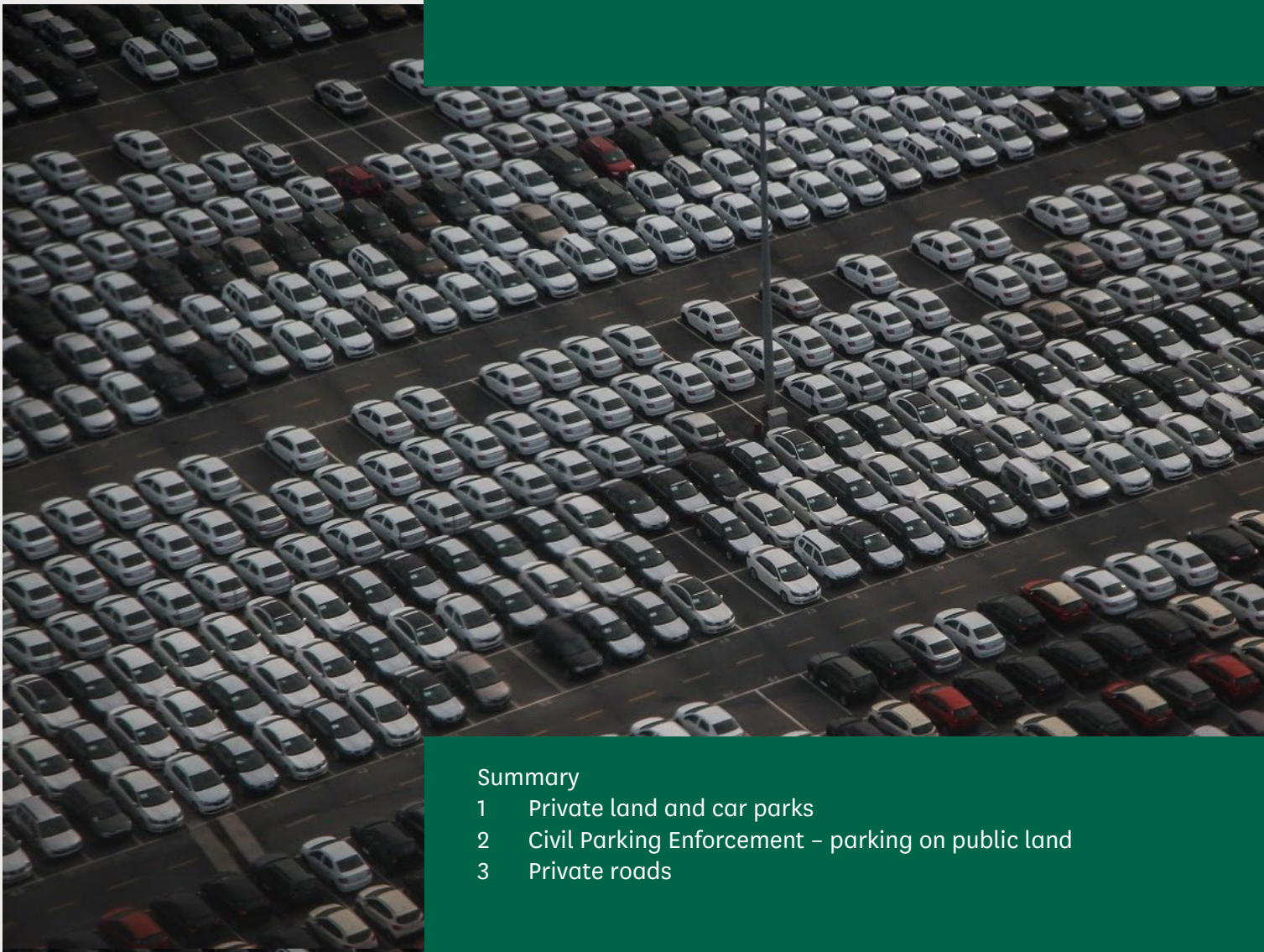


By Marguerite Dallas,
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6 June 2023

Parking Policy in England



Summary

- 1 Private land and car parks
- 2 Civil Parking Enforcement – parking on public land
- 3 Private roads

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Summary

Parking policy is devolved. This briefing paper summarises parking policy in England. Information about parking in the devolved regions can be found :

- on the [Transport Scotland website](#);
- on the [Welsh Government website](#);
- on the [NI Direct website](#).

Parking on Private Land

Since changes were brought into force in October 2012 under the [Protection of Freedoms Act 2012](#), private landowners have been able to claim parking charges against the keeper of a vehicle, if evidence of the driver's identity cannot be found. Two independent appeals bodies, [Parking on Private Land Appeals](#) (POPLA) and the [Independent Appeals Service](#) (IAS), exist to hear cases, saving both landowners and vehicle owners/drivers the cost of going to court. These measures were introduced alongside a ban on wheel clamping on private land.

Parking Code of Practice

The [Parking \(Code of Practice\) Act 2019](#) received Royal Assent in March 2019. [A draft of the Code was published in February 2022](#), to be implemented by the end of 2024. On 7 June 2022 the Code was temporarily withdrawn pending review of the levels of private parking charges and additional fees.

In [a letter dated 17 April 2023](#), the Government advised the Levelling Up, Housing and Communities Committee that it intends to consult on the issues of parking charge levels and additional fees before the Summer parliamentary recess.

The code seeks 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.

Parking on Public Land

The primary legislation governing the enforcement of parking on public land is the [Traffic Management Act 2004](#).

Since 1995 local authorities in England have had the ability to assume control for parking enforcement in their areas from the police. [Almost all local authorities](#) have now assumed these powers. This means that parking offences on public land are not dealt with by the police and the courts but by the civil authorities – the local authority and an independent traffic tribunal which hears appeals. The law on civil parking enforcement was revised and consolidated in [2004](#), and the current arrangements came into force in 2008.

[Legislation was introduced](#) in 2013 to tighten the circumstances in which CCTV may be used as the sole evidence for issuing an on-street parking ticket but they do not prohibit the use of CCTV for on-street parking enforcement entirely.

In 2015 [legislation introduced](#) a new 10 minutes' grace period at the end of a paid for period of parking by vehicles parked on public land, and a right to challenge local parking policies.

Private Roads

The issue of parking on private roads is a complex area because there are [different definitions of a 'private road'](#) and the extent to which sanctions can be enforced on a road will depend on what type of road it is. In terms of parking, there is no general right to park in a private road except for the owner of the road. In practice, parking may be permitted or tolerated by the owner (in which case there is a licence to park) and in some cases a legal right may have been granted by the owner

Information on other parking-related matters, such as traffic wardens, on-street or 'pavement' parking, parking for disabled people and wheel clamping can be found in the [Parking FAQs Library paper](#).

