



# Road Traffic Regulation Act 1984

## 1984 CHAPTER 27

### PART IV

#### PARKING PLACES

##### *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—
  - (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>M1</sup>Local Government Act 1894;

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- (b) any part of an open space controlled or maintained by the council under the <sup>M2</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>M3</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

**M1** 1894 c. 73. (56 & 57 Vict.)(81:1).

**M2** 1906 c. 25(46:2).

**M3** 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

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- (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>F1</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—
- (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>M4</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

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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)(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

**M4** [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>F2</sup>or metropolitan district] in which the parish or community is situated; and any consent given by the county council [<sup>F2</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—
- for the purpose of obtaining the consent of the county council [<sup>F3</sup>or metropolitan district council] under subsection (1) above, make an application in writing to [<sup>F4</sup> that council] giving details of the parking place which they propose to provide, and
  - [<sup>F5</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 or community is situated;
- and [<sup>F6</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.
- (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—
- the parish or community council were a local authority for the purposes of sections 32 and 35 of this Act, and
  - 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>F7</sup>or metropolitan district council]; and any consent given by the county council [<sup>F7</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>F8</sup>or metropolitan district council] who (without prejudice

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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>F9</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>F9</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>F9</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>F10</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

- F2** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(a\)](#)
- F3** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(b\)](#) (i)
- F4** Words in [s. 59\(2\)\(a\)](#) substituted by (1.7.1992) by [1985 c. 51](#), ss. 1, 8, [Sch. 5 para. 4 \(24\)\(b\)](#)
- F5** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(b\)\(ii\)](#)
- F6** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(b\)](#) (iii)
- F7** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(c\)](#)
- F8** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(d\)](#)
- F9** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(e\)](#)
- F10** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(f\)](#)

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

- (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>F11</sup>or metropolitan district] in which the parish or community is situated; and any consent given by the county council [<sup>F11</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>F12</sup>or metropolitan district council] under subsection (1) above, make an application in writing to [<sup>F12</sup>that council] giving details of the parking place which they propose to provide, and
- (b) [<sup>F13</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 or community is situated; and [<sup>F14</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.

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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>F15</sup>or metropolitan district council]; and any consent given by the county council [<sup>F15</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>F16</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>F17</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>F17</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>F17</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>F18</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

- F11** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(a\)](#)
- F12** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(b\)](#)  
(i)
- F13** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(b\)\(ii\)](#)
- F14** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(b\)](#)  
(iii)
- F15** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(c\)](#)
- F16** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(d\)](#)
- F17** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(e\)](#)
- F18** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(24\)\(f\)](#)

## 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

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- (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>M5</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>M6</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>M7</sup>Highways Act 1980 (which relates to special roads).

#### Marginal Citations

**M5** 1936 c. 49(100:1).

**M6** 1949 c. 97(46:1).

**M7** 1980 c. 66(59).

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