Road Traffic Regulation Act 1984

1984 CHAPTER 27

PART IV

PARKING PLACES

Provision of off-street parking, and parking on roads without payment

32 Power of local authorities to provide parking places.

(1) Where for the purpose of relieving or preventing congestion of traffic it appears to a local authority to be necessary to provide within their area suitable parking places for vehicles, the local authority, subject to Parts I to III of Schedule 9 to this Act—

(a) may provide off-street parking places (whether above or below ground and whether or not consisting of or including buildings) together with means of entrance to and egress from them, or

(b) may by order authorise the use as a parking place of any part of a road within their area, not being a road the whole or part of the width of which is within Greater London.

(2) A 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 road, adapt any part of it for the purpose of providing means of entrance to or egress from a parking place.

(3) 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 cloakroom or other convenience for use in connection with it; and references in other provisions of this section to parking places shall accordingly be construed as including references to any such conveniences.

(4) In this section and in sections 33 to 41 of this Act—

(a) "local authority", in relation to England and Wales, means (subject to section 36(3)) the council of a county, London borough or district . . . [F1] or the

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Common Council of the City of London and, in relation to Scotland, means the local **[**[F2]roads**]** authority;

(b) "parking place" means a place where vehicles, or vehicles of any class, may wait;

and for the purposes of this section and of sections 33 to 41 of this Act, an underground parking place shall not be deemed to be part of a road by reason only of its being situated under a road.

Textual Amendments

F1 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F2 Word substituted by Road (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), **Sch. 9 para. 93(14)**

Modifications etc. (not altering text)

C1 S. 32 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), **Sch. 5 para. 6(3)**

C2 S. 32 restricted by Local Government Act 1985 (c. 51, SIF 81:1) s. 8(2), Sch. 5 para. 12

33 Additional powers of local authorities in connection with off-street parking places.

(1) The power of a local authority under section 32 of this Act to provide off-street parking places shall include power to provide them in buildings used also for other purposes, and to erect or adapt, and to maintain, equip and manage, buildings accordingly; and the authority by whom a parking place is so provided may let, on such terms as they think fit, parts of the building which are not used for the parking place, and may provide services for the benefit of persons occupying or using those parts, and may make such reasonable charges for those services as they may determine.

(2) A local authority may adapt for use as a temporary off-street parking place any land owned by them or under their control, not being, in the case of land owned by them, land acquired or appropriated by them for use as an off-street parking place.

(3) A local authority may let for use as a parking place any off-street parking place provided by them; and, where the parking place is in a building, they may let the parking place separately from the rest of the building or let the whole or any part of the building with the parking place.

(4) A local authority may, on such terms as they think fit,—

(a) let land on which they could erect or adapt a building for the purpose of providing an off-street parking place with a view to its being provided by some other person, or

(b) arrange with any person for him to provide such a parking place on any land of which he is the owner or in which he has an interest.

(5) A local authority may, at an off-street parking place provided by them under section 32 of this Act, provide and maintain such buildings, facilities and apparatus as they think fit for the storage and sale of fuel and lubricants and the supply of air and water for the vehicles, and may let or hire out, on such terms as they think fit, the buildings, facilities or apparatus so provided, but shall not themselves sell or supply fuel or lubricants.

(6) Subsections (1) to (5) above shall not affect the provisions of any local Act as to the provision of parking places.

(7) A local authority shall have power to enter into arrangements with any person under which, in consideration of the payment by him to the authority of a lump sum, or of a series of lump sums, he is authorised to collect and retain the charges made in respect of the parking of vehicles in an off-street parking place provided by the authority under section 32 of this Act.

34 Provision of access to premises through off-street parking place.

(1) Where it appears to a local authority **[**[F3]in England or Wales**]** which proposes to provide, or has provided, an off-street parking place under section 32 of this Act—

(a) that it would relieve or prevent congestion of traffic on a **[**[F4]highway**][**[F4]road**]** if use were made of the parking place to provide a means of access from the **[**[F4]highway**][**[F4]road**]** to premises adjoining, or abutting on, the parking place, and

(b) that it would be possible to provide such access and at the same time ensure that vehicles using the parking place to obtain access to the premises in question would, while in the parking place, proceed in the direction in which other vehicles using the parking place are to be, or are, required to proceed,

the authority may provide such a means of access in accordance with the provisions of this section.

(2) A local authority may adapt for use as, or for providing, means of access under this section—

(a) an off-street parking place provided by them under section 32 of this Act;

(b) any land acquired or appropriated by them for the purposes of this section or section 32; or

(c) with the consent of the authority or person responsible for the maintenance of a road, any part of that road.

