



**BRIEFING PAPER**

Number CBP 8736, 15 January 2020

# Parking: FAQs for 2020

By Marguerite Page, Nerys  
Davies & Louise Butcher

**Contents:**

1. Introduction
2. General
3. Local council-controlled parking
4. Parking on private land or roads
5. Parking for people who have a disability



**8 am - 6 pm**



**Pay at machine  
across road**

**Display ticket**

**Max stay 2 hours**

**No return  
within 4 hours**

# Contents

<b>Summary</b>	<b>3</b>
<b>1. Introduction</b>	<b>4</b>
<b>2. General</b>	<b>5</b>
2.1 Who is responsible for parking policy?	5
2.2 Can the DVLA sell drivers' information to parking companies?	5
2.3 What can you do if a council or parking company has secured a court order to enforce payment? (i.e. the bailiffs are coming)	6
2.4 How can you get rid of a nuisance or abandoned vehicle?	7
2.5 Is wheel clamping legal?	7
<b>3. Local council-controlled parking</b>	<b>9</b>
3.1 What powers do councils have to provide and prohibit parking?	9
3.2 Is there a cap on parking penalty charges?	9
3.3 Do local authorities make a profit from parking?	10
3.4 What can councils spend their parking income on?	10
3.5 Is there a '10 minutes' grace period'?	11
3.6 Is 'pavement parking' legal?	12
3.7 Is the Government going to ban pavement parking?	12
3.8 Is it legal to park across a driveway?	13
3.9 What is 'obstruction'?	14
3.10 How do you appeal a parking ticket?	14
<b>4. Parking on private land or roads</b>	<b>15</b>
4.1 Who regulates private parking companies?	15
4.2 Is the Government going to ban 'parking cowboys'?	15
4.3 Is there a cap on parking penalty charges?	16
4.4 How do you appeal a parking ticket?	16
4.5 Is there a '10 minutes' grace period'?	17
4.6 How can parking be enforced on a private or 'unadopted' road?	17
<b>5. Parking for people who have a disability</b>	<b>18</b>
5.1 Can you appeal if a council refuses you a Blue Badge?	18
5.2 Will Brexit affect where I can use my Blue Badge?	18
5.3 Can you get a disabled parking space outside your home?	19
5.4 What size should disabled parking spaces be?	20

## Summary

This paper has been written **specifically for Members of Parliament and their staff**, though others may find it of general interest.

It is a compilation of regularly asked questions about parking issues. There is no intended link between articles other than that the topics are often the subject of requests by Members, usually on behalf of their constituents.

Please note that as parking policy is devolved across the UK this paper largely discusses **England only**. In Scotland, Wales and Northern Ireland policy is the responsibility of the devolved administrations and scrutiny the responsibility of the respective parliaments and assemblies.

The paper covers the following issues:

- Who is responsible for **parking policy**;
- Whether **DVLA can sell drivers' information** to parking companies;
- What to do if a council or parking company has secured a court order to enforce payment (i.e. the **bailiffs** are coming);
- How to get rid of a nuisance or **abandoned vehicle**;
- Whether **wheel clamping** is legal;
- **Local council-controlled parking**, including powers, caps on charges, what they can spend income on, 10-minute grace periods, pavement marking, parking across driveways and how to appeal a ticket;
- **Parking on private land**, including current arrangements, the new statutory Code of Practice, caps on charges and how to appeal a ticket;
- Parking on private or '**unadopted**' roads; and
- Parking for people who have a disability, including the **Blue Badge scheme**, using a Blue Badge after Brexit, how to get a **disabled parking space** and what size disabled spaces should be.

Further details on these issues and more can be found in a suite of Commons Library briefing papers, [available on our website](#).

# 1. Introduction

This paper has been written **specifically for Members of Parliament and their staff**, though others may find it of general interest.

It is a compilation of regularly asked questions about parking-related issues. There is no intended link between articles other than that the topics are often asked by constituents of Members. Please note that as parking policy is devolved across the UK ([see 2.1, below](#)) this paper largely discusses **England only**. In Scotland, Wales and Northern Ireland policy is the responsibility of the devolved administrations and scrutiny the responsibility of the respective parliaments and assemblies.

*Please note that nothing in this paper should be considered as constituting legal advice. It is not intended to address the specific circumstances of any particular individual. A suitably qualified professional should be consulted if specific advice or information is required.*

**Transport policy** largely emanates from the [Department for Transport \(DfT\)](#) and its agencies, non-departmental public bodies and other offshoots. Some aspects of policy come under the overall control of other departments – e.g. decarbonisation and climate change.

