the carrying out by the appropriate highway authority (whether the local authority or not) of any operation which constitutes the improvement (within the meaning of the Highways Act 1980) of a highway in the area of a local authority in England or Wales; and
  - (b) a road improvement project means a project connected with the carrying out by the appropriate roads authority (whether the local authority or not) of any operation which constitutes the improvement (within the meaning of the Roads (Scotland) Act 1984) of a road in the area of a local authority in Scotland.]
- <sup>F108</sup>(5) .....
- <sup>F109</sup>(6) .....
- <sup>F110</sup>(7) .....
- [<sup>F111</sup>(8) For the purpose of enabling Transport for London and any other London authorities to discharge jointly any functions conferred by virtue of subsection (4)(f) above by a joint committee established under section 101(5) of the <sup>M5</sup>Local Government Act 1972, sections 101(5) and 102 of that Act shall have effect as if Transport for London were a local authority.
- (9) In the application of this section in relation to Transport for London, any reference to its general fund shall be taken as a reference to the financial reserves for which provision is made under section 85(4)(c) of the Greater London Authority Act 1999 in calculating Transport for London’s component budget for the financial year in question.

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(10) In this section—

“London authority” means Transport for London, a London borough council or the Common Council of the City of London;

“the London transport strategy” means the transport strategy prepared and published under section 142 of the Greater London Authority Act 1999.]

### Textual Amendments

- F94** Words in s. 55(1) substituted (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994, 5.4.1994 and 4.7.1994 respectively for specified London boroughs and otherwise prosp.) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 81, **Sch. 7 para. 5(2)**; S.I. 1993/1461, **art. 3(1)(e)(f)**; S.I. 1993/2229, **art. 3(e)(f)**; S.I. 1993/2803, **art. 2(e)(f)**; S.I. 1993/3238, **art. 2(e)(f)**; S.I. 1994/81, **art. 3(e)(f)**; S.I. 1994/1482, art. 2(a), **Sch.**; S.I. 1994/1484, **art. 2(a)**
- F95** Words in s. 55(1)(a) inserted (3.7.2000) by 1999 c. 29, s. **282(2)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, **Sch.**
- F96** Words substituted by Local Government Finance Act 1988 (c. 41, SIF 81:1, 103:2), s. 137, **Sch. 12 Pt. III para. 42(1)–(3)**
- F97** Words in s. 55(2)(4)(a) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 38(6)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 3**
- F98** S. 55(3A)(3B) inserted (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994, 5.4.1994 and 4.7.1994 respectively for specified London boroughs and otherwise prosp.) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 81, **Sch. 7 para. 5(3)**; S.I. 1993/1461, **art. 3(1)(e)(f)**; S.I. 1993/2229, **art. 3(e)(f)**; S.I. 1993/2803, **art. 2(e)(f)**; S.I. 1993/3238, **art. 2(e)(f)**; S.I. 1994/81, **art. 3(e)(f)**; S.I. 1994/1482, art. 2(a), **Sch.**; S.I. 1994/1484, **art. 2(a)**
- F99** Words in s. 55(3A) inserted (3.7.2000) by 1999 c. 29, s. **282(3)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, **Sch.**
- F100** Words in s. 55(3A) substituted (3.7.2000) by 1999 c. 29, s. **282(3)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, **Sch.**
- F101** Words substituted by Local Government Finance Act 1988 (c. 41, SIF 81:1, 103:2), s. 137, **Sch. 12 Pt. III para. 42(1)–(3)**
- F102** Words in s. 55(4)(b) and (c) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 46(2)**; S.I. 1991/2286, art. 2(2), **Sch. 2**; S.I. 1991/2288, art. 3, **Sch.**
- F103** Words in s. 55(4)(c) repealed (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 81, 83, Sch. 7, para. 5(4), **Sch. 8**; S.I. 1991/2054, art. 3, **Sch.**
- F104** S. 55(4)(d): it is provided that the word "and" immediately preceding s. 55(4)(d) is repealed (3.7.2000) by 1999 c. 29, s. **282(4)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, **Sch.**
- F105** S. 55(4)(d) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 46(3)**; S.I. 1991/2286, art. 2(2), **Sch. 2**; S.I. 1991/2288, art. 3, **Sch.**
- F106** S. 55(4)(e)(f) inserted (3.7.2000) by 1999 c. 29, s. **282(4)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, **Sch.**
- F107** S. 55(4A) inserted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 46(4)**; S.I. 1991/2288, art. 3, **Sch.**
- F108** S. 55(5) repealed (S.)(1.11.1991) by Roads (Scotland) Act 1984 (c. 54, SIF 108), ss. 128(1), 156(3), Sch. 10 para. 4(1), **Sch. 11** and repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108) s. 168(1)(2), Sch. 8 para. 46(5), Sch. 9; S.I. 1991/2286, art. 2(2), **Sch. 2**; S.I. 1991/2288, art. 3, **Sch.**
- F109** S. 55(6) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(6)(b), **Sch. 18**; (ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 22(3)); S.I. 1996/396, **art. 3**
- F110** S. 55(7) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**
- F111** S. 55(8)(9)(10) inserted (3.7.2000) by 1999 c. 29, s. **282(5)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, **Sch.**