(3) A local authority which proposes to provide, or has provided, a means of access to any premises under this section—

(a) may enter into an agreement with the occupier of the premises with respect to the use of the means of access and for the making by him of contributions towards the expenses incurred by the authority in providing the means of access;

(b) may, for such consideration and on such terms and conditions as may be agreed, grant to the occupier of the premises, or any other person having an interest in them, a right of way over any such part of the land comprised in the parking place as is to be used as the means of access, and such other rights (if any) incidental to, or connected with, the use of the means of access as they think it necessary or expedient to grant.

(4) Subject to the provisions of any agreement made by them under paragraph (a) of subsection (3) above and to any rights granted by them under paragraph (b) of that subsection, a local authority may stop up any means of access provided by them under this section.

(5) References in this section to a parking place include references to the means of entrance to and egress from the parking place.

Textual Amendments

F3 Words repealed (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), ss. 125, 128(1), 156(3), Sch. 10 para. 4(1), **Sch. 11**

F4 Words "road" substituted (S.) for word "highway" by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), **Sch. 9 para. 93(15)**

Modifications etc. (not altering text)

C3 S. 34 extended (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **ss. 125**, 128(1)

35 Provisions as to use of parking places provided under s. 32 or 33.

(1) As respects any parking place—

(a) provided by a local authority under section 32 of this Act, or

(b) provided under any letting or arrangements made by a local authority under section 33(4) of this Act,

the local authority, subject to Parts I to III of Schedule 9 to this Act, may by order make provision as to—

(i) the use of the parking place, and in particular the vehicles or class of vehicles which may be entitled to use it,

(ii) the conditions on which it may be used,

(iii) the charges to be paid in connection with its use (where it is an off-street one), and

(iv) the removal from it of a vehicle left there in contravention of the order and the safe custody of the vehicle

[[F5]and the power under paragraph (iii) to make provision as to the payment of charges shall include power to make provision requiring 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 the order.**]**.

(2) Where under section 34 of this Act a means of access to any premises has been provided by a local authority through an off-street parking place, then, subject to Parts I to III of Schedule 9 to this Act and to the provisions of any agreement made by the local authority under subsection (3) of section 34 and to any rights granted by them under that subsection, the authority may by an order under subsection (1) above make provision as to the use of the parking place as the means of access and, in particular, as to the vehicles or class of vehicles which may be entitled to use the means of access and as to the conditions on which the means of access may be used.

(3) An order under subsection (1) above may provide for a specified apparatus or device to be used—

(a) as a means to indicate—

(i) the time at which a vehicle arrived at, and the time at which it ought to leave, a parking place, or one or other of those times, or

(ii) the charges paid or payable in respect of a vehicle in an off-street parking place; or

(b) as a means to collect any such charges,

and may make provision regulating the use of any such apparatus or device; but an order shall not provide for the use of any apparatus or device not generally or specially approved for the purpose by the Secretary of State.

[F6(3A) An order under subsection (1) above may also provide—

(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;

(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 (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 any part of any such deposit.

(3B) In this section and in section 35A below "parking device" means either a card, disc, token, meter, permit, stamp or other similar device, whether used in a vehicle or not, for such type or design as may be approved by the Secretary of State either generally or specially, which, being used either by itself, or in conjunction with any such apparatus as is referred to in subsection (3A)(d) above—

(a) indicates, or causes to be indicated, the payment of a charge, and—

(i) the period in respect of which it has been paid and the time of the beginning or end of the period, or

(ii) whether or not the period for which it has been paid or any further period has elapsed, or

(iii) 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

(iv) 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

(b) operates apparatus controlling the entry of vehicles to or their exit from the parking place, or enables that apparatus to be operated;

or any other device of any such description as may from time to time be prescribed for the purposes of this section and section 35A 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.

(3C) An order under subsection (3B) above which revokes or amends a previous order under that subsection may make such savings and transitional provision as appears to the Secretary of State to be necessary or expedient.

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(3D) The power to make orders under subsection (3B) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]**

(4) . . . . . [F7]

(8) . . . . . [F8]

(9) A local authority may appoint, with or without remuneration, such officers and servants as may be necessary for the supervision of parking places.

Textual Amendments

F5 Words inserted by Parking Act 1989 (c. 16, SIF 107:1), **s. 1(2)(5)**

F6 S. 35(3A)–(3D) inserted by Parking Act 1989 (c. 16, SIF 107:1), **s. 1(3)(5)**

F7 S. 35(4)–(7) repealed by Parking Act 1989 (c. 16, SIF 107:1), **s. 1(4)(5)**

F8 S. 35(8) 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. 35 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), **Sch. 5 para. 6(3)**

C5 S. 35 restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8(2), **Sch. 5 para. 12**

[F9 35A Offences and proceedings in connection with parking places provided under s. 32 or 33.