In **Parliament** transport policy is largely scrutinised by the [Transport Select Committee](#), though those policies covered by other departments may well attract attention from other committees. For example, in the 2017 Parliament the Housing, Communities and Local Government Committee published a report on [High streets and town centres in 2030](#), which included transport issues. Separately, the [Public Accounts Committee](#) looks at issues across Government departments, largely based on reports by the National Audit Office (NAO).

The [House of Lords](#) has its own committees that consider transport issues and there are [All Party Parliamentary Groups \(APPGs\)](#), which are informal cross-party groups that have no official status within Parliament. They are run by and for Parliamentarians from both Houses and often involve individuals and organisations from outside Parliament in their administration and activities (e.g. [APPG on electric vehicles](#)).

[Transport Statistics Great Britain \(TSGB\)](#) is the DfT's main statistical compendium analysing trends in British transport. The authorities in Wales, Scotland and Northern Ireland publish their own data.

A range of international transport statistics are available online, the primary providers being the OECD, the World Bank and the World Health Organisation.

Commons Library  
[briefing papers on parking](#) are available  
on our website.

## 2. General

### 2.1 Who is responsible for parking policy?

Parking policy across the UK is devolved. **This paper discusses the position in England only.**

In **England**, parking policy generally is the responsibility of the Department for Transport (DfT). However, since March 2015 the responsibility for policy relating to off-street parking transferred within government, from DfT to the Department for Housing, Communities and Local Government.

DfT issues guidance that local authorities in England must follow when designing and enforcing parking prohibitions. There are certain things that they must do – set out in legislation (such as the procedures for issuing penalties, the amount of penalties, provision of information about the appeals process).

In **Scotland**, [Schedule 5, Part II, Head E](#) of the *Scotland Act 1998*, as amended, prescribes those areas reserved to the UK Parliament; everything else is devolved. [Section 43](#) of the *Scotland Act 2016* amended the legislation to clarify that responsibility for pavement parking policy was also devolved. [Transport Scotland](#) was established as an executive agency of the then Scottish Executive in January 2005. It is the national transport agency for Scotland and is responsible for developing parking policy.

In **Wales**, the original devolution settlement under the [Government of Wales Act 1998](#) did not equip the National Assembly for Wales with primary law-making powers, and most transport policy remained under Westminster control. In 2014, the [Silk Commission](#) recommended that the National Assembly should move to a reserved powers model like Scotland. This was then enacted by the [Wales Act 2017](#). [Schedule 7A, Part II, Head E](#) prescribes those areas reserved to the UK Parliament. Parking is devolved.

In **Northern Ireland** parking is governed by separate legislation and procedures. The [NI Department for Infrastructure](#) makes parking policy. Information on how parking operates in NI is on the [NI Direct website](#).

The parking industry in Great Britain is represented by two accredited trade associations – the [British Parking Association \(BPA\)](#) and the [International Parking Committee \(IPC\)](#). The BPA was formed in 1970 and has over 750 corporate members and 500 individual members. The IPC was set up in 2012 and has over 150 members.

### 2.2 Can the DVLA sell drivers' information to parking companies?

Yes, the DVLA is specifically permitted to release data to parking enforcement companies (and other private companies).

Regulation 27 of the *Road Vehicles (Registration and Licensing) Regulations 2002* ([SI 2002/2742](#)), as amended, states that the Secretary of State (in practice the DVLA) may provide, free of charge, information from the vehicle register to the police and to local authorities for use in connection

You can read more about transport issues in NI, Scotland and Wales from: [Research and Information Service \(RaISe\) for the Northern Ireland Assembly](#); [Scottish Parliament Information Centre \(SPICe\)](#); and [Research Service of the National Assembly of Wales](#).

with an offence. It may also be made available, for a fee, to “any person who can show to the satisfaction of the Secretary of State that he has reasonable cause for wanting the particulars to be made available to him”.

‘Reasonable cause’ is not defined in the legislation and takes precedence over the provisions of the [Data Protection Act 2018](#). The [DVLA states](#) that: “the purpose for which the information can be requested and how it may be used i.e. driver testing, road traffic enforcement and sentencing must be clear. The release of driver data is more limited than vehicle information, due to the nature of the information held”.

DVLA makes a charge of £2.50 per transaction. In a [2014 report](#) the Transport Select Committee concluded that the Agency loses money on this.

Before information is released the DVLA must consider the reasons for the request and how the information will be used. Failure to provide the necessary evidence or incomplete application forms is likely to result in an application being rejected. ‘Necessary information’ is given in the application guidelines. If one is running a parking enforcement company then one must apply for data with a V888/3 form. [This states that:](#)

You should only use our information in a fair and responsible way and for the purpose you requested it. You cannot pass information obtained from DVLA to third parties who are not acting on your behalf as your sub-contractor without permission from DVLA [...] If we get a legitimate complaint or receive evidence that you have obtained, used or handled information unlawfully and in breach of the principles of the data protection laws, we can pass it on to the Information Commissioner and refuse all future requests.

