

Research Briefing

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Parking FAQs



- 1 General
- 2 Local council-controlled parking
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1 General

1.1 Who is responsible for parking policy?

Parking policy across the UK is devolved. **This paper specifies the differences in policy across the UK where relevant.**

England

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

DfT issues guidance that local authorities in England must follow when designing and enforcing parking prohibitions.¹ 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).

Scotland

In Scotland, Schedule 5, Part II, Head E of the Scotland Act 1998², 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.³

Wales

In Wales, the original devolution settlement under the Government of Wales Act 1998⁴ 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 Commission⁵ recommended that the National Assembly should move to a reserved powers model like Scotland. This was

¹ DfT. [Guidance for local authorities on enforcing parking restrictions](#), 20 October 2022

² [Schedule 5, Part II, Head E](#) of the Scotland Act 1998

³ [Transport Scotland](#)

⁴ [Government of Wales Act 1998](#)

⁵ Commission on Devolution in Wales, [Silk Commission](#), (accessed 5 January 2024)

then enacted by the Wales Act 2017⁶. Schedule 7A, Part II, Head E prescribes those areas reserved to the UK Parliament. Parking is devolved. Information on how parking operates in Wales can be found on the Welsh Government website.⁷

Northern Ireland

In Northern Ireland parking is governed by separate legislation and procedures. The NI Department for Infrastructure makes parking policy.⁸ Information on how parking operates in NI is on the [NI Direct webpage on parking enforcement](#).⁹

The parking industry in Great Britain is represented by two accredited trade associations (ATAs) – the British Parking Association (BPA) and the International Parking Committee (IPC).¹⁰ The BPA is the larger and older of the two, and was formed in 1970 with over 750 corporate members and 650 individual members. The IPC was set up in 2012 and has over 150 members.

1.2

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, 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.¹¹ 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.¹²

DVLA policy on the [Release of information from DVLA's registers](#) says it complies with relevant data protection law whenever sharing vehicle or driver data:

All of DVLA’s data sharing is carried out in accordance with data protection legislation. The Data Protection Act 2018 does not prevent data from being disclosed where this is done within data protection legislation. The right to

⁶ [Wales Act 2017](#)

⁷ Welsh Government [Parking, Blue Badges and road offences](#) (accessed 5 January 2024)

⁸ [NI Department for Infrastructure](#)

⁹ [NI Direct](#)

¹⁰ [British Parking Association \(BPA\): International Parking Committee \(IPC\)](#)

¹¹ [Regulation 27, Road Vehicles \(Registration and Licensing\) Regulations 2002](#)

¹² [Regulation 27, Road Vehicles \(Registration and Licensing\) Regulations 2002](#)

process the data is either contained in statute, in common law or other prerogative powers of the Crown. DVLA will only release information when it is lawful and fair to do so.¹³

DVLA makes a charge of £2.50 per transaction.¹⁴ In a 2014 report the Transport Select Committee concluded that the Agency loses money on this.¹⁵

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.¹⁶

The implementation of the General Data Protection Regulation (GDPR) in May 2018 has not affected DVLA practice in this area.¹⁷

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).¹⁸

Any concerns or complaints about data protection issues should be put to the Information Commissioner’s Office.¹⁹

1.3

What can I do if a council or parking company has secured a court order to enforce payment (that is, ‘bailiffs are coming’)?

When the matter of an unpaid parking charge has escalated to the involvement of bailiffs, it stops being an issue of parking law and becomes

¹³ DVLA, [Release of information from DVLA’s registers](#), 6 April 2022, p3

¹⁴ DVLA, [Release of information from DVLA’s registers](#), 6 April 2022, p7

¹⁵ House of Commons Transport Committee, [Government motoring agencies - the user Perspective](#), 1 September 2014

¹⁶ DVLA, [V888/3 form](#), (accessed 5 January 2024)

¹⁷ [OJ L 679 27 April 2016](#) (General Data Protection Regulation), implemented in UK law by the [Data Protection Act 2018](#); DfT, [Release of information from DVLA’s registers](#), 6 April 2022

¹⁸ DfT, [Release of information from DVLA’s registers](#), 6 April 2022, para 8

¹⁹ [Information Commissioner’s Office](#)

imperative to deal with the immediate problem of debt enforcement officers (bailiffs).

Different laws apply in England and Wales than in Scotland and Northern Ireland. Changes to legislation in England and Wales 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.²⁰

The Scottish equivalent of bailiffs are known as ‘sheriff officers.’²¹ More information on the powers of sheriff officers can be found on Citizens Advice Scotland.²²

There are no bailiffs in Northern Ireland. Instead, the work that bailiffs do, such as evictions and repossessions, are carried out by court officers authorised by the Enforcement of Judgments Office.²³ More information is available on the NI Direct website.²⁴

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 website.²⁵ More detailed information about bailiffs and what they can and cannot do when collecting debts is provided on the Citizens Advice website.²⁶

The Commons Library paper on [Enforcement officers \(formerly known as bailiffs\)](#), covers this subject in more detail.²⁷

1.4

How can I get rid of a nuisance or abandoned vehicle?

This applies to England, Scotland and Wales. Abandoned or untaxed vehicles can be removed by local authorities in certain circumstances. 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.

²⁰ Ministry of Justice, [Tough new laws on aggressive bailiffs](#), 30 July 2013; [Part 3 of the Tribunals, Courts and Enforcement Act 2007](#) was implemented in 2014

²¹ Mygov.scot, [What sheriff officers can do](#), (accessed 3 January 2024), [Act of Sederunt \(Fees of Messengers-at-Arms and Sheriff Officers\) \(Amendment\) 2021](#)

²² Citizens Advice Scotland, [Power of Sheriff Officers](#), (accessed 3 January 2024)

²³ NI Direct, [Enforcement of Civil Court Orders in Northern Ireland](#), (accessed 8 March 2024)

²⁴ NI Direct, [Enforcement of Civil Court Orders in Northern Ireland](#), (accessed 8 March 2024)

²⁵ Gov.uk, [Bailiff powers when they visit your home](#), (accessed 5 January 2024)

²⁶ Citizen’s Advice, [Bailiffs](#), (accessed 18 January 2024)

²⁷ Commons Library research briefing CBP-04103, [Enforcement officers \(formerly known as bailiffs\)](#), 9 February 2023

Section 3 of the Refuse Disposal (Amenity) Act 1978,²⁸ as amended, sets out the duties on local authorities to remove abandoned vehicles.

This is reiterated in guidance from the Department for Environment, Food and Rural Affairs' (Defra) which says that councils:

... must remove abandoned vehicles from both:

- land in the open air
- roads (including private roads)²⁹

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.³⁰

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.³¹

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.³²

²⁸ [Refuse Disposal \(Amenity\) Act 1978](#), s 3

²⁹ Department for Environment, Food & Rural Affairs, [Abandoned vehicles: local authority responsibilities](#), 18 December 2023

³⁰ Refuse Disposal (Amenity) Act 1978, s 4

³¹ Department for Environment, Food & Rural Affairs, [Abandoned vehicles: local authority responsibilities](#), 18 December 2023

³² Gov.uk, [Check if a vehicle is taxed](#), (accessed January 2024); Gov.uk, [Report an untaxed vehicle](#), (accessed 3 January 2024)

1.5

Is wheel clamping legal?