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#### **Modifications etc. (not altering text)**

- C20** S. 55 modified (5.7.1993) by S.I. 1993/1474, **art. 5(1)**  
S. 55 modified (4.10.1993) by S.I. 1993/2237, **art. 5(1)**  
S. 55 modified (6.12.1993) by S.I. 1993/2804, **art. 4(1)**  
S. 55 modified (31.1.1994) by S.I. 1993/3239, **art. 4(1)**  
S. 55 modified (1.1.1997) by S.I. 1997/3038, **art. 5(1)**  
S. 55 modified (1.7.1997) by S.I. 1997/1342, **art. 5(1)**  
S. 55 modified (1.6.1998) by S.I. 1997/1134, **art. 5(1)**  
S. 55 modified (15.11.2004) by The Road Traffic (Special Parking Area) (GLA Roads and GLA Side Roads) Order 2004 (S.I. 2004/2684), **art. 4(1)**
- C21** S. 55 applied (with modifications) (30.12.2003) by London Local Authorities and Transport for London Act 2003 (c. iii), **s. 11**

#### **Marginal Citations**

- M5** 1972 c. 70.

### **56 Grants where parking place designated by Secretary of State.**

Where by virtue of paragraph 3 of Schedule 9 to this Act a parking place has been designated under section 45 of this Act by the Secretary of State—

- (a) he may make grants out of moneys provided by Parliament towards the cost of the provision and maintenance of off-street parking places whether in the open or under cover, or for any purpose such as is mentioned in section 55(4)(d)(i) or (ii) of this Act; but
- (b) in exercising his powers under this section he shall use his best endeavours to secure that the aggregate of the amounts paid by him by way of grants does not exceed the difference between—
  - (i) the aggregate of the sums received by him by way of charges made by him for vehicles left in parking places designated by him under section 45 of this Act; and
  - (ii) the aggregate of the expenses incurred by him in the provision, operation and maintenance of the parking places in respect of which those charges are made.

*Provision of parking places by parish or community councils*

### **57 General powers of parish or community councils for provision of parking places.**

- (1) Where for the purposes of relieving or preventing congestion of traffic or preserving local amenities it appears to the council of a parish in England or a community in Wales to be necessary to do so, the council, subject to sections 58 and 59 of this Act, may—
  - (a) provide within their area and maintain suitable parking places for bicycles and motor cycles, or
  - (b) provide within their area and maintain suitable parking places, otherwise than on roads, for vehicles of other descriptions or for vehicles generally.
- (2) For the purpose of providing and maintaining any such parking place, or for the purpose of providing means of entrance to and egress from any parking place provided under this section, a parish or community council may—