The implementation of the [General Data Protection Regulation](#) (GDPR) in May 2018 [has not affected](#) DVLA practice in this area.

Since August 2009 the release of any vehicle owner information by the DVLA has been limited to members of an accredited trade association: in the case of parking this either the [British Parking Association \(BPA\)](#) or the [International Parking Committee \(IPC\)](#).

Any concerns or complaints about data protection issues should be put to the ICO. Contact details are [online](#) and include a helpline: 0303 123 1113.

## 2.3 What can you do if a council or parking company has secured a court order to enforce payment? (i.e. the bailiffs are coming)

Once things get to this stage it stops being an issue of parking law and becomes imperative to deal with the immediate problem of debt enforcement officers (bailiffs).

Changes introduced in April 2014 provide consumer protections, including ensuring that vulnerable people get assistance and advice and that bailiffs are trained to recognise when they are dealing with someone vulnerable.

Brief information on individuals' rights when bailiffs visit their home and the rules bailiffs must adhere to is given on the relevant page of the [Gov.uk](#)

The RAC Foundation has analysed data about the frequency of this type of activity, see, e.g. [“Private parking firms to issue nearly nine million tickets in 2019-20”](#), 1 November 2019

[website](#). More detailed information about bailiffs and what they can and cannot do when collecting debts is provided on the [Citizens Advice website](#).

The Commons Library paper [Enforcement officers \(formerly known as bailiffs\)](#), CBP 4103, updated July 2019, covers this subject in more detail.

## 2.4 How can you get rid of a nuisance or abandoned vehicle?

Local authorities have powers to remove abandoned vehicles – these tend to be vehicles which are not taxed or insured and have been left in one place for a considerable amount of time.

[Section 3](#) of the *Refuse Disposal (Amenity) Act 1978*, as amended, sets out the duties on local authorities to remove abandoned vehicles.

This is supported by the [Department for Environment, Food and Rural Affairs' \(Defra\) basic guidance](#), which says that councils:

... must remove abandoned vehicles from both:

- land in the open air
- roads (including private roads)

When removing vehicles from occupied land, councils cannot charge occupiers. Councils must give landowners or occupiers 15 days' notice and can only remove vehicles with their permission. The 15-day notice period does not apply if the vehicle is abandoned on a road or highway. Authorities do not have to remove abandoned vehicles if the cost of moving them to the nearest highway is unreasonably high (for example, if special machinery is needed), unless the vehicle is on a carriageway.

[According to Defra](#), it is likely that a vehicle is abandoned if at least one of the following applies:

- it has no keeper on DVLA's database and is untaxed;
- it is stationary for a significant amount of time;
- it is significantly damaged, run down or unroadworthy – for example, has flat tyres, missing wheels or broken windows;
- it is burned out; or
- a number plate is missing.

There is also a second route. The DVLA (or a local authority acting on their behalf) has the power to remove untaxed vehicles. You can use the registration number of any vehicle to [check online](#) if it is taxed and, if not, [report it to DVLA](#).

## 2.5 Is wheel clamping legal?

Generally, no, though there are limited exceptions.

Clamping is banned on private land in England, Scotland and Wales, but not in Northern Ireland. The ban came into force in October 2012 under [section 54](#) of the *Protection of Freedoms Act 2012*.

## 8 Parking: FAQs for 2020

Clamping and removal of a vehicle can only be used in very limited circumstances by councils and other bodies, such as by the DVLA when a car is untaxed.

Background to the ban is provided in the Commons Library briefing paper [Parking: wheel clamping](#), CBP 1490, August 2012. Information on the DVLA's powers to clamp and remove untaxed vehicles is given in section 6.2 of Commons Library briefing paper [Vehicle Excise Duty \(VED\)](#), CBP 1482, November 2017.



## 3. Local council-controlled parking

### 3.1 What powers do councils have to provide and prohibit parking?

Since 1995 local authorities in England have had the ability to assume control for parking enforcement in their areas from the police – called decriminalised parking enforcement (DPE), as most parking became a civil and not a criminal matter. This term fell into disuse about 15 years ago and is now generally referred to as civil parking enforcement (CPE). As part of this there is an independent traffic tribunal which hears appeals against parking penalties issued by councils.

Almost all local authorities have now assumed these powers. As at January 2018, the [Department for Transport \(DfT\) indicated](#) that only 21 local authorities in England (excluding London) have not taken up civil enforcement powers to enforce parking restrictions. Almost half of these are in the East of England.