England and Wales

Generally, no, though there are limited exceptions.

Clamping is banned on private land in England and Wales. This ban came into force in October 2012 under section 54 of the Protection of Freedoms Act 2012.³³

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.

The DVLA has been able to clamp and remove vehicles for not paying VED or making a SORN declaration since November 1997, but only on the public road. The Vehicle Excise Duty (Immobilisation, removal and disposal of vehicles) Regulations 1997, as amended, allow the DVLA to clamp and remove untaxed vehicles.³⁴

If a motorist fails to act within 24 hours of being clamped, the vehicle is removed to a pound, where it attracts a removal charge in addition to a daily storage charge. Vehicles left unclaimed after five weeks are crushed or sold at auction. The 1997 Regulations were amended by the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) (Amendment) Regulations 2008 so that, from October 2008, the DVLA has had the power to clamp vehicles that are not on the public road, if they are in breach of the continuous registration requirements. To be clear, the areas covered by this legislation are: “off-road areas such as unadopted roads, commons, public car parks or roads maintained by Housing Associations to place themselves beyond the reach of the enforcement authorities”. It does not include: “areas associated with a dwelling, such as garages or driveways so there will be no invasion of a homeowner’s privacy.”³⁵

Scotland

There is no statutory ban on wheel clamping in Scotland. It was effectively banned in 1992 through a court decision in *Black and Another v Carmichael*.³⁶ The Appeal Court ruled that wheel clamping of a vehicle until it is released on payment of a charge, which is not authorised by statute, amounts to attempted extortion, or extortion where the charge is paid.

³³ [Protection of Freedoms Act 2012](#), s 54

³⁴ [The Vehicle Excise Duty \(Immobilisation, removal and disposal of vehicles\) Regulations 1997 \(SI 1997/2439\)](#)

³⁵ [Vehicle Excise Duty \(Immobilisation, Removal and Disposal of Vehicles\) \(Amendment\) Regulations 2008 \(SI 2008/2266\)](#)

³⁶ *Black and Another v Carmichael* [1992] SCCR 709, SLT 897; VLex, [Black and Another v Carmichael](#), (accessed 4 April 2024)

Northern Ireland

There is no ban on wheel clamping in Northern Ireland. See the NI Direct page [‘Removal and clamping of illegally-parked vehicles’](#) for more information.

2 Local council-controlled parking

2.1 What powers do councils have to provide and prohibit parking?

General information on CPE in England can be found in Commons Library briefing paper [Parking policy in England](#), CBP 2235, June 2022

Since 1995 local authorities in England have had the ability to assume control for parking enforcement in their areas from the police. This was called decriminalised parking enforcement (DPE), as most parking became a civil and not a criminal matter. This term fell into disuse in England 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 (see Question 2.11 below).

Almost all local authorities have now assumed these powers. 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.³⁷

Part 6 of the Traffic Management Act 2004³⁸ (TMA) provides a single body of primary legislation enabling civil enforcement of parking, bus lanes, specified moving traffic offences and the London lorry night-time ban.³⁹ The TMA 2004 also enabled civil parking enforcement in Wales.

Local authorities must have regard to the [statutory guidance on CPE](#),⁴⁰ updated in October 2022. This notes that the key legislation is in [Part 6 of the TMA 2004](#) and the following regulations:

- The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022⁴¹
- The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022⁴²

³⁷ DfT guidance, [Civil parking enforcement in England](#), November 2021

³⁸ [Traffic Management Act 2004, pt 6](#)

³⁹ [Section 73 of the TMA 2004](#) deals with the 'London Lorry Ban', which is explained further in London Councils, [About the London Lorry Control Scheme](#), (Accessed 18 January 2024)

⁴⁰ GOV.UK.uk, [How local authorities should enforce parking restrictions](#), 20 October 2022

⁴¹ [The Civil Enforcement of Road Traffic Contraventions \(Approved Devices, Charging Guidelines and General Provisions\) \(England\) Regulations 2022](#)

⁴² [The Civil Enforcement of Road Traffic Contraventions \(Representations and Appeals\) \(England\) Regulations 2022](#)

- The Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007⁴³

Regulations passed in 2009 also 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.⁴⁴

Parking schemes or places are usually provided by the local authority by way of a Traffic Regulation Order (TRO). Local authorities must follow a detailed process to provide for any such scheme by way of a TRO. More information can be found in Commons Library research briefing [Roads: Traffic Regulation Orders \(TROs\)](#).⁴⁵

In Scotland, decriminalised parking enforcement was introduced in 1997 and 21 local authorities have DPE powers.⁴⁶ Local authorities who do not have DPE powers rely on Police Scotland to enforce parking restrictions.

In Northern Ireland, DPE came into effect in October 2006.⁴⁷ DPE is the responsibility of the Department for Infrastructure.

2.2

Is there a cap on penalty charges for parking on public land?

Yes, for local authority-controlled parking. Outside London the permitted charges are usually £60 or £70 with a 50% discount if paid early and a 50% penalty if paid late. In London the maximum permitted charge is £130.⁴⁸

Local authorities issue penalty charge notices (PCNs) for parking in contravention of a parking scheme. The maximum amount they can charge on a PCN is provided in legislation and was last amended in 2022.⁴⁹

⁴³ [The Civil Enforcement Officers \(Wearing of Uniforms\) \(England\) Regulations 2007](#)

⁴⁴ [The Local Authorities' Traffic Orders \(Procedure\) \(England and Wales\) \(Amendment\) \(England\) Regulations 2009](#)

⁴⁵ Commons Library research briefing CBP-6013, [Roads: Traffic Regulation Orders \(TROs\)](#) 11 June 2020

⁴⁶ Transport Scotland, [Parking your vehicle responsibly](#), (accessed 3 January 2024)

⁴⁷ Northern Ireland Policing Board, [Pavement Parking](#), (accessed 3 January 2024)

⁴⁸ Caps on penalty charges outside of London are outlined in [Schedule 3 of The Civil Enforcement of Road Traffic Contraventions \(Approved Devices, Charging Guidelines and General Provisions\) \(England\) Regulations 2022](#); London Councils, [Parking and traffic charges in London](#), (accessed 3 January 2024)

⁴⁹ Caps on penalty charges outside of London are outlined in [Schedule 3 of The Civil Enforcement of Road Traffic Contraventions \(Approved Devices, Charging Guidelines and General Provisions\) \(England\) Regulations 2022](#), which replaced the [Civil Enforcement of Parking Contraventions \(Guidelines on Levels of Charges\) \(England\) Order 2007 \(SI 2007/3487\)](#)

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.⁵⁰

2.3 Do local authorities make a profit from parking?

The AA, the roadside assistance company, found that in 2022/23, the 353 local authorities in England generated a combined ‘profit’ of £962.3 million from their on- and off-street parking activities; an increase on the previous year.⁵¹ In 2021/22 the ‘profit’ was £317.6 million.⁵²

2.4 What can councils spend their parking income on?

Under Section 55 of the Road Traffic Regulation Act 1984 as amended, local authorities in England, Wales, and Scotland can only spend parking income on certain things.⁵³ The 1984 Act 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 [...]”⁵⁴ 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

⁵⁰ [Schedule 3 of The Civil Enforcement of Road Traffic Contraventions \(Approved Devices, Charging Guidelines and General Provisions\) \(England\) Regulations 2022](#)

⁵¹ The AA, [Council parking revenues leap above pre-pandemic levels towards £1 billion](#), 12 October 2023

⁵² The AA, [Council parking revenues leap above pre-pandemic levels towards £1 billion](#), 12 October 2023

⁵³ [Road Traffic Regulation Act 1984, s55](#)

⁵⁴ [Road Traffic Regulation Act 1984, s 55](#)

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 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,⁵⁵

In 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.⁵⁶ In that case the court found against Barnet Council for using parking revenues inappropriately.⁵⁷

In Scotland, the annual ‘Local Authority Parking Finances’ report includes information on the activities that councils intend to spend their parking revenue surplus on each year.⁵⁸

In Northern Ireland, the revenue raised from parking and parking enforcement is used to contribute to the overall financing of the Department for Infrastructure.⁵⁹

2.5 Is there a 10 minute ‘grace period’?

Yes, in relation to vehicles parked on public land in England.