(1) In the event of any contravention of, or non-compliance with, a provision of an order under section 35(1) above, the person responsible shall be guilty of an offence.

(2) A person who, with intent to defraud—

(a) interferes with any such apparatus or device mentioned in section 35(3) above as is by an order under section 35(1) above to be used for the collection of charges at an off-street parking place, or operates or attempts to operate it by the insertion of objects other than current coins or bank notes of the appropriate denomination, or the appropriate credit or debit cards, or

(b) interferes with any such apparatus as is mentioned in section 35(3A)(d) above 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

(c) displays a parking device otherwise than in the manner prescribed,

shall be guilty of an offence.

(3) An order under section 35(1) above may include provision—

(a) for determining the person responsible for any contravention of or non-compliance with the order;

(b) for treating—

(i) the indications given by any such apparatus or device as is mentioned in section 35(3) above used in pursuance of the order, or

(ii) the indications given by any such apparatus as is mentioned in section 35(3A)(d) above used in pursuance of the order, or any tickets issued by it, or the absence of any such ticket from a vehicle left in a parking place,

as evidence (and, in Scotland, as sufficient evidence) of such facts and for such purposes as may be provided by the order;

(c) for applying with any appropriate adaptations any of the provisions of subsections (4) to (6) of section 47 of this Act.

(4) The reference in subsection (5) of section 47 of this Act to apparatus provided for the purposes of a parking place and operated by the insertion of coins or bank notes or by means of credit or debit cards shall, where that subsection is applied by virtue of subsection (3)(c) above, include references to—

(a) any such apparatus as is referred to in section 35(3A)(d) above, and

(b) any such device as is referred to in section 35(3B) above;

and the said subsection (5) of section 47 of this Act (as modified by this subsection) shall apply to an offence under subsection (2)(b) or (c) above as it applies to an offence under that section.

(5) 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 with it, to ply for hire or accept passengers for hire; and if a person acts in contravention of this subsection he shall be guilty of an offence.

(6) In this section—

"credit card" means a card or similar thing issued by any person, use of which enables the holder to defer the payment by him of the charge for parking a vehicle; and

"debit card" means a card or similar thing issued by any person, use of which by the holder causes the charge for parking a vehicle to be paid by the electronic transfer of funds from any current account of his at a bank or other institution providing banking services.**]**

Textual Amendments

F9 S. 35A inserted by Parking Act 1989 (c. 16, SIF 107:1), **s. 2**

[F10 35B Display of information.

(1) The Secretary of State may make regulations requiring local authorities to display at off-street parking places provided by them under section 32 above such information about parking there as is specified in the regulations.

(2) Regulations under this section may also—

(a) require the display of any orders under section 35(1) above relating to the parking place;

(b) specify the manner in which the information and orders are to be displayed;

(c) exempt local authorities, in specified circumstances or subject to specified conditions, from the requirement to display information and orders, or to display them in the specified manner; and

(d) provide, in relation to a parking place at which a local authority fails to comply with the regulations or with any specified provision of the regulations, that, except in any specified circumstances, any order under section 35(1) above shall be of no effect in its application to that parking place in so far as it

requires the payment of any charge in connection with use of the parking place—

(i) while the failure to comply continues, and

(ii) as respects vehicles parked there when the failure to comply was remedied, during a specified period thereafter.

(3) Regulations under this section may make different provision for different circumstances and for different descriptions of parking place, and may exempt specified descriptions of parking place from any provision of the regulations.

(4) In any proceedings for contravention of, or non-compliance with, an order under section 35(1) above relating to an off-street parking place, it shall be assumed, unless the contrary is shown, that any relevant regulations under this section were complied with at all material times.**]**

Textual Amendments

F10 S. 35B inserted by Parking Act 1989 (c. 16, SIF 107:1), **s. 3**

VALID FROM 05/07/1993

[F11 35C Variation of charges at off-street parking places.

(1) Where an order under section 35(1)(iii) of this Act makes provision as to the charges to be paid in connection with the use of off-street parking places, 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 35 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.

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

Textual Amendments

F11 S. 35C 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.41**; S.I. 1993/1461, **art. 2(a)**; S.I. 1993/1686, **art.2.**; S.I. 1997/2260, **art. 2**

36 Provisions as to authorising use of roads for parking.

(1) Subject to section 37 of this Act, no order under section 32(1)(b) of this Act shall—

(a) authorise the use of any part of a road 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, or

(b) be made in respect of any part of a road without the consent of the authority or person responsible for the maintenance of the road.

