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THE CITY OF BIRMINGHAM DISTRICT COUNCIL
(OFF-STREET PARKING PLACES)
(MARKETS) ORDER 1986

PARKING ORDER NO. 19

AMENDMENTS

	17.3.86	Introduction of Pay and Display
No. 1	14.07.86	Inclusion of August Bank Holiday Sunday and Monday
No. 1	27.04.87	Revision of Charges
No. 1	04.05.88	Revision of Charges
No. 2	19.12.88	Revision of Excess Charges (£20) – Introduction of “£15 if paid within 14 days of issue of ticket”.
No. 1	16.04.90	Revision of Excess Charges (deletion of “£15 if paid within 14 days of issue of ticket”). Revision of Season Ticket Charges
No. 1	08.04.91	Inclusion of Bank Holidays (except Christmas Day) Revision of Charges
No. 2	07.10.91	Revision of Excess Charges (£25)
No. 1	06.04.92	Revision of Charges
No. 1	26.04.93	Revision of Excess Charges (£35)
No. 2	09.08.93	Revision of Charges
No. 1	01.04.96	Acceptance of Overpayment Ticket Position Revision of Excess Charge £25 Overstay/£50 No Ticket Revision of Charges
No. 1	01.04.97	Revision of Charges
No. 1	11.05.98	Revision of Charges
No. 1	01.04.99	Revision of Charges
No. 1	03.04.00	Revision of Charges
No. 1	01.04.01	Revision of Charges

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(MARKETS) ORDER 1986

PARKING ORDER NO. 19

<u>Car Parks Included</u>	<u>Date Added</u>	<u>Date Deleted</u>	<u>Date Season Ticket Added</u>	<u>Last Date Charges Revised</u>
Moat Lane *	17.03.86		17.03.86	03.04.00
Pershore Street *	17.03.86		17.03.86	03.04.00

* Season Tickets Available

THE CITY OF BIRMINGHAM

DISTRICT COUNCIL (OFF-STREET

PARKING PLACES) (MARKETS)

ORDER 1986

THE CITY OF BIRMINGHAM DISTRICT COUNCIL
(OFF-STREET PARKING PLACES)
(MARKETS) ORDER 1986

The City of Birmingham District Council ("the Council") in exercise of its powers under Section 35(1) and (3) of the Road Traffic Regulation Act 1984 ("the Act") and Part IV of Schedule 9 to the Act and of all other enabling powers, with the consent of the County Council of the West Midlands in accordance with Section 39(3) of the Act and after consulting the Chief Constable of the West Midlands in accordance with Part III of Schedule 9 to the Act hereby make the following order.

P A R T I

GENERAL

1. (a) This Order shall come into operation on 17th March 1986 and may be cited as the City of Birmingham District Council (Off-Street Parking Places) (Markets) Order 1986.

- (b) The City of Birmingham District Council (Off-Street Parking Places) (Markets) Order 1983 is hereby revoked.

2. (a) In this Order, except where the context otherwise requires:-

"Authorised Officer" means an employee of the Council authorised to exercise all or any of the functions of the Council under this Order.

"Charging Hours" means any period specified in columns 4 and 5 of Part I of the Schedule.

"Disabled Person's vehicle" means a vehicle described in Article 5.

"Parking bay" means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place.

"Driver" in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in the parking place.

"Owner", in relation to a vehicle, means the person by whom such vehicle is kept and used.

"Parking Place" means any area of land specified by name in Column 1 of Part I of the Schedule provided by under Section 32(1) of the Act for use as a parking place.

"Ticket Machine" means apparatus of a type and design approved by the Secretary of State for the Environment for the purpose of an order under Section 35 of the 1984 Act, being apparatus designed to indicate the time by a clock and to issue parking tickets indicating the payment of a charge and the week, day and time at which the charge was paid.

- (b) Parts I, II, IV and V and Columns 1 to 3 of Part I of the Schedule to this Order shall apply at all times but Part III and the remainder of the Schedule shall only apply during the Charging Hours.