[Part 6](#) of the *Traffic Management Act 2004* (TMA) provides a single body of primary legislation enabling civil enforcement of parking, bus lanes, specified moving traffic offences and the London lorry ban. This is supplemented by a series of regulations that brought the new civil enforcement regime into force on 31 March 2008. The most important of these regulations are:

- Civil Enforcement of Parking Contraventions (England) General Regulations 2007 ([SI 2007/3483](#));
- Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 ([SI 2007/3487](#)); and
- Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 ([SI 2007/3482](#)).

Further [regulations](#) were passed in 2009 to give local authorities the power to issue penalty charge notices (PCNs) to motorists who park alongside dropped kerbs, or more than 50 cm from the kerb, respectively – without the use of traffic signs and road markings.

Local authorities must have regard to the [statutory guidance on CPE](#), updated in November 2015.

Parking schemes or places are usually provided by the local authority by way of a Traffic Regulation Order (TRO). They must follow a detailed process to provide for any such scheme by way of a TRO. More information can be found in Commons Library briefing paper [Roads: Traffic Regulation Orders \(TROs\)](#), CBP 6013, November 2014.

### 3.2 Is there a cap on parking penalty charges?

Local authorities issue penalty charge notices (PCNs) for parking in contravention of a parking scheme.

General information on CPE in England can be found in Commons Library briefing paper [Parking policy in England](#), CBP 2235, August 2018

The maximum amount they can charge on a PCN is provided in legislation ([see 3.1, above](#)) and has not been amended in more than a decade (nine years in London).

There are two sorts of charges for two levels of parking contravention: higher and lower. Higher level contraventions relate to parking offences such as:

- Parking in a permit space without displaying a valid permit;
- Parking adjacent to a dropped footway;
- Parking on a taxi rank; or
- Stopping on a pedestrian crossing and/or crossing area marked by zig-zags.

The permitted charges are usually £40 or £60 with a 50% discount if paid early and a 50% penalty if paid late. In [London](#) the maximum permitted charge is £130.

### 3.3 Do local authorities make a profit from parking?

RAC Foundation [research](#) found that in 2018/19 the 353 local authorities in England generated a combined surplus 'profit' of £930 million from their on- and off-street parking activities; a 7% increase on the previous year. It said:

The 353 local authorities in England received total income of £1.746 billion from their on- and off-street parking operations in 2018-19. This included £454 million from penalties, 6% higher than the £428 million in the previous financial year.

The amount they spent on running parking – as reported to the Ministry of Housing, Communities and Local Government – was £816 million. This does not include interest payments or depreciation on their capital assets such as car parks as these figures are not accounted for in the official data.

With one exception (Brighton and Hove) the ten councils making the greatest surplus are all in London.

### 3.4 What can councils spend their parking income on?

Local authorities can only spend parking income on certain things.

[Section 55](#) of the *Road Traffic Regulation Act 1984*, as amended, is the relevant legislation. It applies in England and Wales. It states that a local authority must keep an account of their income and expenditure in respect of parking places for which they are the local authority. This covers *all* income and expenditure, i.e. income from charges *and* penalties.

A council must make good any deficit from their general fund (e.g. if they spend more on parking enforcement than they get in revenue) and any surplus can be carried over into the next year.

Where a council has previously used money from the general fund to plug a deficit in parking operations they can sue a surplus to pay back that money (applies to the previous 4 years) and they can use it to meet all or any part of the cost of the provision and maintenance of any of their off-street parking accommodation, whether in the open or under cover.

If it appears to the local authority that the provision in their area of further off-street parking accommodation is unnecessary or undesirable, the surplus can be spent for the following purposes:

- meeting costs incurred, whether by the local authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services;
- the purposes of a highway or road improvement project in the local authority's area;
- in the case of a London authority, meeting costs incurred by the authority in respect of the maintenance of roads maintained at the public expense by them;
- the purposes of environmental improvement in the local authority's area; and
- in the case of such local authorities as may be prescribed, any other purposes for which the authority may lawfully incur expenditure

A judgement in 2013 ([R \(Attfield\) v London Borough of Barnet \[2013\] EWHC 2089 \(Admin\)](#)) clarified the position where local authorities seek to use their powers to charge local residents for parking **explicitly in order to raise surplus revenue** for other transport purposes funded by the General Fund.

In layman's terms, Mrs Justice Lang said that a council cannot set out with the objective of raising parking charges in order to generate a surplus to fund other transport schemes. David Attfield, who brought the case against Barnet, admitted that he was able to win the case because the council was open about the fact that it was increasing charges to provide additional revenues. In an [article in The Guardian](#) after the verdict, he indicated that other action groups around the country may have a tough time proving that the council is using the revenue raised for measures other than administering the system: "No other council would admit this. Our council was unique because it did. Barnet Council were very open. They simply wanted to raise £1.5m and had to reverse-engineer the charges to raise that".