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- (a) utilise and adapt any land purchased by the council for the purpose or appropriated for the purpose under subsection (3) below, or
- (b) in the case of a parking place provided under subsection (1)(a) above, but subject to the provisions of section 58 of this Act, adapt, and by order authorise the use of, any part of a road in the parish or community;
- and any power under subsection (1) above to provide and maintain parking places shall include power to provide and maintain structures for use as parking places.
- (3) Notwithstanding anything in any other enactment, but subject to subsection (4) below, a parish or community council may appropriate for the purpose of providing a parking place under this section—
- (a) any part of a recreation ground provided by the council under section 8 of the <sup>M6</sup>Local Government Act 1894;
- (b) any part of an open space controlled or maintained by the council under the <sup>M7</sup>Open Spaces Act 1906, other than a part which has been consecrated as a burial ground or in which burials have taken place;
- (c) any part of any land provided by the council as a playing field or for any other purpose and held by that council for the purposes of section 19 of the <sup>M8</sup>Local Government (Miscellaneous Provisions) Act 1976 (recreational facilities).
- (4) Any part of a recreation ground, open space or other land appropriated under subsection (3) above shall not exceed one-eighth of its total area or 800 square feet, whichever is the less.
- (5) No order under subsection (1) above shall authorise the use of any part of a road as a parking place so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any person entitled to use it, or so as to be a nuisance.
- (6) A parish or community council may employ, with or without remuneration, such persons as may be necessary for the superintendence of parking places provided by the council under this section.
- (7) A parish or community council may make byelaws (subject to confirmation by the Secretary of State) as to the use of parking places provided under subsection (1)(a) above, and in particular as to the conditions upon which any such parking place may be used and as to the charges to be paid to the council in connection with the use of any such parking place, not being part of a road; and a copy of any byelaws made under this subsection shall be exhibited on or near every parking place to which they relate.
- (8) A parish or community council may let for use as a parking place any parking place provided by them (not being a part of a road) under this section; but, without prejudice to any power of a parish or community council under any other enactment to let a playing field or other land of which a parking place forms part, no single letting under this subsection shall be for a longer period than 7 days.
- (9) The exercise by a parish or community council of their powers under this section with respect to the use as a parking place of any part of a road shall not render them subject to any liability in respect of loss of or damage to any vehicle or the fittings or contents of any vehicle parked in such a parking place.

#### Marginal Citations

**M6** 1894 c. 73. (56 & 57 Vict.)(81:1).

**M7** 1906 c. 25(46:2).

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*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part IV. (See end of Document for details)*

**M8** 1976 c. 57(81:1).

## **58 Consents for purposes of s. 57(1).**

- (1) A parish or community council shall not have power by virtue of section 57(1) of this Act to provide a parking place—
- (a) in a position obstructing or interfering with any existing access to any land or premises not forming part of a road, except with the consent of the owner and the occupier of the land or premises, or
  - (b) in a road which is not a highway, or in a public path, except with the consent of the owner and the occupier of the land over which the road or path runs, or
  - (c) in any such situation or position as is described in the first column of the following Table, except with the consent of the persons described in relation to it in the second column of that Table.

TABLE

(i) In a trunk road or any other road maintained by the Secretary of State or on land abutting on any such road.	The Secretary of State.
(ii) In a road which is a highway (other than a trunk road or a road maintained as mentioned in sub-paragraph (i) above or a public path) or on land abutting on any such road.	The county council [ <sup>F112</sup> or metropolitan district council].
(iii) In a road which is a highway belonging to and repairable by the persons carrying on any railway, dock, harbour, canal, inland navigation or passenger road transport undertaking and forming the approach to any station, dock, wharf or depot of theirs.	The persons carrying on the undertaking concerned.
(iv) On a bridge carrying a highway over a railway, dock, harbour, canal or inland navigation, or on the approaches to any such bridge, or under a bridge carrying a railway, canal or inland navigation over a highway.	The persons carrying on the railway, dock, harbour, canal or inland navigation undertaking concerned.

- (2) Any consent required by subsection (1)(c) above shall not be unreasonably withheld, but may be given subject to any reasonable conditions, including a condition that the parish or community council shall remove any thing to the provision of which the consent relates, either at any time or at or after the expiry of a period, if reasonably required to do so by the person giving the consent.
- (3) Any dispute between a parish or community council and a person whose consent is required under subsection (1)(c) above, on the question whether that consent is unreasonably withheld or is given subject to reasonable conditions, or whether the removal of any thing to the provision of which the consent relates in accordance with any condition of the consent is reasonably required, it shall—

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- (a) in the case of a dispute between the parish or community council and the Secretary of State, be referred to and determined by an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers; and
  - (b) in any other case, be referred to and determined by the Secretary of State, who may cause a public inquiry to be held for the purpose.
- (4) Section 6 of the <sup>M9</sup>Local Government (Miscellaneous Provisions) Act 1953 (which makes provision as to access to telegraphic lines, sewers, pipe-subways, pipes, wires, and other apparatus) shall apply in relation to a parking place (including a structure for use as a parking place) provided by a parish or community council under section 57(1) of this Act, and to the council by whom the parking place is so provided, as it applies in relation to a shelter or other accommodation provided, and to the local authority by whom it is provided, under section 4 of that Act.
- (5) In this section, and in section 6 of that Act, as they apply in relation to a parking place provided under section 57(1)(a) of this Act which forms part of a road, references to removal shall be construed as including references to the suspension or revocation of the order authorising the use of that part of the road as a parking place.