(2) The exercise by a local authority of their powers under section 32 of this Act 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 the loss of or damage to any vehicle or the fittings or contents of any vehicle parked in the parking place.

(3) In relation to roads in England the power to make an order under section 32(1)(b) of this Act shall not be exercisable by **[**[F12]non-metropolitan**]** district councils.

(4) Subsection (3) above shall not affect the operation of section 101(1) of the [M1]Local Government Act 1972 (arrangements for discharge of functions by local authorities), which shall have effect as if subsection (3) above were contained in an Act passed before that Act.

Textual Amendments

F12 Word inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(14)**

Marginal Citations

M1 1972 c. 70**(81:1).**

37 Extension of powers for purposes of general scheme of traffic control.

(1) This section applies to any order made under sections 1 and 32 of this Act jointly by the council of a county **[**[F13]or metropolitan district**]** in England or Wales, or by a local **[**[F14]roads**]** authority in Scotland, where the order is, and is stated to be, made by virtue of this section and for the purposes of a general scheme of traffic control in a stated area.

(2) Without prejudice to Parts I to III of Schedule 9 to this Act, the following provisions of this Act, that is to say, section 3(1), so far as it relates to vehicles, and sections 3(2) and 36(1)(a), shall not apply to any order to which this section applies, or to any order under this Act revoking or varying such an order.

(3) Any provision of—

(a) an order to which this section applies in so far as it has effect by virtue of section 1 of this Act, or

(b) an order revoking or varying such an order, in so far as the order revoked or varied has effect by virtue of that section,

may, notwithstanding anything in that section, be made so as to apply to a trunk road.

(4) No authority shall make an order to which this section applies unless they are satisfied that the general scheme of traffic control—

(a) is adequate in point of area;

(b) takes adequate account of the need for maintaining the free movement of traffic and of the need for maintaining reasonable access to premises;

(c) takes adequate account of the effect of heavy commercial vehicles on amenities; and

(d) makes provision for street parking places, and for regulating their use with the aid of apparatus or devices approved by the Secretary of State, which is suitable, regard being had to the extent to which off-street parking places are available in the neighbourhood or their provision is likely to be encouraged by the scheme.

Textual Amendments

F13 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(15)**

F14 Word substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), **Sch. 9 para. 93(16)**

Modifications etc. (not altering text)

C6 S. 37 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), **Sch. 5 para. 6(3)**

C7 S. 37 restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8(2), **Sch. 5 para. 12**

38 Parking place to be used as bus or coach station.

(1) Where, in pursuance of the powers conferred by section 32 of this Act, a local authority provides a parking place which may be used by public service vehicles, then, subject to Parts I to III and Part V of Schedule 9 to this Act, the local authority may, if they think fit,—

(a) by order appoint that parking place as a station for, or for a specified class of, public service vehicles;

(b) in England or Wales by regulation, and in Scotland by order, declare that section **[**[F15]35A(5)**]** of this Act shall not apply to public service vehicles, either absolutely or to such extent as may be specified in the regulation or order.

(2) A local authority by whom a parking place is appointed under this section as a station for public service vehicles may—

(a) 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 with it;

(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) Subject to subsection (4) below, a local authority shall have power to make such reasonable charges for the use of a parking place (not being part of a **[**[F16]street**][**[F16]road**]**) as a station for public service vehicles as may be fixed by the local authority.

(4) If the holder of a PSV operator's licence in respect of any vehicles using the parking place as a station considers that the charges fixed under subsection (3) above are unreasonable, then, in default of agreement between the licence holder and the local authority for a reduction of them, the charges in respect of those vehicles shall be such as may be determined by the appropriate traffic **[**[F17]commissioner**]**.

(5) The powers conferred on a local authority by subsections (1) and (2) above shall be in addition to, and not in substitution for, the powers conferred on a local authority by sections 32 and 33(1) of this Act.

(6) The purposes of this section shall be purposes for which a local authority may borrow.

(7) In this section—

(a) "the appropriate traffic **[**[F17]commissioner**]**" means the **[**[F17]commissioner**]** for any traffic area constituted for the purposes of the [M2]Public Passenger Vehicles Act 1981 in which the area or any part of the area of the local authority is situated; and

(b) "PSV operator's licence" means a PSV operator's licence granted under the provisions of Part II of the said Act of 1981.

