



Road Traffic Regulation Act 1984

1984 CHAPTER 27

PART IV

PARKING PLACES

Control of off-street parking

43 Control of off-street parking in Greater London.

- (1) The provisions of this section shall apply to any area in Greater London which [^{F1}the local authority] may by regulations designate as a controlled area for the purposes of this section: and any such regulations—
- (a) in addition to including any such provision as is authorised by subsection (6) below, may prescribe forms to be used for the purposes of this section and any other matters which under this section or Schedule 4 to this Act are to be prescribed;
 - (b) may include such supplementary, incidental and consequential provision as appear to [^{F1}the local authority] to be necessary or expedient for the purposes of this section; and
 - (c) may make different provision as respects like matters in different circumstances;
- but the provisions of Part I of the said Schedule 4 shall apply to the making of any such regulations ^{F2} . . .
- (2) Subject to subsection (15) below, in a controlled area no person other than the local authority shall operate a public off-street parking place of a prescribed description except under and in accordance with the terms and conditions of a licence granted to that person by the local authority.
- (3) An applicant for a licence in respect of any premises may apply either for a permanent licence or for a licence for such limited period not exceeding five years as the applicant may specify, and any application to the local authority for a licence shall be accompanied by the prescribed fee appropriate to the type of licence applied for

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towards the administrative expenses of the local authority under this section; and, subject to subsection (6) below, on any such application the local authority may at their discretion either grant the applicant a licence of the type applied for or refuse the application.

(4) Subject to subsection (6) below, every licence shall specify—

- (a) the period of its duration, that is to say, whether it is a permanent licence or a licence for a limited period and, if for a limited period, the period for which it is granted;
- (b) the maximum number of parking spaces to be provided at the licensed parking place for all, and, if the local authority think fit, for any respectively, of the following descriptions of parking, namely, short-term parking, long-term parking, casual parking and regular parking or any particular category of regular parking;
- (c) any conditions in addition to those specified in subsection (5) below subject to which the licence is granted, being such conditions, if any, as the local authority may think fit with respect to all or any of the following matters, namely—
 - (i) the scale of charges, or the minimum charges, or the maximum and minimum charges, to be made for the use of parking spaces at the licensed parking place for all, or for any respectively, of the descriptions of parking referred to in paragraph (b) above;
 - (ii) the proportion of parking spaces to be available respectively for casual parking and for, or for any specified category of, regular parking;
 - (iii) the times of opening and closing of the licensed parking place for the reception of vehicles;
 - (iv) the manner in which users of the licensed parking place are to be informed of the effect of the terms and conditions of the licence;
 - (v) the keeping by the operator of the licensed parking place as respects all, or as respects any respectively, of the descriptions of parking referred to in the said paragraph (b) of records showing for each day the number of vehicles using parking spaces at the licensed parking place and the sums received by way of charges for the use of those parking spaces.

(5) It shall be a condition of every licence—

- (a) that any person authorised in that behalf in writing by the local authority^{F3} . . . may, subject to production if requested of his authority, at all reasonable hours enter upon and inspect the licensed parking place; and
- (b) that the holder of the licence shall, on being given reasonable notice for the purpose by any such person, produce to that person and permit him to examine and make copies of, or take extracts from, any records required by virtue of subsection (4)(c)(v) above to be kept in connection with the operation of that parking place;

but if any such person discloses to any other person otherwise than in the performance of his duty any information with regard to the operation of that parking place or to any trade secret obtained by him at that parking place or from any such examination, or if any member or officer of the local authority to whom any such information is disclosed by reason of his official position discloses that information to any person otherwise than in the performance of his duty, that person or, as the case may be, that member or officer shall (in England and Wales) be guilty of an offence.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Cross Heading: Control of off-street parking. (See end of Document for details)

(6) Regulations made by [^{F4}a local authority] under subsection (1) above may include provision—

- (a) as to the maximum number of parking spaces to be made available at licensed parking places for all, or for any respectively, of the descriptions of parking referred to in subsection (4)(b) above in, or in any specified part of, any controlled area ^{F5} . . . ;
- (b) requiring that, in the case of licensed parking places in a particular controlled area or part of a controlled area, all or any of the matters referred to in subsection (4)(c) above shall or as the case may be shall not be the subject of conditions specified in the licence;
- (c) regulating the conditions which may be imposed with respect to any of the matters aforesaid;

^{F6}

(7) Where the local authority decide in pursuance of subsection (3) above—

- (a) to refuse an application for a licence; or
- (b) to grant a licence subject to any conditions which they are not required by regulations under subsection (6) above to impose with respect to any of the matters referred to in subsection (4)(c)(i) to (v) above,

they shall inform the applicant in writing of the reasons for their decisions at the same time as they inform him of that decision.

