



Road Traffic Act 1988

1988 CHAPTER 52

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Use of motor vehicles away from roads

[^{F1}34] **Prohibition of driving mechanically propelled vehicles elsewhere than on roads.**

- (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 (subject to section 34A of this Act) 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,

Status: Point in time view as at 01/06/2001. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 34 is up to date with all changes known to be in force on or before 05 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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

“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.]

Textual Amendments

F1 S. 34 substituted (30.1.2001) by 2000 c. 37, ss. 67, 103(2), **Sch. 7 para. 5**

Marginal Citations

M1 1981 c. 69.

M2 1925 c. 20.

M3 1981 c. 69.

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