1 Private land and car parks

1.1 Legal position since 1 October 2012

Parking laws are different on public and private land. Section 56 and Schedule 4 to the Protection of Freedoms Act 2012 represented a significant change to the law on parking on private land.¹ The Act enables private landowners to recover parking charges from the keepers of vehicles parked on their land where they have in effect entered a contract regarding the conditions upon which they have come onto that land to park.²

A car park on private land, maintained by a member of an Accredited Trade Association (ATA), and abiding by the requirements of that one can recover parking charges from the owner (“keeper”) of an illegally parked vehicle, if the driver does not pay.³

The 2012 Act bans vehicle immobilisation (clamping) and/or removal without lawful authority. It also provides private landholders with additional powers to pursue the registered keeper of a vehicle for unpaid parking charges by issuing penalty charges, providing certain conditions are met.

In March 2015 the then Department of Communities and Local Government issued a consultation on further changes to the rules on parking on private land. It sought views on whether there are problems with how parking on private land is regulated and/or the behaviour of private parking companies, for example:

- Practices which could be in breach of consumer protection laws, such as companies setting excessive parking charges, or levying excessive penalties for overstaying which are dressed up as official “parking fines”.
- Practices that undermine the principle underlying the formation of a contract, including unclear or missing signage, or a lack of transparency on charges and/or fines.

¹ [Protection of Freedoms Act 2012](#)

² For information on the debates surrounding the introduction of the new arrangements, see section 4.4 of Commons Library Briefing RP11/54 [Protection of Freedoms Bill: Committee Stage Report Bill 189 of 2010-11](#)

³ These conditions are set out in the ATAs’ operational guidance to members of their Approved Operator Schemes (AOS): BPA, [BPA Approved Operator Scheme Code of Practice \(Current Version\)](#), January 2022; and IPC, [Code of Practice \(Version 8\)](#) July 2021

- Failure to treat drivers fairly when they have incurred a penalty, including the failure to provide information, consider appeals fairly and the aggressive use of bailiffs.

It also consulted on what steps the Government should take to rectify these problems.⁴

The Government published a summary of responses to the consultation in May 2016, but gave no indication of whether or how it intended to proceed.⁵

The 2015 Supreme Court decision on *Parking Eye v Beavis [2015]*, which found that an £85 charge for overstaying in a private car park was ‘fair, reasonable and enforceable’ prompted renewed calls for parking on private land to be regulated in much the same way as it is on public land, with maximum charges and statutory requirements as to signage.⁶

1.2

Parking (Code of Practice) Act 2019

The Parking (Code of Practice) Bill 2017-19 received Royal Assent on 15 March 2019. It was introduced in July 2017 as a Private Members Bill by Sir Greg Knight MP. At the time he indicated his intention to present a Bill to establish a statutory code of practice for private parking enforcement companies.⁷

Under the powers granted by the Act, the draft code of practice was published on 7 February 2022 but then temporarily withdrawn on 7 June 2022, pending review of the levels of private parking charges and additional fees.⁸

In a letter dated 17 April 2023, the Government advised the Levelling Up, Housing and Communities Committee that it intends to consult on the issues of parking charge levels and additional fees before the Summer parliamentary recess.⁹

Without the introduction of the Code, private parking companies remain largely unregulated, although they are required to abide by the code of conducts of their trade associations (the British Parking Association or the International Parking Community) and with the Protection of Freedoms Act

⁴ Department for Communities and Local Government, [Parking reform: tackling unfair practices - Discussion paper and call for evidence](#), p5

⁵ Department for Communities and Local Government, [Parking reform: tackling unfair practices. Discussion paper and call for evidence - Summary of Responses](#), 11 May 2016 [published on the BPA website, not the Gov.uk website]

⁶ [\[2015\] UKSC 67](#)

⁷ [Parking \(Code of Practice\) Act 2019](#)

⁸ Department for Levelling Up, Housing, and Communities, [Private Parking Code of Practice](#), 7 June 2022

⁹ Department for Levelling Up, Housing, and Communities, [Car parking charges and use of parking apps - Government responds to Levelling Up Committee questions \[PDF\]](#), 3 May 2023

2012.¹⁰ There has been little redress for the consumer to poor behaviour by private parking companies. The Act set out to address this issue.

What the Parking (Code of Practice) Act does

The Act aims to regulate private parking companies. The explanatory notes to the Act state that it:

... requires the Secretary of State to prepare a code of practice containing guidance about the operation and management of private car parks. The code must contain guidance which promotes good practice in the operation and management of private car parks and guidance about appeals against parking charges imposed in relation to the use of private car parks..¹¹

The Bill received all-party support. The Government initially indicated its support for the Bill in January 2018.¹² Yvonne Fovargue, speaking for Labour, said that the Party supported the “much-needed Bill” at its Second Reading on 2 February 2018.¹³

What the Code will do

The Bill was considered in Committee on 19 July 2018. It was agreed to and passed without amendment. During the proceedings Sir Greg explained what is likely to be in the Code established by the Bill:

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”, and the requirement that there be a transaction period and a grace period.

We need to ensure that a motorist has a choice before committing him or herself to park in a particular car park. With the advent of CCTV cameras, in some cases what happens is that a vehicle registration plate is recorded upon the motorist entering the car park. The motorist then sees the terms that apply to the car park and decides not to park there, but gets a ticket because the car was seen going in and coming out. That cannot be right. There must be a grace period of five or 10 minutes—perhaps even longer in a multi-storey car park—which would allow the motorist to change his or her mind.¹⁴

The Government published two consultations on the statutory Code: what it should include and how it should be enforced. A response was published on 20 March 2021¹⁵ and includes information about the timeline for the

¹⁰ [Schedule 4, Protection of Freedoms Act 2012](#), provides private parking companies with a statutory right to claim unpaid parking charges from the keeper of a vehicle on private land, as long as they comply with the conditions and procedures established by Schedule 4. Further Guidance is provided in the [Introduction](#) to the Draft DfT [Private Parking Code of Practice](#), 7 June 2022

¹¹ [Parking \(Code of Practice\) Bill: Explanatory Notes](#), 25 January 2018, paras 1-2

¹² DHCLG press notice, “[Boost for drivers as government backs clamp down on rogue parking firms](#)”, 28 January 2018

¹³ [HC Deb 2 February 2018, c1160](#)

¹⁴ [PBC Deb 19 July 2018, c5](#)

¹⁵ Department for Levelling Up, Housing and Communities, [Parking code enforcement framework: consultation response](#), 20 March 2021

introduction of the Code and how it will be enforced. It also sets out the other measures to be put in place to regulate the industry. It states that ‘before summer 2021’ the Code of Practice will be complete and a transition period will begin to allow parking operators to adapt to the new requirements.

