



AYLESBURY VALE DISTRICT COUNCIL

THE AYLESBURY VALE (AQUA VALE OFF-STREET PARKING PLACE, AYLESBURY) ORDER 2001

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Aylesbury Vale District Council (hereinafter referred to as “the Council”) in exercise of their powers under Sections 32, 33, 35, 35A, and Schedule 9 of the Road Traffic Regulation Act 1984 (as amended), and of all other enabling powers, and with the consent of Buckinghamshire County Council given under Section 39(3) of the said Act, and after consultation with the relevant Chief Officer of Police in accordance with Part III of Schedule 9 of the said Act, hereby make the following Order:

PART I INTERPRETATION

1. This Order may be cited as the Aylesbury Vale (Aquavale Off-Street Parking Place, Aylesbury) Order 2001.
2. In this Order except where the context otherwise requires the following words and expressions shall have the meanings hereby respectively assigned to them:-

“Aquavale” means the Aquavale swimming centre situate at Park Street, Aylesbury, Buckinghamshire (the same being shown for the purposes of identification only edged with a thick black line on the plan annexed hereto).

“Authorised Officer” means:

- (i) any person employed by the Council under a contract of service, or any other person authorised in writing by the Council to perform the function concerned, or
- (ii) any person employed under a contract of service by the management contractor engaged by the Council to manage and operate Aquavale;

“Bank Holiday” means the public holidays set out hereafter and any other day which may be designated as such in England: Christmas Day; Boxing Day; New Year’s Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday; Summer Bank Holiday;

“Council” means the Aylesbury Vale District Council;

“disabled persons badge”	means any badge issued, or having effect as if issued, under any regulations for the time being in force under Section 21 of the Chronically Sick and Disabled Persons Act 1970 (as amended) and of a form prescribed by those regulations;
“driver”	in relation to a vehicle waiting in the Parking Place, means the person driving the vehicle at the time it was left in the Parking Place, but for the purposes of this Order and any legal proceedings taken thereunder if on the date a vehicle is left in the Parking Place a person is shown to have been the registered keeper thereof by notification from the Driver Vehicle Licensing Agency or other appropriate registration authority, that person shall be deemed to have been the driver of the vehicle on that date unless the contrary is shown;
“owner”	means the person by whom a vehicle is kept and used and in relation to a vehicle which is subject to a lease, hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement;
“Operational Bays”	means those parking bays to which reference is made in Article 10(1);
“Operational Permit”	means a permit issued by the Council for the use of the Operational Bays.
“parking bay”	means an area of land within the Parking Place which is delineated or indicated by markings and/or writing on the surface of the Parking Place, and/or signs located on or adjacent to the area of land concerned;
“Parking Place”	means that area of land provided by the Council pursuant to Sections 32 and 33 of the Road Traffic Regulation Act 1984 (as amended) for use for parking at Aquavale.

3. In this Order:

- (1) a reference to any Act of Parliament, or to any Statutory Instrument, Order or Regulation made thereunder shall include a reference to any amendment or re-enactment of the same;
- (2) words importing the masculine gender include the feminine gender, words in the singular include the plural and vice versa and words importing individuals shall be treated as importing corporations and vice versa;

- (3) headings are for ease of reference only and shall not affect construction;
- (4) references to Articles and Schedule are to the Articles and Schedule respectively of this Order.

