



## Parking: lorries in residential areas

Standard Note: SN/BT/2249  
Last updated: 13 July 2010  
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Section: Business and Transport

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This note briefly sets out the law regarding the parking of HGVs on the road.

It is an offence for a goods vehicle to park illegally or to cause an obstruction, but it is not necessarily illegal to park on the highway in a residential area. Control of parking on local roads is a matter for local traffic authorities.

Information on other parking-related matters can be found on the [Roads Topical Page](#) of the Parliament website.

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# 1 Legislation

Parking, including that of heavy goods vehicles (HGVs), is the responsibility of the local authority.

If a vehicle is not infringing any local parking regulations, there is no general prohibition on parking in residential roads except in relation to HGVs. In the legislation they are referred to as 'heavy commercial vehicles' and are defined as "any goods vehicle which has an operating weight exceeding 7.5 tonnes". The prohibition is contained in section 19 of the [Road Traffic Act 1988](#), as amended:

## **19 Prohibition of parking of HGVs on verges, central reservations and footways.**

(1) Subject to subsection (2) below, a person who parks a heavy commercial vehicle (as defined in section 20 of this Act) wholly or partly—

- (a) on the verge of a road, or
- (b) on any land situated between two carriageways and which is not a footway, or
- (c) on a footway,

is guilty of an offence.

(2) A person shall not be convicted of an offence under this section in respect of a vehicle if he proves to the satisfaction of the court—

- (a) that it was parked in accordance with permission given by a constable in uniform, or
- (b) that it was parked in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency, or
- (c) that it was parked in contravention of this section but the conditions specified in subsection (3) below were satisfied.

(3) The conditions mentioned in subsection (2)(c) above are—

- (a) that the vehicle was parked on the verge of a road or on a footway for the purpose of loading or unloading, and
- (b) that the loading or unloading of the vehicle could not have been satisfactorily performed if it had not been parked on the footway or verge, and
- (c) that the vehicle was not left unattended at any time while it was so parked.

[...]

There is also legislation to deal with vehicles that are illegally parked, are causing an obstruction on the highway or have been abandoned. The issue of whether parking a vehicle legally at the side of the road constitutes an obstruction will depend very much on the size and type of the vehicle and the width of the road. If the parking cannot be considered illegal or obstructive, but merely inconvenient or anti-social, there is little one can do.<sup>1</sup>

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<sup>1</sup> further information on obstruction and other remedies is given in HC Library standard note [SN/BT/1170](#)

## 2 Traffic regulation orders

Highway authorities may take action to control the parking of HGVs in their areas by means of a Traffic Regulation Order (TRO). Under sections 1 and 6 of the [Road Traffic Regulation Act 1984](#), local authorities may make a TRO to control the movement and waiting of vehicles for various reasons set out in the Act:

### 1 Traffic regulation orders outside Greater London.

(1)[ The traffic authority for a road outside Greater London may make an order under this section (referred to in this Act as a “traffic regulation order”) in respect of the road] where it appears to the authority making the order that it is expedient to make it—

- (a)for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
- (b)for preventing damage to the road or to any building on or near the road, or
- (c)for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- (d)for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
- (e)(without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
- (f)for preserving or improving the amenities of the area through which the road runs [or
- (g)for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).]

The procedure by which TROs are made in England and Wales is laid down in the *Local Authorities' Traffic Order (Procedure) (England and Wales) Regulations 1996* ([SI 1996/2489](#)).<sup>2</sup> The procedure involves consultation on, and publishing of proposals and the consideration of objections. TROs may be permanent, experimental (up to 18 months) or temporary (up to three months in areas outside London). Enforcement of TROs is the responsibility of the police and when drivers are convicted of an offence of not complying with a TRO, the penalty is a fine or an endorsement of the driver's licence.

Section 2 of the 1984 Act specifies what may be contained in a TRO and section 2(4) specifically allows TROs to restrict the use of ‘heavy commercial vehicles’:

- (4)[ A local traffic authority may include] in a traffic regulation order any such provision—
- (a)specifying through routes for heavy commercial vehicles, or
  - (b)prohibiting or restricting the use of heavy commercial vehicles (except in such cases, if any, as may be specified in the order) in such zones or on such roads as may be so specified,

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<sup>2</sup> in Scotland the *Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999* ([SI 1999/614](#)), as amended

as they consider expedient for preserving or improving the amenities of their area or of some part or parts of their area.

A loading exemption has to be incorporated into the TRO where necessary to allow such vehicles to reach premises in the prohibited area. The legislation is couched in terms of weight rather than size of vehicle. 'Heavy commercial vehicle' is defined in section 138 as "any goods vehicle which has an operating weight exceeding 7.5 tonnes". Thus in a TRO made under section 2(4) the highway authority would only have the power to limit vehicles over 7.5 tonnes.

### **3 Operator's licence**

If a vehicle weighs more than 3.5 tonnes then it may be subject to the operator's licensing regime for HGVs, in which case conditions relating to on-street parking might be attached to the licence.

No person may use a goods vehicle on a road for the carriage of goods for hire or reward or in connection with any trade or business carried on by him unless he has an operator's licence under the [Goods vehicles \(licensing of operators\) Act 1995](#), as amended. The Act excludes 'small goods vehicles' defined as those with a laden weight of 3.5 tonnes or less. When a new operator licence is granted, the licensing authority has to be satisfied that the proposed operating centre is a suitable place. An operating centre may be an off-street yard, but in the case of an owner-driver especially, it may simply be the area outside the operator's residential home.

There is a special procedure whereby certain specified bodies, including the police, the local authority, and those directly affected by the proposed use of the site, can object to the grant of the licence on environmental grounds. Parking conditions can be attached to the licence, especially if parking in the area will cause adverse environmental effects, or the licence application can be refused altogether. The licensing authority might also revoke a licence if any of its conditions had been breached. There is a similar scope for conditions to be imposed on a licence when an application is made to vary an existing licence, or on a periodical review of the licence.

If it is thought that an operator's licence is being infringed, the local licensing authority should be contacted. The [local traffic area office](#) operates the licensing system and the deciding authority will be the relevant traffic commissioner.