

CITY COUNCIL OF BRISTOL

(OFF-STREET PARKING PLACES)
(DISTRICT CAR PARKS) ORDER 2000

The City Council of Bristol (hereinafter referred to as "the Council") in exercise of its powers under sections 32, 33 and 35 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended (hereinafter referred to as "the Act of 1984"), in exercise of its powers under the Road Traffic Act 1991, as amended (whether generally or in relation to the Council's area or parts thereof) (hereinafter referred to as "the Act of 1991") and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following order: -

PART I

GENERAL

Commencement and Citation

- 1. This order shall come into operation on 1st April 2000 and may be cited as the City Council of Bristol (Off-Street Parking Places) (District Car Parks) Order 2000.

Interpretation

- 2. (1) In this order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them:

"Council" means the City Council of Bristol;

"disabled person's badge" has the same meaning as it has in The Disabled Persons (Badges for Motor Vehicles) Regulations 1982 as amended by the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1991 and the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1992;

"disabled person's vehicle" has the same meaning as it has in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 as amended by the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) (Amendment) Regulations 1991;

"discounted penalty charge" means a charge:

- (a) of the amount specified in relation to discounted penalty charges in column 2 of Schedule 4 to this order;
- (b) incurred pursuant to Article 16(1) of this order in consequence of a contravention of the provisions of this order; and

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- (c) payable in accordance with the provisions of Article 19 of this order (that is to say where a penalty charge has become payable pursuant to Article 16 of this order and payment is received within 14 days of the issue of the penalty charge notice);

"driver" in relation to a vehicle waiting in a parking place, means the person in charge of the vehicle at the time it was left in the parking place and, where a separate person acts as steersman of a vehicle, includes that person as well as any other person in charge of the vehicle, and "drive" shall be construed accordingly;

"enactment" means any enactment whether public, general or local and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"goods" includes postal packets of any description; and

"goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description (whether in the course of trade or not), or a trailer so adapted;

"immobilisation device" means any device or appliance designed or adapted to be fixed to a vehicle for the purpose of preventing it from being driven or otherwise put into motion, being a device or appliance of a type approved by the Secretary of State for the Environment, Transport and the Regions for use for that purpose;

"immobilisation exempt vehicle" means:

- (a) a disabled person's vehicle or an invalid carriage;
- (b) a vehicle which displays a local exemption parking permit which has been issued by the Council to a doctor, district nurse, midwife or other medically or otherwise professionally qualified person for use when engaged in emergency duties, and is subject to conditions or limitations impose upon its use by the Council; or
- (c) a diplomatic registered vehicle in the execution of official duties;

"invalid carriage" has the same meaning as in Section 136 of the Act of 1984;

"light goods vehicle" means a goods vehicle which has an operating weight not exceeding 3.5 tonnes;

"motor cycle" has the same meaning as it has in Section 136 of the Act of 1984;

"motor vehicle" has the same meaning as it has in Section 136 of the Act of 1984;

"notice to owner" means a notice served pursuant to paragraph 1(1) of Schedule 6 to the Act of 1991 and complying with paragraph 1(2) of the said Schedule;

"owner" in relation to a vehicle, means the person by whom such a vehicle is kept;

"parking attendant" means a person duly authorised by or on behalf of the Council to supervise any parking place specified in this order in accordance with provisions contained in section 63A of the Act of 1984;

"parking bay" means a part of a parking place marked out for the leaving of a vehicle;

"parking place" means an area of land authorised by this order to be used as a parking place;

"passenger carrying vehicle" means a vehicle constructed solely for the carriage of passengers and their effects;

"penalty charge" means a charge:

- (a) of the amount specified in relation to penalty charges in column 2 of Schedule 4 to this order;
- (b) incurred pursuant to Article 16(1) of this order in consequence of a contravention of the provisions of this order; and
- (c) payable in accordance with provisions of Article 18 of this order (but subject to the provisions of Article 19 of this order);