PART II MAKING OF THIS ORDER

4. This Order shall come into effect on 4th June 2001.

PART III USE OF THE PARKING PLACE

5. SUBJECT TO the following provisions of this Order, the Parking Place may be used as a place for the parking of such classes of vehicles in such positions and on such days and during such hours and on payment of such charges as are specified in the Schedule.
6.
 - (1) The driver of a vehicle shall not permit it to wait within the Parking Place unless the vehicle is a vehicle of a class specified in the Schedule.
 - (2) The driver of a vehicle shall not permit it to wait within a parking bay within the Parking Place unless the vehicle is a vehicle of the class permitted to wait in that parking bay, as specified in the Schedule.
7. Subject to Articles 8 and 13, the driver of a vehicle making use of the Parking Place shall ensure that he leaves his vehicle within a parking bay.
8. Subject to Article 13, the driver of a vehicle making use of the Parking Place shall ensure that he permits his vehicle to wait wholly within the defined boundaries of a parking bay.
9. The driver of a vehicle shall not permit it to wait within the Parking Place in such a manner as to prevent or hinder other persons or vehicles from obtaining access to the Parking Place or to any parking bay therein.
10.
 - (1) Seven parking bays situated at the rear of Aquavale are reserved for the exclusive use of persons who are authorised by the Council to permit their vehicles to wait in those parking bays, and who duly display valid Operational Permits in accordance with the provisions of this Order. The parking bays concerned are identified by signs or markings stating that they are reserved for operational or staff use, or by other appropriate words of identification.
 - (2) An Operational Permit shall only be valid for use of the Operational Bays and only for such periods and upon such other terms (subject to the provisions of the Order) as are specified by the Council.

- (3) An Operational Permit shall only permit the holder to park a vehicle in an Operational Bay, and irrespective of the number of Operational Permits that are or may be concurrently issued by the Council, no Operational Permit shall be valid at any time whatsoever in respect of any other parking place or parking bay.

PART IV CHARGES

11. Subject to Articles 12 and 13, the driver of a vehicle proposing to use the Parking Place or a parking bay therein shall on entering the Parking Place pay the appropriate charge in accordance with the scale of charges specified in Column 6 of the Schedule, by means (where appropriate) of the purchase of an appropriately priced ticket or tickets according to the proposed period of parking, and where a charge is specified for a period the whole of that charge shall be due and payable for use of the Parking Place for any part of that period, provided that no charge shall be payable in respect of the Operational bays by the driver of a vehicle left therein who displays a valid Operational Permit in accordance with the provisions of Articles 10, 18 and 19.

12. (1) The driver of a vehicle proposing to use:
- (a) a parking bay in the Parking Place where there is a sign, surface marking or other marking or writing which indicates that the parking bay concerned is reserved for use by drivers of vehicles who hold and display a disabled persons badge, where the driver of that vehicle does not hold and display a valid disabled persons badge, or
 - (b) an Operational Bay, where the driver of that vehicle does not hold and display a valid Operational Permit

shall on entering that parking bay pay a charge of £10.00 (inclusive of Value Added Tax) for each hour of parking in that parking bay by means of the purchase of an appropriately priced ticket or tickets (and the whole of that charge shall be due and payable for use of that parking bay for any part of any hour) PROVIDED THAT no charge shall be payable:

- (i) in respect of the use of a parking bay reserved for use by drivers of vehicles who hold and display a disabled persons badge, by the holder of a disabled persons badge who duly holds and displays such a badge on the vehicle concerned in accordance with Articles 18 and 19, or
- (ii) in respect of the Operational Bays, by the driver of a vehicle left therein who duly holds and displays a valid Operational Permit

on the vehicle concerned in accordance with the provisions of Articles 10, 18 and 19.

- (2) The driver of a vehicle proposing to use a parking bay in the Parking Place where there is a sign, surface marking or other marking or writing which indicates that the parking bay concerned is reserved for use by drivers of that class of public service specified in the Schedule shall on entering that parking bay pay a charge of £10.00 (inclusive of Value Added Tax) for each hour of parking in that parking bay by means of the purchase of an appropriately priced ticket or tickets (and the whole of that charge shall be due and payable for use of that parking bay for any part of any hour) PROVIDED THAT no charge shall be payable in respect of the use of such a parking bay by the driver of a public service vehicle of the specified class.
13. Where the driver of a vehicle using the Parking Place permits his vehicle to wait wholly or partially outside the defined boundaries of a parking bay he shall pay a charge of £10.00 (inclusive of Value Added Tax) for each hour of such parking, by means of the purchase of an appropriately priced ticket or tickets (and the whole of that charge shall be due and payable for such parking for any part of any hour).
14. The driver of a vehicle shall not permit it to wait in a parking bay or in the Parking Place:
 - (1) where the vehicle concerned is a motor car, motor cycle or invalid carriage (as defined in Sections 136(2)(a), 136(4) and 136(5) of the Act respectively) or a motor vehicle not exceeding 1500 kilograms unladen weight constructed or adapted solely for the conveyance of goods, for longer than the maximum period for which prior payment has been made for waiting in that parking bay or Parking Place (as specified in the Schedule or Articles 12 or 13 (as appropriate));
 - (2) where the vehicle concerned is a public service vehicle adapted to carry more than 8 passengers (as defined in Section 1(a) of the Public Passenger Vehicles Act 1981), for longer than the maximum period of waiting specified in relation to such vehicles in Column 5 of the Schedule.