### 3.5 Is there a '10 minutes' grace period'?

Yes, in relation to vehicles parked on public land.

The *Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015* ([SI 2015/561](#)) brought the 10 minutes' grace period into effect from 6 April 2015.

The Government's [2015 statutory guidance to local authorities](#) explains how this should work in practice:

... the law requires that a penalty charge must not be issued to a vehicle which has stayed parked in a parking place on a road or in a

local authority car park beyond the permitted parking period for a period of time not exceeding 10 minutes. The grace period applies to on-street and off-street parking places provided under traffic orders, whether the period of parking is paid for or free. Any penalty charge issued before expiry of the 10 minute grace period would be illegal, unless the vehicle itself is parked unlawfully (e.g. where the motorist has not paid any required parking fee or displayed a parking ticket where required).

It is important that all civil enforcement officers understand that grace periods only apply to designated parking places where a person is permitted to park. A road with a restriction (e.g. single yellow line) or prohibition (e.g. double yellow line) is not a designated 'parking place either during - or outside of - the period of the restriction or prohibition.

### 3.6 Is 'pavement parking' legal?

It is important to understand what is being referred to when this term is used:

- **'Pavement parking'** is parking where one or more wheels of a vehicle are on the pavement or footway;
- **'On-street' parking** is any other parking at the side of the road.

There is no national ban on parking on the pavement or on-street parking. It is not a criminal offence to park on the pavement, apart from in London and for HGVs nationally.

However, it is an **offence to drive onto the pavement**, whether there is an intention to park or not. This is a criminal offence, meaning it is enforced by the police, in contrast to most parking offences, which are 'civil' in nature and enforced by local authorities. There have long been concerns about the extent to which this is enforced. Campaigns have focused on introducing a specific 'decriminalised' pavement parking offence so that local authorities can enforce it as part of their wider civil enforcement powers.

Local authorities and the police may act to tackle on-street and pavement parking in various ways, such as under legislation governing obstruction and dangerous parking, designating limited areas of 'no pavement parking' through a Traffic Regulation Order (TRO), or establishing a special parking area.

### 3.7 Is the Government going to ban pavement parking?

Since 2015 there has been an ongoing debate about the merits or otherwise of introducing a ban on pavement parking across England. The Government has yet to announce the way forward.

Simon Hoare MP sponsored the [Pavement Parking \(Protection of Vulnerable Pedestrians\) Bill 2015-16](#), which received Second Reading in December 2015. The Bill provided a framework for local authorities in England and Wales to consult on and subsequently to ban pavement parking across wide areas, subject to certain exemptions to be set out by the Secretary of State in secondary legislation and guidance.

More information on the law surrounding pavement parking can be found in the Commons Library briefing paper [Pavement and on-street parking in England](#), CBP 1170, January 2020.

At the end of the debate Mr Hoare withdrew his Bill, having secured from the Minister a [commitment](#) to convene a roundtable in 2016 to discuss footway parking issues, and to undertake some work to “examine more closely the legal and financial implications of an alternative regime, and the likely impacts on local authorities”.

The roundtable [took place](#) in March 2016, during which the process for putting in place Traffic Regulation Orders (TROs) was identified as a major factor affecting the enforcement of pavement parking – see next section for an explanation. The minister [said](#) that he was “considering how best to address the general improvement of the TRO-making process”.

However, by March 2018 the [DfT had decided](#) that a broader piece of work was required “to gather evidence on the issue of pavement parking including how it is addressed in current regulation. We expect to be able to draw conclusions later this year”. In April 2019 the then minister [said](#) that the DfT was still “considering the findings of its internal review on the issue of pavement parking, and will be announcing a decision in the coming months”. The TRO discovery project—funded by the Department for Transport, and that is feeding into the Department’s internal review—reported to the Department on 30 August 2019 (see [section 2.2](#), above).

During this period there were several pushes by outside organisations to introduce a nationwide ‘blanket ban’. This was led by charities such as [Guide Dogs for the Blind](#), and [Living Streets](#) and has garnered widespread support.

The Transport Select Committee’s September 2019 [report on pavement parking](#) recommended that in the long term the Government should move towards implementing a national ban – as in Scotland (see below) – and in the meantime looked at other options such as creating a new civil offence of obstructive pavement parking to take some burden from the police and allow for better, more consistent enforcement.

**Scotland** has recently legislated to ban parking on pavements, subject to a number of exemptions, under [Part 6](#) of the *Transport (Scotland) Act 2019*. There is no firm date for implementation of the ban, though the press have [speculated](#) that it could be some time in 2021.

