



Road Traffic Regulation Act 1984

1984 CHAPTER 27

PART IV

PARKING PLACES

Parking on highways for payment

45 Designation of paying parking places on highways.

- (1) [^{F1}Subject to Parts I to III of Schedule 9 to this Act and, in the case of a highway outside Greater London for which they are not the highway authority, to obtaining the consent of the highway authority, the local authority may by order designate parking places on highways in their area] for vehicles, or for 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 46 of this Act.
- (2) An order under this section may designate a 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 a class specified in the order, as may be authorised for the purpose by a permit from the authority operating the parking place [^{F2}or both by such persons or vehicles or classes of persons or vehicles and also, with or without charge and subject to such conditions as to duration of parking or times at which parking is authorised, by such other persons or vehicles, or persons or vehicles of such other class, as may be specified]; and
 - (a) in the case of any particular parking place and any particular vehicle, or any vehicle of a particular class, the authority operating the parking place . . . ^{F3} may issue a permit for that vehicle to be left in the parking place while the permit remains in force, either at all times or at such times as may be specified in the permit, and
 - (b) except in the case of a public service vehicle, may make such charge in connection with the issue or use of the permit, of such amount and payable in such manner, as the authority by whom the designation order was made may by order prescribe.

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- (3) 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 include—
- (a) the need for maintaining the free movement of traffic;
 - (b) the need for maintaining reasonable access to premises; and
 - (c) the extent to which parking accommodation (whether open or covered) otherwise than on [^{F4}highways][^{F4}roads] is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section.
- (4) The exercise by an 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.
- (5) Nothing in this section shall affect the operation of section 6 or 32 of this Act.
- (6) Subject to Parts I to III of Schedule 9 to this Act, where it appears to the authority concerned to be expedient to do so having regard to any objections duly made in respect of proposals made by that authority for a designation order . . . ^{F5} 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.
- (7) In this section and in sections 46 to 55 of this Act, “local authority”—
- (a) in England, means the council of a county [^{F6}, metropolitan district] or London borough or the Common Council of the City of London;
 - (b) in Wales, means the council of a county or of a district; and
 - (c) in Scotland, means the local [^{F7}roads] authority,
- and “the local authority”, in relation to a parking place or proposed parking place on any site, in England or Scotland means the local authority (as defined above) in whose area the site is and in Wales means each of the two councils (of the county and the district respectively) in whose area the site is.

Textual Amendments

- F1** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(19\)\(a\)](#)
- F2** Words inserted by [Road Traffic Regulation \(Parking\) Act 1986 \(c. 27, SIF 107:1\)](#), [s. 1\(a\)](#)
- F3** Words repealed by [Road Traffic Regulation \(Parking\) Act 1986 \(c. 27, SIF 107:1\)](#), [s. 1\(b\)](#)
- F4** Word “roads” substituted (S.) for word “highways” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 128(1), [Sch. 9 para. 93\(18\)\(b\)](#)
- F5** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)
- F6** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(19\)\(b\)](#)
- F7** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 128(1), [Sch. 9 para. 93\(18\)\(c\)](#)

Modifications etc. (not altering text)

- C1** [S. 45](#) restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(2), [Sch. 5 paras. 6\(3\), 12](#)

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46 Charges at, and regulation of, designated parking places.

- (1) Subject to Parts I to III of Schedule 9 to 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 (in this Act referred to as an “initial charge”) payable in respect of an initial period and an amount (in this Act 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) The authority by whom a designation order is made may, subject to Parts I to III of Schedule 9 to this Act, 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 words) 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 (in this Act referred to as a “parking meter”) of such type or design as may be approved either generally or specially by the Secretary of State, 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;
 - ^[F8](c) for prohibiting the insertion in a parking meter of coins or bank notes additional to those inserted by way of payment of any charge, or for prohibiting the insertion or re-insertion in a parking meter of a credit or debit card additional to the original insertion of such a card.]
 - (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 vehicle 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;
 - (i) for regulating the grant, revocation and surrender of any permit such as is mentioned in section 45(2)(a) of this Act and the issue, use and surrender of