The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015 brought the 10 minutes’ grace period into effect from 6 April 2015.⁶⁰

The Government’s 2020 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’s car

⁵⁵ [Road Traffic Regulation Act 1984, s55](#)

⁵⁶ *Attfield v London Borough of Barnet* [2013] EWHC 2089

⁵⁷ *Attfield v London Borough of Barnet* [2013] EWHC 2089, paras 38 & 54, The Guardian, [Barnet residents win high court fight against parking permit price-hike](#) 22 July 2013

⁵⁸ Transport Scotland, [Decriminalised Parking Enforcement - Local Authorities’ Income and Expenditure: 2021 to 2022](#), 22 December 2022

⁵⁹ NI Direct, [Parking enforcement](#), (accessed on 3 January 2024)

⁶⁰ [The Civil Enforcement of Parking Contraventions \(England\) General \(Amendment\) Regulations 2015 \(SI 2015/561\)](#)

park beyond the permitted parking period for a period 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 during the 10-minute grace period would be illegal unless the vehicle itself is parked unlawfully (for example, where the motorist has not paid any required parking fee or displayed a parking ticket where required).⁶¹

Northern Ireland operates a similar 10-minute grace period.⁶² There is no 10-minute grace period for Scotland or Wales.

2.6

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

Is 'pavement parking' illegal in England and who enforces it?

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 in England. It is not a criminal offence to park on the pavement, apart from in London and for HGVs nationally.⁶³

However, it is an **offence to drive onto the pavement**, whether there is an intention to park or not.⁶⁴ 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. Similarly, 'obstruction' of highways is also a criminal offence (See Question 2.7 below).

There have long been concerns about the extent to which these kinds of 'offences' are enforced, and a lack of clarity in many areas about whether it is the responsibility of local authorities or the police. In the Transport Committee's 2019 inquiry, the [DfT provided a breakdown of parking offences, if an offence is criminal or civil and who can enforce them](#).⁶⁵

To promote greater clarity for who is responsible for parking enforcement, the Government said in its response to the 2019 inquiry that it would...

⁶¹ Department for Transport, [Guidance for local authorities on enforcing parking restrictions](#), 20 October 2022

⁶² NI Direct, [Parking Enforcement Protocol](#), 8 November 2022

⁶³ [Greater London Council \(General Powers\) Act 1974, s 15](#) and [The Road Traffic Act 1988, s19](#)

⁶⁴ [Highways Act 1835](#), s 72

⁶⁵ Transport Committee, [Pavement Parking](#), 9 September 2019, HC 1982, 2017–19, Introduction

take steps to promote a clear understanding of enforcement responsibilities through its existing engagement with the appropriate representative bodies, including the National Police Chiefs' Council, the Local Government Association and the British Parking Association.⁶⁶

In its report the committee noted that some local authorities have a “memorandum of understanding with their local police about enforcement policy to make it clear which offences should be issued a penalty—by the council—or a fine—by the police.”⁶⁷ It is unclear how widespread the use of such memoranda is.

The committee recommended the introduction of a specific 'decriminalised' pavement parking offence which local authorities can enforce.⁶⁸ The Government has consulted on such a move (See Question 2.8 below).

Further information on obstruction is given in the Library briefing [Pavement and On Street Parking](#), which was last updated in January 2020.

2.7

What is ‘obstruction’?

A car parked across a driveway, or on the pavement, may have committed the offence of obstruction, addressed in law by:

- [Section 137 of the Highways Act 1980](#)
- [Section 28 of the Town Police Clauses Act 1847](#)
- [Regulation 103 of the Road Vehicles \(Construction and Use\) Regulations 1986](#)⁶⁹

However, obstruction of pavements by vehicles 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”.⁷⁰

⁶⁶ Transport Committee, [Pavement parking: Government Response to the Committee's Thirteenth Report of Session 2017-19](#) [PDF], 11 March 2020, HC 158, 2019-2021, recommendation 6

⁶⁷ Transport Committee, [Pavement Parking](#), 9 September 2019, HC 1982, 2017–19, Para 9

⁶⁸ Transport Committee, [Pavement Parking](#), 9 September 2019, HC 1982, 2017–19, Para 61

⁶⁹ [Highways Act 1980, s137](#), as amended (wilfully obstructing the free passage of a highway); [Town Police Clauses Act 1847, s28](#), as amended (wilfully causing an obstruction in any public footpath or public thoroughfare); and [Regulation 103 of the Road Vehicles \(Construction and Use\) Regulations 1986](#) (SI 1986/1078), as amended (causing or permitting a motor vehicle or trailer to stand on a road so as to cause any unnecessary obstruction of the road)

⁷⁰ Transport Committee, [Pavement Parking](#), 9 September 2019, HC 1982, 2017–19, para 57

The Committee recommended that obstruction should be clearly defined in law. The Government responded to the report in March 2020, partially accepting the recommendation while noting:

that the obstruction offence involves challenges that would need to be tested through consultation, in particular, how to define ‘unnecessary obstruction’ sufficiently clearly in order to ensure clarity of understanding of the offence for both the motorist and enforcement authorities. If this was not achieved motorists would be confused about where they can park and the scenarios in which penalty charges were issued by Civil Enforcement Officers may differ across the country.⁷¹

Further information on obstruction is given in the 2020 Library briefing [Pavement and On Street Parking](#).

2.8

Are the UK Government and devolved administrations going to ban pavement parking?

- A ban on pavement parking was introduced in Scotland in November 2023. There are certain exemptions from the ban which have been designated by local authorities.⁷²
- A limited ban on pavement parking was introduced in Northern Ireland in October 2023.⁷³
- The Welsh Government has said it intends to consult on pavement parking in 2024.⁷⁴
- The UK Government has yet to respond to a consultation on pavement parking in England which closed in 2020.⁷⁵

England

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. The Government ran a consultation on

⁷¹ Transport Committee, [Pavement parking: Government Response to the Committee's Thirteenth Report of Session 2017-19](#) [PDF], 11 March 2020, HC 158, 2019-2021, recommendation 6

⁷² Transport Scotland, [Pavement parking ban](#), (accessed 3 January 2024)

⁷³ Department for Infrastructure, [Drivers reminded to ‘Think before you park’ as new parking restrictions come into operation](#), (accessed 3 January 2024)

⁷⁴ Welsh Government, [Written Statement: Pavement Parking – Proposed Legislation for Unnecessary Obstruction of the Road](#), 3 April 2023

⁷⁵ DfT Consultation, [Managing Pavement Parking](#), (29 June 2023)

‘Managing Pavement Parking’ between 31 August 2020 to 22 November 2020.⁷⁶ The Government has not responded to the consultation.