On 26 May 2021 the Government announced a further consultation on the level of parking charges.¹⁶ This ran between 30 July and 27 August 2021. It received 600 responses, which contributed to the content of the Private Parking Code of Practice.¹⁷

A draft of the Private Parking Code of Practice was laid before Parliament on 7 February 2022.¹⁸

It was produced by the Government, with input from a Steering Group of key industry, government and motorist stakeholders.¹⁹

The Code will set out guidance on:

- a) promoting good practice in the operation and management of private parking facilities; and
- b) appeals against parking charges imposed by, or on behalf of, persons providing private parking facilities.

When the Code is introduced it proposes to apply to all private parking companies in England, Scotland and Wales.

There will be an implementation period to allow parking operators to align with the requirements of the Code before it comes into effect. When the initial draft of the Code was published, operators were expected to fully adhere to the new Code before 2024, by which time it was expected that the new single appeals service will be operational.

Under the same original timeframe, the Code of Practice would have been assessed within two years of it coming into force before 2024. The Government will take into account data from their ongoing monitoring of the Code and developments in the wider industry, for example any changes to local authority penalties. It is not known how these dates will be affected by the withdrawal of the Code.

¹⁶ Department for Transport, [Government to open technical consultation on fairer parking charges](#), 26 May 2021

¹⁷ Department for Levelling Up, Housing and Communities, [Private parking charges, discount rates, debt collection fees and appeals charter: further technical consultation](#), last updated 7 June 2022

¹⁸ Department for Levelling Up, Housing, and Communities, [Private Parking Code of Practice](#), last updated 7 June 2022

¹⁹ POPLA, [Annual Report 2020](#), page 12,

The Government will take into account data from their ongoing monitoring of the Code and developments in the wider industry, for example any changes to local authority penalties.²⁰

The two main parking trade association bodies, the British Parking Association and the International Parking Community released statements responding to the draft Code. The BPA stated that it was ‘deeply concerned’ for the unintended consequences for its motorists, landowners and the private parking sector of the introduction of the original Code. The IPC stated that the implementation of the original Code would help ‘to address the doubt and scepticism that has plagued the industry’s public perception for far too long’.²¹

1.3 Appeals

There are two independent adjudicators: Parking on Private Land Appeals (POPLA), which began work in October 2012, and the Independent Appeals Service (IAS), which began work in June 2014. Both adjudicators work in a very similar way to the adjudicators that deal with appeals against local authority-issued parking penalties (see Section 2.6). As of the date of this paper it is not clear what the appeals process will look like under the Code of Practice, and if POPLA and IAS will still be involved in this.²²

In terms of the volume of cases, in the twelve months to 30 September 2022 POPLA reported that 84,474 appeals were received; a total of 56,386 appeals were decided, of which 14,729 were allowed and 41,657 were refused. A further 19,906 were not contested by the operator.²³

Anyone who receives a ticket on private land should, in the first instance, formally appeal to the company that issued the ticket citing their grounds for appeal and providing supporting evidence where possible. If the parking company rejects the appeal one can then appeal to POPLA or the IAS. If the adjudicator finds for the appellant the company is compelled to cancel the parking charge. However, if the adjudicator finds for the parking company, the appellant can still refuse to pay. The parking company would have to take the appellant to court to obtain the fine and any associated costs. The parking company may use a favourable judgement from the adjudicator in any such proceedings.²⁴

²⁰ [Parking \(Code of Practice\) Act 2019](#):

²¹ British Parking Association, [Responsible motorists to lose out under Government proposals to reduce parking charges](#), 8 February 2022 and International Parking Community, [The IPC’s response to new Code of Practice for private parking](#), 10 February 2022

²² [Parking on Private Land Appeals \(POPLA\)](#) and [Independent Appeals Service \(IAS\)](#)

²³ POPLA, [Annual Report 2022](#), p5

²⁴ Citizens Advice [Appealing a parking ticket](#) [Accessed 1 June 2023]

1.4

Access to Department for Vehicle Licencing Agency information

Parking enforcement companies may apply to the Department for Vehicle Licencing Agency (DVLA) for information about drivers who use their facilities, normally the name and address of the registered owner of a vehicle. They may use this to issue a parking charge to a motorist who has contravened the regulations of their car park. The only parking enforcement companies that can apply to the DVLA for driver information are those which are members of an Accredited Trade Association (ATA). There are only two of these for parking: the British Parking Association (BPA) and the Independent Parking Community (IPC).²⁵

The older (and bigger) is BPA.²⁶ As of May 2022 there were 115 members of its Approved Operator Scheme (AOS).²⁷ The IPC became an ATA since June 2014 and is therefore smaller, though it has grown quickly. As of August 2021 there were more than 150 members of its AOS.²⁸

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 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 with an offence.²⁹ 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 1998.³⁰ The DVLA states that:

Reasonable cause for the release of data from the DVLA vehicle register relates to motoring incidents with driver or keeper liability. These can include road safety matters, events occurring as a result of vehicle use, enforcing road traffic legislation and collecting tax. In all data release matters, we act responsibly and in accordance with the law.

Where reasonable cause has been shown, we disclose information on the condition that it will only be used for the requested purpose and that the recipient will protect its confidentiality.³¹

²⁵ BPA, [Know Your Parking Rights](#), [accessed 1 June 2023]

²⁶ BPA, [About the BPA](#), [accessed 1 June 2023]

²⁷ BPA, [Current AOS Members](#) [Correct as of June 2023]

²⁸ IPC, [Accredited Operator Scheme: AOS Members](#) [Correct as of June 2023]

²⁹ [Road Vehicles \(Registration and Licensing\) Regulations 2002 \(SI 2002/2742\)](#)

³⁰ [Data Protection Act 1998](#)

³¹ DVLA, [Release of information from DVLA’s registers](#), 2022, page 4

DVLA makes a charge of £2.50 per transaction. The DVLA states that its charges:

...for releasing data are intended to recover the full cost of providing the information.