#### Textual Amendments

**F112** Words in s. 58(1)(c)(ii) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\), ss. 1, 2, 8\(1\), Sch. 5 para. 4\(23\)](#)

#### Marginal Citations

**M9** [1953 c. 26\(81:1\)](#).

## 59 Consents for, and provisions as to use of, parking places under s. 57(1)(b).

- (1) A parish or community council shall not exercise their powers under section 57(1)(b) of this Act without the consent of the council of the county <sup>F113</sup>or metropolitan district] in which the parish or community is situated; and any consent given by the county council <sup>F113</sup>or metropolitan district council] may be subject to such conditions or restrictions as they think fit.
- (2) A parish or community council proposing to exercise their powers under section 57(1)(b) of this Act shall—
- (a) for the purpose of obtaining the consent of the county council <sup>F114</sup>or metropolitan district council] under subsection (1) above, make an application in writing to <sup>F115</sup>that council] giving details of the parking place which they propose to provide, and
  - (b) <sup>F116</sup>in the case of an application to a county council, send a copy of it] to the council of the district in which the parish <sup>F117</sup>. . . is situated;
- and <sup>F118</sup>, in that case,] the county council, in considering whether or not to give their consent, or to make their consent subject to any conditions or restrictions, shall have regard to any representations made to them by that district council.

<sup>F119</sup>(2A) In subsection (2) above, paragraph (b) and the words which follow it do not apply in relation to Wales.]

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- (3) Subject to subsections (4) to (6) below, section 35 of this Act shall apply in relation to a parking place provided under section 57(1)(b) of this Act as if—
- (a) the parish or community council were a local authority for the purposes of sections 32 and 35 of this Act, and
  - (b) the parking place were provided by the parish or community council under section 32 of this Act.
- (4) A parish or community council shall not, by virtue of subsection (3) above, make an order under section 35(1) of this Act without the consent of the county council [<sup>F120</sup>or metropolitan district council]; and any consent given by the county council [<sup>F120</sup>or metropolitan district council] may be subject to such conditions or restrictions as they think fit.
- (5) Where, by virtue of subsection (3) above, a parish or community council proposes to make an order under section 35(1) of this Act, the council shall submit a draft of the order to the county council [<sup>F121</sup>or metropolitan district council] who (without prejudice to their power to give or withhold consent to the making of the order) may require such modifications of the terms of the proposed order as they think appropriate.
- (6) The powers of a county council [<sup>F122</sup>or metropolitan district council] under section 35 of this Act shall apply in relation to a parking place provided by a parish or community council under section 57(1)(b) of this Act as they apply in relation to a parking place provided by a county council [<sup>F122</sup>or metropolitan district council]; and the power to vary or revoke an order made by a parish or community council under section 35(1) of this Act shall be exercisable by the county council [<sup>F122</sup>or metropolitan district council] as well as by the parish or community council.
- (7) If, by virtue of subsection (6) above, a county council [<sup>F123</sup>or metropolitan district council] proposes to make an order under section 35(1) of this Act in relation to a parking place provided by a parish or community council, they shall send a copy of the proposed order to the parish or community council.

