



Road Traffic Regulation Act 1967

1967 CHAPTER 76

Parking places (general provisions): on highways for payment

35 Provision on highways of parking places where charges made.

- (1) Subject to sections 84A, 84B and 84C of this Act, the following authority, namely—
- (a) as respects any part of Greater London, the Greater London Council on the application of the local authority;
 - (b) as respects any other area, the local authority with the consent, if they are not the highway authority for the highway in question, of that highway authority,

may by order designate parking places on highways in the local authority's area for vehicles or vehicles of any class specified in the order, and the local authority may make charges for vehicles left in any parking place so designated of such amount as is prescribed under section 36 of this Act.

- (1A) Any order under this section, whether made under subsection (1) above or under subsection (5) below, may designate any 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 any class specified in the order, as may be authorised for the purpose by a permit from the authority operating the parking place; and that authority may, in the case of any particular parking place and any particular vehicle, or any vehicle of a particular class, instead of making a charge as mentioned in the said subsection (1) or (5), issue a permit for that vehicle to be left in that parking place while the permit remains in force either at all times or at such times as may be specified in the permit and make such charge in connection with the issue or use of that permit of such amount payable in such manner as the authority by whom the designation order was made may by order prescribe ; but no charge shall be made by virtue of this subsection in respect of a public service vehicle.

- (2) 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 shall include—

- (a) the need for maintaining the free movement of traffic, and

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- (b) the need for maintaining reasonable access to premises, and
 - (c) the extent to which parking accommodation (whether open or covered) otherwise than on highways is available in the neighbourhood or the provision thereof is likely to be encouraged there by the designation of parking places under this section.
- (3) The exercise by any 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.
- (4) In this section and sections 36 to 44 of this Act " local authority " means the council of a county borough or county district, the Common Council of the City of London or the council of a London borough or, in Scotland, a county council or a town council and " the local authority ", in relation to a parking place or proposed parking place on any site, means that one of the said councils in whose area the site is.
- (5) If it appears to the Greater London Council, without any application being made by the local authority, that it is expedient that parking places be designated under this section on highways at any sites in Greater London, then, subject to sections 84A, 84B and 84C of this Act, they may by order designate those parking places for vehicles or vehicles of any class specified in the order, and may make charges for vehicles left in any parking place so designated of such amount as is prescribed under section 36 of this Act; and—
 - (a) in relation to parking places designated by virtue of this subsection references in sections 36 and 37 of this Act to the local authority shall be construed as references to the Greater London Council;
 - (b) if the Greater London Council enter into an agreement with the local authority for the transfer to the local authority of the operation of any parking place so designated, the operation thereof, and such apparatus or other things held by, and rights or liabilities of, the Greater London Council in connection with the parking place as may be specified in the agreement, shall be transferred as from such date and on such terms (including terms as to the making of payments to or by the Greater London Council) as may be so specified;
 - (c) from the taking effect of any such transfer of the operation of a parking place the order designating the parking place shall have effect subject to such modifications (if any) as the Greater London Council may direct, being modifications appearing to them requisite in consequence of the transfer, and the provisions of this section and sections 36, 37, 42 and 44 of this Act shall thereafter apply as if the parking place had been designated by order made on the application of the local authority.
- (6) Where an order has been made under paragraph (a) of subsection (1) above on the application of a local authority, an order under that paragraph by virtue of section 84D(1) of this Act varying or revoking the first-mentioned order may be made without such an application.
- (7) Subject to sections 84A, 84B and 84C of this Act, in any case where it appears to the authority concerned to be expedient so to do having regard to any objections duly made in respect of proposals made by that authority for a designation order or, where that authority are the Greater London Council, in respect of an application made to that Council for such an order, 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.

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(9) Nothing in this section shall affect the operation of section 6 or 28 of this Act.

36 Regulation of parking in places designated under s. 35.

- (1) Subject to sections 84A, 84B and 84C of this Act, the authority by whom a designation order is made 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 (hereinafter referred to as an initial charge) payable in respect of an initial period and an amount (thereinafter referred to as an excess 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.
- (2) Subject to the said sections 84A, 84B and 84C, the authority by whom a designation order is made may 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 provision, 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 of such type or design as may be approved by the appropriate Minister, either generally or specially (hereinafter referred to as a parking meter) 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;
 - (c) for prohibiting the insertion in a parking meter of coins additional to those inserted by way of payment of any charge;
 - (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 vehicles 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;

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- (i) for regulating the grant, revocation and surrender of any permit such as is mentioned in section 35(1A) 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, for requiring a vehicle to which such a permit applies to display the permit or such a token when left in any 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;
- (j) 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 the said section 35(1A).