PART V METHOD OF PAYMENT OF CHARGES

15. The charge to which reference is made in Articles 11, 12 and 13 shall be payable by the insertion of a coin or coins of an appropriate value into the apparatus or device provided for such purpose at the Parking Place.

PART VI
DISPLAY OF TICKETS, DISABLED PERSONS BADGES
AND OPERATIONAL PERMITS

16. Any ticket or tickets issued on payment of a charge to which reference is made in Article 11 shall be attached by the driver in a conspicuous position on the front windscreen of the vehicle (or in the case of a vehicle having no front windscreen in a conspicuous position on the body of the vehicle) in respect of which it was issued, and such ticket shall be exhibited in that position at all times while the vehicle is parked in the Parking Place. The ticket shall be so placed that the details shown on the front of the ticket are clearly visible to persons standing outside the vehicle.
17. Any ticket or tickets issued on payment of a charge to which reference is made in Articles 12 or 13 shall be attached by the driver in a conspicuous position on the front windscreen of the vehicle (or in the case of a vehicle having no front windscreen in a conspicuous position on the body of the vehicle) in respect of which it was issued, and such ticket shall be exhibited in that position at all times while the vehicle is parked in the Parking Place. The ticket shall be so placed that the details shown on the front of the ticket are clearly visible to persons standing outside the vehicle.
18. Any disabled persons badge or Operational Permit which is required to be displayed by the driver of a vehicle under the provisions of this Order shall be attached by the driver either in a conspicuous position on the front windscreen of the vehicle, or in such a position immediately behind the front windscreen of the vehicle as to permit it to be seen without difficulty from outside the vehicle, or in the case of a vehicle having no front windscreen, in a conspicuous position on the body of the vehicle.
19. Any ticket, disabled persons badge or Operational Permit which is required to be displayed by the driver of a vehicle under the provisions of this Order shall be exhibited in the position specified in Article 16, 17 or 18 (as appropriate) at all times while the vehicle is parked in the Parking Place. In any such case, the ticket, disabled persons badge or Operational Permit shall be so placed that the details shown on its face are clearly visible to persons standing outside the vehicle.

PART VII
APPLICATION OF CHARGES TO USERS OF
THE AQUA VALE SWIMMING CENTRE

20. The driver of a vehicle using the Parking Place or a parking bay therein who has paid the charge appropriate to his proposed period of waiting in accordance with the scale of charges specified in Column 6 of the Schedule by means of the purchase of an appropriately priced ticket or tickets, may obtain a refund of the charge paid, subject to the following conditions:

- (1) a refund shall only become due and payable if the driver or a person travelling with him makes immediate use of a facility, service or course of activities provided at Aquavale;
- (2) the facility, service or course of activities concerned shall be one for which a charge for admission, use or participation is due and payable by the user (and in this context payment for use of the Parking Place or a parking bay therein (or any use of the same) shall not be 'use of a facility, service or course of activities provided at Aquavale' for the purposes of this Article);
- (3) payment for use of the facility, service or course of activities concerned shall be made within 15 minutes of the time recorded on the ticket concerned as being the time of purchase of that ticket;
- (4) no refund shall be due or payable in respect of a period of waiting exceeding 4 hours, save in circumstances where the person claiming the refund is able to demonstrate to the reasonable satisfaction of an Authorised Officer that he has made arrangements to attend a display, event, performance or course of activities at Aquavale scheduled to last in excess of 4 hours.