#### Textual Amendments

- F113** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(a\)](#)
- F114** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(b\)](#)  
(i)
- F115** Words in [s. 59\(2\)\(a\)](#) substituted by (1.7.1992) by [1985 c. 51, s. 8](#), [Sch. 5 para. 4 \(24\)\(b\)](#)
- F116** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(b\)\(ii\)](#)
- F117** Words in [s. 59\(2\)\(b\)](#) repealed (1.4.1996) by [1994 c. 19, ss. 22\(1\), 66\(8\)](#), [Sch. 7 Pt. II para. 38\(7\)](#), [Sch. 18](#) (with [ss. 54\(5\)\(7\), 55\(5\)](#), [Sch. 17 paras. 22\(1\), 22\(3\)](#)); [S.I. 1996/396, art. 3](#), [Sch. 1](#)
- F118** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(b\)](#)  
(iii)
- F119** [S. 59\(2A\)](#) inserted (1.4.1996) by [1994 c. 19, s. 22\(1\)](#), [Sch. 7 Pt. II para. 38\(7\)](#) (with [ss. 54\(5\)\(7\), 55\(5\)](#), [Sch. 17 paras. 22\(1\), 22\(3\)](#)); [S.I. 1996/396, art. 3](#), [Sch. 1](#)
- F120** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(c\)](#)
- F121** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(d\)](#)
- F122** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(e\)](#)
- F123** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(f\)](#)

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## 60 Supplementary provisions relating to ss. 57–59.

- (1) A parish or community council may contribute towards—
  - (a) the reasonable expenses incurred by any person in doing anything which by virtue of section 57 of this Act that council has power to do, and
  - (b) the expenses incurred by any other parish or community council in exercising their powers under that section.
- (2) Without prejudice to any other power of combination, a parish or community council may by agreement combine with any other parish or community council for the purpose of exercising their powers under section 57 of this Act.
- (3) Where before 17th July 1957 a parish council has provided anything which could be provided by a parish council under section 57 of this Act, or where any other person has at any time provided anything which could be provided by a parish council under that section, the parish or community council shall have the like power to maintain that thing as if it had been provided by them under that section.
- (4) In sections 57 to 59 of this Act and in subsections (1) and (2) above, except in so far as the context otherwise requires,—
  - “in”, in a context referring to things in a road, includes a reference to things under, over, across, along or upon the road;
  - “owner” has the meaning assigned to it by section 343 of the <sup>M10</sup>Public Health Act 1936;
  - “parish” or “community”, in relation to a common parish council or common community council acting for two or more grouped parishes or communities, means those parishes or communities;
  - “public path” has the meaning assigned to it by section 27 of the National Parks and Access to the <sup>M11</sup>Countryside Act 1949; and
  - “road” means a highway (including a public path) and any other road, lane, footway, square, court, alley or passage (whether a thoroughfare or not) to which the public has access, but does not include a road provided or to be provided in pursuance of a scheme made, or having effect as if made, under section 16 of the <sup>M12</sup>Highways Act 1980 (which relates to special roads).

### Marginal Citations

**M10** 1936 c. 49(100:1).

**M11** 1949 c. 97(46:1).

**M12** 1980 c. 66(59).

### *Special parking provisions*

## 61 Loading areas.

- (1) If it appears to [<sup>F124</sup>the council of a county, metropolitan district or London borough or the Common Council of the City of London] that any land in their area which is not part of a highway has been set apart by the occupier of the land for use as a place where vehicles may be driven and parked for the purpose of being loaded or unloaded in connection with a trade or business carried on on or in the vicinity of the land, the