In 2015, Simon Hoare MP sponsored the Pavement Parking (Protection of Vulnerable Pedestrians) Bill 2015-16,⁷⁷ which failed to progress beyond its second reading. The Bill would have 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.

Between 2016 and 2019 the DfT held a series of stakeholder meetings and carried out an internal review of its pavement parking policy.⁷⁸ Following the Transport Committee’s 2019 inquiry into the topic, the DfT launched the consultation on pavement parking in 2020, which it has yet to respond to.⁷⁹

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.⁸⁰ The Government responded to the Committee on 3 March 2020. The Government accepted or partially accepted the recommendations of the Committee, stating that it recognises that pavement parking can cause real problems for pedestrians, and particularly for people with mobility or visual impairments, as well as those with prams or pushchairs.

However, it also acknowledges that in some streets pavement parking may, in practice, be inevitable to maintain the free passage of traffic. It should be remembered that local authorities are best placed to assess the parking and traffic management needs of local roads. They already have the power to decide whether pavement parking should be allowed or restricted on any of the roads they manage. They need to consider all road users when making such decisions.⁸¹

In a PQ response of 17 April 2023, the Minister Richard Holden (Parliamentary Under Secretary of State, Roads and Local Transport) said they would respond to the consultation as soon as possible:

The Department consulted on measures to address inconsiderate pavement parking in 2020 and received over 15,000 responses. We have been considering all views expressed including the options for providing local councils with additional powers. This is a complex issue and we want to ensure

⁷⁶ DfT Consultation, [Managing Pavement Parking](#), 29 June 2023

⁷⁷ [Pavement Parking \(Protection of Vulnerable Pedestrians\) Bill 2015-16](#)

⁷⁸ PQ 37550 [on [Parking: Pedestrian Areas](#)], 19 May 2016; PQ 49804 [on [Parking: Pedestrian Areas](#)], 21 October 2016; PQ 133316 [on [Parking: Pedestrian Areas](#)] 19 March 2018; PQ 242828 [on [Parking: Pedestrian Areas](#)] 9 April 2019

⁷⁹ DfT Consultation, [Managing Pavement Parking](#), 29 June 2023

⁸⁰ Transport Committee, [Pavement Parking](#), 9 September 2019

⁸¹ Department of Transport, [Pavement parking: Government Response to the Committee’s Thirteenth Report of Session 2017–19](#), 3 March 2020

that local authorities have appropriate and effective tools at their disposal. We will publish the formal consultation response and announce next steps as soon as possible. In the meantime, local authorities already have the power to prohibit pavement parking in specific streets or wider areas by implementing Traffic Regulation Orders.⁸²

In response to a Commons adjournment debate earlier this year the Minister, included the statement that:

Primary legislation is a long-term aim in this area, but there are certainly things we can do in the interim and things I hope to bring forward in the not-too-distant future.

Overall, local authorities are clearly in the best position to decide where pavement parking should or should not be permitted in their local areas, especially outside London, which is an urban conurbation. It is the Department's role to ensure they have appropriate and effective tools to prohibit pavement parking where desired. I am fully aware that the Department's response to the consultation is eagerly awaited, as has been made clear by hon. Members today. Although I cannot pre-empt publication of the Department's consultation response, I am actively working on this, not just on the primary legislation, but on other measures that could be put in place in the interim period.⁸³

Scotland

Scotland has recently legislated to ban parking on pavements, subject to a number of exemptions, under Part 6 of the Transport (Scotland) Act 2019 and related secondary legislation.⁸⁴ According to the Scottish Minister for Transport, Kevin Stewart MSP, the 2019 Act:

...bans pavement parking, double parking and parking at dropped kerbs, and gives local authorities the relevant powers to enforce these new provisions. The Act also gives local authorities the power to exempt footways from the pavement parking prohibition in certain circumstances and in accordance with Ministerial Directions.⁸⁵

Transport Scotland announced on 20 November 2023 that local councils could start to enforce the pavement parking ban from 11 December 2023 with fines of £100 (or £50 if paid within 14 days).⁸⁶ Edinburgh Council began enforcing the rules from 29 January 2024.⁸⁷

⁸² PQ 177959 [on [Parking: Pedestrian Areas](#)], 17 April 2023

⁸³ [Pavement Parking](#), HC Deb 13 March 2023 c663-9

⁸⁴ [Transport \(Scotland\) Act 2019, pt 6: The Pavement Parking Prohibition \(Exemption Orders Procedure\) \(Scotland\) Regulations 2022](#)

⁸⁵ Transport Scotland Consultation, [Scotland's Pavement Parking Prohibitions – Consultation on Enforcement Regulations for Local Authorities](#), 2 June 2023

⁸⁶ Transport Scotland, [Pavement parking ban](#), (accessed 3 January 2024)

⁸⁷ Edinburgh Council, [New parking rules](#), accessed 8 January 2024

Wales

In Wales, the Welsh Government set up a Parking Taskforce Group (TFG) in 2019. The TFG recommended prohibiting parking through primary legislation, but “reflecting on the experience in Scotland it was found to be a lengthy and complex process.”⁸⁸ The TFG therefore decided it would be more efficient to introduce secondary legislation, to add the offence of obstruction in respect of the pavement to the list of parking contraventions in the Traffic Management Act 2004.⁸⁹ The Welsh Government accepted the TFG proposals in October 2020.⁹⁰ The Welsh Government had intended to introduce the necessary legislation by the end of 2023. But in April 2023, Lee Waters MS, Deputy Minister for Climate Change said it would delay a consultation on pavement parking until 2024, to allow local authorities to focus on other work (default 20 mph speed limit changes, and bus franchising) first.⁹¹

Northern Ireland

Since 3 November 2023 there is a limited ban on pavement parking in Northern Ireland.⁹² Between December 2021 and March 2022 the Department for Infrastructure (DfI) consulted on ‘Inconsiderate Pavement Parking’.⁹³ The DfI introduced legislation in October 2023 to prohibit pavement parking in certain situations, which came into force on 3 November 2023.⁹⁴

The new rules prohibit parking wholly or partly on a footway at a number of specific locations. This includes footways adjacent to bus lanes, bus stops, bus stands, cycle lanes, and school ‘keep clear’ areas.⁹⁵

All vehicles found to be in breach of the new restrictions will receive a £90 Penalty Charge Notice, discounted to £45 if paid within 14 days.

Further information is given in the 2020 Library briefing [Pavement and On Street Parking](#).

