



Road Traffic Act 1960

1960 CHAPTER 16

PART I

GENERAL PROVISIONS RELATING TO ROAD TRAFFIC

Parking Places (General Provisions): on Highways for Payment

85 Provision on highways of parking places where charges made

- (1) The Minister may by order made on the application of the local authority in accordance with the provisions of Part I of the Tenth Schedule to this Act (in this and the five next following sections and in that Schedule referred to as a "designation order") designate parking places on highways in the metropolitan police district or the City of London for vehicles or vehicles of any class or description 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 hereinafter specified.
- (2) In determining what parking places are to be designated under this section the Minister shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which he shall have regard shall include—
 - (a) the need for maintaining the free movement of traffic, and
 - (b) the need for maintaining reasonable access to premises, and
 - (c) the extent to which parking accommodation (whether open or covered) otherwise than on highways is available in the neighbourhood or the provision thereof is likely to be encouraged there by the designation of parking places under this section.
- (3) The exercise by a local authority of their 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.
- (4) In this and the four next following sections "local authority" means the council of a county borough or county district, the Common Council of the City of London or the

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

council of a metropolitan borough, and " the local authority ", in relation to a parking place or proposed parking place on any site, means that one of the said councils in whose area the site is:

Provided that in the case of a site in a metropolitan borough—

- (a) an application for a designation order may be made by the London County Council, and references in the Tenth Schedule to this Act to a local authority shall be construed accordingly;
 - (b) subject to the next following paragraph, the London County Council shall be the local authority if the parking place is designated by an order made on their application;
 - (c) at any time after the making of a designation order the council of the metropolitan borough and the London County Council may apply to the Minister for an order directing that such one of the councils as is not the local authority shall become the local authority for that parking place, and the Minister may, if he thinks fit, make an order accordingly.
- (5) If it appears to the Minister that it is expedient for the purposes of this section that, with a view to experiment or demonstration, parking places on highways should be designated at any sites in the metropolitan police district or the City of London, and that no application under this section for the designation thereof is forthcoming, the Minister may by order made in accordance with the provisions of Part II of the Tenth Schedule to this Act designate those parking places for vehicles or vehicles of any class or description specified in the order, and may make charges for vehicles left in any parking place so designated of such amount as is hereinafter specified; and—
- (a) in relation to parking places designated by virtue of this subsection references in subsection (3) of this section and in the two next following sections to the local authority shall be construed as references to the Minister;
 - (b) if the Minister, with the consent of the Treasury, enters into an agreement with the local authority or the London County Council for the transfer to the authority or Council of the operation of the parking place, the operation thereof, and such apparatus or other things held by, and rights or liabilities of, the Minister in connection with the parking place as may be specified in the agreement, shall be transferred as from such date and on such terms (including terms as to the making of payments to or by the Minister) as may be so specified;
 - (c) from the taking effect of any such transfer of the operation of a parking place the order designating the parking place shall have effect subject to such modifications (if any) as the Minister may direct, being amendments appearing to him requisite in consequence of the transfer, and the provisions of this and the five next following sections shall thereafter apply as if the parking place had been designated by order made on the application of the council to which the transfer is made.
- (6) An order under the last foregoing subsection shall not continue in force for longer than two years from the coming into operation thereof together with such further period (if any) not exceeding twelve months as the Minister may by order made at any time before the expiration of the order under the last foregoing subsection prescribe:

Provided that this subsection shall cease to have effect as respects any parking place on the making in relation thereto of an agreement under paragraph (b) of the last foregoing subsection.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (7) References in the five next following sections and the Tenth Schedule to this Act to a designation order include references to an order under subsection (5) of this section.
- (8) The Minister may by order provide that subsection (1) of this section shall apply to any such area in England or Wales, in addition to the metropolitan police district and the City of London, as may be specified in the order.
- (9) The Secretary of State may by order provide that subsection (1) of this section shall apply to any such area in Scotland as may be specified in the order; and as respects any such area—
 - (a) references to the Minister in this and the five next following sections and the Tenth Schedule to this Act shall be construed as references to the Secretary of State;
 - (b) the expression " local authority " in the said provisions means a county council or a town council.
- (10) Nothing in this section or an order under either of the two last foregoing subsections shall affect the operation of section thirty-four or eighty-one of this Act.