37 Provisions supplementary to ss. 35 and 36.

- (1) Where, under a designation order, vehicles may not be left at all times in the parking place designated by it—
 - (a) the parking place shall for the purpose of sections 36 and 42 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 ;
 - (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) A designation order may revoke the designation of any place as a parking place under section 6 or 28 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 as respects which provision is made under section 35 of this Act for the leaving of vehicles in that place.
- (3) Subject to sections 84A, 84B and 84C of this Act, the authority by whom a parking place is designated under section 35 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 thereof 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.
- (4) 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 35 and 36 of this Act and of this section.
- (5) Where provision is made for the use of parking meters it shall be the duty of the local authority to take the prescribed steps for the periodical inspection of the meters and for dealing with any found to be out of order, and for securing the testing of the meters (both before they are brought into use and not less frequently thereafter than may be prescribed or on other prescribed occasions) and for recording in the prescribed manner the date on which and the person by whom a meter has been tested ; and in this subsection the expression " prescribed " means prescribed by order

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of the appropriate Minister made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and the power to make an order under this subsection shall include power to make an order varying or revoking any previous order thereunder.

- (6) Where provision is made for the use of apparatus other than parking meters, subsection (5) above shall apply to such apparatus as it applies to a parking meter.

39 Designation orders outside Greater London.

- (1) A designation order made in respect of highways in any area outside Greater London may include such provisions—
- (a) for any of the purposes specified in paragraphs (a) to (c) of section 1(3) of this Act, or
 - (b) for authorising the use, without charge (but 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; and a designation order making provision for any of the purposes referred to in paragraph (a) above may vary or revoke any subsisting provision made for any of those purposes under section 1 of this Act.
- (2) 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.

40 Provisions supplementary to ss. 35 to 39.

- (2) Anything authorised or required by the provisions of sections 35, 36 and 37 of this Act to be prescribed or to be done by order may, save as otherwise expressly required, be prescribed or done either by a designation order or by a general order.

41 Limitation of right to challenge designation orders in legal proceedings.

- (1) If any person desires to question the validity of a designation order, or of any provision contained in the order, on the ground that it is not within the powers of sections 35, 36, 37 and 39 of this Act, or on the ground that any requirement of those sections or of section 84A, 84B or 84C of this Act or of any regulations made under the said section 84C has not been complied with in relation to the order, he may, within six weeks from the date on which the order is made, make an application for the purpose to the High Court or the Court of Session, as the case may be.
- (2) On any application under subsection (1) above, the court—
- (a) may, by interim order, suspend the operation of the designation order, or of any provision of that order, either generally or so far as may be necessary for the protection of the interests of the applicant, until the final determination of the proceedings ; and
 - (b) if satisfied that the designation order, or any provision of that order, is not within the said powers, or that the interests of the applicant have been substantially prejudiced by failure to comply with any of the said

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requirements, may quash the designation order, or any provision of that order, either generally or so far as may be necessary as aforesaid.

- (3) Except as provided by this section, a designation order shall not, either before or after it has been made, be questioned in any legal proceedings whatever.

42 Offences relating to parking places on highways where charges made.

- (1) A person who—

- (a) being the driver of a vehicle, leaves a vehicle in a parking place designated by a designation order otherwise than as authorised by or under an order relating to the parking place, or leaves the vehicle therein for longer after the excess charge has been incurred than the time so authorised, or fails duly to pay any charge payable under section 35 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 parking places designated by designation orders,

shall, subject to subsection (3) below, be liable on summary conviction to a fine not exceeding £5 or, in the case of a second or subsequent conviction, to a fine not exceeding £10.

- (2) In relation to an offence under subsection (1)(a) 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 35 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 it was left in the parking place.
- (3) Where a parking meter relating to the space in which a vehicle is left in a parking place designated by a designation order indicates that the period for which payment made for the vehicle by an initial charge has expired, but the authority by whom the parking place is controlled is satisfied that that charge was not paid, acceptance by that authority of payment of the excess charge shall be a bar to proceedings for an offence under subsection (1)(a) above of failing duly to pay the initial charge.
- (4) 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 of the appropriate denomination shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.
- (4A) Where, in the case of any vehicle with respect to which there has been issued any authorisation by way of such a certificate, other means of identification or device as is referred to in section 1(3C) or (3D) or section 6(5) or (6) or such a permit or token as is referred to in section 36(2)(i) of this Act, the authority by whom any parking place designated by a designation order is controlled is 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 that 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 subsection (1)(a) above of failing duly to pay the charge.