⁸⁸ Welsh Government, [Welsh Government response to the recommendations made in the Pavement Parking Task Force report](#), 13 October 2020

⁸⁹ Traffic Management Act 2004, sch 7

⁹⁰ Welsh Government, [Welsh Government response to the recommendations made in the Pavement Parking Task Force report](#), 13 October 2020

⁹¹ Welsh Government, [Written Statement: Pavement Parking – Proposed Legislation for Unnecessary Obstruction of the Road](#), 3 April 2023

⁹² [NIDirect, Parking enforcement](#) (accessed 3 January 2024)

⁹³ DfI Consultation, [Inconsiderate Pavement Parking – Options Paper](#), 18 March 2022

⁹⁴ Department for Infrastructure, [Footways \(Prohibition of Waiting\) Order \(Northern Ireland\) 2023 No. 173](#), (accessed 3 January 2024); Department for Infrastructure, [Drivers reminded to ‘Think before you park’ as new parking restrictions come into operation](#), (accessed 3 January 2024)

⁹⁵ Department for Infrastructure, [Drivers reminded to ‘Think before you park’ as new parking restrictions come into operation](#), (accessed 3 January 2024)

2.9

Is it legal to park across a driveway?

England, Scotland, and Wales

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. In England and Wales, 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 2004.⁹⁶ Local authorities can ticket vehicles and remove persistent offenders. In Scotland, the same rule applies but under section 56 of the Transport (Scotland) Act 2019.⁹⁷
- If **there are no local authority restrictions in place** then a criminal offence of obstruction may have been committed. [Section 99 of the Road Traffic Regulation Act 1984](#) and the [Removal and Disposal of Vehicles Regulations 1986](#) (as amended) grant police officers powers to require the person in charge of a vehicle which is parked illegally, is causing an obstruction to other road users, or has been abandoned, to move that vehicle.⁹⁸ The police can remove vehicles which are causing an obstruction. There is no statutory definition of what constitutes an obstruction.

The decision on whether any particular vehicle is causing an obstruction would be a matter for the police officer dealing with the incident. This depends very much on the individual circumstances in any case. The West Yorkshire Police 'Ask the Police' page states: "The police/council policy for dealing with such matters may vary between forces/councils. Some police forces may only attend if your car has been blocked in and you cannot get out."⁹⁹

Question 2.7 discusses the definition of 'obstruction'.

Northern Ireland

In Northern Ireland, it is an offence to park across a kerb that has been dropped to allow vehicular access across the pavement. The Police Service of

⁹⁶ [Traffic Management Act 2004, s 86](#)

⁹⁷ [Transport \(Scotland\) Act 2019, s 56](#)

⁹⁸ [Road Traffic Regulation Act 1984, s 99](#) and the [Removal and Disposal of Vehicles Regulations 1986](#)

⁹⁹ West Yorkshire Police: Ask The Police, [Someone has parked their car and it is blocking my driveway, what should I do?](#), [(accessed 9 January 2024)]

Northern Ireland (PSNI) already have powers in relation to this offence under Article 5c of the Roads (Restriction of Waiting) Order (Northern Ireland) 1982.¹⁰⁰

2.10

Can I reserve a parking spot outside my house?

England and Wales

Individuals sometimes attempt to ‘reserve’ or block off a parking space outside their house using cones or dustbins. It is an offence under section 148(c) of the Highways Act 1980 to “deposit any thing whatsoever on a highway to the interruption of any user of the highway [...] without lawful authority or excuse”.¹⁰¹

This offence carries a fine not exceeding level 3 on the standard scale, which is currently £1000.¹⁰²

In a 2016 PQ, then Transport Minister Andrew Jones was asked whether the Government had plans to grant local authorities extra powers to resolve neighbour disputes arising from the reservation of parking spaces. He responded:

It is an offence under Section 148(c) of the Highways Act 1980 for a person to deposit anything on the highway to interrupt the use of a highway. Local authorities have powers under Section 149 of the Highways Act 1980 to notify the person who deposited the item or items to remove them, or refer the matter to a Magistrates’ Court if he or she fails to comply. The Government believes that the current powers are adequate to deal with such matters.¹⁰³

Scotland

In Scotland, it is also an offence under section 129 of the Roads (Scotland) Act 1984 to “place or deposit anything in a road so as to obstruct the passage of, or to endanger, road users.”¹⁰⁴ This is a level 2 penalty offence which is punishable by a £500 fine.¹⁰⁵

¹⁰⁰ Department for Infrastructure, [Pavement Parking – Options paper](#), accessed 9 January 2024

¹⁰¹ [Highways Act 1980, s 148 ©](#)

¹⁰² [Sentencing Act 2020](#), s 122

¹⁰³ PQ 44087 [on [Parking: Dispute Resolution](#)], 12 September 2016

¹⁰⁴ [Roads \(Scotland\) Act 1984](#), s129, para 2

¹⁰⁵ [Roads \(Scotland\) Act 1984](#), sch 8, [Criminal Procedure \(Scotland\) Act 1995](#), s 225

Northern Ireland

Under section 88 of The Roads (Northern Ireland) Order 1993, it is a level 2 offence for a person to “intentionally or negligently obstruct the free passage along a road.”¹⁰⁶ This is punishable by a £500 fine.¹⁰⁷

2.11

How do I appeal a parking ticket?

The process by which to appeal a parking ticket is broadly the same across the UK. 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. In England, Scotland, and Wales, this will be the local council. In Northern Ireland, appeals are made centrally either online or in writing to the Parking Enforcement Processing Unit.¹⁰⁸

If this is rejected, an individual can appeal to the relevant independent appeals body. These are:

- Traffic Penalty Tribunal (England & Wales, excluding London)¹⁰⁹
- London Tribunals¹¹⁰
- Scottish Parking Appeals Service¹¹¹
- Traffic Penalty Tribunal Northern Ireland¹¹²

If you are unsure or unclear about what to do, Citizens Advice provides information on its website.¹¹³ The Commons Library briefing paper ‘Legal help: where to go and how to pay’ may be helpful in some circumstances.¹¹⁴

¹⁰⁶ [The Roads \(Northern Ireland\) Order 1993](#), s 88

¹⁰⁷ [The Fines and Penalties \(Northern Ireland\) Order 1984](#), s 5

¹⁰⁸ NI Direct, [Parking tickets \(Penalty Charge Notices\)](#), (accessed 18 January 2024)

¹⁰⁹ [Traffic Penalty Tribunal \(accessed 18 January 2024\)](#)

¹¹⁰ [London Tribunals \(accessed 18 January 2024\)](#)

¹¹¹ [Scottish Parking Appeals Service \(accessed 18 January 2024\)](#)

¹¹² [Traffic Penalty Tribunal Northern Ireland \(accessed 18 January 2024\)](#)

¹¹³ Citizens Advice Bureau, [Appealing a Parking Ticket](#), (accessed 10 January 2024)

¹¹⁴ Commons Library research briefing SN03207, [Legal help: where to go and how to pay, 14 February 2024](#)

2.12

Can I park near a junction?

England, Scotland, and Wales

There is no specific law prohibiting vehicles from parking near a junction. The closest one can get is Section 22 of the Road Traffic Act 1988 as amended, under which it is an offence to leave one's vehicle "at rest on a road in such a position or in such condition or in such circumstances as to involve a danger of injury to other persons using the road".¹¹⁵

There is an advisory rule (243) in the Highway Code, which states:

"DO NOT stop or park ... opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space".