Refunds may only be obtained at such location(s) as may from time to time be designated for that purpose by the Council.

PART VIII EXCESS CHARGES

21. Notwithstanding and without prejudice to the provisions of Article 42, and subject to the provisions of Article 16, if at any time:
 - (1) a valid ticket is not displayed in accordance with Article 16 on any vehicle left in the Parking Place, or
 - (2) a vehicle is left in the Parking Place for longer than the period for which advance payment has been made, orthe driver shall pay to the Council on demand an excess charge of £40.00 (inclusive of Value Added Tax), PROVIDED THAT the Council shall accept the sum of £25.00 (inclusive of Value Added Tax) in settlement in lieu of the sum of £40.00, subject to the reduced amount being actually received by the Council before the expiration of 10 days from the happening of the event giving rise to the obligation to make payment of the standard charge (and for the avoidance of doubt the day of commission of the breach of the terms of this Order shall be taken into account in calculating that period of 10 days).
22. Notwithstanding and without prejudice to the provisions of Article 42, and subject to Article 17, if at any time:

- (1) a valid ticket is not displayed in accordance with Article 17 on any vehicle left in the Parking Place, or
- (2) a vehicle is left in the Parking Place in the circumstances specified in either Article 12 or Article 13 for longer than the period for which advance payment has been made,

the driver shall pay to the Council on demand an excess charge of £60.00 (inclusive of Value Added Tax), PROVIDED THAT the Council shall accept the sum of £40.00 (inclusive of Value Added Tax) in settlement in lieu of the sum of £60.00, subject to the reduced amount being actually received by the Council before the expiration of 10 days from the happening of the event giving rise to the obligation to make payment of the standard charge (and for the avoidance of doubt the day of commission of the breach of the terms of this Order shall be taken into account in calculating that period of 10 days).

23. A demand for payment of the excess charge specified in either Article 21 or Article 22 may be made in such form as may from time to time be considered appropriate by the Council, and may be issued by any Authorised Officer.

PART IX USE OF PARKING PLACES

24. The driver of a vehicle using the Parking Place shall stop the engine as soon as the vehicle is in position in a parking bay, and shall not start the engine except when about to change the position of the vehicle in, or to depart from, the Parking Place.
25. No person shall except with the permission of an Authorised Officer drive any vehicle in a Parking Place other than for the purpose of leaving that vehicle in the Parking Place in accordance with the provisions of this Order, or for the purpose of departing from the Parking Place.
26. Where in the Parking Place signs are erected, or surface or other markings are laid for the purpose of:
 - (1) indicating the entrance to, or exit from, the Parking Place, or
 - (2) indicating that a vehicle using the Parking Place shall proceed in a specified direction within the Parking Place,

no person shall drive or cause to permit to be driven any vehicle

- (a) so that it enters the Parking Place otherwise than by an entrance or leaves the Parking Place otherwise than by an exit so indicated, or
- (b) in a direction other than that specified,

as the case may be.

27. No person shall use any part of the Parking Place:
- (1) as a means of proceeding by vehicle between one highway and another (whether any such highway shall be maintainable at the public expense or otherwise), or
 - (2) save with the prior written consent of the Council, as a means of vehicular access to any land or premises adjoining the Parking Place.
28. No person shall:
- (1) ride or otherwise use any bicycle in the Parking Place save for the purposes of obtaining access to any area allocated by the Council for the parking of bicycles within the Parking Place;
 - (2) leave any bicycle in the Parking Place, other than in any area allocated by the Council for the parking of bicycles within the Parking Place,
- and in either case only during the days and hours of operation of the Parking Place, as specified in the Schedule.
29. No person shall in the Parking Place:
- (1) by shouting or singing,
 - (2) by playing on a musical instrument, or
 - (3) by operating or permitting to be operated, any radio, gramophone, amplifier, tape recorder, compact disc player or similar instrument
- cause or permit to be made any noise which is so loud or so continuous or repeated as would in the opinion of an Authorised Officer give reasonable cause for annoyance to other persons in or adjacent to the Parking Place.
30. No person shall in the Parking Place:
- (1) use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear, or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned, or
 - (2) throw or discharge any missile to the danger or annoyance of any other person in or adjacent to the Parking Place.
31. No person shall, without the prior written consent of the Council, hold or take part in any display, public show, performance or exhibition in the Parking Place, or place any vehicle or equipment in the Parking Place in connection with the same.