### 3.8 Is it legal to park across a driveway?

It will depend on the individual circumstances.

The two scenarios are summarised below. In the former case it would be something to pursue with the local authority, in the latter with the local police force.

- If **the local authority has parking restrictions in place** on the road in question (lines, signs, a residents parking scheme etc.) then a civil offence has been committed. It is an offence to park at a dropped footway where there are parking restrictions in place under [section 86](#) of the *Traffic Management Act 2004*. Local authorities can ticket vehicles and remove persistent offenders.
- If **there are no local authority restrictions in place** then a criminal offence of obstruction *may* have been committed. The police can

remove vehicles which are causing an obstruction and there are several statutes and regulations that allow proceedings to be brought for obstructing the highway. This depends very much on the individual circumstances in any case (see [section 3.9](#), below). The [‘Ask the Police’ website states](#): “Policy may vary from force to force and council to council; some may only attend if your car is blocked in and you cannot get out”.

### 3.9 What is ‘obstruction’?

Obstruction is not clearly defined in law. As the Transport Committee described in their 2019 [Pavement Parking](#) report:

Defining obstruction is likely to be difficult. The standard textbook, *Wilkinson’s Road Traffic Offences*, has 12 densely-packed paragraphs explaining the degree and definition of ‘obstruction’ as it has been defined in caselaw over the past 100 years. Much turns on the question of “intent” in the current offences—e.g. whether obstructive parking is “wilful” or has been “caused” or “permitted”.

Further information on obstruction is given in section 2.1 of Commons Library briefing paper [CBP 1170](#), January 2020.

The Committee recommended that obstruction should be clearly defined in law. The Government has yet to respond to the report.

### 3.10 How do you appeal a parking ticket?

A Penalty Charge Notice (PCN) issued either automatically or by a civil enforcement officer on behalf of a local authority should always include full details of the appeals process.

Appeal in the first instance is *always* to the entity that issued the ticket. If this is rejected you can appeal to the relevant independent appeals body. These are:

- [Traffic Penalty Tribunal](#) (England & Wales, excluding London)
- [London Tribunals](#)
- [Scottish Parking Appeals Service](#)
- [Traffic Penalty Tribunal Northern Ireland](#)

If you are unsure or unclear about what to do, [Citizens Advice](#) provides information on its website. Information on legal help and how to pay is provided in Commons Library briefing paper [CBP 3207](#), updated August 2019.

## 4. Parking on private land or roads

### 4.1 Who regulates private parking companies?

Private parking enforcement companies are not regulated. However, there are plans to better enforce unacceptable behaviour by these companies through a new statutory Code of Practice (see [section 4.2](#), below).

Until the new Code is published and implemented, the oversight of private parking companies is minimal. However, in order to do business parking enforcement companies have to belong to an Accredited Trade Association (ATA). Without membership of an ATA's Approved Operators Scheme (AOS) parking companies cannot access the DVLA database and therefore are unable to send out parking charge notices (PCNs) or pursue any vehicle keeper to whom one has been issued. There are two ATAs:

- [British Parking Association \(BPA\)](#)
- [International Parking Community \(IPC\)](#)

Each ATA has a Code of Practice to which it expects its approved operators to adhere – this covers things like advised maximum charges and signage.

Parking companies should indicate on their website which ATA they belong to – both the BPA and IPC also publish lists of their AOS members on their websites. If you find a discrepancy or believe a parking company is in breach of its ATA's Code of Practice you can report them to the ATA.

### 4.2 Is the Government going to ban 'parking cowboys'?

No, but it is going to hold private parking enforcement companies to a statutory Code of Practice with accompanying sanctions if they breach it.

Sir Greg Knight (Con., East Yorks.), came 11th in the ballot for Private Member's Bills for the 2017-19 Session of Parliament, and [presented a Bill](#) to establish a statutory code of practice for private parking enforcement companies. The [Parking \(Code of Practice\) Act 2019](#) received Royal Assent in March 2019.

The Code itself has not, as of the date of this paper, been published. There have been two statements on the subject from the Government in [March 2019](#) and [November 2019](#).

In the [explanatory notes](#) published when the Bill was going through Parliament it explains that its purpose is:

... to create a single code of practice that is applicable to every private parking operator. By providing a single code of practice, it aims to create clarity and consistency across the industry for both parking operators and motorists. It also aims to raise the standards of the industry by incorporating best practice as standard across the industry. Operators or ATAs who fail to meet the standards of the code of practice may lose access to DVLA data, which would prevent them from enforcing unpaid parking charges.' Sir Greg Knight, who sponsored the Bill, stated during the Committee stage that 'There will be obligations on the operators of private car parks in the code,

which will include the type of “equipment and technology used”, “clear signage”, “clear and accessible displays of the terms and conditions”.