This rule is not backed by legislation (Only highway code rules that say 'You MUST'/MUST NOT' are backed by legislation).¹¹⁶

The closest one can get to a criminal offence is [Section 22 of the Road Traffic Act 1988](#) (as amended), under which it is an offence to leave one's vehicle "at rest on a road in such a position or in such condition or in such circumstances as to involve a danger of injury to other persons using the road".¹¹⁷ A judgement in any particular case as to whether a particular piece of parking might meet the standard for this offence would be one for the police on the scene at the time.

The local highway authority would only get involved – and potentially issue penalty charge notices if it had statutory parking restrictions in place on the road in question (e.g. yellow lines or residents parking), and the vehicle was parked contrary to these restrictions. This would constitute a civil offence.

Northern Ireland

Parking on double yellow lines within 15 metres of a junction is not permitted and will attract a PCN.¹¹⁸ In locations where there are no double yellow lines, traffic attendants cannot enforce the '15 metres rule', however the PSNI may still choose to take action.

¹¹⁵ [Road Traffic Act 1988, s 22](#)

¹¹⁶ Department for Transport, [The Highway Code](#), 17 September 2023, s 243

¹¹⁷ [Road Traffic Act 1988, s 22](#)

¹¹⁸ NI Direct, [Further details of contravention code O1X](#), (accessed 18 January 2024)

3 Parking on private land or roads

3.1 Who regulates private parking companies?

Private parking enforcement companies are not currently regulated, although in England and Wales, they must comply with section 56 and schedule 4 of the Protection of Freedoms Act 2012 (POFA 2012).¹¹⁹ This schedule 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.

As the POFA **does not apply** in Scotland or Northern Ireland, the registered keeper is also not automatically liable for unpaid parking charges registered under their vehicle.¹²⁰

There are plans to better enforce unacceptable behaviour by these companies through a new statutory Code of Practice.¹²¹ This code will apply to England, Scotland, and Wales.¹²²

Until the new Code is published and implemented, the direct statutory oversight of private parking companies is minimal. However, in order to do business in the UK, parking enforcement companies must 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)¹²³
- International Parking Community (IPC)¹²⁴

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.

¹¹⁹ [Protection of Freedoms Act 2012](#), sch 4. 2. Further Guidance is provided in the [Introduction](#) to the Draft DLUHC [Private Parking Code of Practice](#), 7 June 2022

¹²⁰ [Consumeradvice.scot, I've received a parking ticket from a private car park](#), (accessed 18 January 2024)

¹²¹ DLUHC, [Private Parking Code of Practice](#), 7 June 2022

¹²² DLUHC, [Private Parking Code of Practice](#), 7 June 2022

¹²³ [British Parking Association \(BPA\)](#), (accessed 18 January 2024)

¹²⁴ [International Parking Community \(IPC\)](#), (accessed 18 January 2024)

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 someone finds a discrepancy or believes a parking company is in breach of its ATA’s Code of Practice, they can report them to the ATA. Both the [BPA](#) and [IPC](#) have webpages outlining processes for handling complaints against their AOS members.

3.2 Is the Government going to regulate ‘cowboy’ parking enforcement companies?

Yes, it is going to hold private parking enforcement companies to a statutory [Code of Practice](#) with accompanying sanctions if they breach it. We do not yet know when it will come into force.

Scope of code of practice and its withdrawal

The code is expected to regulate things like maximum parking charges, signage, grace periods, appeals, the issuing of parking charges, and complaint handling.¹²⁵ Once introduced, the code will apply to private parking companies in England, Scotland and Wales. The powers to create the code come from the [Parking \(Code of Practice\) Act 2019](#).

The 2019 Act gives the Secretary of State the power to remove a company’s access to the DVLA register of vehicle keepers.¹²⁶ This means that operators who fail to meet the standards of the code may lose access to DVLA data, which would prevent them from enforcing unpaid parking charges and therefore effectively unable to do business.

The code of practice was first published on 7 February 2022. It was produced by the Government, with input from a steering group of key industry, Government and consumer stakeholders.¹²⁷ However, the code was temporarily withdrawn on 7 June 2022, “pending review of the levels of private parking charges and additional fees”.¹²⁸

In April 2023 the Government explained, in a [letter to the Chair of the Levelling Up, Housing and Communities \(LUHC\) Committee](#) [PDF], that it had withdrawn the code due to legal proceedings issued by some private parking companies against the decisions to introduce new levels of parking charges and to ban additional fees, which the code would have entailed.¹²⁹ The letter said that the Government would issue a call for evidence prior to re-laying the

¹²⁵ Department for Levelling Up, Housing, and Communities, [Private Parking Code of Practice](#), 7 June 2022

¹²⁶ [Parking \(Code of Practice\) Act 2019](#), s 5

¹²⁷ POPLA, [Annual Report 2020 \[PDF\]](#), p12

¹²⁸ DLUHC, [Private Parking Code of Practice](#), 7 June 2022

¹²⁹ DLUHC, [Letter to Chair of Levelling Up, Housing and Communities \(LUHC\) Committee](#) [PDF], 17 April 2023

code. That call for evidence was issued on 30 July and closed on 8 October 2023.¹³⁰

Timetable for re-introducing the code

In response to a Parliamentary Question in October 2023, the Government said it would respond to the call for evidence, and then publish a further consultation.¹³¹ Following this consultation it is expected that the code will be re-laid:

The Call for Evidence closed on 8 October and officials are now working through the submissions. The intention is to publish the Impact Assessment together with a consultation on options for handling parking charges and debt recovery fees, to make sure that the consultation is as well informed as it can be.

The Government will publish a response to the Call for Evidence in due course.¹³²

Under the original timeframe for the code as published in January 2022, there was to be an implementation period to allow parking operators to align with its requirements before it came into effect. Operators were expected to fully adhere to the new code before 2024, by which time it was expected that a new single appeals service would be operational. Also under that original timeframe, the code would have been assessed within two years of it coming into force before 2024.¹³³ It is not known how these dates will be affected by the withdrawal of the Code.

Parking (Code of Practice) Act 2019

The Parking (Code of Practice) Act 2019 received Royal Assent on 15 March 2019.¹³⁴ It was originally introduced in July 2017 as a Private Members Bill by Sir Greg Knight MP, and was supported by the Government. At the Bill's second reading, Sir Greg said that "motorists should have the certainty that when they enter a car park on private land, they are entering into a contract that is reasonable, transparent and involves a consistent process".¹³⁵ Without the Code, private parking companies remain largely unregulated with little redress for consumers to poor behaviour by private parking companies (see Question 3.1 above). The Act set out to address this issue.