32. No person shall, without reasonable excuse, climb any wall or fence in or enclosing the Parking Place, or any tree, barrier, railing, post or other structure in the Parking Place.
33. No person shall wilfully damage or deface:
- (1) any wall, fence, barrier, railing, post or other structure or surface,
 - (2) any vehicle, plant, equipment or apparatus, or
 - (3) any tree, bush, shrub or other soft landscaping
- in the Parking Place.
34. No person shall use any part of the Parking Place or any vehicle left in the Parking Place:
- (1) for sleeping or camping purposes, or
 - (2) for eating or cooking purposes, or
 - (3) save with the consent of the Council (which may be given upon such terms (including terms as to payment) as it considers to be appropriate):
 - (a) for the purpose of washing any vehicle, or
 - (b) for the purpose of servicing any vehicle or part thereof (other than as may be reasonably necessary to enable that vehicle to depart from the Parking Place).
35. No person shall in the Parking Place:
- (1) skate or use any skateboard or similar mechanical device, or
 - (2) play or take part in any ball game.
36. No person shall:
- (1) use a vehicle while it is in the Parking Place, or
 - (2) use any part of the Parking Place
- for or in connection with the sale of any article to persons in or near the Parking Place, or for or in connection with the selling or offering for hire of his skill or services.
37. No person shall:
- (1) use the Parking Place for the purpose of displaying or distributing advertising material, or

- (2) place any advertising material on any vehicle left in a parking bay or in the Parking Place,

save with the prior written consent of the Council, and in the case of (2) above, unless the express prior written consent of the vehicle owner has also been obtained.

38. No person shall in the Parking Place:

- (1) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the prior written consent of the Council, or
- (2) light or cause or permit to be lit any fire.

39. No person shall in the Parking Place:

- (1) intentionally obstruct any Authorised Officer in the proper execution of his duties, or
- (2) intentionally obstruct any person carrying out any act which is necessary to the proper execution of, or authorised by, any contract with the Council, or
- (3) intentionally obstruct any other person in the proper use of the Parking Place, or behave in such a manner as would in the opinion of an Authorised Officer give reasonable cause for annoyance to other persons in or adjacent to the Parking Place.

40. The driver of a vehicle using the Parking Place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in, or to depart from, the Parking Place.

41. No person shall in the Parking Place cause or permit to be emitted from a vehicle (whether continuously or intermittently) any noise originating from any fitment or alarm on the vehicle, to the disturbance or annoyance of users of the Parking Place or occupiers of premises in the neighbourhood, save that this Article shall not be deemed to have been breached if any fitment or alarm on the vehicle shall have been activated by any unauthorised person improperly tampering with the vehicle (but such unauthorised activation of the fitment or alarm shall not prohibit or prevent an Authorised Officer arranging removal of the vehicle under Article 42 or in the alternative making arrangements for that fitment or alarm to be rendered inoperable or silenced);

PART X REMOVAL OF VEHICLES

42. When a vehicle is left in a parking bay or in the Parking Place in contravention of any of the provisions of Articles 6, 7, 8, 9, 10, 11, 12, 13, 14, 21, 22, 31, 34,

36, 41 or 48 an Authorised Officer may remove the vehicle or arrange for it to be removed from the Parking Place, PROVIDED THAT when a vehicle is waiting in the Parking Place in contravention of the provisions of Articles 6, 7, 8, or 9 the Authorised Officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with the relevant provision.

