



Road Traffic Act 1988

1988 CHAPTER 52

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Use of motor vehicles away from roads

33 Control of use of footpaths and bridleways for motor vehicle trials.

- (1) A person must not promote or take part in a trial of any description between motor vehicles on a footpath or bridleway unless the holding of the trial has been authorised under this section by the local authority.
- (2) A local authority shall not give an authorisation under this section unless satisfied that consent in writing to the use of any length of footpath or bridleway for the purposes of the trial has been given by the owner and by the occupier of the land over which that length of footpath or bridleway runs, and any such authorisation may be given subject to compliance with such conditions as the authority think fit.
- (3) A person who—
 - (a) contravenes subsection (1) above, or
 - (b) fails to comply with any conditions subject to which an authorisation under this section has been granted,is guilty of an offence.
- (4) The holding of a trial authorised under this section is not affected by any statutory provision prohibiting or restricting the use of footpaths or bridleways or a specified footpath or bridleway; but this section does not prejudice any right or remedy of a person as having any interest in land.
- (5) In this section “local authority”—
 - (a) in relation to England and Wales, means the council of a county, metropolitan district or London borough, and

Status: Point in time view as at 02/05/2006.

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- (b) in relation to Scotland, means a ^{F1}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].

Textual Amendments

F1 Words in s. 33(5)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 159(3)**; S.I. 1996/323, **art. 4(1)(b)(c)**

Modifications etc. (not altering text)

C2 S. 33 applied (with modifications) (E.W.) (3.7.2006 for E. and 12.7.2006 for W.) by **The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006** (S.I. 2006/1177), regs. 1, 2, **Sch. Pt. 1**; S.I. 2006/1172; S.I. 2006/1279

^{F2}34 **Prohibition of driving mechanically propelled vehicles elsewhere than on roads.** **E+W**

- (1) Subject to the provisions of this section, if without lawful authority a person drives a mechanically propelled vehicle—
- (a) on to or upon any common land, moorland or land of any other description, not being land forming part of a road, or
 - (b) on any road being a footpath, bridleway or restricted byway,
- he is guilty of an offence.
- (2) For the purposes of subsection (1)(b) above, a way shown in a definitive map and statement as a footpath, bridleway or restricted byway is, without prejudice to section 56(1) of the ^{M1}Wildlife and Countryside Act 1981, to be taken to be a way of the kind shown, unless ^{F3}. . . the contrary is proved.
- [It is not an offence under this section for a person with an interest in land, or a visitor ^{F4}(2A) to any land, to drive a mechanically propelled vehicle on a road if, immediately before the commencement of section 47(2) of the Countryside and Rights of Way Act 2000, the road was—
- (a) shown in a definitive map and statement as a road used as a public path, and
 - (b) in use for obtaining access to the land by the driving of mechanically propelled vehicles by a person with an interest in the land or by visitors to the land.]

(3) It is not an offence under this section to drive a mechanically propelled vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.

(4) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court that it was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.

(5) It is hereby declared that nothing in this section prejudices the operation of—

 - (a) section 193 of the ^{M2}Law of Property Act 1925 (rights of the public over commons and waste lands), or
 - (b) any byelaws applying to any land,

or affects the law of trespass to land or any right or remedy to which a person may by law be entitled in respect of any such trespass or in particular confers a right to park a vehicle on any land.

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(6) Subsection (2) above [^{F5}does] not extend to Scotland.

(7) In this section—

“definitive map and statement” has the same meaning as in Part III of the ^{M3}Wildlife and Countryside Act 1981;

[^{F6}“interest”, in relation to land, includes any estate in land and any right over land (whether exercisable by virtue of the ownership of an estate or interest in the land or by virtue of a licence or agreement) and, in particular, includes rights of common and sporting rights;]

“mechanically propelled vehicle” does not include a vehicle falling within paragraph (a), (b) or (c) of section 189(1) of this Act; and

“restricted byway” means a way over which the public have restricted byway rights within the meaning of Part II of the Countryside and Rights of Way Act 2000, with or without a right to drive animals of any description along the way, but no other rights of way.

[A person—

- ^{F7}(8) (a) entering any land in exercise of rights conferred by virtue of section 2(1) of the Countryside and Rights of Way Act 2000, or
- (b) entering any land which is treated by section 15(1) of that Act as being accessible to the public apart from that Act,

is not for the purposes of subsection (2A) a visitor to the land.]]

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F2** S. 34 substituted (30.1.2001) by 2000 c. 37, ss. 67, 103(2), **Sch. 7 para. 5**
- F3** Words in s. 34(2) repealed (2.5.2006 for E. and 16.11.2006 for W.) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 70(3), 105(2), 107, **Sch. 12**; S.I. 2006/1176, **art. 6**; S.I. 2006/2992, **art. 2**
- F4** S. 34(2A) inserted (E.W.) (2.5.2006 for E. and 16.11.2006 for W.) by Natural Environment and Rural Communities Act 2006 (c. 16), **ss. 70(4)**, 107; S.I. 2006/1176, **art. 6**; S.I. 2006/2992, **art. 2**
- F5** Words in s. 34(6) substituted (E.W.) (2.5.2006 for E. and 16.11.2006 for W.) by Natural Environment and Rural Communities Act 2006 (c. 16), **ss. 70(5)**, 107; S.I. 2006/1176, **art. 6**; S.I. 2006/2992, **art. 2**
- F6** Words in s. 34(7) inserted (E.W.) (2.5.2006 for E. and 16.11.2006 for W.) by Natural Environment and Rural Communities Act 2006 (c. 16), **ss. 70(6)**, 107; S.I. 2006/1176, **art. 6**; S.I. 2006/2992, **art. 2**
- F7** S. 34(8) inserted (E.W.) (2.5.2006 for E. and 16.11.2006 for W.) by Natural Environment and Rural Communities Act 2006 (c. 16), **ss. 70(7)**, 107; S.I. 2006/1176, **art. 6**; S.I. 2006/2992, **art. 2**

Marginal Citations

- M1** 1981 c. 69.
M2 1925 c. 20.
M3 1981 c. 69.

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 he is guilty of an offence.
- (2) For the purposes of subsection (1)(b) above, a way shown in a definitive map and statement as a footpath, bridleway or restricted byway is, without prejudice to section 56(1) of the ^{M1}Wildlife and Countryside Act 1981, to be taken to be a way of the kind shown, unless ^{F3} . . . the contrary is proved.
- (3) It is not an offence under this section to drive a mechanically propelled vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.
- (4) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court that it was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.
- (5) It is hereby declared that nothing in this section prejudices the operation of—
 - (a) section 193 of the ^{M2}Law of Property Act 1925 (rights of the public over commons and waste lands), or
 - (b) any byelaws applying to any land,
 or affects the law of trespass to land or any right or remedy to which a person may by law be entitled in respect of any such trespass or in particular confers a right to park a vehicle on any land.
- (6) Subsection (2) above and section 34A of this Act do not extend to Scotland.
- (7) In this section—

“definitive map and statement” has the same meaning as in Part III of the ^{M3}Wildlife and Countryside Act 1981;

“mechanically propelled vehicle” does not include a vehicle falling within paragraph (a), (b) or (c) of section 189(1) of this Act; and

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F3 Words in s. 34(2) repealed (2.5.2006 for E. and 16.11.2006 for W.) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 70(3), 105(2), 107, [Sch. 12](#); [S.I. 2006/1176](#), [art. 6](#); [S.I. 2006/2992](#), [art. 2](#)

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