P A R T I I

USE OF PARKING PLACES

3. (a) Each area of land specified by name in Column 1 of Part I of the Schedule may be used, subject to the following provisions of this Order, as a parking place for such classes of the vehicles, in such positions on such days and during such hours as are specified in relation to that area in the Schedule.
- (b) Where in Column 3 of Part I of the Schedule a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place unless it is of the class and in the position so specified.
- (c) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled person's vehicle.
- (d) In so far as a vehicle is left in a parking place during the charging hour, the driver thereof shall pay such charge or charges as are specified in the following provisions of this Order.
- (e) No person other than a person authorised by the Council, the driver of or passenger in a vehicle parked or intended to be parked in a parking place, or other person authorised by such driver or passenger shall enter such parking place for any purpose whatsoever.

P A R T I I I

CHARGES

4. The charges for the parking of vehicles during the charging hours in the parking place specified in Column 1 of Part I of the Schedule to any Order shall be as set out in Part II of the Schedule to this Order PROVIDED THAT where on the parking place it is indicated by notice for the time being erected by the Council that a charge lower than the scale of charges in Part II shall be payable, or that no charge shall be payable, then that lower charge shall be payable, or no charge shall be payable, as the case may be.
5. The following vehicles left in a parking place shall be exempt from the payment of any charge specified in Part II of the Schedule to this Order:-
 - (a) An invalid carriage.
 - (b) A disabled person's vehicle as defined by the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations, 1971 as amended which bears a disabled person's badge as defined in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982, S.I 1982 No. 1740 displayed as follows:-
 - (i) In the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon so that the front of the badge is clearly visible on the near side and immediately behind the windscreen.

(ii) In the case of a vehicle not fitted with a front windscreen the badge is exhibited on the front or near side of the vehicle so that it is conspicuous from the exterior of the vehicle.

6. (a) The owner of a vehicle may on application to the Council purchase a season ticket for the charge specified in Part III of the Schedule and that season ticket shall be valid only in respect of such parking place as is specified thereon during the period for which it is issued.
- (b) A season ticket holder may surrender a season ticket to the Council in accordance with the terms of its issue and shall return a season ticket to the Council in accordance with paragraphs (c), (d) and (e) of this Article.
- (c) The Council may, by notice in writing served on the season ticket holder by recorded delivery service to the address stated on the holders' application for the season ticket or to the last known place of abode, cancel a season ticket if it appears to the Council that the season ticket has ceased to be valid pursuant to paragraph (d) of this Article or that the conditions subject to which the season ticket has been issued have not been observed in accordance with this Article, and the season ticket holder shall return the season ticket to the Council within 48 hours of the date of the notice.
- (d) Without prejudice to the foregoing paragraphs of this Article and to paragraph (e), a season ticket shall cease to be valid at the expiration of the period specified thereon.
- (e) Where a season ticket is issued to a person upon receipt of a cheque and the cheque is subsequently dishonoured, the season ticket shall cease to be valid and the Council shall by notice in writing served on the person to whom such season ticket was issued by recorded delivery service to the address stated on the holder's application for the season ticket or to that person's last known place of abode, require that person to return the season ticket to the Council within 48 hours of the receipt of the date of the notice.
7. (a) Where a driver parks a vehicle in a parking place is not the holder, in respect of that vehicle, of a current season, weekly, or period ticket, or prepayment card if issued, he shall pay an initial charge as laid down in Part II of the Schedule on the leaving of the vehicle in the parking place by the insertion in the Ticket Machine of an appropriate coin or coins where more than one coin is required, they shall be inserted in the Ticket Machine immediately one after the other.
- (b) Any ticket issued on the payment of the charge referred to in paragraph (1) of this Article shall be displayed as follows:-
- (i) Where the vehicle is fitted with a front glass windscreen facing forward, on the glass of such windscreen behind the glass; or
- (ii) Where the vehicle is not fitted with a front glass windscreen, on the near side of the vehicle not more than six feet and not less than two feet six inches above the surface of the parking place in the immediate vicinity so that the time stated on the front of the ticket is clearly visible.