43. Any person removing or altering the position of a vehicle by virtue of Article 42 may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.
44. When an Authorised Officer removes or makes arrangements for the removal of a vehicle from a parking bay or the Parking Place by virtue of Article 42 he shall make such arrangements as he considers to be reasonably necessary for the safe custody of the vehicle, but subject thereto, neither he nor the Council shall be liable for any damage, costs, losses or other liabilities arising out of, in the course of, or in connection with the exercise of any of the powers contained in this Article and/or Articles 42 and 43 (save where the same arise directly or indirectly from the injury or death of any person, or loss or damage to any property (other than the vehicle concerned and the contents thereof) caused by the negligence of any Authorised Officer or any person exercising the powers conferred by Article 43).

PART XI

SUSPENSION OF USE OF PARKING BAYS AND/OR THE PARKING PLACE

45. An Authorised Officer may suspend the use of the Parking Place or of any parking bay or parking bays therein or of any part thereof whenever he considers such suspension reasonably necessary and for whatsoever period he considers reasonable:
 - (1) for the purpose of any building operation, demolition or excavation in or over or under or adjacent to the Parking Place or parking bay concerned or the maintenance, improvement or reconstruction of the Parking Place or parking bay or the laying, erection, alteration, removal or repair in or adjacent to the Parking Place or parking bay of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication system or traffic sign, or
 - (2) on any occasion on which it is likely that the Parking Place, parking bay or part thereof will be required for the exclusive use of specific individual groups or for the parking of a particular class or classes of vehicle, or
 - (3) for any purpose connected with the use, management or operation of Aquavale, or any display, event or performance therein or thereat, or

- (4) for the purpose of holding any display, public show, performance or exhibition authorised by the Council (or any Authorised Officer thereof) and for activities subsidiary thereto, or
 - (5) for such other purposes as may be authorised by the Council or any Authorised Officer thereof.
46. Any person suspending the use of the Parking Place or any parking bay or any part thereof in accordance with the provisions of Article 45 shall thereupon place or cause to be placed in or adjacent to the Parking Place or parking bay, or the part thereof the use of which is suspended, a sign or notice indicating that waiting by vehicles therein is prohibited.
47. No person shall cause or permit a vehicle to be parked in the Parking Place or any parking bay or any part thereof during such period as there is in or adjacent the Parking Place or the relevant parking bay or part thereof a sign or notice placed in pursuance of Article 46, provided that nothing in this Article shall render it unlawful to cause or permit any vehicle being used for emergency purposes by the Fire Brigade, Ambulance Service, Police or armed services of the Crown to be parked in the Parking Place or any parking bay or any part thereof during any such period or to cause or permit any other vehicle to be so parked if that vehicle is parked with the permission of the person suspending the use of the Parking Place or any parking bay or any part thereof in pursuance of Article 45.

**PART XII
PROCEEDINGS**

48. In any proceedings for an offence under this Order the provisions of Sections 47(4) and (6) of the Road Traffic Regulation Act 1984 (as amended) apply.

THE COMMON SEAL OF AYLESBURY)
 VALE DISTRICT COUNCIL was hereunto)
 affixed this second day of April two)
 thousand and one in the presence of)

Chairman

Head of Legal Services

SCHEDULE
OPERATION OF THE PARKING PLACE (ARTICLE 5)

(1)	(2)	(3)	(4)	(5)	(6)
NAME OF PARKING PLACE	CLASS OF VEHICLE	DAYS OF OPERATION OF PARKING PLACE	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD OF WAITING	SCALE OF CHARGES (subject to Article 20)
1(a). Aquavale, Park Street, Aylesbury (all parking bays other than those reserved for use by public service vehicles as set out in (b) below)	Motor car as defined in Section 136(2)(a), motor cycle as defined in Section 136(4) and invalid carriage as defined in Section 136(5) of the Act; motor vehicles not exceeding 1500 kilograms unladen weight constructed or adapted solely for the conveyance of goods	All days	All hours	No limit	Per day: 0 – 2hours : £1.00 2 – 4 hours : £3.00 Over 4 hours in any 24 hours: £6.00
1(b). Aquavale, Park Street, Aylesbury (those parking bays reserved for use by public service vehicles)	Public service vehicle adapted to carry more than 8 passengers as defined in Section 1(a) of the Public Passenger Vehicles Act 1981	All days	All hours	1 hour	No charge