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- council may, subject to Part III of Schedule 9 to this Act, by an order made with the consent of the owner and the occupier of the land—
- (a) designate the land as an area to which the following provisions of this section apply (in this section referred to as a “loading area”), and
  - (b) specify the trade or business in question.
- (2) A council which has made an order in pursuance of subsection (1) above—
- (a) may vary the order by a subsequent order made with the consent of the owner and the occupier of the land to which the order relates;
  - (b) may revoke the order by a subsequent order made with the consent of the owner and the occupier of the loading area in question; and
  - (c) shall revoke the order by a subsequent order if requested in writing to do so by the owner and the occupier of the loading area in question.
- (3) An order in pursuance of subsection (1) or (2)(a) above may contain provisions prohibiting the parking, in the loading area to which the order relates, of vehicles of such kinds as are specified in the order, except authorised vehicles, at all times or at times so specified, and may make different provision in pursuance of the preceding provisions of this subsection for different parts of the area; and in this subsection “authorised vehicle”, in relation to a loading area, means a goods vehicle (as defined by <sup>F125</sup>section 192(1) of the Road Traffic Act 1988) which is in the area for the purpose of being loaded or unloaded in connection with the trade or business specified in the order designating the area.
- (4) Where an order has been made by a council in pursuance of subsection (1) above and, by virtue of paragraph 22(1)(e) of Schedule 9 to this Act, traffic signs are required to be placed on the loading area to which the order relates, a person authorised in that behalf by the council may enter on the loading area for the purpose of placing any such traffic signs and for the purpose of maintaining or removing the signs.
- (5) A person who, without reasonable excuse, causes a vehicle to be in any part of a loading area at a time when the parking of it there is prohibited by an order made in pursuance of subsection (1) above shall be guilty of an offence.
- (6) References in subsections (2) to (5) above to an order made in pursuance of subsection (1) above include, in the case of such an order which has been varied in pursuance of subsection (2)(a) of this section, references to the order as so varied.
- (7) Subsections (3) to (5) of section 44 of the <sup>M13</sup>Local Government (Miscellaneous Provisions) Act 1976 (which contain ancillary provisions for the purposes of Part I of that Act) shall have effect as if this section were included in that Part of that Act.
- (8) In this section “owner”, in relation to any land, means a person who, either on his own account or as agent or trustee for another person, is receiving the rackrent of the land or would be entitled to receive it if the land were let at a rackrent; and any reference to a traffic sign, in relation to any land which is not a road, includes a reference to any object, device, line or mark which would be a traffic sign (as defined by section 64 of this Act) if the land were a road.

#### Textual Amendments

**F124** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(25\)](#)

**F125** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, [Sch. 3 para. 25\(2\)](#)

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#### Marginal Citations

M13 1976 c. 57(81:1).

### 62 Parking in Royal Parks.

Regulations under section 2 of the <sup>M14</sup>Parks Regulation (Amendment) Act 1926 may make provision for imposing and recovering charges for the leaving of vehicles, or vehicles of any class, in any park to which that Act applies; and regulations made by virtue of this section may make, as respects charges and penalties recoverable under the regulations, provision corresponding to the provisions of section 47(4) of this Act.

#### Marginal Citations

M14 1926 c. 36(46:2).

### 63 Stands and racks for bicycles.

The powers of any authority under this Act to provide parking places shall extend to providing, in roads or elsewhere, stands [<sup>F126</sup>or racks for, or devices for securing, bicycles or motor cycles].

#### Textual Amendments

F126 Words in s. 63 substituted (E.W.) (1.2.2001) by 2000 c. 38, s. 271(2); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to transitional provisions and savings in Sch. 2 Pt. II) and (S.) (1.4.2001) by 2001 asp 2, s. 78(2) (with s. 66); S.S.I. 2001/132, art. 2(2), Sch. Pt. I (subject to transitional provisions and savings in arts. 3, 4)

*[<sup>F127</sup>Parking attendants]*

#### Textual Amendments

F127 S. 63A inserted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 44(1); S.I. 1991/2054, art. 3, Sch.

### [<sup>F128</sup>63A Parking attendants.

- (1) A local authority may provide for the supervision of parking places within their area by individuals to be known as parking attendants.
- (2) Parking attendants shall also have such other functions in relation to stationary vehicles as may be conferred by or under any other enactment.
- (3) A parking attendant shall be—
  - (a) an individual employed by the authority; or
  - (b) where the authority have made arrangements with any person for the purposes of this section, an individual employed by that person to act as a parking attendant.



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- (4) Parking attendants in Greater London shall wear such uniform as the [<sup>F129</sup>Greater London Authority] may determine when exercising prescribed functions, and shall not exercise any of those functions when not in uniform.
- (5) In this section “local authority” and “parking place” have the meanings given by section 32(4) of this Act [<sup>F130</sup>except that Transport for London shall also be a local authority].

[ For the purposes of this section, the area of Transport for London is Greater London. ]]  
<sup>F131</sup>(6)

#### Textual Amendments

**F128** S. 63A inserted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 44(1); S.I. 1991/2054, art. 3, Sch

**F129** Words in s. 63A(4) substituted (3.7.2000) by 1999 c. 29, s. 289 (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, Sch.

**F130** Words in 63A(5) added (3.7.2000) by 1999 c. 29, s. 289 (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, Sch.

**F131** S. 63A(6) inserted (3.7.2000) by 1999 c. 29, s. 289 (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, Sch.

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**Changes to legislation:**

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