(8) Where a licence has been granted—

- (a) the local authority shall, if so requested by a successor in title to the business (so far as it consists of the operation of the licensed parking place) of the person to whom the licence was granted, transfer the licence to that successor in title, but a licence shall not otherwise be transferable;
- (b) the holder of the licence may at any time surrender it by giving notice in writing for the purpose to the local authority which shall include a statement certifying either that the holder is the only person entitled to any interest in the licensed premises or that not less than 21 days before the date of the notice the holder has notified all other persons known to him to be so entitled of his intention to serve the notice;
- (c) the local authority may at any time on the application or with the agreement of the holder of the licence vary any of the terms and conditions specified in the licence under subsection 4(b) and (c) above;
- (d) in the case of a permanent licence, the local authority shall have the powers of revocation or variation of the licence conferred by Part II of Schedule 4 to this Act.

(9) The provisions of Parts III and IV of Schedule 4 to this Act shall have effect with respect to appeals and compensation in connection with certain decisions of a local authority under this section; ^{F7} . . . ; and every person who applies for or is the holder of a licence in respect of any premises shall give to any other person known to him to be entitled to any interest in those premises information as soon as may be—

- (a) of the making of the application; and
- (b) of any decision of the local authority relating to the premises of which he is, or is deemed under paragraph 14(2) of the said Schedule to have been, notified by the local authority; and
- (c) of the bringing, and of the determination or abandonment, of any appeal from any such decision brought by that person under the said Part III.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Cross Heading: Control of off-street parking. (See end of Document for details)

- (10) Subject to subsection (15) below and to the provisions of Part V of Schedule 4 to this Act, any holder of a licence who contravenes or fails to comply with any of the terms and conditions of the licence and who does not show that the contravention or failure was due to an act or omission of a person not connected with the operation of the licensed parking place which the persons so connected could not reasonably have been expected to prevent shall be guilty of an offence; and on the conviction of the holder of a licence of an offence under this subsection the court before whom he is convicted may, if on an application made for the purpose by the local authority the court is satisfied that it is proper so to do by reason of the extent to which, or the period over which, or the frequency with which, the holder of the licence has contravened or failed to comply with the terms and conditions of the licence or by reason of the wilfulness of the offence, make an order for the revocation of the licence.
- (11) Save as provided by subsection (10) above or Part II of Schedule 4 to this Act, a licence shall not be revoked; and the revocation of a licence in pursuance of an order under that subsection or the revocation or variation of a licence under the said Part II shall not take effect—
- (a) before the expiration of the period for giving notice of appeal from the order or, as the case may be, notice of appeal under Part III of that Schedule from the local authority's decision to revoke or, as the case may be, vary the licence; or
 - (b) if such a notice of appeal is duly given, until the effectiveness or otherwise of the order or, as the case may be, the local authority's decision is finally determined in accordance with the relevant procedure.
- (12) Subject to subsection (15) below and to the provisions of Part V of Schedule 4 to this Act, any person who, in contravention of subsection (2) above, operates a public off-street parking place without holding a licence for the purpose shall be guilty of an offence.
- (13) The local authority for a controlled area shall have regard to any regulations for the time being in force under this section when exercising in that area any of their functions under sections 32 to 36 and 39 to 41 of this Act; and where a public off-street parking place is provided in a controlled area by the local authority under the said section 32, any such regulations shall apply to the operation of that parking place with such modifications as may be prescribed for the purpose, being modifications appearing to [^{F8}the local authority] to be necessary to ensure that the parking place is operated by or on behalf of the local authority with suitable provision as to the matters referred to in subsection (4)(b) and (c)(i) to (iv) above in like manner as if it were being operated under a licence granted by the local authority.
- (14) In this section, section 44 of, and Schedule 4 to this Act—
- “charges” includes fares, rates, tolls and dues of every description;
^{F9}
 - “licence” means a licence under this section;
 - [^{F10}“local authority” means the council of a London borough or the Common Council of the City of London;]
 - “long-term parking” and “short-term parking” mean parking for a continuous period exceeding, or, as the case may be, not exceeding, four hours or such longer period as may be prescribed;
 - “prescribed” means prescribed by regulations made under this section;
 - “public off-street parking place” means a place, whether above or below ground and whether or not consisting of or including buildings, where [^{F11}off-

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street parking accommodation] is made available by any person to the public for payment; and references to operating, or to the operation of, or to the operator of, such a parking place shall be construed as references to making, or as the case may be to the person making, such parking [^{F11}accommodation] at the parking place so available.