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- tokens indicating the holding of such a permit, or the payment of any charge in connection with the issue or use of the permit;
- (j) for requiring a vehicle to which such a permit applies to display the permit or such a token when left in a 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;
 - (k) 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 section 45(2)(b) of this Act.
- (3) Where provision is made for the use of parking meters it shall be the duty of the local authority to take such steps as appear to them to be appropriate for the periodical inspection of the meters and for dealing with any found to be out of order; for securing the testing of the meters, both before they are brought into force and afterwards; and for recording the date on which, and the person by whom, a meter has been tested.
- (4) Where provision is made for the use of apparatus other than parking meters, subsection (3) above shall apply to such apparatus as it applies to a parking meter.
- [^{F9}(5) In this section and in section 47 below, “credit card” and “debit card” have the meanings given by section 35A(6) above.]

Textual Amendments

- F8** S. 46(2)(c) substituted by [Parking Act 1989 \(c. 16, SIF 107:1\)](#), s. 4, **Sch. para. 2(a)**
- F9** S. 46(5) inserted by [Parking Act 1989 \(c. 16, SIF 107:1\)](#), s. 4, **Sch. para. 2(b)**

Modifications etc. (not altering text)

- C2** S. 46 restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(2), **Sch. 5 paras. 6(3), 12**

VALID FROM 05/07/1993

[^{F10}**46A Variation of charges at designated parking places.**

- (1) Where, by virtue of section 46 of this Act, any charges have been prescribed by a designation order or by an order under that section, the authority making that order may vary those charges by notice given under this section.
- (2) The variation of any such charges by notice is not to be taken to prejudice any power to vary those charges by order under section 46 of this Act.
- (3) The Secretary of State may by regulations make provision as to the procedure to be followed by any local authority giving notice under this section.
- (4) The regulations may, in particular, make provision with respect to—
 - (a) the publication, where an authority propose to give notice, of details of their proposal;
 - (b) the form and manner in which notice is to be given; and
 - (c) the publication of notices.

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(5) In giving any notice under this section a local authority shall comply with the regulations.]

Textual Amendments

F10 S. 46A inserted (5.7.1993 in relation to E.W. and otherwise 10.10.1997) by Road Traffic Act 1991 (c. 40, SIF 107:1), s.42; S.I. 1993/1461, art. 2(b); S.I. 1993/1686, art.2.; S.I. 1997/2260, art. 2

47 Offences relating to designated parking places.

- (1) A person who—
- (a) being the driver of a vehicle, leaves the vehicle in a designated parking place otherwise than as authorised by or under an order relating to the parking place, or leaves the vehicle in a designated parking place for longer after the excess charge has been incurred than the time so authorised, or fails duly to pay any charge payable under section 45 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 designated parking places,
- shall, subject to section 48 of this Act, be guilty of an offence.
- (2) In relation to an offence under paragraph (a) of subsection (1) 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 45 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 when it was left in the parking place.
- (3) 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 [F11 or bank notes of the appropriate denomination, or the appropriate credit or debit cards], shall be guilty of an offence.
- (4) Where, in any proceedings in England or 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.
- (5) 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 and operated by the insertion of coins [F12 or bank notes or by means of credit or debit cards] is of a type and design approved by the Secretary of State.
- (6) 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 it 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.
- (7)

F13

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Textual Amendments

- F11** Words substituted by [Parking Act 1989 \(c. 16, SIF 107:1\)](#), s. 4, [Sch. para. 3\(a\)](#)
- F12** Words inserted by [Parking Act 1989 \(c. 16, SIF 107:1\)](#), s. 4, [Sch. para. 3\(b\)](#)
- F13** [S. 47\(7\)](#) repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), ss. 3, 5, [Sch. 1 Pt. I, Sch. 4 paras. 1–3](#)

48 Acceptance of payment as bar to proceedings under s. 47.

- (1) Where a parking meter relating to the space in which a vehicle is left in a designated parking place indicates that the period for which payment was made for the vehicle by an initial charge has expired, but the authority by whom the parking place is controlled are satisfied that the initial charge was not paid, acceptance by the authority of payment of the excess charge shall be a bar to proceedings for an offence under section 47(1) (a) of this Act of failing to pay the initial charge.
- (2) Where in the case of any vehicle—
- (a) an authorisation by way of such a certificate, other means of identification or device as is referred to in section 4(2), 4(3), 7(2) or 7(3) of this Act, or such a permit or token as is referred to in section 46(2)(i) of this Act, has been issued with respect to the vehicle, and
 - (b) the authority by whom a designated parking place is controlled are 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 the 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 section 47(1)(a) of this Act of failing duly to pay the charge.