- (c) Where a driver parks a vehicle in a parking place is the holder in respect of that vehicle of a valid season, weekly, or period ticket, issued by the Council, he shall display that ticket on the vehicle in accordance with paragraph (c) of Article 5.
8. (a) If a vehicle is left in a parking place during the charging hours for longer than the period for which payment has been made by the initial charge, an additional amount of £15.00 shall be payable for any period in excess of the parking period purchased ("the excess charge").
- (b) Except with the written authority of the Council, the driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in Part II of the Schedule in relation to that parking place.
- (c) In the case of a vehicle in respect of which an excess charge may have been incurred, it shall be the duty of an Authorised Officer to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:-
- (i) The registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried on the vehicle;
 - (ii) The time at which he first observed that the period for which payment was made by the initial charge had expired;
 - (iii) A statement that an excess charge of £15.00 is required to be paid;
 - (iv) The manner in which, and the time within which, the excess charge should be paid; and
 - (v) A statement that it is an offence under Section 35(4) of the Act for the driver of a vehicle who has left the vehicle in a parking place to fail to pay the excess charge.
9. Where a notice has been attached to a vehicle in accordance with paragraph (b) of Article 8, no person other than the driver of the vehicle or an Authorised Officer, shall remove the notice from the vehicle unless authorised by the driver.
10. When any ticket has been exhibited on a vehicle in accordance with Article 7 no person, other than the driver of the vehicle, shall remove such ticket from the vehicle unless authorised by the driver.
11. If at any time while a vehicle is left in a parking place no badges, season or parking tickets are exhibited on that vehicle in accordance with the provisions of Articles 5 and 7, it shall be presumed unless the contrary is proved that the charge specified in Article 4 has been duly paid for the vehicle and that the initial period for which payment was made by the charge has already expired.
12. Where a ticket machine at a parking place fails to work the driver of any vehicle using any such parking place, shall pay to the Authorised Officer the initial charge in return for a ticket indicating that the initial charge has been paid which he shall display in accordance with Article 7.

P A R T I V

OTHER PROVISIONS

13. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in a parking bay in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
14. Unless authorised in writing by the Council no person shall use a vehicle or anything towed by a vehicle when it is within a parking place, offer for sale any article including a vehicle to persons in or near the parking place or offer for sale or hire his skill or services or for the purpose of any exhibition, or for plying for hire. No notices or advertising material of any description shall be placed by any person on vehicles parked within the parking place except as authorised by the Council.
15. No person shall use any part of a parking place or any vehicle left in a parking place -
- (a) for sleeping or cooking; or
 - (b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
16. The driver of a vehicle using a 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.
17. No person shall play a game in a parking place so as to be a nuisance, annoyance or a danger to themselves or other users thereof, nor shall any pedal cycles be taken or ridden therein, except where the Council provides storage for pedal cycles there.
18. In a parking place no person shall:-
- (a) Erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written authority of the Council.
 - (b) Light or cause or permit to be lit any fire.
19. The driver of any vehicle in a parking place shall comply with any instructions given, whether orally by a person authorised by the Council, by direction signs whether erected or by surface markings or in any other manner as to the route to be followed within the parking place.
20. (a) A driver shall not park a vehicle on any space indicated by appropriate markings as being reserved for official use.
- (b) In the absence on any such parking place of surface markings, signs or otherwise, a driver of a vehicle using such parking place shall park the vehicle as directed by an Authorised Officer.