- (15) The Secretary of State, after consultation with [^{F12}a local authority], may at any time, if it appears to him expedient so to do by reason of any emergency which appears to him to have arisen or to be likely to arise, by order, which shall be laid before Parliament after being made, provide that this subsection shall apply either in relation to all areas for the time being designated [^{F13}by the local authority] as controlled areas or in relation to such parts of any of those areas as may be specified in the order; and—
- (a) during the period while any such order is in force in relation to any controlled area or part thereof, any public off-street parking place in that area or part may be operated as if that area or part were not, or, as the case may be, were not comprised in, a controlled area; and
 - (b) nothing in subsection (10) or (12) above shall apply to anything done at any such parking place during that period.

Textual Amendments

- F1** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), **Sch. 5 para. 4(17)(a)**
- F2** Words repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), **Sch. 6 Pt. I**
- F3** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), **Sch. 17**
- F4** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), **Sch. 5 para. 4(17)(b)**
- F5** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), **Sch. 5 para. 4(17)(b)**, Sch. 17
- F6** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), 102(2)(3), **Sch. 5 para. 4(17)(b)**, Sch. 17
- F7** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), **Sch. 17**
- F8** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), **Sch. 5 para. 4(17)(c)**
- F9** Definitions repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), 102(2)(3), **Sch. 5 para. 4(17)(d)**, Sch. 17
- F10** Definition substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), **Sch. 5 para. 4(17)(d)**
- F11** Words in s. 43(14) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59,108\)](#), ss. 168(1), 170(1), **Sch. 8 para.43**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, art. 3, Sch.
- F12** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), **Sch. 5 para. 4(17)(e)**
- F13** Words in s. 43(15) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), **Sch. 5 para. 4(17)(e)**

44 Control of off-street parking outside Greater London.

- (1) With a view to providing further means of regulating traffic in urban areas, Her Majesty may by Order in Council provide for enabling the operation of public off-street parking places to be regulated—

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- [^{F14}(a) in English counties, by the county council or metropolitan district council, and in [^{F15}Welsh counties or county boroughs by the county council or (as the case may be) county borough council], by the county council; and]
 - (b) in Scottish [^{F16}local authority areas by the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] .
- (2) An Order in Council under this section may make any such provision for the remainder of England and Wales, or for Scotland as the case may be, as is made for Greater London by section 43 of this Act and shall be so framed as to conform with the London provisions as respects all matters there dealt with, subject only to the modifications permitted or required by the following subsection and other minor and incidental modifications.
- (3) The modifications referred to above are that the Order—
 - (a) shall provide for controlled areas to be so designated that they comprise only premises to which there is no road access otherwise than (directly or indirectly) from one or more urban roads;
 - [^{F17}(b) may in relation to non-metropolitan counties in England and [^{F18} . . . provide for certain functions of local authorities under the London provisions in respect of areas designated as controlled areas to be conferred on district councils or on both county councils and district councils, and may in consequence of any such distribution of functions make such incidental and supplementary provision as appears to Her Majesty to be necessary or expedient;]
 - (c) may take account of Scottish legislation corresponding to legislation for England and Wales; and
 - (d) may include, in place of references and requirements which are apposite only for London, corresponding references and requirements apposite for other areas of Great Britain.
- (4) Any such Order shall also require councils—
 - (a) to consult organisations representative of the disabled before deciding to propose the designation of a controlled area under the Order; and
 - (b) if representations are received from such organisations about the proposal, to send to the Secretary of State (together with copies of representations received from other organisations consulted) a statement of how parking requirements of the disabled arising from implementation of the proposal are met by existing facilities or, if in the opinion of the council they are not already so met, how it is intended to meet them.
- (5) In this section—
 - (a) “the London provisions” means section 43 of, and Schedule 4 to, this Act; and
 - (b) “urban road” means a road which—
 - (i) is a restricted road for the purposes of section 81 of this Act; or
 - (ii) is subject to an order [^{F19}made by virtue of section 84(1)(a)] of this Act imposing a speed limit of not more than 40 m.p.h.
- (6) An Order in Council made under this section shall be subject to annulment by resolution of either House of Parliament.

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Textual Amendments

- F14** S. 44(1)(a) substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(18)(a)**
- F15** Words in s. 44(1)(a) substituted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 38(2)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F16** Words in s. 44(1)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 134(6)**; S.I. 1996/323, **art. 4**
- F17** S. 44(3)(b) substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(18)(b)**
- F18** Words in s. 44(3)(b) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), **Sch. 7 Pt. II para. 38(2)(b) Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F19** Words in s. 44(5)(b)(ii) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4, para. 26**; S.I. 1992/1286, art. 2, **Sch.**

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