There is as yet no firm date for the introduction of the new Code. In September 2019 the Minister [said](#):

The government is committed enacting the Parking (Code of Practice) Act 2019 as soon as possible. It will lead to the creation of an independent code of practice for private parking companies and, if the Code requires it, a single independent service for parking appeals. We are currently considering the options for the delivery of the Code, including the design of the levy on industry, as well as the format for stakeholder engagement. We will make an announcement in due course. We are also committed to carrying out a public consultation on the draft Code of Practice, allowing all interested parties to directly respond to the proposals.

### 4.3 Is there a cap on parking penalty charges?

No, but the two parking Accredited Trade Associations the BPA and the IPC (see [section 4.1](#), above) both indicate in their codes of practice that a charge should not be more than £100. The [BPA states](#) that: “If the charge is more than [£100], operators must be able to justify the amount in advance” and the [IPC says](#) that: “Where there is a prospect of additional charges, reference should be made to this where appropriate on the signage”.

The 2015 Supreme Court decision on [Parking Eye v Beavis](#) found that an £85 charge for overstaying in a private car park was ‘fair, reasonable and enforceable’.

### 4.4 How do you appeal a parking ticket?

A Parking Charge Notice (PCN) issued by a parking enforcement company working on behalf of a private landowner should contain full details of the appeals process.

Appeal in the first instance is *always* to the entity that issued the ticket. If this is rejected you can appeal to the relevant independent appeals body. These are:

- [Parking on Private Land Appeals](#)
- [Independent Appeals Service](#)

The decisions of these bodies are not binding on appellants, only on defendants (i.e. the parking enforcement companies). However, if the appeals body finds on behalf of the parking enforcement company and the appellant refuses to pay, the company may take that person to civil court to enforce the debt and the decision can be used in evidence.

There is a lot of advice and information on the Internet telling people not to pay parking penalty notices because they are legally unenforceable. Note that this is **not** the advice which has long been given by Citizens Advice, both in [England](#) and [Scotland](#).



*Any individual's decision as to whether to pay, challenge or ignore a parking ticket received on private land is entirely a matter for them and one for which they may wish to seek legal advice.*

Information on sources of legal assistance can be found in Commons Library briefing paper [CBP 3207](#).

#### 4.5 Is there a '10 minutes' grace period'?

Not as yet, but on 3 November 2019 the Secretary of State for Housing, Communities and Local Government, Robert Jenrick, [announced plans](#) to extend the ten minute grace period that currently exists on public land (see [section 3.5](#), above) to private car parks, as part of the introduction of the new Code of Practice (see [section 4.2](#), above).

#### 4.6 How can parking be enforced on a private or 'unadopted' road?

Private (or 'unadopted') roads are, by definition, roads that are not maintainable at the public expense. The responsibility for the upkeep and management of these roads rests with the people whose properties 'front' onto them (called frontagers).

There can be complex laws about what is and is not permitted in terms of parking on a private road, depending on the nature of the road and what rights or easements might have been granted over it.

Most parking 'offences' relate to the public highway; some private or unadopted roads are also a highway, but most are not.

It is not possible to give advice that will fit specific circumstances. Anyone affected should seek professional legal advice. Information on sources of legal assistance can be found in Commons Library briefing paper [CBP 3207](#).

Further information about parking on unadopted roads can be found in Commons Library briefing paper [CBP 402](#), April 2018.

## 5. Parking for people who have a disability

### 5.1 Can you appeal if a council refuses you a Blue Badge?

There is no appeal against a decision by a local authority to refuse someone a Blue Badge. If one has new evidence to report to the local authority they may grant a new hearing but they are under no obligation to do so. The Secretary of State for Transport (or Scottish or Welsh Ministers) would not get involved with any sort of appeal.

The local authority must tell the applicant in writing why they have been refused a Blue Badge. The [Department for Transport](#) (DfT): "... strongly recommends that every applicant who is refused a badge should be given a detailed explanation of the grounds for refusal".

In assessing whether someone is eligible for a Blue Badge local authorities in England must have regard to the relevant guidance from the DfT: [Blue Badge Scheme local authority guidance \(England\)](#), updated August 2019.

### 5.2 Will Brexit affect where I can use my Blue Badge?

In 1998 EU Member States made an [informal agreement](#) ([amended](#) in 2008) to recognise badges of a common format issued in EU countries. This is made clear in the Government's September 2019 [guidance to local authorities](#):

There are currently no formal reciprocal arrangements in place for disabled parking badges issued outside the UK. The UK Government has informal reciprocal agreements in place with other European Union Governments to accept Blue Badges from these countries [...] Disabled parking badges from countries outside the EU vary in design and it would be hard for local enforcement officers to verify their authenticity.