DVLA does not profit at the expense of customers or make a loss for taxpayers to subsidise.³²

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:

The information you ask for should only be used in a fair and responsible way and for the purpose for which it is requested. If we get a legitimate complaint about information obtained unlawfully we will pass it to the Information Commissioner to consider prosecution. If we have evidence that information has been obtained or used inappropriately, we can refuse all future requests.³³

Since August 2009 the release of any vehicle owner information by the DVLA has been limited to members of an ATA (in the case of parking this either the BPA or the IPC). A parking company must be a member of the BPA or IPC, but if they are not using the data in the correct way then the DVLA is still able to ban them. The Parking Code of Practice when fully implemented will produce a Certification Scheme, independently assessed by the United Kingdom Accreditation Service, to which parking trade associations must adhere if their members wish to request access to Driver and Vehicle Licensing Agency (DVLA) data.³⁴

In March 2015 the then Roads Minister, Robert Goodwill MP, explained a parking company's duties and the impact removal of their membership could have on their operations:

The parking operator needs to demonstrate compliance with the code of practice of its accredited trade association to retain its membership. The ATA exists to investigate and ensure that, where appropriate, remedial action is taken. It is for the ATA to decide whether the operator needs to be placed on notice with additional scrutiny, follow-up audits and checks to monitor future actions closely. In more serious cases, a decision may be taken to terminate an operator's membership of the ATA. A company can still manage parking on private land, but if it is no longer a member of the ATA the Driver and Vehicle Licensing Agency will not provide contact details to enable breaches to be

³² DVLA, [Release of information from DVLA's registers](#), 2022, page 13

³³ DVLA, [V888/3 form](#), section 5 notes [accessed 1 June 2023]

³⁴ The United Kingdom Accreditation Service (UKAS) is the national accreditation body for the United Kingdom, appointed by government, to assess organisations that provide certification, testing, inspection and calibration services.

pursued. That has a serious consequence for a company's survival, and it is an incentive for it to behave responsibly.³⁵

There was a debate on the DVLA and private parking companies in March 2017. At the end of the debate the then Transport Minister, Andrew Jones, said:

Let me reassure the House on how we control the data. We have had lots of debates in this House about the right to privacy of our personal data. The trade associations have a code of practice, which includes access to DVLA data being tightly controlled. Companies with an electronic facility to request DVLA data have to sign up to a detailed contract that lays out the requirements on the use and security of data. The DVLA undertakes remote checks on parking companies.

In addition, the Government Internal Audit Agency carries out detailed audit visits on the DVLA's behalf and undertakes more in-depth checking of individual cases to provide further assurance that requests have been submitted for genuine reasons and there is reliable evidence to back up the request. Non-compliance can result in sanctions, including the removal of the right to data.

The DVLA's controls around the disclosure of data to parking companies were subject to a detailed data protection audit by the Information Commissioner's Office last year. I can confirm that the Information Commissioner awarded the DVLA the highest rating for the controls it has in place surrounding the disclosure of data.³⁶

General Data Protection Regulation

The General Data Protection Regulation (GDPR) took effect in the UK in May 2018 via the Data Protection Act 2018.³⁷

In November 2020, the Secretary of State for Transport commented on the impact of GDPR on the DVLA's handling of information.

The Driver and Vehicle Licensing Agency (DVLA) has robust processes in place to ensure compliance with the rules governing the processing of personal data included in the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

The implementation of the GDPR required no specific changes to the robust controls already operated by the DVLA in relation to the lawful sharing of data with authorised third parties. The law allows vehicle keeper details to be disclosed to third parties, including private parking companies, who can demonstrate that they have a reasonable cause to receive it, and any charges levied are to cover costs of processing requests.³⁸

³⁵ [HC Deb 16 March 2015, c619](#)

³⁶ [HC Deb 21 March 2017, cc274-5WH](#)

³⁷ [Data Protection Act 2018](#)

³⁸ [PQ 109153 \[Driver and Vehicle Licensing Agency: Data Protection\]](#), 4 November 2020

One of the purposes of the Data Protection Act 2018 is to set out how the UK will apply the derogations (flexibilities) allowed under the GDPR.³⁹ The Act repeals the previous data protection legislation (the Data Protection Act 1998).⁴⁰ There was no substantive discussion of the DVLA during the passage of the Act.

The DVLA said in February 2017 and appropriate GDPR procedures would be in place by 2018, stating in response to an FOI request in October 2017:

All data sharing undertaken by the DVLA is carried out in accordance with the principles of the Data Protection Act (DPA). The most recent audit by the Information Commissioner's Office judge the DVLA's procedures to offer high assurance that processes to mitigate the risks of non-compliance with the DPA are in place. DVLA can confirm that appropriate procedures to ensure the same level of assurance will be in place to meet the requirements of the new General Data Protection Regulation in May 2018.⁴¹

1.5 Amount of charge levied

In terms of the level of charges, there is no statutory definition of a 'reasonable' or 'proportionate' charge on private land. However, as a requirement of membership of an Approved Operator Scheme of an Accredited Trade Association all parking companies are required to follow the guidance issued by the ATA. Guidance from both the British Parking Association and International Parking Community states that a charge (i.e. fine) should not be more than £100.⁴² To compare, charge/fines on public roads/land, set out in legislation, are generally £60 to £70, but can be as high as £105 for a higher level penalty charge paid after the service of a charge certificate. In London the maximum permitted charge for parking offences on public land is £130.⁴³

However, what constitutes a 'reasonable' or 'proportionate' charge is in dispute. For example, in February 2015 the RAC Foundation published a legal opinion drawn up for them by John de Waal QC, a barrister at Hardwicke. This took the view that a charge of £100 or more was likely to be several times more than compensation for a genuine loss and would not therefore be enforceable by the courts. However, it also stated crucially that this argument would have to be tested in court to be enforceable.⁴⁴

³⁹ [Data Protection Act 2018](#)

⁴⁰ [Data Protection Act 1998](#)

⁴¹ [DVLA FOI response FOIR6295](#), 16 October 2017 [emphasis in original]

⁴² [BPA Approved Operator Scheme Code of Practice \(Version 8\)](#), para 20.5, January 2020; and [Code of Practice, Version 8](#), p21

⁴³ [Civil Enforcement of Parking Contraventions \(Guidelines on Levels of Charges\) \(England\) Order 2007 \(SI 2007/3487\)](#), Schedule

⁴⁴ RAC Foundation press notice, "[Private parking, public concern](#)", 20 February 2015

The Supreme Court decision on *Parking Eye v Beavis* [2015] found that an £85 charge for overstaying in a private car park was ‘fair, reasonable and enforceable’.⁴⁵

⁴⁵ [\[2015\] UKSC 67](#)

2 Civil Parking Enforcement – parking on public land

2.1 Legislation

Traffic Management Act 2004

The primary legislation governing the enforcement of parking on public land is the Traffic Management Act 2004.⁴⁶

In July 2002, the Policing Bureaucracy Taskforce, chaired by Sir David O'Dowd, identified parking enforcement as one of a package of tasks which would be suitable for transfer to local authorities, thereby allowing the police to concentrate on their core activities.⁴⁷ The Labour Government then consulted on decriminalising parking offences outside London in December 2002 – the push for changes came from an acknowledgement that existing legislation was not being properly or effectively enforced due to lack of police time and resources.⁴⁸