86 Amount of charges for parking on highways and method of payment

- (1) The amount of the charge for a vehicle left in a parking place designated under the last foregoing section shall be calculated as follows.
- (2) There shall be a prescribed standard period for each parking place and, subject as hereinafter provided, the amount of the charge for a vehicle left in the parking place for a 'time not exceeding the standard period (hereinafter referred to as the " initial charge ") shall be such amount (hereinafter referred to as the " standard amount") as may be prescribed, and the initial charge shall be payable on the leaving of the vehicle in the parking place:

Provided that—

- (a) if it is so prescribed, the initial charge for a vehicle left for a time not exceeding one half of the standard period shall be one half of the standard amount, and
 - (b) where the foregoing paragraph has effect, and it is further so prescribed, then if before the end of the prescribed time a further payment of one half of the standard amount is made the two payments shall be treated as a single payment of an initial charge of the standard amount made on the leaving of the vehicle.
- (3) If a vehicle is left in the parking place for longer than the period for which payment was made by the initial charge, the amount of the charge shall be the amount of the initial charge together with such additional amount (hereinafter referred to as the " excess charge") as may be prescribed, and the excess charge shall be payable in such manner and at such time as may be prescribed.
- (4) If it is so provided in the designation order, there shall be apparatus of the prescribed description for indicating in the prescribed manner, as respects each space provided for the leaving of vehicles, whether the initial charge has been paid and whether the period for which payment was made by the initial charge has expired ; and—
 - (a) payment of the initial charge shall be made by the insertion of coins in the apparatus and the doing of any other thing prescribed for the purpose of operating the apparatus;

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (b) subject to the following paragraph, if at any time while a vehicle is left in the parking place the apparatus relating to the space in which it is left gives the prescribed indication, it shall be presumed unless the contrary is proved that the initial charge has been duly paid and that the period for which payment was made by the initial charge has already expired;
 - (c) if it is proved that the time for which the vehicle has been left in the parking place is less than the standard period, or, where paragraph (a) of the proviso to subsection (2) of this section has effect, less than half the standard period, paragraph (b) of this subsection shall not have effect but it shall be presumed unless the contrary is proved that the initial charge has not been duly paid for the vehicle.
- (5) Where no such apparatus is in use, the designation order may provide that the initial charge shall be payable on the vehicle's being taken away from the parking place, and where such provision is made subsection (3) of this section shall apply with the substitution, for the reference to the period for which payment was made by the initial charge, of a reference to the standard period.
- (6) A designation order may prescribe that the following provisions shall have effect in relation to charges for vehicles left in the parking place designated by the order in substitution for the four last foregoing subsections, that is to say,—
- (a) the amount of the charge for a vehicle left in the parking place at any period of the day prescribed by the order shall be such amount as may be so prescribed, irrespective of the time for which the vehicle is left;
 - (b) the charge shall be payable either on the leaving of the vehicle or on its being taken away, as may be prescribed;
 - (c) if it is so prescribed, the charge shall be payable by the insertion of coins in an apparatus provided for the purpose of such description as may be prescribed and the doing of any other thing prescribed for the purpose of operating the apparatus, and, unless the contrary is proved, the charge shall be taken to have been duly paid or not to have been duly paid as may be indicated by the apparatus in the prescribed manner.
- (7) Any such apparatus as is mentioned in subsection. (4) or (6) of this section is hereinafter referred to as a parking meter.
- (8) Where provision is made for the use of parking meters it shall be the duty of the local authority to take the prescribed steps for the periodical inspection of the meters and for dealing with any found to be out of order, and for securing the testing of the meters (both before they are brought into use and not less frequently thereafter than may be prescribed or on other prescribed occasions), and for recording in the prescribed manner the date on which and persons by whom a meter has been tested.

87 General provisions for regulation of parking on highways where charges made

- (1) A designation order shall specify whether the parking place designated thereby may be used for the leaving of vehicles at all times or between such hours only as may be specified in the order, and may provide that the parking place may be used only during a specified period of the year, or may not be used on specified days, or may be used only on such days as may be specified; and—
- (a) as respects any time during which provision is not made by the order for the leaving of vehicles in the parking place, it shall be treated for the purposes of the last foregoing and next following sections as if it were not designated

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- by the order, without prejudice, however, to any proceedings for an offence otherwise than under the next following section;
- (b) where a vehicle, having been left in the parking place, remains there at the beginning of any period during which the leaving of vehicles in the parking place is authorised by the order, then without prejudice to any rights accrued or liabilities incurred in respect of anything previously done or omitted the vehicle shall be treated for the purposes of the last foregoing and next following sections as if it had been left in the parking place at the beginning of that period.
- (2) A designation order may revoke the designation of any place as a parking place under section thirty-four or eighty-one of this Act, and such an order, or a regulation under the said section thirty-four containing a designation of a place as a parking place or an order under the said section eighty-one containing such a designation, may provide that the designation shall not have effect as respects any time during which provision is made under section eighty-five of this Act for the leaving of vehicles in that place.
- (3) A designation order may contain provision for determining by or under the order the positions in which vehicles left in a parking place shall stand, and the manner in which such vehicles shall be driven into or out of, the parking place, may prohibit or restrict the waiting in a parking place, whether in the said positions or elsewhere, of other vehicles, and may contain provision for determining as aforesaid the positions in which other vehicles permitted by the order to wait in the parking place, or to wait there for any purpose specified in the order, shall wait there.
- (4) A designation order may exempt from the payment of any charge vehicles left in the parking place in such circumstances as may be specified in the order, subject however to any conditions so specified.
- (5) The Minister may by order provide that the time for which a vehicle may be left in a parking place designated by a designation order after the excess charge has been incurred shall not exceed such time as may be prescribed; but any such provision of an order shall be without prejudice to the liability to the excess charge.
- (6) The Minister may, as respects parking places designated as aforesaid for which there is a prescribed standard period, by order provide that a vehicle which has been taken away from the place where it was left in any such parking place shall not again be left in that parking place until after the expiration of such interval as may be prescribed.
- (7) The Minister 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 a parking place, to suspend the use of a parking place or any part thereof 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 a parking place.
- (8) The Minister may by order make such incidental or consequential provision as appears to him requisite for the purposes of the satisfactory operation of parking places designated by designation orders, including in particular (but without prejudice to the generality of this subsection) provision—
- (a) for prohibiting or restricting the carrying on of trades or other activities, or the doing of any other thing, at the parking places,
- (b) for altering the position in a parking place of vehicles left there in contravention of the provisions of an order of the Minister as to the manner in which vehicles shall stand therein, and for the removal from parking places,