Switzerland and Norway also recognise the standard format 'disabled parking card' (the 'Blue Badge' in the UK). Though the EU does not advertise this in [its guide](#) to using the parking card across the EU, it is included in the [FIA's guide](#).

It seems unlikely that Brexit would necessitate the UK changing the format of the Blue Badge, so there is no obvious reason why it would not continue to be recognised across Europe in the same way as those issued in Switzerland and Norway and, conversely, the UK would continue to recognise the badges of other countries in turn.

However, while negotiations are ongoing the Government remains circumspect. In June 2019 the then Secretary of State for Transport, Chris Grayling, [said](#):

The Government is considering all the potential implications arising from the UK's exit from the EU, including the implications for the

continued recognition of Blue Badges. Whilst we are confident of agreeing continued mutual recognition, as this would be in the interest of both the UK and the EU, the negotiation of the arrangements for our exit from the EU are ongoing and no decisions on this topic have yet been taken.

### 5.3 Can you get a disabled parking space outside your home?

Local authorities are responsible for make decisions about whether and where to make disabled parking spaces. They can make one of two types of space, each of which has a different effect:

- **Statutory spaces** are dedicated bays for disabled people, designated for this purpose by a Traffic Regulation Order (TRO) (see [section 3.1](#), above). It is an [offence](#) to park a vehicle not displaying a Blue Badge in one of these statutory bays. Anyone who parks illegally in such a space can be issued with a fixed penalty notice or they can be prosecuted.
- **Advisory spaces** are marked out for the use of disabled people, but they are not enforceable and there is no legal sanction to prevent other people using them.

In both cases a local authority may charge the disabled person for whom the space is made for the works required to mark out and otherwise install the space. The application process is usually set out on the council's website.

There is no requirement as to the provision of parking in the *Equality Act 2010*. However, public bodies must not, in the exercise of their functions, "do anything that constitutes discrimination, harassment or victimisation" ([section 29\(6\)](#)). The question of whether the implementation or otherwise of parking restrictions and the presence or otherwise of any concessions or allocated spaces for disabled people would constitute **discrimination** would be a matter for legal advice in any individual case.

Beyond the question of discrimination is the **public sector equality duty** set out in [section 149](#) of the Act. This provides that a public authority must, in the exercise of its functions "have due regard to the need to" among other things, "advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it". This involves having due regard to the need to "take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it". This would likely involve considering, for example, the effect of a lack of parking spaces near public facilities on disabled persons' equality of opportunity. The most common way for public authorities to evidence their fulfilment of the duty is by way of equality impact assessments.

Individuals can pursue these issues further with regards to specific local cases by obtaining further advice on the application of equality law and potential means of challenging a council's policy. **The Equality Advisory and Support Service (EASS)** can advise individuals on the application of the 2010

Act: its website has [an overview of the assistance it provides](#), and [contact details](#).

## 5.4 What size should disabled parking spaces be?

The Government's guidance, [Parking for disabled people](#), Traffic Advisory Leaflet 5/95, April 1995, sets out the relevant minimum dimensions for disabled parking spaces. The requirements are as follows:

- **On-street parking parallel to the kerb:** within the marked parking space, a clear rectangular space should be provided, which is a minimum of 6600 mm long by 2700 mm wide (preferably 3600 mm). The extra width allows for an access zone on kerb or street side;
- **On-street parking at an angle to the kerb:** the parking space should be a minimum of 4200 mm long by 3600 mm wide. It is recommended that kerbside parking bays should be sited where road gradient and camber are reasonably level, e.g. 1:50; and
- **Off-street parking:** bays should be a minimum of 4800 mm long by 2400 mm wide with additional space: (1) where bays are parallel to the access aisle and access is available from the side an extra length of at least 1800 mm, or (2) where bays are perpendicular to the access aisle, an additional width of at least 1200 mm along each side. Where bays are adjacent the same 1200 mm space can serve both sides. There should also be a 1200 mm wide safety zone at the vehicle access end of each bay to provide boot access or for use of a rear hoist.<sup>1</sup>

The requirements insofar as they relate to on-street parallel parking spaces only are also set out in legislation: [Schedule 7, Part 4, Diagram 6](#) of the *Traffic Signs Regulations and General Directions 2016* (SI 2016/362) and importantly, the permitted variants in [Part 5](#). The accompanying *Traffic Signs Manual*, [Chapter 3, para. 13.6.2](#) explains things in slightly more straightforward language.

---

<sup>1</sup> *ibid.*, pp4-6

### About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publicly available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email [papers@parliament.uk](mailto:papers@parliament.uk). Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email [hcenquiries@parliament.uk](mailto:hcenquiries@parliament.uk).

### Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).