21. If a vehicle is left in a parking place in a position other than in accordance with the Articles 3 and 24, an Authorised Officer may alter or cause to be altered the position of the vehicle so that it complies with those Articles.
22. When a vehicle is left in a parking place in contravention of any of the provisions contained in this Order, an Authorised Officer or any person acting on the instructions of such an officer, may remove the vehicle or arrange for it to be removed from that parking place and shall provide for its safe custody. Any expenses incurred by the Council in removing a vehicle from any parking place shall be recoverable by the Council from the driver of the vehicle summarily as a civil debt.
23. In an emergency, an Authorised Officer or a police constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.
24. Any person altering, or causing the alteration of, the position of a vehicle by virtue of Article 25, or removing, or causing the removal of, a vehicle by virtue of Articles 26 or 27 of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
25. Any person removing or arranging for the removal of a vehicle by virtue of Articles 26 or 27 shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.
26. Where the driver of a vehicle is alleged by the Council to be guilty of an offence under such Order, the owner of the vehicle and any other person shall if requested by an Authorised Officer give such information as he is able as to the identity and whereabouts of the driver.

P A R T V

DISPOSAL OF VEHICLES IN A PARKING PLACE

27. The Council may as respects a vehicle which has been removed from a parking place in pursuance of Part IV of this Order, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle after having made reasonable enquiry to ascertain the name and address of the owner of the vehicle in accordance with the procedure set out in the Refuse Disposal (Amenity) Act 1978

THE SCHEDULE

PART I

NAME OF PARKING PLACE 1	POSITION IN WHICH VEHICLE MAY WAIT 2	CLASSES OF VEHICLES FOR WHICH PARKING PLACE IS AVAILABLE 3	DAYS OF OPERATION OF PARKING PLACE 4	HOURS OF OPERATION OF PARKING PLACE 5	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT 6
Moat Lane Multi-Storey Persnore Street Multi-Storey	Parking Bay	Motor Cycle, Motor Car and Invalid Carriages as defined in Section 136 Road Traffic Regulation Act 1984 and motor vehicles constructed or adapted solely for the purpose of carrying goods, but not exceeding 30 cwt. unladen weight.	Sunday - Saturday Inclusive Excluding Bank Holidays and Christmas Day	00.01 hours to 24.00 hours	24 hours

Floor Levels 1-4

HOURS	UPTO AND INCLUDING	MORE THAN 1 AND UPTO AND INCLUDING	MORE THAN 2 AND UPTO AND INCLUDING	MORE THAN 3 AND UPTO AND INCLUDING	MORE THAN 4 AND UPTO AND INCLUDING	MORE THAN 5 AND UPTO AND INCLUDING	MORE THAN 6 AND UPTO AND INCLUDING	MORE THAN 7 AND UPTO AND INCLUDING 8 AND MAXIMUM CHARGE
1	1	2	3	4	5	6	7	
CHARGE	30p	40p	60p	70p	100p	110p	120p	130p

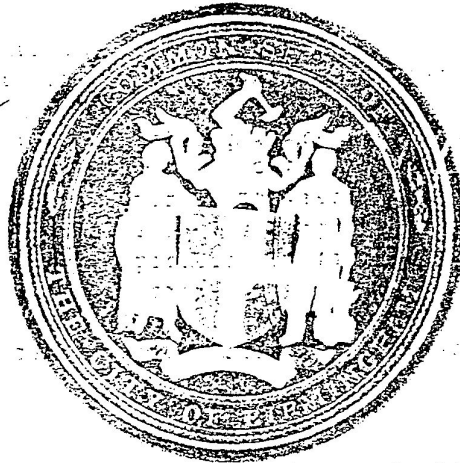
Floor Level 5 and above 60p per 8 hours
EXCESS CHARGE £15.00

P A R T I I I

Scale of Season Ticket Charges applicable during the Charging Hours specified in Part II and the car parks to which season tickets are to be issued.

	<u>CHARGES</u>
Monthly	£26
3 Monthly	£65
6 Monthly	£116
12 Months	£180

THE COMMON SEAL OF
THE CITY OF BIRMINGHAM
DISTRICT COUNCIL
was hereunto affixed
on the 7th March 1986
in the presence of



95364

CITY SOLICITOR

I HEREBY CERTIFY THAT THIS
COPY DOCUMENT IS A TRUE
COPY OF THE ORIGINAL
G. W. T. P. E.
CITY SOLICITOR