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

and safe custody, of vehicles left there in contravention of the provisions of such an order and the recovery of the cost of removal and safe custody,

- (c) as respects any parking place for which there is a prescribed standard period, for preventing the postponement, by the insertion of additional coins in a parking meter, of the indication of the time after which the excess charge is incurred,
- (d) for conferring on the local authority powers of acquiring (whether by purchase or hiring) and installing parking meters, of illuminating parking places, and of erecting notices or signs and carrying out work on or in the vicinity of a parking place.

88 Offences relating to parking places on highways where charges made

(1) A person who—

- (a) being the driver of a vehicle, leaves the vehicle in a parking place designated by a designation order otherwise than as authorised by the order, or leaves the vehicle therein for longer after the excess charge has been incurred than the time prescribed under subsection (5) of the last foregoing section, or fails duly to pay any charge payable under section eighty-five 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 of the Minister relating to parking places designated by designation orders,

shall be liable on summary conviction to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

- (2) In relation to an offence under paragraph (a) of the foregoing subsection of leaving a vehicle for longer after the excess charge has been incurred than the time prescribed under subsection (5) of the last foregoing section, or failing duly to pay any charge payable under section eighty-five of this Act, the reference in the said paragraph (a) to the driver of a vehicle shall be construed as a reference to the person driving the vehicle at the time 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 of the appropriate denomination shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.
- (4) Where, in any proceedings in England and 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 in a parking place, being an apparatus operated by the insertion of coins, is of the prescribed description.
- (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 is proved that the

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

initial charge has not been paid, the defendant may be convicted of an offence under this section of failing to pay the initial charge.

- (7) In England or Wales a local authority may institute proceedings for an offence under this section in connection with a parking place for which they are the local authority.

89 Financial provisions relating to exercise of powers under section 85

- (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 general rate fund and any surplus shall be applied for all or any of the purposes specified in the next following subsection, and in so far as not so applied shall be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to the carrying out thereof:

Provided that if the local authority so determine, any amount not applied in any financial year may instead of being or remaining appropriated as aforesaid be carried forward in the account kept under subsection (1) of this section to the next financial year, but shall not be carried forward from one quadrennial period to another without the consent of the Minister.

- (3) The said purposes are the following, that is to say:—
- (a) the making good to the general rate fund of any amounts charged to that fund under the last foregoing subsection in the four 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 highways and whether in the open or under cover;
 - (c) the making to other local authorities, to any county council or, with the consent of the Minister, to other persons, of contributions towards the cost of the provision and maintenance by them in the area of the local authority or elsewhere of parking accommodation for vehicles otherwise than on highways and whether in the open or under cover.
- (4) This section shall apply to the London County Council with the substitution, for references to the general rate fund, of references to the county fund.
- (5) In this section "quadrennial period" means, in relation to a local authority, a period beginning with the date when the local authority first keep the account required by subsection (1) of this section and ending with the fourth complete financial year after that date, or a period of four years beginning immediately after the expiration of a quadrennial period.

90 Provisions supplementary to sections 85 to 89

- (1) In the provisions of sections eighty-five to eighty-nine of this Act "prescribed" means prescribed by order of the Minister.
- (2) Anything authorised or required by the said provisions to be prescribed or to be done by order of the Minister may, save as otherwise expressly required, be prescribed or done either by a designation order or by a general order.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) Any power to make an order conferred by the said provisions shall be exercisable by statutory instrument.
- (4) An order under subsection (8) or (9) of section eighty-five of this Act shall not have effect unless approved by resolution of each House of Parliament.
- (5) A statutory instrument embodying any order under the provisions of sections eighty-five to eighty-nine of this Act other than subsections (8) and (9) of the said section eighty-five shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The power to make any such order as is mentioned in this section shall include power, exercisable in like manner and subject to the like provisions, to vary or revoke the order.
- (7) Any expenses incurred by the Minister by virtue of subsection (5) of section eighty-five of this Act shall be defrayed out of moneys provided by Parliament, and any sums received by him by virtue of that subsection shall be paid into the Exchequer.