



# Road Traffic Regulation Act 1984

## 1984 CHAPTER 27

### PART IV

#### PARKING PLACES

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

#### **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

[<sup>F1</sup>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

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*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Section 35. (See end of Document for details)*

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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; <sup>F2</sup> . . .

[<sup>F3</sup>(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, <sup>F4</sup> . . ., 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, <sup>F5</sup> . . ., 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

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- (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,<sup>F5</sup> . . .
- (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.
- (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.]

- <sup>F6</sup>(4) . . . . .
- <sup>F7</sup>(8) . . . . .
- <sup>F8</sup>(9) . . . . .

**Textual Amendments**

- F1** Words inserted by [Parking Act 1989 \(c. 16, SIF 107:1\)](#), **s. 1(2)(5)**
- F2** Words in [s. 35\(3\)](#) repealed (13.9.1996) by [S.I. 1996/1553, art. 2\(1\)](#), **Sch.**
- F3** [S. 35\(3A\)–\(3D\)](#) inserted by [Parking Act 1989 \(c. 16, SIF 107:1\)](#), **s. 1(3)(5)**
- F4** Words in [s. 35\(3A\)\(d\)](#) repealed (13.9.1996) by [S.I. 1996/1553, art. 2\(1\)](#), **Sch.**
- F5** Words in [s. 35\(3B\)](#) repealed (13.9.1996) by [S.I. 1996/1553, art. 2\(1\)](#), **Sch.**
- F6** [S. 35\(4\)–\(7\)](#) repealed by [Parking Act 1989 \(c. 16, SIF 107:1\)](#), **s. 1(4)(5)**
- F7** [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**
- F8** [S. 35\(9\)](#) repealed (1.10.1991) by [Road Traffic Act 1991 \(c. 40, SIF 107\)](#), ss. 44(2), 83, **Sch. 8**; [S.I. 1991/2054, art. 3](#), **Sch.**

**Modifications etc. (not altering text)**

- C1** [S. 35](#) restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(2), **Sch. 5 para. 6(3)**
- C2** [S. 35](#) restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8(2), **Sch. 5 para. 12**
- C3** [S. 35](#) restricted (S.) (4.1.1995) by [1994 c. 39, ss. 7\(2\), 44\(2\)](#); [S.I. 1994/2850, art. 3\(a\)](#), **Sch. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Section 35.