

PART IV
PARKING PLACES

Parking on highways for payment

55 Financial provisions relating to designation orders. E+W

(1) A local authority shall keep an account of their income and expenditure in respect of parking places **[F1]** for which they are the local authority and which are—

(a) in the case of **[F2]** in the case of **[F2]** the council of a London borough and the Common Council of the City of London, parking places on the highway; and

(b) in the case of any other authority, designated parking places.]

(2) At the end of each financial year any deficit in the account shall be made good out of the **[F3]** general fund **[F4]** or, in Wales, council fund], and (subject to subsection (3) below) any surplus shall be applied for all or any of the purposes specified in subsection (4) below 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.

(3) If the local authority so determine, any amount not applied in any financial year, instead of being or remaining so appropriated, may be carried forward in the account kept under subsection (1) above to the next financial year.

[F5](3A) **[F6]** Transport for London,]] The council of each London borough and the Common Council of the City of London shall, after each financial year, report to the **[F7]** Secretary of State] on any action taken by them, pursuant to subsection (2) or (3) above, in respect of any deficit or surplus in their account for the year.

(3B) The report under subsection (3A) above shall be made as soon after the end of the financial year to which it relates as is reasonably possible.

(4) The purposes referred to in subsection (2) above are the following, that is to say—

(a) the making good to the **[F8]** general fund **[F4]** or, in Wales, council fund] of any amount charged to that fund under subsection (2) above in the 4 years immediately preceding the financial year in question;

(b) meeting all or any part of the cost of the provision and maintenance by the local authority of **[F9]** off-street parking accommodation, whether in the open or under cover;]

(c) the making to other local authorities, **F10** . . . or to other persons of contributions towards the cost of the provision and maintenance by them, in the area of the local authority or elsewhere, of **[F9]** off-street parking accommodation, whether in the open or under cover;]

[F11] (d) if it appears to the local authority that the provision in their area of further off-street parking accommodation is unnecessary or undesirable, the following purposes—

(i) meeting costs incurred, whether by the local authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services,

(ii) the purposes of a highway or road improvement project in the local authority's area,

(iii) in the case of a London authority, meeting costs incurred by the authority in respect of the maintenance of roads maintained at the public expense by them,

(iv) the purposes of environmental improvement in the local authority's area,

- (v) in the case of such local authorities as may be prescribed, any other purposes for which the authority may lawfully incur expenditure;]
- (e) in the case of a London authority, meeting all or any part of the cost of the doing by the authority in their area of anything—
 - (i) which facilitates the implementation of the London transport strategy, and
 - (ii) which is for the time being specified in that strategy as a purpose for which a surplus may be applied by virtue of this paragraph;
- (f) in the case of a London authority, the making to any other London authority of contributions towards the cost of the doing by that other authority of anything towards the doing of which in its own area the authority making the contribution has power—
 - (i) to apply any surplus on the account required to be kept under subsection (1) above; or
 - (ii) to incur expenditure required to be brought into that account.

[F12 For the purposes of subsection (4)(d)(ii)—

(4A)

- (a) a highway improvement project means a project connected with the carrying out by the appropriate highway authority (whether the local authority or not) of any operation which constitutes the improvement (within the meaning of the Highways Act 1980) of a highway in the area of a local authority in England or Wales; and
- (b) a road improvement project means a project connected with the carrying out by the appropriate roads authority (whether the local authority or not) of any operation which constitutes the improvement (within the meaning of the Roads (Scotland) Act 1984) of a road in the area of a local authority in Scotland.]

[F13 For the purposes of subsection (4)(d)(iv) "environmental improvement" includes—

(4B)

- (a) the reduction of environmental pollution (as defined in the Pollution Prevention and Control Act 1999 (c. 24); see section 1(2) and (3) of that Act);
- (b) improving or maintaining the appearance or amenity of—
 - (i) a road or land in the vicinity of a road, or
 - (ii) open land or water to which the general public has access; and
- (c) the provision of outdoor recreational facilities available to the general public without charge.

(4C) Regulations for the purposes of subsection (4)(d)(v) above—

- (a) may prescribe all local authorities, particular authorities or particular descriptions of authority,
- (b) may make provision by reference to whether the authority or authorities in question have been classified for the purposes of any other enactment as falling or not falling within a particular category, and
- (c) may make provision for the continued application of that provision, in prescribed cases and to such extent as may be prescribed, where an authority that is prescribed or of a prescribed description ceases to be so.]

F14(5)

F15(6)

F16(7)

- [F17]**(8) For the purpose of enabling Transport for London and any other London authorities to discharge jointly any functions conferred by virtue of subsection (4)(f) above by a joint committee established under section 101(5) of the **M1** Local Government Act 1972, sections 101(5) and 102 of that Act shall have effect as if Transport for London were a local authority.
- (9) In the application of this section in relation to Transport for London, any reference to its general fund shall be taken as a reference to the financial reserves for which provision is made under section 85 (4)(c) of the Greater London Authority Act 1999 in calculating Transport for London's component budget for the financial year in question.
- (10) In this section—
- “London authority” means Transport for London, a London borough council or the Common Council of the City of London;
- “the London transport strategy” means the transport strategy prepared and published under section 142 of the Greater London Authority Act 1999.]