Textual Amendments

F15 "35A(5)" substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 1**

F16 Word "road" substituted (S.) for word "street" by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), **Sch. 9 para. 93(17)**

F17 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3, **Sch. 2 Pt. II para. 6**

Modifications etc. (not altering text)

C8 S. 38 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), Sch. 5 paras. 6(3), **12** and by Transport Act 1985 (c. 67, SIF 126), **s. 82**

Marginal Citations

M2 1981 c. 14**(107:1).**

39 Supplementary provisions as to exercise of powers under ss. 32–35 in England or Wales.

(1) Before exercising their powers under section 32(1) or section 35(1) of this Act, except in the case of the exercise of the power conferred by section 32(1)(b) of this Act in relation to a road in England, a county council in England or Wales shall consult with the council of the district in which the parking place is to be, or is, situated.

(2) . . . . . [F18]

(3) A district council **[**[F19], other than a metropolitan district council,**]** shall not exercise its powers under any of the following provisions of this Act, that is to say, section 32, subsections (1), (3) and (4) of section 33, section 34 and section 35(1), 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.

(4) Where a district council in Wales proposes to make an order under section 32 **[**[F20]or 35**]** of this Act, or a **[**[F21]non-metropolitan**]** district council in England . . . [F22] proposes to make an order under section 35 of this Act, the council shall submit a draft of the order to the county 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.

(5) A district council aggrieved by the refusal of the county council to give consent under subsection (3) above, by any conditions or restrictions subject to which any such consent is given, or by any modifications required under subsection (4) above, may appeal to the Secretary of State; and on any such appeal the Secretary of State may

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give such directions as he thinks fit, either dispensing with the need for consent or varying or revoking any such conditions, restrictions or modifications.

(6) Subject to subsections (7) and (8) below, the power to vary or revoke an order made by a district council **[**[F23], other than a metropolitan district council,**]** under section 32(1) or section 35(1) of this Act shall be exercisable by the county council as well as by the district council; and the powers of a county council under section 35 of this Act shall apply in relation to a parking place—

(a) provided by the council of a district in the county under section 32 of this Act, or

(b) provided under any letting or arrangements made by the council of such a district under section 33(4) of this Act,

as they apply in relation to parking places provided by, or under any letting or arrangements made by, the county council.

(7) Where a county council proposes to make an order by virtue of subsection (6) above, the county council shall send a copy of the proposed order to the district council; and if, not later than 6 weeks after they have received such a copy from the county council, the district 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 his consent.

(8) If the Secretary of State consents to an order submitted to him for his consent under subsection (7) above, he 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.

Textual Amendments

F18 S. 39(2) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F19 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(16)**(*a*)

F20 "or 35" inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(16)**(*b*)(i)

F21 Word inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(16)**(*b*)(ii)

F22 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), 102(2)(3), **Sch. 5 para. 4(16)**(*b*)(iii), Sch. 17

F23 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(16)**(*c*)

40 Acquisition of land: provisions as to parking places.

(1) A local authority may be authorised by the Secretary of State to purchase compulsorily land for the purposes of sections 32, 33(4)(a) and 34 of this Act; and the [M3]Acquisition of Land Act 1981 or, as the case may be, the [M4]Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to the compulsory purchase of land under this subsection and, in the latter case, shall apply as if this subsection had been in force immediately before the commencement of that Act.

Status: *Point in time view as at 01/02/1991. This version of this cross heading contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Cross Heading: Provision of off-street parking, and parking on roads without payment. (See end of Document for details)*

(2) The power of a local authority to acquire land for the purposes of sections 32, 33(4)(a) and 34 of this Act shall extend to the acquisition of any interest or right in, over or under land; and in subsection (1) above "land" shall be construed as including any such interest or right.

(3) Land compulsorily acquired by a local authority otherwise than for the purposes of an off-street parking place, and not appropriated for a purpose other than that for which it was acquired, shall not be used by them for providing an off-street parking place on it for a period exceeding 12 months except with the consent of the Minister of the Crown who, at the time when his consent is sought, is the Minister concerned with the function for the purposes of which the land was acquired.

Marginal Citations

M3 1931 c. 67**(28:1).**

M4 1947 c. 42**(28:2).**

41 Financial provisions relating to parking places.

(1) A local authority may contribute towards the expenses incurred by any other authority in the exercise of their powers under the following provisions of this Act, that is to say, sections 32, 33(1), 34, 35(9) and 40.

(2) A local authority in Scotland may borrow such sums as the authority may require for the purpose of those provisions.

42 Provisions as to foreshore in Scotland.

—Nothing in section 32, 33(1), 38 or 40(1) 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 have been approved in writing by the Secretary of State before the commencement of the works.

Status:
Point in time view as at 01/02/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:
There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Cross Heading: Provision of off-street parking, and parking on roads without payment.