

## Parking on Village Greens

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The following advice is taken from the

<http://www.legislation.gov.uk/>

### Can vehicles drive over or park on greens?

Section 34 of the Road Traffic Act 1988 makes it a criminal offence to drive over, or park on land (including a green) not forming part of a road without lawful authority to do so. In this context 'lawful authority' includes either the lawful permission of the owner of the land or a private vehicular right. Those who have lawful permission, a private right or some other form of lawful authority may drive over, or park on, a green without committing an offence under the 1988 Act. Furthermore it is not an offence under the 1988 Act to drive on a green within 15 yards of a public road solely for the purposes of parking on the green.

However, irrespective of whether an offence has been committed under the 1988 Act, driving over or parking on a green may still be an offence under section 12 of the 1857 Act or section 29 of the 1876 Act. For example, if a court adopted a strict interpretation of section 12 of the 1857 Act, any interruption of the use or enjoyment of a green would be an offence under that provision. However, in Defra's view, occasional driving of private vehicles over a green in exercise of a private right of way, for the purposes of parking on private land beyond the boundary of the green, is unlikely to be viewed by a court as giving rise to an offence under the 1857 and 1876

Acts, if the interference with recreational enjoyment is very brief. In our view, a court is more likely to find that vehicular use contravenes section 12 or section 29:

1. if the use is very frequent;
2. if the use is by very large or slow moving vehicles;
3. if the vehicle is parked on the green; or
4. if damage is caused to the green by the vehicular use.

### Driving on a green

The owner of the green may only drive, or permit other people to drive, on the green if it won't:

- harm the green in any way
- interrupt the public's enjoyment

Some people may have rights that allow them to drive across greens without permission. It is an offence to cause damage to a town or village green.

### Section 34 Road Traffic Act 1988

34 Prohibition of driving motor vehicles elsewhere than on roads

(1) Subject to the provisions of this section, if without lawful authority a person drives a motor vehicle—

(a) on to or upon any common land, moorland or land of any other description, not being land forming part of a road, or

(b) on any road being a footpath or bridleway,

he is guilty of an offence.

(2) It is not an offence under this section to drive a motor vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.

(3) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court that it was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.

(4) It is hereby declared that nothing in this section prejudices the operation of—

(a) section 193 of the [1925 c. 20.] Law of Property Act 1925 (rights of the public over commons and waste lands), or

(b) any byelaws applying to any land,

or affects the law of trespass to land or any right or remedy to which a person may by law be entitled in respect of any such trespass or in particular confers a right to park a vehicle on any land.

### **Section 12 Inclosure Act 1857**

#### **Protecting from nuisances town and village greens and allotments for exercise and recreation.**

And whereas it is expedient to provide summary means of preventing nuisances in town greens and village greens, and on land allotted and awarded upon any inclosure under the said Acts as a place for exercise and recreation: If any person wilfully cause any injury or damage to any fence of any such town or village green or land, or wilfully and without lawful authority lead or drive any cattle or animal thereon, or wilfully lay any manure, soil, ashes, or rubbish, or other matter or thing thereon, or do any other act whatsoever to the injury of such town or village green or land, or to the interruption of the use or enjoyment thereof as a place for exercise and recreation, such person shall for every such offence, upon a summary conviction thereof before two justices, upon the information of any churchwarden or overseer of the parish in which such town or village green or land is situate, or of the person in whom the soil of such town or village green or land may be vested, forfeit and pay, in any of the cases aforesaid, and for each and every such offence, over and above the damages occasioned thereby, any sum not exceeding [F1level 1 on the standard scale]; and it shall be lawful for any such churchwarden or overseer or other person as aforesaid to sell and dispose of any such manure, soil, ashes, and rubbish, or other matter or thing as aforesaid; and the proceeds arising from the sale thereof, and every such penalty as aforesaid, shall, as regards any such town, or village green not awarded under the said Acts or any of them to be used as a place for exercise and recreation, be applied in aid of the rates for the repair of the public highways in the parish, and shall, as regards the land so awarded, be applied by the persons or person in whom the soil thereof may be vested in the due maintenance of such land as a place for exercise and recreation; and if any manure, soil, ashes, or rubbish be not of sufficient value to defray the expense of removing the same, the person who laid or deposited such manure, soil, ashes, or rubbish shall repay to such churchwarden or overseer or other person as aforesaid the money necessarily expended in the removal thereof; and every such penalty as aforesaid shall be recovered in manner provided by the M1Summary Jurisdiction Act 1848; and the amount of damage occasioned by any such offence as aforesaid shall, in case of dispute, be determined by the justices by whom the offender is convicted; and the payment of the amount of such damage, and the repayments of the money necessarily expended in the removal of any manure, soil, ashes, or rubbish, shall be enforced in like manner as any such penalty.

### **Section 29 Commons Act 1876**

#### **Amendment of law as to town and village greens.**

. . . . . F1 An encroachment on or inclosure of a town or village green, also any erection thereon or disturbance or interference with or occupation of the soil thereof which is made otherwise than with a view to the better enjoyment of such town or village green or recreation ground, shall be deemed

to be a public nuisance, and if any person does any act in respect of which he is liable to pay damages or a penalty under section twelve of the **M1**Inclosure Act 1857, he may be summarily convicted thereof upon the information of any inhabitant of the parish in which such town or village green or recreation ground is situate, as well as upon the information of such persons as in the said section mentioned.

This section shall apply only in cases where a town or village green or recreation ground has a known and defined boundary.

[Road Traffic Act 1988](#)

Section 12 [Inclosure Act 1857](#)

[Section 29 Commons Act 1879](#)

[Vehicular Access Across Common and Other Land \(England\) Regulations 2002](#)