¹³⁰ Department for Levelling Up, Housing and Communities consultation, [Private parking code of practice: call for evidence](#), 30 July 2023

¹³¹ PQ 202904 [on [Parking: Private Sector](#)], 20 October 2023

¹³² PQ 202904 [on [Parking: Private Sector](#)], 20 October 2023

¹³³ DLUHC, [Private Parking Code of Practice](#), 7 June 2022

¹³⁴ [Parking \(Code of Practice\) Act 2019](#)

¹³⁵ [HC Deb 2 February 2018, vol 635](#),

Industry reaction to code

The two main parking trade association industry bodies have released statements responding to the draft Code. In November 2023, the British Parking Association (BPA) responded to Government proposals to reduce the cost of PCNs as part of the draft code. The BPA stated that “rule-breaking motorists need to be sufficiently deterred and that the cost involved in preventing such behaviour should not be borne by all motorists.”¹³⁶ Previously released statements from the BPA addressed concerns about the loss of jobs in the parking sector, the increase in unmanaged parking spaces, and the decrease in footfall in retail spaces due to a lack of parking capacity.¹³⁷

Whilst the BPA has expressed concerns about the potential impact, they have urged the Government to “press ahead with the introduction of the new Code of Practice, which aligns with their longstanding call for a single Independent Appeals Service, and Standard Setting Body to oversee and regulate parking on private land.”¹³⁸

The IPC released a statement in February 2022, stating that “the implementation of the unified Code will finally help us to address the doubt and scepticism that has plagued the industry’s public perception for far too long.”¹³⁹

3.3 Is there a cap on parking charges issued by private parking companies?

Not currently. However, the (withdrawn) Code of Practice put forward the following as permissible maximum parking charges and mandatory discounts:

Table 1: Permissible maximum parking charges (Standalone private car park or publicly accessible customer car park)

Type of breach	England (outside London) and Wales	London	Scotland
Lower	£50	£80	£50
Higher	£70	£130	£60

¹³⁶ British Parking Association press release, [Motorists agree with the BPA: don’t cut PCNs](#), 27 November 2023

¹³⁷ British Parking Association press release, [Responsible motorists to lose out under Government proposals to reduce parking charges](#), 8 February 2022

¹³⁸ British Parking Association press release, [Motorists agree with the BPA: don’t cut PCNs](#), 27 November 2023

¹³⁹ International Parking Community press release, [The IPC’s response to new Code of Practice for private parking](#), 10 February 2022

Abusing a Blue Badge bay	£100	£130	£100
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Source: DfT, [Private Parking Code of Practice](#), 7 June 2022 [Withdrawn]

The two parking Accredited Trade Associations the BPA and the IPC 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.”¹⁴⁰ The IPC says that: “Where there is a prospect of additional charges, reference should be made to this where appropriate on the signage”.¹⁴¹

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’.¹⁴²

3.4 How do I appeal a ticket from a private parking company?

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:

- Independent Appeals Service¹⁴³
- Parking on Private Land Appeals (POPLA)¹⁴⁴

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 PCNs 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.¹⁴⁵ In Northern Ireland, where wheel clamping is still legal, parking

¹⁴⁰ British Parking Association, [Code of Practice](#), February 2024, p13, para 20.5

¹⁴¹ International Parking Community, [Code of Practice](#), 1 January 2024, p 19

¹⁴² [ParkingEye v Beavis \[2015\] UKSC 67](#)

¹⁴³ [Independent Appeals Service](#), (accessed 18 January 2024)

¹⁴⁴ [Parking on Private Land Appeals](#), (accessed 18 January 2024)

¹⁴⁵ Citizens Advice Bureau, [Appealing a parking ticket](#), (accessed 18 January 2024); Citizens Advice Bureau Scotland, [Parking tickets on private land](#), (accessed 18 January 2024)

operators have been known to clamp vehicles that have outstanding PCNs against their registration plate.¹⁴⁶

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 'Legal help: where to go and how to pay'.¹⁴⁷

Scotland and Northern Ireland

As the Protection of Freedoms Act 2012 does not apply in Scotland and Northern Ireland, the registered keeper of the vehicle is not automatically liable for unpaid parking charges. Drivers can therefore appeal a parking charge notice if they are the registered keeper of the vehicle but were not driving it the day the PCN was issued.¹⁴⁸

3.5 Is there a '10 minute grace period' when parking on private land?

Currently, there is no statutory requirement for private parking operators to allow a 'grace period' for drivers. However, the two parking Accredited Trade Associations, the BPA and the IPC, both indicate in their codes of practice that a grace period of 10 minutes should be applied at the end of a parking session before a parking charge can be issued.

The BPA Code states that:

"Where a parking location is one where a limited period of parking is permitted, or where drivers contract to park for a defined period and pay for that service in advance (Pay & Display), this would be considered as a parking event and a Grace Period of at least 10 minutes must be added to the end of a parking event before you issue a PCN."¹⁴⁹

The IPC code also allows for a grace period of 10 minutes, except in short-stay parking bays.¹⁵⁰

¹⁴⁶ Consumer Council, [Appealing a Parking Charge Notice](#), (accessed 18 January 2024)

¹⁴⁷ Commons Library research briefing SN03207, [Legal help: where to go and how to pay](#), 14 February 2024

¹⁴⁸ Consumer Council, [Appealing a Parking Charge Notice](#), (accessed 18 January 2024), Advice Scotland, [Parking Charge Notice \(Private Firms\)](#), (accessed 18 January 2023)

¹⁴⁹ British Parking Association, [Code of Practice](#), February 2024, p9, para 13.3

¹⁵⁰ International Parking Community, [Code of Practice](#), 1 January 2024, p44

When it comes into force, the Private Parking Code of Practice will have provisions for a ‘grace period’ that:

must be allowed by the parking operator at the end of the parking period, such that in calculating whether a parking charge is due the permitted period allows for a grace period beyond:

- the time-limited period of permitted free parking, or
- the period for which pre-payment has been made where a parking tariff applies,

The draft Code also introduces a ‘consideration period’ to allow drivers to find and choose a parking space without incurring a charge.¹⁵¹

Both the BPA and IPC code of practice also refer to a consideration period to allow a motorist time to consider and comply with the terms and conditions prior to deciding to park.¹⁵²

3.6

How can parking be enforced on a private or ‘unadopted’ road?

Further information about parking on unadopted roads can be found in [Commons Library briefing paper CBP 402 on Private, or ‘unadopted’ roads in England and Wales](#)

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 – the Commons Library briefing [Legal help: where to go and how to pay](#) may be of help.¹⁵³

¹⁵¹ DLUHC, Private [Parking Code of Practice](#), 7 February 2022, section 5.1

¹⁵² British Parking Association, [Code of Practice](#), February 2024, p9; International Parking Community, [Code of Practice](#), 1 January 2024, p17

¹⁵³ Commons Library research briefing SN03207, [Legal help: where to go and how to pay, 14 February 2024](#)

4 Parking for people who have a disability

4.1 Can I use my Blue Badge in the EU?

More information can be found in the Library briefing [Blue Badges and parking for disabled people](#)

The UK has informally agreed to continue the mutual recognition of the EU disabled parking card for visitors to the UK.

Some EU and European Economic Area (EEA) countries have committed to reciprocate this gesture, meaning UK Blue Badge holders can use their badge in participating countries, but these agreements are not mandatory.¹⁵⁴ The Department for Transport has published a list of European countries which participate in the scheme.¹⁵⁵ For many of these countries, it is recommended that visitors to the EU intending to use their badge print out a further notice, specific to each country.

In 1998 EU Member States made an informal agreement ([amended](#) in 2008)¹⁵⁶ to recognise badges of a common format issued in EU countries. This is made clear in the Government's 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.¹⁵⁷

Switzerland and Norway 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 a guide for disabled motorists by the Fédération Internationale de l'Automobile (FIA), an organisation for driving and mobility.¹⁵⁸

More information can be found in the Library briefing [Blue Badges and parking for disabled people](#).