49 Supplementary provisions as to designation orders and designated parking places.

- (1) Where under a designation order vehicles may not be left at all times in the designated parking place—
- (a) the parking place shall for the purposes of sections 46 and 47 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; and
 - (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) Subject to subsection (3) below, a designation order may revoke the designation of any place as a parking place under section 6 or 32 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 in respect of which provision is made under section 45 of this Act for the leaving of vehicles in that place.

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- (3) Notwithstanding anything in subsection (2) above, the designation of a place as a parking place by a county council in Wales shall not be revoked by a designation order made by a district council.
- (4) Subject to Parts I to III of Schedule 9 to this Act, the authority by whom a parking place is designated under section 45 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 of it 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.
- (5) 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 45 and 46 of this Act and subsections (1) to (4) above.
- (6) Anything authorised or required by the provisions of sections 45 and 46 of this Act and subsections (1) to (4) above to be prescribed or done by order may, except as otherwise expressly provided, be prescribed or done either by a designation order or by a general order.

Modifications etc. (not altering text)

- C3** S. 49(2)(4) restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(2), Sch. 5 paras. 6(3), 12

F14⁵⁰

Textual Amendments

- F14** S. 50 repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), Sch. 17

[F15⁵¹ **Parking devices for designated parking places.**

- (1) Any power of a local authority to make charges under section 45 of this Act for vehicles left in a designated parking place shall include power to require those charges, or any part of them, to be paid by means of the hire or purchase in advance, or the use, of parking devices in accordance with any relevant provision of an order under section 46 of this Act.
- (2) Any power of a local authority to make orders under section 46(2) of this Act shall include power by any such order to make provision—
 - (a) for regulating the issue, use and surrender of parking devices;
 - (b) for requiring vehicles to display parking devices when left in any parking place in respect of which the parking devices may be used;
 - (c) without prejudice to the generality of paragraph (b) above, for regulating the manner in which parking devices are to be displayed or operated;

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- (d) for prescribing the use, and the manner of use, of apparatus, of such type as may be approved by the Secretary of State either generally or specially, designed to be used in connection with parking devices;
 - (e) for treating—
 - (i) the indications given by a parking device; or
 - (ii) the display or the failure to display a parking device on or in any vehicle left in any parking place,
 as evidence [^{F16}(and, in Scotland, as sufficient evidence)] of such facts as may be provided by the order;
 - (f) for the refund, in such circumstances and in such manner as may be prescribed in the order, of the whole or part of the amount of any charge paid in advance in respect of a parking device;
 - (g) for the payment of a deposit in respect of the issue of a parking device and for the repayment of the whole or part of any such deposit.
- (3) For the purposes of subsection (2) above—
- (a) the references to parking meters in section 46(2)(b) and (c) of this Act shall include references to the apparatus referred to in subsection (2)(d) above; and
 - (b) the reference in section 46(2)(c) of this Act to the insertion in a parking meter of coins [^{F17}or banknotes] additional to those inserted by way of payment of any charge [^{F18}or to the insertion or re-insertion in a parking meter of a credit or debit card additional to the original insertion of such a card] shall include (so far as is appropriate) a reference to insertions or re-insertions in any such apparatus of parking devices additional to the original insertion of those devices.
- (4) [^{F19}In this section and in section 52 below “parking device” means either] a card, disc, token, meter, permit, stamp or other similar device, whether used in a vehicle or not, of such type or design as may be approved by the Secretary of State [^{F20}either generally or specially], which, being used either by itself, or in conjunction with any such apparatus as is referred to in subsection (2)(d) above, indicates, or causes to be indicated, the payment of a charge, and—
- (a) the period in respect of which it has been paid and the time of the beginning or end of the period; or
 - (b) whether [^{F21}or not] the period for which it has been paid or any further period has elapsed; [^{F22}or]
 - [^{F22}(c) the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place, and the time of the beginning or end of the period; or
 - (d) whether or not the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place or any further period has elapsed;
- or any other device of any such description as may from time to time be prescribed for the purposes of this section and section 52 below by order made by the Secretary of State, and of such type or design as may be approved by the Secretary of State either generally or specially.]