Consequently, one of the main intentions of what became the Traffic Management Act (TMA) 2004 was to give authorities outside London the additional powers that had already been conferred on London authorities by various local London Acts, including:

- postal service of a penalty charge notice (PCN) where a parking attendant is prevented from fixing it to a vehicle or handing it to the driver;
- issue of a PCN on the basis of information provided by a camera;
- issue of a PCN for parking within the area of a pedestrian crossing;
- creation of a contravention to deal with double parking; and

⁴⁶ [Traffic Management Act 2004](#)

⁴⁷ Home Office, [Policing Bureaucracy Taskforce: Change Proposals to Increase the Presence of Police in Communities](#), July 2002, p11

⁴⁸ DfT, [Road Traffic Act 1991: Decriminalised parking enforcement. Proposals for Decriminalisation of Additional Parking Offences outside London](#), 6 December 2002

- placing a 6-month time limit on the issue of a notice to an owner aimed at securing payment of a penalty charge if it has not been paid within 28 days of issue of the PCN.⁴⁹

The TMA 2004 extended and rationalised the civil enforcement powers of local authorities for driving and parking contraventions.⁵⁰ It provided a single body of primary legislation enabling civil enforcement of parking, bus lanes, specified moving traffic regulations and the London lorry ban. Part VI of the Act and regulations made under it have, for the most part, replaced the provisions in previous legislation, particularly the Road Traffic Act 1991.⁵¹

As of November 2021, the Department for Transport indicated that only 7 local authorities in England (excluding London) have not taken up civil enforcement powers to enforce parking restrictions.^{52,53}

2.2

Regulations

The Government conducted a consultation on the draft regulations for Part VI of the TMA between July and September 2006; and on draft guidance between August and October 2007.^{54 55} The aim of the consultation was to ascertain from Local Authorities if there were matters that the Guidance should cover but does not, that it covers but does not need to, and any factual inaccuracies.⁵⁶ A summary of responses to the 2006 consultation was published in July 2007.⁵⁷ The main conclusions of the 2006 consultation were that:

- in areas where parking enforcement has been decriminalised, the police would not have the power to enforce as well;
- differential penalty charging should be introduced – the principle of differential charging is that there would be a different level of penalty charge depending on the contravention (e.g. £X for overstaying where parking is permitted but £1½ X for parking where it is never permitted);

⁴⁹ [Traffic Management Act 2004](#)

⁵⁰ [Traffic Management Act 2004](#)

⁵¹ [Road Traffic Act 1991](#)

⁵² Note that while parking policy generally is the responsibility of the Department for Transport, in March 2015, the responsibility for policy relating to off-street parking transferred within government, from DfT to the Department for Communities and Local Government (now the Department for Levelling Up, Housing & Communities). See MHCLG Closed consultation [Parking reform: tackling unfair practices](#) 28 March 2015

⁵³ DfT, [List of areas in England designated as a Civil Enforcement Area \(CEA\) for the purposes of enforcing parking contraventions](#), November 2021

⁵⁴ DfT, [Consultation on Part 6 of the Traffic Management Act \(TMA\) 2004](#), 12 July 2006

⁵⁵ DfT, [Better parking - keeping traffic moving. operational guidance draft consultation](#), 8 August 2007

⁵⁶ DfT, [Consultation letter](#), 8 August 2007

⁵⁷ DfT, [Better parking – keeping traffic moving: report on public consultation](#), 24 July 2007

- local authorities would be asked to produce well-publicised discretionary policies, for on-street enforcement officers, as to situations where they may not wish to issue a PCN, however discretion should rest in the back office to prevent potential abuse of or by civil enforcement officers;
- a ‘persistent evader’ would be defined as having three or more outstanding and unchallenged PCNs; and
- government would ask the London Councils to make their persistent evader database available to local authorities that wish to use it.⁵⁸

A number of regulations brought the new civil enforcement regime into force on 31 March 2008.⁵⁹ The Department published a press notice in February 2008 detailing how the new system would work. It stated that councils should not use parking enforcement as a tool for raising revenue, and should not set targets for the number of tickets issued. They were also encouraged to use more discretion over minor contraventions.⁶⁰

In July 2008 the government published a further consultation on sections 85 and 86 of the TMA – which 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.⁶¹ In May 2009 the then Labour Government confirmed its intention to proceed with these powers for local authorities.⁶² It was brought into force by the Local Authorities Traffic Orders (Procedure) (England and Wales) (Amendment) (England) Regulations 2009 from 1 June 2009.⁶³

2.3

Guidance

The relevant statutory and operational guidance to local authorities was updated and reissued in October 2022. The statutory and operational guidance was combined into one document, Guidance for local authorities on enforcing parking restrictions.⁶⁴

⁵⁸ DfT, [Better parking – keeping traffic moving: report on public consultation](#), 24 July 2007

⁵⁹ [Civil Enforcement of Parking Contraventions \(England\) Representations and Appeals Regulations 2007 \(SI 2007/3482\)](#); [Civil Enforcement of Parking Contraventions \(England\) General Regulations 2007 \(SI 2007/3483\)](#); [Removal And Disposal of Vehicles \(Amendment\) \(England\) Regulations 2007 \(SI 2007/3484\)](#); [Civil Enforcement Officers \(Wearing of Uniforms\) \(England\) Regulations 2007 \(SI 2007/3485\)](#); [Civil Enforcement of Parking Contraventions \(Approved Devices\) \(England\) Order 2007 \(SI 2007/3486\)](#); [Civil Enforcement of Parking Contraventions \(Guidelines on Levels of Charges\) \(England\) Order 2007 \(SI 2007/3487\)](#)

⁶⁰ DfT press notice, “[Councils told to make parking fairer, clearer and more open](#)”, 28 February 2008

⁶¹ DfT, [Consultation on prohibition of double parking and parking at dropped footways](#), 29 July 2008

⁶² DfT press notice, “[Making it easier to tackle inconsiderate and dangerous parking](#)”, 5 May 2009

⁶³ [Local Authorities Traffic Orders \(Procedure\) \(England and Wales\) \(Amendment\) \(England\) Regulations 2009 \(SI 2009/1116\)](#)

⁶⁴ DfT, [Guidance for local authorities on enforcing parking restrictions](#), June 2020

2.4

Further reforms and developments

In December 2013 the Department for Transport launched a consultation, seeking views on views on local authority parking strategies and on various ideas to ‘change the balance’ of how parking is enforced “with the aim of ensuring that parking strategies complement and enhance the attractiveness of our high streets and town centres”.⁶⁵ This followed earlier comments by the then Communities and Local Government Secretary, Eric Pickles MP, that motorists should be allowed to stop on yellow lines in town centres to ‘pop into the shops’ and that councils should provide more parking spaces in town centres.⁶⁶

