



# Road Traffic Act 1960

## 1960 CHAPTER 16

### PART I

#### GENERAL PROVISIONS RELATING TO ROAD TRAFFIC

##### *Parking Places (General Provisions): off Highways or without Payment on Highways*

#### **81 Power of local authorities outside London to provide parking places**

- (1) Where for the purpose of relieving or preventing congestion of traffic it appears to a local authority in England or Wales outside the administrative county of London, or in ' Scotland, to be necessary to provide within their district suitable parking places for vehicles, the local authority may in accordance with the provisions of this section provide such parking places (whether above or below ground and whether or not consisting of or including buildings) together with means of entrance to and egress therefrom, or may by order authorise the use as a parking place of any part of a street within their district, not being a street within the London Traffic Area.
- (2) No order under the foregoing subsection shall—
  - (a) authorise the use of any part of a street so as unreason ably to prevent access to any premises adjoining the street or the use of the street by any person entitled to the use thereof, or so as to be a nuisance; or
  - (b) be made in respect of any part of a street without the consent of the authority or person responsible for the maintenance of the street.
- (3) The local authority may adapt for use as, or for providing means of entrance to, or egress from, a parking place any land acquired or appropriated by them for the purposes of this section, and may, with the consent of the authority or person responsible for the maintenance of a street, adapt any part of it for the purpose of providing means of entrance to or egress from a parking place.
- (4) Where a local authority propose to acquire any land for the purposes of this section or to utilise any land appropriated by them for those purposes or to make an order under

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this section authorising the use as a parking place of any land forming part of a street, they shall, before carrying the proposal into effect—

- (a) cause notice of the proposal (specifying the land to which it relates and notifying the date, which shall not be less than twenty-eight days, within which any objection to the proposal shall be sent in writing to the local authority) to be published in at least one newspaper circulating within their district and a copy of the notice to be posted for not less than fourteen days on the land; and
- (b) consider any objection which is sent to them in writing within the time fixed in that behalf, and give notice of their decision on the objection to the person by whom it was made ;

and a notice under paragraph (a) of this subsection shall include notice of the right of appeal under the next following subsection and so, in England and Wales, shall a notice under paragraph (b) of this subsection.

- (5) If a person is aggrieved by any such decision as aforesaid he may within twenty-one days after receiving notice thereof,—
  - (a) where the decision is that of a local authority in England or Wales, appeal therefrom to a magistrates' court (which shall have power to make such order in the matter as it considers reasonable);
  - (b) where the decision is that of a local authority in Scotland, appeal therefrom to the sheriff;

and where a person appeals under paragraph (a) of this subsection he shall give notice of the appeal and of the grounds thereof to the clerk to the local authority by which the decision was made, and nothing shall be done by the local authority to carry into effect the proposal to which that decision relates until the determination or abandonment of the appeal.

- (6) A local authority may appoint with or without remuneration such officers and servants as may be necessary for the superintendence of parking places.
- (7) A local authority in England or Wales may make byelaws (subject to confirmation by the Secretary of State), and a local authority in Scotland may make regulations, as to the use of parking places, and in particular as to the vehicles or class of vehicles which may be entitled to use any such parking place, as to the conditions upon which any such parking place may be used, and as to the charges to be paid to the local authority in connection with the use of any parking place not being part of a street, and a copy of any byelaws or regulations made under this subsection shall be exhibited on or near any parking place to which they relate.
- (8) Sections three hundred and one to three hundred and three of the Local Government (Scotland) Act, 1947, shall apply, in like manner as they apply to byelaws made under that Act, to regulations made under the last foregoing subsection by a local authority in Scotland, and the Secretary of State shall be the confirming authority as respects such regulations.
- (9) While a vehicle is within a parking place, it shall not be lawful for the driver or conductor of the vehicle, or for any person employed in connection therewith, to ply for hire or to accept passengers for hire, and if a person acts in contravention of this provision he shall be liable on summary conviction to a fine not exceeding forty shillings.
- (10) In England and Wales, section six (legal proceedings) of the Public Health Acts Amendment Act, 1907, shall apply to offences under any byelaw made under

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subsection (7) of this section and to offences under the last foregoing subsection as it applies to offences under that Act or under any byelaw made under the powers thereof, and section seven (appeals to quarter sessions) of that Act shall have effect as if references to that Act included references to this section.