[An order under subsection (4) above which revokes or amends a previous order under ^{F23}(4A) that subsection may make such saving and transitional provision as appears to the Secretary of State to be necessary or expedient.

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- (4B) The power to make orders under subsection (4) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- (5) Subject to subsection (6) below, the approval of the Secretary of State of—
- (a) the type or design of a parking device; or
 - (b) the type of apparatus designed to be used in connection with parking devices, may [^{F24}for the purposes of this section] be given, in respect of any device or apparatus, either without limit of time or for such period, being not less than 2 years, as the Secretary of State considers appropriate.
- (6) Before the expiry of any such period, or of any such period as extended under this subsection, the Secretary of State—
- (a) may direct that the period shall be extended for such further period as he may specify; or
 - (b) may approve the device without limit of time.]

Textual Amendments

- F15** S. 51 substituted by Road Traffic Regulation (Parking) Act 1986 (c. 27, SIF 107:1), s. 2(1)
- F16** Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 4(a)
- F17** Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 4(b)
- F18** Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 4(b)
- F19** Words substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 4(c)(i)
- F20** Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 4(c)(ii)
- F21** Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 4(c)(iii)
- F22** Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 4(c)(iv)
- F23** S. 51(4A)(4B) inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 4(d)
- F24** Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, Sch. para. 4(b)

52 Offences and proceedings in connection with parking devices and associated apparatus.

- (1) A person who, with intent to defraud,—
- (a) interferes with any apparatus referred to in section 51(2)(d) of this Act or with a parking device, or operates or attempts to operate any such apparatus or any parking device otherwise than in the manner prescribed, or
 - (b) displays a parking device otherwise than in the manner prescribed,
- shall be guilty of an offence.
- (2) In subsection (5) of section 47 of this Act the reference to apparatus provided for the purposes of a parking place and operated by the insertion of coins [^{F25}or bank notes or by means of credit or debit cards] shall include references to—
- (a) any such apparatus as is referred to in section 51(2)(d) of this Act, and
 - [^{F26}(b) any such device as is referred to in section 51(4) of this Act;]

and the said subsection (5) (as modified by this subsection) . . . ^{F27} of section 47 of this Act shall apply to an offence under subsection (1) above as they apply to an offence under that section.

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- (3) In section 48(1) of this Act the reference to a parking meter relating to the space in which a vehicle is left in a designated parking place shall include references to—
 - (a) any such apparatus as is referred to in section 51(2)(d) of this Act which relates to the space in which a vehicle is so left, and
 - (b) to a parking device used in respect of a vehicle left in a space in a designated parking place.

Textual Amendments

F25 Words inserted by [Parking Act 1989 \(c. 16, SIF 107:1\), s. 4, Sch. para. 5\(a\)](#)

F26 [S. 52\(2\)\(b\)](#) substituted by [Parking Act 1989 \(c. 16, SIF 107:1\), s. 4, Sch. para. 5\(b\)](#)

F27 Words repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\), ss. 3, 5, Sch. 1 Pt. I, Sch. 4 paras. 1–3](#)

53 Designation orders outside Greater London.

- (1) A designation order made in respect of [^{F28}highways][^{F28}roads] in any area outside Greater London may include such provisions—
 - (a) for any of the purposes specified in paragraphs (a) to (c) of section 2(2) of this Act, or
 - (b) for authorising the use without charge (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.
- (2) A designation order making provision for any of the purposes referred to in subsection (1)(a) above may vary or revoke any subsisting provision made for any of those purposes under section 1 of this Act.
- (3) 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.
- (4) Section 47 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 subsection (1) above.
- (5) 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 subsection (1)(a) above shall be guilty of an offence.
- (6) In the event of a contravention of, or non-compliance with, a provision of a designation order having effect by virtue of subsection (1)(b) above, the person responsible (as determined in accordance with the order) shall be guilty of an offence.
- (7) ^{F29}