In June 2014 the DfT announced a number of changes to parking legislation and guidance, the most notable of which were:

- a ban on councils using CCTV ‘spy cars’ alone to enforce on-street parking; use of CCTV would in future be limited to issuing tickets by post to critical routes such as schools, bus lanes, bus stops and red routes where public transport must be kept moving for safety reasons;
- introducing mandatory 10 minute ‘grace periods’ at the end of on-street paid for and free parking; and
- giving local residents and firms the ability to make their council review parking, including the provision of parking, parking charges and the use of yellow lines.⁶⁷

These changes were enacted in the Deregulation Act 2015, Section 53.⁶⁸

Enforcement with approved devices (CCTV)

The Secretary of State with has the power to prohibit the use of CCTV or ‘other devices’ in connection with parking enforcement. Some CCTV uses Automatic Numberplate Recognition (ANPR) technology. This is legislated by Section 53 of the Deregulation Act 2015.⁶⁹

The Civil Enforcement of Parking Contraventions (England) General (Amendment No. 2) Regulations 2015,⁷⁰ made under section 53 of the 2015 Act, came into force on 1 April 2015. They tighten the circumstances in which CCTV may be used as the sole evidence for issuing an on-street parking ticket but

⁶⁵ DfT, [Consultation on local authority parking](#), December 2013

⁶⁶ see, e.g. The Daily Telegraph, “[Eric Pickles: Wardens should stop giving motorists ‘popping into shops’ parking tickets](#)”, 17 March 2014

⁶⁷ DfT press notice, “[Government bans use of CCTV ‘spy cars’ for on-street parking](#)”, 23 June 2014; and DfT, [Response to consultation on local authority parking](#), June 2014

⁶⁸ [The Deregulation Act 2015](#)

⁶⁹ [The Deregulation Act 2015](#)

⁷⁰ [The Civil Enforcement of Parking Contraventions \(England\) General \(Amendment No. 2\) Regulations 2015 \(SI 2015/1001\)](#), made under Section 53 of [The Deregulation Act 2015](#)

they do not prohibit the use of CCTV for on-street parking enforcement entirely.

The Government's revised parking guidance to local authorities sets out how this should work in practice. This states that any device used in parking enforcement must be certified by The Secretary of State. Once certified they may be called an 'approved device'. PCNs must not be served by post based on evidence from an approved device other than when a parked vehicle meets a specific set of criteria and where enforcement is difficult or sensitive. The guidance also recommends that the authority sends a copy of the record of the contravention (in the form of a still image or images) with the PCN.⁷¹

10 minutes' grace period

The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015 brought the 10 minutes' grace period into effect from 6 April 2015.⁷² This aims to ensure that enforcement of parking is both fair and proportionate.

Following the implementation of this change, 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's car park beyond the permitted parking period for a period not exceeding 10 minutes. It 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 during the 10-minute grace period would be illegal unless the vehicle itself is parked unlawfully.⁷³

Right to challenge parking policies

In March 2015 the Department for Communities and Local Government (DCLG) issued statutory guidance under section 18 of the Traffic Management Act. It applies to local traffic authorities in England, which must have regard to the guidance when exercising their network management duty under the TMA. There is provision under the Act for local residents to launch petitions to challenge Local Authority parking policies.⁷⁴

Powers to vary parking charges

Sections 41 and 42 of the Road Traffic Act 1991 introduced new powers for local authorities to vary car parking charges at both designated on-street parking places and in their off-street car parks. Under this legislation, Local

⁷¹ DfT, [Guidance for local authorities on enforcing parking restrictions](#), June 2020

⁷² [Civil Enforcement of Parking Contraventions \(England\) General \(Amendment\) Regulations 2015 SI 2015/561](#)

⁷³ DfT, [Guidance for local authorities on enforcing parking restrictions](#), June 2020

⁷⁴ CLG, [Right to challenge parking policies - Traffic Management Act 2004: Network Management Duty Guidance](#), 6 March 2015, p4

Authorities can vary parking charges if they follow certain procedures around publicising the changes in advance.⁷⁵

In 2016 Conservative MP David Tredinnick brought forward a private member's bill to make it easier for local authorities to lower parking charges. The Bill was supported by the Government and came into force on 27 June 2017 as the Parking Places (Variation of Charges) Act 2017.⁷⁶

The aim of the Act is to make it easier for local authorities to lower their parking charges “to promote the economic vitality of town centres; allowing local authorities to react more quickly to market changes; putting them on an even footing with the private sector; and promote parking flexibility, by allowing local authorities at short notice to provide free or discounted parking to support town centre events”.⁷⁷ It is also intended to provide for local authorities to consult interested parties if they are seeking to increase the cost of parking charges “to ensure the impacts on the towns are fully considered”.⁷⁸

Parking revenues

RAC Foundation, a transport policy and research organisation, found that in 2019/20 the 353 local authorities in England generated a combined ‘profit’ of £891 million from their on- and off-street parking activities; a decrease on the previous year. In 2018/19 the ‘profit’ was £934 million.⁷⁹

Under Section 55 of the Road Traffic Regulation Act 1984 as amended, local authorities can only spend parking income on certain things.⁸⁰ It applies in England and Wales. It states that “a local authority shall keep an account of their income and expenditure in respect of parking places for which they are the local authority...”.⁸¹ This covers all income and expenditure, i.e. income from charges and fines.

Section 55(2) provides that the relevant council must make good any deficit from their general fund (e.g. if they spend more on parking enforcement than they get in revenue).

Section 55(3) provides that any surplus can be carried over into the next year. Section 55(2) and 55(4) set out what a surplus may be spent on: “...any surplus shall be applied for all or any of the purposes specified [...] and, in so far as it is not so applied, shall be appropriated to the carrying out of some

⁷⁵ [Road Traffic Act 1991](#)

⁷⁶ [Parking Places \(Variation of Charges\) Act 2017](#)

⁷⁷ House of Commons, [Parking Places \(Variation Of Charges\) Bill Explanatory Notes](#), 17 November 2016

⁷⁸ House of Commons, [Parking Places \(Variation Of Charges\) Bill Explanatory Notes](#), 17 November 2016

⁷⁹ The figures were calculated by taking income from parking charges and penalty notices and then deducting running costs; see: RAC Foundation [Local Authority Parking Finances in England 2019 – 20](#), 23 January 2021

⁸⁰ [Road Traffic Regulation Act 1984](#)

⁸¹ Section 55, [Road Traffic Regulation Act 1984](#)

specific project falling within those purposes and carried forward until applied to carrying it out”.