Annotations:**Extent Information**

- E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Amendments (Textual)

- F1** Words in s. 55(1) substituted (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994, 5.4.1994 and 4.7.1994 respectively for specified London boroughs and otherwise prosp.) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 81, Sch. 7 para. 5(2); S.I. 1993/1461, art. 3(1)(e)(f); S.I. 1993/2229, art. 3(e)(f); S.I. 1993/2803, art. 2(e)(f); S.I. 1993/3238, art. 2(e)(f); S.I. 1994/81, art. 3(e)(f); S.I. 1994/1482, art. 2(a), Sch.; S.I. 1994/1484, art. 2(a)
- F2** Words in s. 55(1)(a) inserted (3.7.2000) by 1999 c. 29, s. 282(2) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, Sch.
- F3** Words substituted by Local Government Finance Act 1988 (c. 41, SIF 81:1, 103:2), s. 137, Sch. 12 Pt. III para. 42 (1)–(3)
- F4** Words in s. 55(2)(4)(a) inserted (1.4.1996) by 1994 c. 19, s. 22(1), Sch. 7 Pt. II para. 38(6)(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3
- F5** S. 55(3A)(3B) inserted (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994, 5.4.1994 and 4.7.1994 respectively for specified London boroughs and otherwise prosp.) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 81, Sch. 7 para. 5(3); S.I. 1993/1461, art. 3(1)(e)(f); S.I. 1993/2229, art. 3(e)(f); S.I. 1993/2803, art. 2(e)(f); S.I. 1993/3238, art. 2(e)(f); S.I. 1994/81, art. 3(e)(f); S.I. 1994/1482, art. 2(a), Sch.; S.I. 1994/1484, art. 2(a)
- F6** Words in s. 55(3A) inserted (3.7.2000) by 1999 c. 29, s. 282(3)(a) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, Sch.
- F7** Words in s. 55(3A) substituted (3.7.2000) by 1999 c. 29, s. 282(3)(b) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, Sch.
- F8** Words substituted by Local Government Finance Act 1988 (c. 41, SIF 81:1, 103:2), s. 137, Sch. 12 Pt. III para. 42 (1)–(3)
- F9** Words in s. 55(4)(b) and (c) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), Sch. 8 para. 46(2); S.I. 1991/2286, art. 2(2), Sch. 2; S.I. 1991/2288, art. 3, Sch.
- F10** Words in s. 55(4)(c) repealed (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 81, 83, Sch. 7, para. 5(4), Sch. 8; S.I. 1991/2054, art. 3, Sch.
- F11** S. 55(4)(d) substituted (E.W.) (4.10.2004 for E. and 26.10.2006 for W.) by Traffic Management Act 2004 (c. 18), ss. 95(2), 99 (with s. 38); S.I. 2004/2380, art. 2(f); S.I. 2006/2826, art. 2(d)
- F12** S. 55(4A) inserted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), Sch. 8 para. 46(4); S.I. 1991/2288, art. 3, Sch.
- F13**

S. 55(4B)(4C) inserted (4.10.2004 for E. and 26.10.2006 for W.) by Traffic Management Act 2004 (c. 18), ss. 95(3), 99 (with s. 38); S.I. 2005/2380, art. 2(f); S.I. 2006/2826, art. 2(d)

F14 S. 55(5) repealed (S.)(1.11.1991) by Roads (Scotland) Act 1984 (c. 54, SIF 108), ss. 128(1), 156(3), Sch. 10 para. 4(1), Sch. 11 and repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108) s. 168(1)(2), Sch. 8 para. 46(5), Sch. 9; S.I. 1991/2286, art. 2(2), Sch. 2; S.I. 1991/2288, art. 3, Sch.

F15 S. 55(6) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(6)(b), Sch. 18; (ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 22(3)); S.I. 1996/396, art. 3

F16 S. 55(7) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), Sch. 17

F17 S. 55(8)(9)(10) inserted (3.7.2000) by 1999 c. 29, s. 282(5) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, Sch.

Modifications etc. (not altering text)

C1 S. 55 modified (5.7.1993) by S.I. 1993/1474, art. 5(1)

S. 55 modified (4.10.1993) by S.I. 1993/2237, art. 5(1)

S. 55 modified (6.12.1993) by S.I. 1993/2804, art. 4(1)

S. 55 modified (31.1.1994) by S.I. 1993/3239, art. 4(1)

S. 55 modified (1.1.1997) by S.I. 1997/3038, art. 5(1)

S. 55 modified (1.7.1997) by S.I. 1997/1342, art. 5(1)

S. 55 modified (1.6.1998) by S.I. 1997/1134, art. 5(1)

S. 55 modified (15.11.2004) by The Road Traffic (Special Parking Area) (GLA Roads and GLA Side Roads) Order 2004 (S.I. 2004/2684), art. 4(1)

C2 S. 55 applied (with modifications) (30.12.2003) by London Local Authorities and Transport for London Act 2003 (c. iii), s. 11

C3 S. 55 applied (with modifications) (E.) (31.3.2008) by The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (S.I. 2007/3483), reg. 25

C4 S. 55 applied (with modifications) (W.) (31.3.2008) by The Civil Enforcement of Parking Contraventions (General Provisions) (Wales) Regulations 2008 (S.I. 2008/614), regs. 10, 11

C5 S. 55 applied (with modifications) (W.) (22.5.2008) by The Civil Enforcement of Parking Contraventions (General Provisions) (Wales) (No. 2) Regulations 2008 (S.I. 2008/1214), regs. 10, 11

C6 S. 55 applied (with modifications) (W.) (25.3.2013) by The Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013 (S.I. 2013/362), regs. 1, 23

Marginal Citations

M1 1972 c. 70.

55 Financial provisions relating to designation orders. S

(1) A local authority shall keep an account of their income and expenditure in respect of parking places **[F1]** for which they are the local authority and which are—

(a) in the case of **[F2]** in the case of **[F2]** the council of a London borough and the Common Council of the City of London, parking places on the highway; and

(b) in the case of any other authority, designated parking places.]

(2) At the end of each financial year any deficit in the account shall be made good out of the **[F3]** general fund **[F4]** or, in Wales, council fund], and (subject to subsection (3) below) any surplus shall be applied for all or any of the purposes specified in subsection (4) below 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.

(3)