Textual Amendments

F28 Word “roads” substituted (S.) for word “highways” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\), s. 128\(1\), Sch. 9 para. 93\(19\)](#)

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F29 S. 53(7) repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

Modifications etc. (not altering text)

C4 S. 53 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 5(2), Sch. 5 paras. 6(3), **12**

54 Designation orders in Wales.

- (1) Before exercising their powers under section 45, 46, 49 or 53(1) and (2) of this Act, the council of a county in Wales shall consult the council of the district in which the designated parking place is to be, or is, situated.
- (2) The council of a district in Wales shall not exercise their powers under any of the provisions specified in subsection (1) above without the consent of the county council; and any consent given by the county council may be subject to such conditions or restrictions as they think fit.
- (3) Where a district council in Wales propose to make an order under any of the provisions specified in subsection (1) above, the district council shall submit a draft of the order to the county council, who may (without prejudice to their power to give or withhold consent to the making of the order) require such modifications of the terms of the proposed order as they think appropriate.
- (4) A district council aggrieved by the refusal of the county council to give consent under subsection (2) above, by any conditions or restrictions subject to which any such consent is given, or by any modifications required under subsection (3) above, may appeal to the Secretary of State; and on any such appeal the Secretary of State may give such directions as he thinks fit, either dispensing with the need for consent or varying or revoking any such conditions, restrictions or modifications.
- (5) Subject to subsection (6) below, the power to vary or revoke an order made by a district council in Wales under any of the provisions specified in subsection (1) above shall be exercisable by the county council as well as by the district council; but, if the county council propose to make an order in the exercise of that power, they shall send a copy of the proposed order to the district council who made the order which it is proposed to vary or revoke.
- (6) If, not later than 6 weeks after a district council in Wales has received a copy of a proposed order under subsection (5) above, the council serve notice on the county council and the Secretary of State of their objection to the making of the proposed order, and the objection is not withdrawn by a further notice served not later than 6 weeks after the service of the notice of objection, the county council shall submit a copy of the proposed order to the Secretary of State and shall not make the order except with the consent of the Secretary of State.
- (7) The Secretary of State, if he consents to any order submitted to him for his consent under subsection (6) above, may consent to the order either in the form in which it was submitted to him or with such modifications as he thinks fit, which may include additions, exceptions or other modifications of any description; but, where he proposes to consent to the order with modifications which appear to him substantially to affect the character of the order as submitted to him, he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the county council and district council in question and any other persons likely to be concerned.

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- (8) In Wales a county council or a district council by whom a parking place has been designated may enter into an agreement with a district council or the county council respectively for the transfer from the one council to the other of the operation of the parking place; and any such agreement—
- (a) may provide for the transfer of such apparatus or other things held by, and rights or liabilities of, the transferring council in connection with the parking place as may be specified in the agreement, and
 - (b) shall specify the date of the transfer and its terms (which may include terms as to the making of payments by one council to the other),
- and from the taking effect of any such transfer the order designating the parking place shall have effect subject to such modifications (if any) appearing to the county council concerned (whether as transferee or transferor) to be requisite in consequence of the transfer as the county council may direct; and the provisions of sections 46 to 49 of this Act and this section shall thereafter apply as if the parking place had been designated by order made by the authority to whom its operation is transferred.
- (9) The power of a county council in Wales to make an order under subsection (2) of section 46 or subsection (4) of section 49 of this Act shall apply in relation to any parking place designated by an order made by the council of any district in the county as it applies in relation to a parking place designated by an order made by the county council; but if, by virtue of this subsection, a county council in Wales proposes to make an order under either of those subsections they shall send a copy of the proposed order to the district council concerned, and subsections (6) and (7) above shall apply, with the substitution (in subsection (6) above) of a reference to this subsection for the reference to subsection (5) above.