Those purposes include:

- To pay back money from the general fund used to plug a deficit in parking operations (applies to the previous 4 years);
- For the local authority to meet all or any part of the cost of the provision and maintenance of off-street parking accommodation,⁸²

There was a judgement in 2013, *Attfield v Barnet* 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.⁸³ In that case the court found against Barnet Council for using parking revenues inappropriately.⁸⁴

2.5

National Parking Platform

Concern has been raised about the rise in apps to pay for parking, especially the need to use multiple apps for different car parks. Age UK, among other groups, has raised this as an issue for the elderly.⁸⁵

The National Parking Platform (NPP) is a local authority owned and Department for Transport funded pilot project. It aims to allow individuals to use the app of their choice to pay for parking in an attempt to simplify and improve the process. In April 2022 the Government announced that it would be providing £800,000 for the pilot being operated by Manchester City Council.⁸⁶

The NPP pilot enables local authorities to:

- Describe the parking they offer (including rates, times, restrictions etc) to drivers via apps
- Publicise occupancy via apps, in real time
- Accept payments and reservations from payment providers without the need for a contract with each one
- Digitise compliance monitoring without the need for local digital infrastructure

⁸² Section 55, [Road Traffic Regulation Act 1984](#)

⁸³ [\[2013\] EWHC 2089](#)

⁸⁴ [\[2013\] EWHC 2089 \(Admin\)](#), 22 July 2013, paras 38 & 54, The Guardian [Barnet residents win high court fight against parking permit price-hike](#) 22 July 2013

⁸⁵ BBC News, [Parking by app 'digitally excludes older drivers'](#), 1 June 2023

⁸⁶ Department of Levelling Up, Housing and Communities, [Car parking charges and use of parking apps – Government responds to Levelling Up Committee questions](#), 3 May 2023

Organisations who provide payment options and apps will, with the introduction of the NPP, be able to:

- Offer their customers the ability to park in any participating local authority car park
- Pay local authorities for parking used by their customers without the need for a contract with each one
- Negotiate rates and access with local authorities for their customers
- Reserve spaces in local authority's car parks
- Develop value added services (e.g. guidance to space, frictionless parking) based on standard, available information.⁸⁷

The NPP pilot began in 2019, and concluded in 2022 after being extended. As of the date of this paper, the NPP states that 'discussions are currently underway to maintain the pilot for a further period, whilst creating the full platform and governance.'⁸⁸

2.6 Enforcement and appeals

Enforcement of parking regulations on public land is a matter for the police, the local authorities and their parking attendants (called 'civil enforcement officers' since 31 March 2008).⁸⁹ The degree to which each is responsible for enforcing the regulations will depend on the area and on whether the relevant local authority has taken responsibility for all parking which is not covered by criminal legislation.

Civil offences

Where local authorities assumed responsibility for on-street parking under the Road Traffic Act 1991 penalty charge notices were issued by local authority-employed parking attendants and the income was retained by the authority.⁹⁰ The offence was no longer a criminal offence but a civil one. Penalty charges are ultimately enforceable through the civil courts as civil debt. In the first instance, a driver disputing a PCN should object to the local council who issued it. If the driver is not happy with the result, they can go to

⁸⁷ National Parking Platform, [NPP Pilot Outline](#), last accessed 2 June 2023

⁸⁸ National Parking Platform, [NPP Pilot Phases](#), last accessed 2 June 2023

⁸⁹ 'local authorities' is taken here to mean unitary authorities, county councils, metropolitan district councils and London Boroughs; although in practice some of these may have an agency agreement with city or district councils to act on their behalf on traffic matters

⁹⁰ [Road Traffic Act 1991](#)

the independent traffic adjudicator; the [Traffic Penalty Tribunal \(TPT\)](#)⁹¹ or the [Environment and Traffic Adjudicators for London](#).⁹²

When parking offences became a civil rather than a criminal offence, an appeals procedure was set up to deal with them. In the first instance, individuals receive a Penalty Charge Notice from the local authority, followed by a 'Notice to Owner' (NtO) form from the council explaining their liability for payment of the PCN. If an individual chooses to challenge the NtO and their representation is rejected they then receive a letter known formally as a 'Notice of Rejection of Representations'. At this point they have a right to appeal to the independent traffic adjudicator. The rest of this section summarises the procedure outside London (though it is almost identical in London).

With their Notice of Rejection of Representations the council must send a TPT 'Notice of Appeal' form. One may either pay the charge or use this form to make an appeal within 28 days. If it is later than 28 days there must be an explanation why. There are several legal grounds of appeal, falling into two broad categories:

- the PCN was issued incorrectly (e.g. the alleged parking contravention did not occur; the penalty charge exceeded the relevant amount; the Traffic Regulation Order was invalid; there was procedural impropriety on the part of the council); and
- the appellant is not liable to pay the penalty (e.g. he did not own the vehicle when the alleged contravention occurred; the owner is a vehicle hire firm (only in certain circumstances); the vehicle was taken without the owner's consent; the penalty has already been paid).⁹³

There is a further category of 'compelling reasons':

If the adjudicator agrees that you have compelling reasons why the penalty should not be paid, they may make a recommendation to the council that they cancel the penalty. If the council choose not to do this they must explain why. The adjudicator cannot cancel a penalty based on compelling reasons.⁹⁴

Changes were made to the appeals process under the new system that came into effect in 2008, but they did not affect the adjudication process. There were two major changes in the Representations and Appeals Regulations compared to the pre-2008 legislation:

- "procedural impropriety", that is to say a failure by the enforcement authority to observe any of the detailed statutory requirements for imposing a penalty charge, was made a ground for representations and for appealing to an adjudicator; and

⁹¹ [Traffic Penalty Tribunal \(TPT\)](#)

⁹² [Environment and Traffic Adjudicators for London](#)

⁹³ Traffic Penalty Tribunal, [Grounds of appeal - Parking Penalty Charge Notices](#) [accessed 27 June 2022]

⁹⁴ Traffic Penalty Tribunal [Grounds of appeal - Parking Penalty Charge Notices](#) [accessed 27 June 2022]

- an adjudicator may refer a case back to the enforcement authority for reconsideration, where the finding is that none of the grounds of appeal apply but that there are compelling reasons for remitting a charge.⁹⁵

In 2013 the Government consulted on a number of changes to the appeals process. In 2014 it announced its intention to:

- widen the powers of parking adjudicators (e.g. to include the ability for an Adjudicator to direct an authority to stop issuing tickets or direct the authority to change the signage, where there is a persistent problem);
- change the guidance on costs to make it clearer what provisions there are available to the public; and
- assess the impacts of introducing a 25% discount to motorists who lose an appeal at tribunal level on a trial basis.⁹⁶

The guidance for local authorities, updated in July 2020, includes information on the circumstances in which costs may be awarded.⁹⁷

