



Road Traffic Regulation Act 1984

1984 CHAPTER 27

PART IV

PARKING PLACES

Provision of parking places by parish or community councils

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, [^{F1}in a public path or in a restricted byway], except with the consent of the owner and the occupier of the land over which the [^{F2}road, path or way] 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 [^{F3} or a strategic highways company] or on land abutting on any such road.	The Secretary of State [^{F4} or the strategic highways company, whichever is the traffic authority for the road].
(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 [^{F5} or metropolitan district council].

Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Section 58. (See end of Document for details)

(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—
- (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 ^{M1}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

- F1** Words in s. 58(1)(b) substituted (2.5.2006 for E., 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), regs. 1(2)(4), 2(2), **Sch. Pt. 1**; S.I. 2006/1172; S.I. 2006/1279
- F2** Words in s. 58(1)(b) substituted (2.5.2006 for E., 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), regs. 1(2)(4), 2(2), **Sch. Pt. 1**; S.I. 2006/1172; S.I. 2006/1279

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- F3** Words in s. 58(1)(c)(i) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 81(a)**; S.I. 2015/481, reg. 2(a)
- F4** Words in s. 58(1)(c)(i) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 81(b)**; S.I. 2015/481, reg. 2(a)
- F5** 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)**

Modifications etc. (not altering text)

- C1** S. 58 applied (2.5.2006 for E., 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regs. 1(2)(4), 2(1), **Sch. Pt. 1**; S.I. 2006/1172; S.I. 2006/1279

Marginal Citations

- M1** 1953 c. 26(**81:1**).

Changes to legislation:

There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Section 58.