

# **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### *Commentary on Sections*

#### **Part 2: Vehicles**

#### **Nuisance Parking**

#### *Section 3 Exposing vehicles for sale on a road*

32. Some garages and other businesses which sell cars at times park them for long periods on the road. This can be a nuisance to local residents. Section 3 makes it an offence for a person to park motor vehicles on a road or roads, where the vehicles are parked merely in order to be sold. There must be *two or more* vehicles *within 500 metres of each other* for the offence to be committed.
33. The provision is not aimed at individuals selling cars privately, so a person will not be convicted if he can prove that he was not acting for the purposes of a business (see *subsection (2)*). *Subsection (3)* sets out the penalties.
34. A ‘road’ is as defined in section 142 of the [Road Traffic Regulation Act 1984 \(c.27\)](#) as any length of highway or of any other road to which the public has access. Whether a piece of land is a road or not is a matter of fact. The main feature of a road is that the general public has a right to use it as a means of getting from A to B. The definition includes all highways (all the land to which the public has a right to pass along for the purpose of legitimate travelling and includes both the carriageway and footpath) and also access roads through estates that are owned by organisations such as Housing Associations or by the residents who live there. A car park for example would not normally come within the definition of a road as its function is to enable people to leave their vehicles.
35. Under *subsection (4)* ‘motor vehicle’ has the same meaning as in the [Refuse Disposal \(Amenity\) Act 1978 \(c.3\)](#) which is “a mechanically propelled vehicle intended or adapted for use on roads, whether or not it is in a fit state for such use, and includes any trailer intended or adapted for use as an attachment to such a vehicle, any chassis or body, with or without wheels, appearing to have formed part of such a vehicle or trailer and anything attached to such a vehicle or trailer”.