Criminal offences

Some parking offences are endorsable – the driver of a vehicle committing such an offence has broken the law.⁹⁸ Examples of this include parked vehicles causing safety hazards, or parking in the approach to a zebra crossing. Maximum penalties range from a £1,000 fine to three penalty points and the option to disqualify.⁹⁹

These offences are also subject to the fixed penalty notice system (FPN). The police are responsible for enforcing the criminal law and only police officers and traffic wardens can enforce criminal offences. The level of FPNs is set by the Home Secretary and the fines are paid into court. The recipient must pay the penalty to the court within 28 days or request a court hearing if the issue of the notice is disputed.¹⁰⁰

The procedure for issuing fixed penalty notices is contained in the Road Traffic Offenders Act 1988, as amended. In England such notices can be given on the spot when the driver is present (section 54); attached to the car in the absence of the driver (section 62); or a conditional offer of a fixed penalty may be sent to the alleged offender for offences such as those caught by speed cameras where a policeman is not personally involved (section 75).¹⁰¹

⁹⁵ [The Civil Enforcement of Parking Contraventions \(England\) Representations and Appeals Regulations 2007](#)

⁹⁶ Department for Transport [Response to consultation on local authority parking](#), pp10-12

⁹⁷ Department for Transport [Guidance for local authorities on enforcing parking restrictions](#), July 2020

⁹⁸ ‘Endorsable offences’ are those which incur penalty points on the driving licence, called ‘endorsements’

⁹⁹ RAC, [What can I get a Fixed Penalty Notice For?](#) Last accessed 21 June 2022

¹⁰⁰ RAC, [Fixed Penalty Notices](#). last accessed 21 June 2022

¹⁰¹ [Road Traffic Offenders Act 1988](#)

Under section 54(1), a police constable may issue an FPN in England and Wales, subject to certain conditions – if the constable "has reason to believe that a person he finds is committing or has on that occasion committed a fixed penalty offence". The conditions are that the person produces and surrenders his licence, and that the offence would not render the person liable to disqualification. An FPN is, in effect, a temporary stay of prosecution and allows an individual to agree to a fixed penalty and subsequent immunity from prosecution for the offence. An individual will have 21 days' grace to decide. A person may choose to elect for a hearing during this period, in which case proceedings would be brought against them in due course. At the court hearing they will be convicted or acquitted as in any other criminal case.¹⁰²

¹⁰² [Road Traffic Offenders Act 1988](#)

3 Private roads

The Library briefing paper *Private, or 'unadopted' roads in England and Wales* contains more information about this subject.¹⁰³

The issue of parking on private roads is a complex area, because there are different definitions of a 'private road' and the extent to which one can enforce sanctions on a road will depend on what type of road it is. Constituents facing parking problems on private roads should consult a legal professional.¹⁰⁴

There is no legal definition of a private road.¹⁰⁵ However, a private road is not necessarily a road to which the public does not have access. Nor is it a road exempt from the law. There is no statutory definition of a highway, only a common law one. That definition is quite clear: a "highway is a way over which all members of the public have the right to pass and repass. Their use of the way must be as of right, not on sufferance or by licence".¹⁰⁶ Some private roads are highways, but not all, and the position is not always easy to determine.

Most of the offences committed under the Highways Act 1980, as amended, are designed to punish those who endanger or interfere with users of a 'highway' or who damage or obstruct a 'highway'.¹⁰⁷ A few offences go further in that they apply not just to highways but to all 'streets' as defined in the Act. Interfering with a right of way is a civil wrong, namely a nuisance. A person whose land has the benefit of a right of way may take action against any person interfering with his right, whether the owner of the road or a person who also enjoys a right of way, or someone unconnected with the road. For example, a right to take action might arise if the parking of cars in a narrow private road persistently interfered with the exercise of a right of way, such as in the case of *Horne and Horne v. Ball [1995] CLY 1841* in which the court had to deal with deliberate obstruction, accompanied by verbal abuse over a long period.¹⁰⁸

In terms of parking, there is no general right to park in a private road except for the owner of the road. In practice, parking may be permitted or tolerated by the owner (in which case there is a licence to park) and in some cases a

¹⁰³ Commons Library Briefing SN00402 [Private, or 'unadopted' roads in England and Wales](#)

¹⁰⁴ Information on sources of legal assistance can be found in Commons Library Briefing SN-3207, [Legal help: where to go and how to pay](#)

¹⁰⁵ Andrew Barsby, *Private Roads: The Legal Framework* (6th ed.), 2021, page 2

¹⁰⁶ Sweet & Maxwell, *Encyclopaedia of Highway Law and Practice*, March 2002, para 2-335

¹⁰⁷ [Highways Act 1980](#)

¹⁰⁸ Andrew Barsby, *Private Roads: The Legal Framework* (5th ed.), 2013, para 5.47

legal right may have been granted by the owner.¹⁰⁹ Parking in a private road without permission or a legal right to do so is trespassing, and is a civil wrong for which redress can be obtained. The wrong is done to the owner of the road. They can bring legal proceedings to obtain compensation, though the amount of harm done would typically be small and the compensation therefore very modest. The owner is also entitled to insist that trespassing ceases, and could if need be obtain an injunction against the person concerned.¹¹⁰

Whether or not someone is trespassing by parking in a private road, if they obstruct the road and so interfere with its use by those with private rights of way, a different civil wrong (nuisance) is committed. In this case, the civil wrong would be against the person whose land has the benefit of the right of way, probably the owners of the properties. The same would also be true if a parked car obstructed access to a private road. In a case of nuisance the civil courts may grant compensation and other remedies, such as an injunction.¹¹¹

In some particular circumstances a criminal offence may be committed. Under section 34 of the Road Traffic Act 1988, as amended, it is an offence to drive a motor vehicle without authority on land which is not a road (i.e. a road that is not a highway, or to which the public has access) save where a person goes no further than 15 yards from a public road, and does so in order to park.¹¹² On a private road to which the public does not have access, drivers who come onto the road without authority are committing an offence unless they do so in order to park and go no further than 15 yards from a public road. If they park within 15 yards of a public road, they will merely be trespassing, not committing an offence.¹¹³

¹⁰⁹ Andrew Barsby, *Private Roads: The Legal Framework* (6th ed.), 2021, page 63

¹¹⁰ Andrew Barsby, *Private Roads: The Legal Framework* (6th ed.), 2021, page 58

¹¹¹ Andrew Barsby, *Private Roads: The Legal Framework* (6th ed.), 2021, page 58

¹¹² [Road Traffic Act 1988](#)

¹¹³ Andrew Barsby, *Private Roads: The Legal Framework* (6th ed.), 2021, page 66

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