- (11) A local authority in England or Wales may be authorised by the Minister to purchase compulsorily land for the purposes of this section, and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply in relation to the compulsory purchase of land under this subsection as if it had been in force immediately before the commencement of that Act.
- (12) The power of a local authority for the purposes of this section to acquire land with the object of providing means of entrance to and egress from a parking place includes power so to acquire with that object any right in, under or over land.
- (13) A local authority in Scotland may borrow such sums as they may require for the purposes of this section.
- (14) A local authority may let for use as a parking place any parking place provided by them, not being part of a street.
- (15) The exercise by a local authority of their powers under this section with respect to the use as a parking place of any part of a street shall not render them subject to any liability in respect of the loss of or damage to any vehicle or the fittings or contents of any vehicle parked in the parking place.
- (16) In this section—
  - (a) "local authority" in relation to England and Wales means the council of a county borough or county district, and in relation to Scotland means a county council or town council;
  - (b) " parking place" means a place where vehicles, or vehicles of any particular class or description, may wait;
  - (c) "street", in relation to England and Wales, has the meaning assigned to it by section four of the Public Health Act, 1875;and for the purposes of this section an underground parking place shall not be deemed to be part of a street by reason only of its being situated under a street.
- (17) Any power conferred by this section to provide a parking place includes power to maintain it (if below ground) and to maintain buildings comprised in it, and to provide and maintain any cloak-room or other convenience for use in connection with it (references to a parking place in other provisions of this section being accordingly construed as including references to such a convenience).
- (18) For the purposes of the Telegraph Acts, 1863 to 1954, an underground parking place situate under a street which is provided and maintained under this section shall be deemed to be a subway within the meaning of section six of the Telegraph Act, 1878.
- (19) An order made under this section may be varied or revoked by a subsequent order made in like manner.

## **82 Power to enable London local authorities to provide parking places**

- (1) The Minister of Housing and Local Government may by order made by statutory instrument confer upon the Common Council of the City of London and upon metropolitan borough councils and, except in the City of London, upon the London

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County Council the like powers as, by the last foregoing section, are conferred upon the councils of county boroughs and county districts.

- (2) An order under this section shall provide that the powers conferred by the order shall not be exercised except after consultation with the Minister.
- (3) No such order shall confer power to authorise the use as a parking place of any part of a street except for providing means of entrance to and egress from a parking place.
- (4) The powers conferred upon the London County Council under this section shall not extend to any area on or under a street repairable by the inhabitants at large except with the consent of the highway authority concerned.
- (5) An order under this section may incorporate with adaptations such of the provisions of the Public Health Acts, 1875 to 1932, the Local Government Act, 1933 or the Restriction of Ribbon Development Act, 1935 (including provisions as to the compulsory acquisition of land) as may be necessary for the purpose of the application of the last foregoing section to London.
- (6) An order made under this section may be varied or revoked by a subsequent order made in like manner.

### **83 Omnibus and coach stations**

- (1) Where, in pursuance of the powers conferred by section eighty-one of this Act, a local authority provide a parking place which may be used by public service vehicles, the local authority may, if they think fit,—
  - (a) by order appoint that parking place as a station for such vehicles;
  - (b) in England or Wales by regulation, and in Scotland by order, declare that subsection (9) of that section shall not apply to public service vehicles, either absolutely or to such extent as may be specified in the regulation or order.
- (2) Where a parking place is appointed under this section as a station for public service vehicles the local authority may—
  - (a) with the consent of the Minister do all such things as are necessary to adapt the parking place for use as such a station, and in particular provide and maintain waiting rooms, ticket offices and lavatories, and other similar accommodation, in connection therewith;
  - (b) make reasonable charges for the use of, or let on hire to any person, any accommodation so provided; and
  - (c) make regulations as to the use of any such accommodation.
- (3) A local authority shall have power to make such reasonable charges for the use of a parking place, not being part of a street, as a station for public service vehicles as may be fixed by the local authority, so however that if the public service vehicle licence holder in respect of any vehicles using the parking place as a station considers that the charges fixed are unreasonable, then, in default of agreement between the licence holder and the local authority for a reduction thereof, the charges in respect of those vehicles shall be such as may be determined by the Minister.
- (4) Where a local authority propose to make an order under paragraph (a) of subsection (1) of this section, they shall cause notice of the proposal to be published in at least one newspaper circulating within their area, and every such notice shall specify the nature of the proposal and state that a copy of the draft order is open to inspection at a

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specified place, and specify the period, which shall not be less than twenty-eight days, within which any persons affected by the proposed order may send to the Minister and the local authority objections in writing.

- (5) An order made under paragraph (a) of subsection (1) of this section shall be of no effect unless and until it is confirmed by the Minister, and the Minister before confirming any such order shall consider any objections sent as aforesaid, and shall consult with the commissioners for the traffic area in which the area or any part of the area of the local authority is situate.
- (6) The Minister may confirm an order made under paragraph (a) of subsection (1) of this section either without modification or subject to such modifications as he thinks fit, or may refuse to confirm the order.
- (7) The confirmation of an order under paragraph (a) of subsection (1) of this section shall be evidence that the requirements of this section have been complied with.
- (8) The powers conferred on a local authority by subsections (1) and (2) of this section shall be in addition to, and not in substitution for, the powers conferred on a local authority by section eighty-one of this Act.
- (9) The purposes of this section shall be purposes for which a local authority may borrow.
- (10) An order made under paragraph (b) of subsection (1) of this section may be varied or revoked by a subsequent order made in like manner.

#### **84 Provisions as to foreshore in Scotland**

Nothing in sections eighty-one and eighty-three of this Act shall authorise the execution of any works on, over or under tidal lands in Scotland below high-water mark of ordinary spring tides except in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works' being commenced have been approved by the Minister in writing under the hand of one of the secretaries or assistant secretaries of the Ministry of Transport.