¹⁵⁴ DfT, Using a [Blue Badge in the European Union and European Economic Area](#), 31 August 2023

¹⁵⁵ DfT, Using a [Blue Badge in the European Union and European Economic Area](#), 31 August 2023

¹⁵⁶ [O.J.L. 376, 4 June 1998](#) for the 1998 Directive, amended in 2008 by [O.J.L. 2005, 3 March 2008](#)

¹⁵⁷ DfT, [Blue Badge scheme local authority guidance \(England\)](#), 16 May 2022, Para 8.9

¹⁵⁸ European Commission, [Parking card for people with disabilities in the European Union: conditions in the Member States](#), February 2008; FIA, [The FIA Guide for the disabled traveller](#), (accessed 12 March 2024)

4.2

Can you get a disabled parking space outside your home?

England, Scotland, and Wales

Local authorities are responsible for making decisions about whether and where to make disabled parking spaces. They can create one of two types of space:

- **Statutory spaces** are dedicated bays for disabled people, designated for this purpose by a Traffic Regulation Order (TRO).¹⁵⁹ 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.¹⁶⁰
- **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”.¹⁶¹ 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.¹⁶² 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.

¹⁵⁹ Commons Library research briefing CBP-6013, [Traffic Regulation Orders](#), 11 June 2020

¹⁶⁰ [Road Traffic Regulation Act 1984, s 47](#)

¹⁶¹ [Equality Act 2010, s 29](#)

¹⁶² [Equality Act 2010, s 149](#)

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.¹⁶³

Disabled Persons' Parking Places (Scotland) Act 2009

The Disabled Persons' Parking Places (Scotland) Act 2009 is intended to make all disabled street parking places become enforceable.¹⁶⁴

The purpose of the 2009 Act was to move away from the use of advisory spaces to statutory space, over time. It places a duty on all local authorities to "identify all advisory disabled parking places and either remove them or begin the statutory procedure to make them enforceable. This duty was to be performed within 12 months of the Act coming into force."¹⁶⁵

Transport Scotland publishes an annual report on local authorities' progress in meeting their obligations under the 2009 Act. In the 2022-23 report, Transport Scotland noted that there are still examples of advisory disabled parking bays being in place which have not been replaced by statutory ones:

We have noticed a trend in recent years, heightened by Covid restrictions, of Disabled Persons' Parking Places being marked on the ground with no associated Traffic Regulation Order being promoted to ensure that local authorities can correctly enforce these bays when required. Last year we wrote to all local authorities to remind them of their duties under the Act.

Since raising this matter, we have noticed a change in priorities, with some local authorities prioritising a review of their TROs and putting plans in place to promote further TROs in the near future. We will continue to monitor the situation and raise the importance of promoting TROs for disabled bays with key stakeholders.¹⁶⁶

The Act also requires authorities to promote advisory spaces in off-street public car parks, and to make arrangements with private car park owners to promote advisory spaces using Orders, including in supermarkets and out of town retail centres.¹⁶⁷

Northern Ireland

Similar to the rest of the UK, The Department for Infrastructure Roads Service is able to create disabled parking bays through Traffic Regulation Orders, using powers conferred by the Road Traffic Regulation (Northern Ireland) Order 1997 (RTRNIO).¹⁶⁸ The general provisions to create an Order are

¹⁶³ [The Equality Advisory and Support Service \(EASS\)](#), (accessed 18 January 2024)

¹⁶⁴ [Disabled Persons' Parking Places \(Scotland\) Act 2009](#)

¹⁶⁵ [Disabled Persons' Parking Places \(Scotland\) Act 2009](#), s 6

¹⁶⁶ Transport Scotland, [The Disabled Persons' Parking Places \(Scotland\) Act 2009 - Annual Report on Local Authorities' Functions: 2022 - 2023](#), 29 September 2023, p3

¹⁶⁷ [Disabled Persons' Parking Places \(Scotland\) Act 2009](#), Summary of and Background to the Act

¹⁶⁸ [Road Traffic Regulation \(Northern Ireland\) Order 1997](#)

contained in Article 4(1), (2) and (3) of the RTRNIO 1997. Part IV specifically empowers the Roads Service to provide both on-street and off-street parking places, and to regulate their use.¹⁶⁹

The procedures for making an order are outlined in Roads Service Policy & Procedure Guide E056 ‘Provision of Parking Places’.¹⁷⁰

Individuals can apply for accessible parking bays through the Department for Infrastructure.¹⁷¹ The Procedure Guide contains more information on the application process, the eligibility criteria, and the specific requirements of disabled parking bays.¹⁷²

4.3

What size should disabled parking spaces be?

The Government provides guidance on the requirements for both on-street and off-street disabled parking spaces. The guidance for on-street parking is statutory and set out in legislation, whereas the guidance for off-street parking is advisory. There are no requirements for a minimum proportion of accessible parking spaces for either on-street or off-street parking.

On-street parking

Government guidance for local authorities on on-street disabled parking, including their minimum length/width, is **statutory** and is described in the [Traffic Signs Manual](#).¹⁷³ The guidance reflects legislation in the [Traffic Signs Regulations and General Directions 2016](#).¹⁷⁴ It applies to England, Scotland, and Wales.

The requirements for on-street parking 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, or at least 3000mm when placed in the centre of the carriageway.
- **On-street parking at an angle to the kerb:** the parking space should be a minimum of 4200 mm long by 3600 mm wide.

¹⁶⁹ [Road Traffic Regulation \(Northern Ireland\) Order 1997](#), Part IV

¹⁷⁰ Department for Infrastructure, [Provision of Parking Places](#), 1 June 2017

¹⁷¹ NI Direct, [Apply for an accessible parking bay](#), (accessed 19 January 2024)

¹⁷² Department for Infrastructure, [Provision of Parking Places](#), [PDF] 1 June 2017, 10-17

¹⁷³ DfT, [Traffic Signs Manual Chapter 3](#), [PDF] para 13.2.6, 6 December 2019

¹⁷⁴ [The Traffic Signs Regulations and General Directions 2016, sch 7, pt 5](#)

Off-street parking

The DfT also provides best practice guidance for off-street parking for local authorities and private businesses.¹⁷⁵ However, this guidance is **advisory** and not enforceable by law.

The requirements for accessible off-street parking are as follows:

- Designated accessible parking spaces should be located on firm and level ground. The surface of such spaces should be even and stable, with any variation of surface profile not exceeding $\pm 5\text{mm}$ (e.g., between paving, surface features or different surfaces).
- A designated accessible space should be a minimum of 4800mm long and 2400mm wide. Where the spaces are perpendicular to the access aisle, an additional width of 1200mm should be provided on each side. This extra width may be shared with adjacent spaces. An additional zone of 1200mm should be provided, at the vehicle access end of the space to enable rear access. This will enable a rear hoist to be deployed.
- Where an off-street designated accessible space is parallel to the access aisle, an additional zone of at least 1800mm should be created to enable access from the side.¹⁷⁶

¹⁷⁵ DfT, [Inclusive mobility: making transport accessible for passengers and pedestrians](#), 10 January 2022

¹⁷⁶ DfT, [Inclusive mobility: making transport accessible for passengers and pedestrians](#) [PDF], 10 January 2022, p78

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