



# Road Traffic Regulation Act 1967

## 1967 CHAPTER 76

### *Parish parking places for bicycles and motor cycles*

#### **46 Power of parish councils to provide parking places for bicycles and motor cycles.**

- (1) Where for the purpose of relieving or preventing congestion of traffic or preserving local amenities it appears to a parish council in England or Wales to be necessary to provide within the parish suitable parking places for bicycles and motor cycles, the parish council may provide and maintain such parking places in accordance with the provisions of this section, and for that purpose (or for the purpose of providing means of entrance to and egress from any parking place provided under this section) may—
- (a) utilize and adapt any land purchased by the council for the purpose or appropriated for the purpose under subsection (2) below, or
  - (b) subject to the provisions of section 47 of this Act, adapt and by order authorise the use of any part of a road within the parish;
- and the power under this subsection to provide and maintain parking places shall include power to provide and maintain structures for use as parking places.
- (2) Notwithstanding anything in any other enactment, a parish council may, with the consent of the Minister of Housing and Local Government, appropriate for the purpose of providing a parking place under this section—
- (a) any part of a recreation ground provided or maintained by the council under section 8 of the Local Government Act 1894;
  - (b) any part of an open space controlled or maintained by the council under the 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 under section 4 of the Physical Training and Recreation Act 1937:

Provided that any part so appropriated shall not exceed one-eighth of the total area of the recreation ground, open space or land concerned, or eight hundred square feet, whichever is the less.

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- (3) No order under subsection (1) above shall authorise the use of any part of a road as a parking place under this section 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.
- (4) A parish 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.
- (5) A parish council may make byelaws (subject to confirmation by the Minister) as to the use of parking places provided under this section, 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 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.
- (6) A parish council may let for use as a parking place any parking place provided by them (not being part of a road) under this section; but, without prejudice to any power of a parish 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 seven days.
- (7) The exercise by a parish 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.
- (8) An order made under this section may be varied or revoked by a subsequent order made in like manner.
- (9) In the application of this section to Wales and Monmouthshire subsection (2) shall have effect as if for the reference to the Minister of Housing and Local Government there were substituted a reference to the Secretary of State.

#### **47 Provisions as to consents for purposes of s. 46.**

- (1) A parish council shall not have power by virtue of section 46 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
  - (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 thereto in the second column of that Table.

TABLE

In a trunk road or any other road maintained by the Minister or the Secretary of State for Wales or on land abutting on any such road.	The Minister or the Secretary of State, as the case may be.
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In a road which is a highway (other than a trunk road or a road maintained as aforesaid or a public path) or on land abutting on any such road.	The county council.
In a road which is a highway belonging to and repairable by any railway, dock, harbour, canal, inland navigation or passenger road transport undertakers and forming the approach to any station, dock, wharf or depot of those undertakers.	The undertakers concerned.
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 railway, dock, harbour, canal or inland navigation undertakers 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 council shall remove any thing to the provision of which the consent relates either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.
- (3) A dispute between a parish council and a person whose consent is required under subsection (1)(c) above 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, shall—
- (a) in the case of a dispute between the parish council and the Minister or 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 Minister, who may cause a public inquiry to be held for the purpose.
- (4) Section 6 of the 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 council under section 46 of this Act, and to the council by which the parking place is so provided, as it applies in relation to a shelter or other accommodation provided, and to the local authority by which it is provided, under section 4 of that Act
- (5) In this section and in the said section 6 as they apply in relation to a parking place provided under the said section 46 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.

#### **48 Provisions ancillary to exercise of powers under s. 46.**

- (1) A parish council may contribute towards—

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- (a) the reasonable expenses incurred by any person in doing anything which by virtue of section 46 of this Act that council has power to do ; and
  - (b) the expenses incurred by any other parish council in exercising their powers under that section.
- (2) Where, before 17th July 1957, a parish council have provided anything which could be provided by them under the said section 46 or where, before 1st September 1960 (whether before or after 17th July 1957) or on or after 1st September 1960, any other person has provided any such thing, the parish council shall have the like power to maintain that thing as if it had been provided by them under the said section 46.
- (3) Without prejudice to any other power of combination, a parish council may by agreement combine with any other parish council for the purpose of exercising the powers conferred by the said section 46.

**49 Application of ss. 46 to 48 to boroughs included in rural districts.**

Sections 46,47 and 48 of this Act shall apply to the council of a borough included in a rural district as they apply to a parish council, and in their application to the council of a borough so included references therein to the parish shall be construed as references to the borough.

**50 Interpretation of ss. 46 to 49.**

In sections 46 to 49 of this Act, except 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 Public Health Act 1936 ;

" parish " in relation to a common parish council acting for two or more grouped parishes means those parishes;

" public path " has the meaning assigned to it by section 27 of the National Parks and Access to the Countryside Act 1949;

" 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 11 of the Highways Act 1959.