55 Financial provisions relating to designation orders.

- (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 [^{F30}general fund], and (subject to subsection (3) below) any surplus shall be applied for all or any of the purposes specified in subsection (4) below and, in so far as it is not so applied, shall be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to carrying it out.
- (3) If the local authority so determine, any amount not applied in any financial year, instead of being or remaining so appropriated, may be carried forward in the account kept under subsection (1) above to the next financial year.
- (4) The purposes referred to in subsection (2) above are the following, that is to say—
 - (a) the making good to the [^{F31}general fund] of any amount charged to that fund under subsection (2) above in the 4 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 [^{F32}highways][^{F32}roads], and whether in the open or under cover;
 - (c) the making to other local authorities, to [^{F33}the council of any county metropolitan district or London borough or to the Common Council of the City of London] or to other persons of contributions towards the cost of the provision and maintenance by them, in the area of the local authority

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or elsewhere, of parking accommodation for vehicles otherwise than on [F32]highways][F32]roads], and whether in the open or under cover; and

- (d) if it appears to the local authority that the provision in their area of further parking accommodation for vehicles otherwise than on [F32]highways][F32]roads] 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; and
 - (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 M1Highways Act 1980, constitutes the improvement of a highway in the local authority’s area or, in the case of an authority in Scotland, [F34]purposes of a project connected with the doing by the roads authority (whether or not the local authority) of anything which, within the meaning of the M2Roads (Scotland) Act 1984, constitutes the improvement of a road in the local authority’s area.]

[F35](5) The enactments referred to in subsection (4)(d)(ii) above are—

- (a) section 8(5) of the M3Development and Road Improvement Funds Act 1909;
- (b) section 58 of the M4Road Traffic Act 1930;
- (c) section 4 of the M5Restriction of Ribbon Development Act 1935;
- (d) section 3(2) of the M6Trunk Roads Act 1946;
- (e) the M7Highways (Provision of Cattle Grids) Act 1950;
- (f) section 45 of the M8Road Traffic Act 1956;
- (g) sections 5, 10 and 24 of the M9Roads (Scotland) Act 1970.]

(6) In relation to a parking place of which the operation is transferred in accordance with . . . F36 subsection (8) of section 54 of this Act, the provisions of this Act which are required by that subsection to apply thereafter—

- (a) F37
- (b) F38

shall include the provisions of this section.

(7) F39

Textual Amendments

- F30** Words substituted by Local Government Finance Act 1988 (c. 41, SIF 81:1, 103:2), s. 137, **Sch. 12 Pt. III para. 42(1)–(3)**
- F31** Words substituted by Local Government Finance Act 1988 (c. 41, SIF 81:1, 103:2), s. 137, **Sch. 12 Pt. III para. 42(1)–(3)**
- F32** Word “roads” substituted (S.) for word “highways” by Roads (Scotland) Act 1984 (c. 54, SIF 108, s. 128(1), **Sch. 9 para. 93(20)(a)(i)**)
- F33** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(22)**
- F34** Words substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), **Sch. 9 para. 93(20)(a)(ii)**
- F35** S. 55(5) repealed (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), ss. 128(1), 156(3), **Sch. 10 para. 4(1), Sch. 11**
- F36** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**
- F37** S. 55(6)(a) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

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- F38** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)
F39 [S. 55\(7\)](#) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)

Marginal Citations

- M1** [1980 c. 66\(59\)](#).
M2 [1984 c. 54\(108\)](#).
M3 [1909 c. 47\(108\)](#).
M4 [1930 c. 43\(108\)](#).
M5 [1935 c. 47\(108\)](#).
M6 [1946 c. 30\(108\)](#).
M7 [1950 c. 24\(108\)](#).
M8 [1956 c. 67\(108\)](#).
M9 [1970 c. 20\(108\)](#).

56 Grants where parking place designated by Secretary of State.

Where by virtue of paragraph 3 of Schedule 9 to this Act a parking place has been designated under section 45 of this Act by the Secretary of State—

- (a) he may make grants out of moneys provided by Parliament towards the cost of the provision and maintenance of off-street parking places whether in the open or under cover, or for any purpose such as is mentioned in section 55(4)(d)(i) or (ii) of this Act; but
- (b) in exercising his powers under this section he shall use his best endeavours to secure that the aggregate of the amounts paid by him by way of grants does not exceed the difference between—
 - (i) the aggregate of the sums received by him by way of charges made by him for vehicles left in parking places designated by him under section 45 of this Act; and
 - (ii) the aggregate of the expenses incurred by him in the provision, operation and maintenance of the parking places in respect of which those charges are made.

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