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- (5) Where, in any proceedings in England and 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.
- (6) In any proceedings for an offence under this section it shall be assumed, unless the contrary is shown, that any apparatus provided for the purposes of a parking place, being an apparatus operated by the insertion of coins, is of a type and design approved by the appropriate Minister.
- (7) 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 is proved that an initial charge has not been paid, the defendant may be convicted of an offence under this section of failing to pay an initial charge.
- (8) In England or Wales a local authority or the Greater London Council may institute proceedings for an offence under this section in connection with a parking place controlled by them.
- (10) In this section " excess charge ", " initial charge " and " parking meter " have the same meanings as in section 36 of this Act.

43 Contravention, etc., of provisions of certain designation orders.

- (1) Section 42 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 section 39(1) of this Act.
- (2) 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 the said section 39(1)
 - (a) shall be liable on summary conviction, in the case of an offence committed in respect of a motor vehicle by a failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, to a fine not exceeding £50 and, in any other case, to a fine not exceeding £20.
- (3) In the event of a contravention of, or non-compliance with, a provision of a designation order having effect by virtue of the said section 39(1)(b), the person responsible (as determined in accordance with the order) shall be liable on summary conviction to a fine not exceeding £5 or, in the case of a second or subsequent conviction, to a fine not exceeding £10.
- (4) In England or Wales the council of a county borough or county district may institute proceedings for an offence under subsection (3) above in connection with a parking place in their area.

44 Financial provisions relating to exercise of powers under s. 35.

- (1) A local authority shall keep an account of their income and expenditure in respect of parking places designated by designation orders for which they are the local authority.
- (2) At the end of each financial year any deficit in the account shall be made good out of the general rate fund and any surplus shall be applied for all or any of the purposes specified in subsection (3) below, and in so far as not so applied shall be appropriated

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to the carrying out of some specific project falling within those purposes and carried forward until applied to the carrying out thereof:

Provided that if the local authority so determine any amount not applied in any financial year may instead of being or remaining appropriated as aforesaid be carried forward in the account kept under subsection (1) above to the next financial year, but shall not be carried forward from one quadrennial period to another without the consent of the appropriate Minister.

- (3) The said purposes are the following, that is to say:—
- (a) the making good to the general rate fund of any amounts charged to that fund under subsection (2) above in the four 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 parking accommodation for vehicles otherwise than on highways and whether in the open or under cover;
 - (c) the making to other local authorities, to any county council, to the Greater London Council or, with the consent of the appropriate Minister, to other persons, of contributions towards the cost of the provision and maintenance by them in the area of the local authority or elsewhere of parking accommodation for vehicles otherwise than on highways and whether in the open or under cover;
 - (d) if it appears to the local authority that the provision in their area of further parking accommodation for vehicles otherwise than on highways is for the time being unnecessary or undesirable, the following purposes, namely—
 - (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;
 - (ii) purposes of a project connected with the carrying out by the appropriate highway authority (whether or not the local authority) of any operation which within the meaning of the Highways Act 1959 constitutes the improvement of a highway in the local authority's area or, in the case of an authority in Scotland, of any work or operation on any highway in the local authority's area which is authorised by any of the enactments specified in subsection (3A) below.
- (3A) The enactments referred to in subsection (3)(d)(ii) above are—
- (a) sections LXXXIV, LXXXV, XCIV and C of Schedule C to the Roads and Bridges (Scotland) Act 1878;
 - (b) section 130 of the Burgh Police (Scotland) Act 1892;
 - (c) section 8(5) of the Development and Road Improvement Funds Act 1909 ;
 - (d) section 58 of the Road Traffic Act 1930 ;
 - (e) section 4 of the Restriction of Ribbon Development Act 1935;
 - (f) section 3(2) of the Trunk Roads Act 1946 ;
 - (g) the Highways (Provision of Cattle Grids) Act 1950 ;
 - (h) section 45 of the Road Traffic Act 1956.
- (4) In this section " quadrennial period " means, in relation to a local authority, a period beginning with the date when the local authority first kept the account required by subsection (1) above and ending with the fourth complete financial year after that date, or a period of four years beginning immediately after the expiration of a quadrennial period.

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- (5) In relation to parking places designated, by virtue of section 35(5) of this Act, by an order of the Greater London Council, references in this section to the local authority shall be construed as references to that Council.