"penalty charge notice" means a notice issued or served by a parking attendant pursuant to the provisions of section 66 of the Road Traffic Act 1991;

"prescribed" means prescribed by any enactment or any regulation, order, direction or other instrument made thereunder;

"relevant position" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 as amended by the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) (Amendment) Regulations 1991;

"service parking permit" means a permit issued by the Council authorising the permit holder to park their motor vehicle in a parking place specified in Schedule 2 for the purpose of servicing vessels in the harbour subject to such conditions or limitations which may be imposed on the use of the permit;

"special parking permit" means a permit issued by the Council authorising the permit holder to park their private motor car in one or more parking places free of any time restriction but subject to such conditions or limitations which may be imposed on the use of the permit; and

"vehicle" means any vehicle, whether or not it is in a fit state for use on roads, and includes any chassis or body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by and anything attached to such a vehicle.

- (2) For the purpose of this order, a vehicle towing a caravan or a trailer shall be deemed to be a goods vehicle in excess of 1525kg unladen weight.
- (3) For the purpose of this order, any mechanically propelled passenger carrying vehicle constructed or adapted with seats for nine or more persons (inclusive of the driver) shall be deemed to be a goods vehicle in excess of 1525kg unladen weight.
- (4) The amounts of the penalty charge and discounted penalty charge have been determined by the Council pursuant to section 74 of the Act of 1991 and with the approval of the Secretary of State for the Environment, Transport and the Regions in accordance with the requirements of the Act of 1991.
- (5) Any reference in this order to any enactment or regulations made thereunder shall be construed as a reference to that enactment as amended by any subsequent enactment or regulations.

PART 2

AUTHORISATION AND USE OF PARKING PLACES

Designation of parking places

3. Each of the areas of land specified in column 2 of Schedule 1, Schedule 2 and Schedule 3 to this order is authorised to be used, subject to the following provisions of this order, as a parking place free of charge for such vehicles or classes of vehicles as referred to in column 4 of the said Schedules and on such days and during such hours as are specified in relation to that parking place in the said Schedules.

Power to suspend the use of parking place or part of parking place

4. Nothing in this order shall prevent the Council, by notice displayed at the parking place -
 - (a) from closing a parking place or any part thereof for any period:
 - (b) from setting aside for special use or for use only by specially authorised vehicles of any part or parts of a parking place on all days or on certain days or during certain parts of certain days.

Use of parking places: general requirements

5. Where in Schedule 1, Schedule 2 and Schedule 3 to this order a parking place is described as available for vehicles of a specified class, or during specified hours, the driver of a vehicle shall not permit it to wait in that parking place -
- (a) unless it is of a specified class;
 - (b) in any position except such position as may be indicated by lines, barrier posts or other similar indication;
 - (c) in such a position as to obstruct access to the parking place or obstruct the access roads within the parking place or on any ramps or entrance ways leading to the parking place and forming part of it;
 - (d) on days or during hours other than those specified in Schedule 1, Schedule 2 and Schedule 3 to this order, or for longer than the maximum period as specified in the said Schedules; or
 - (e) in a position marked for use by a disabled persons vehicle - unless it is a disabled persons vehicle which displays in the relevant position a disabled persons badge.

Restriction of manner of standing, movement and conduct in parking places

6. The driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it -
- (a) to wait in a parking place or any part thereof at any time when the parking place or that part (as the case may be) has been closed in accordance with the provisions of Article 4(a) of this order;
 - (b) to wait in any part of a parking place at a time when that part has been set aside for special use or for use by a specially authorised vehicle in accordance with the provisions of Article 4(b) of this order, unless the vehicle is so authorised; or
 - (c) to enter a parking place otherwise than by an entrance or leave it otherwise than by an exit, or proceed within the parking place otherwise than by the routes specified by notices or other indications displayed in or on the parking place.
7. The driver of a vehicle using a parking place shall not drive the vehicle -
- (a) recklessly or at a speed or in a manner which is dangerous to the other users of that parking place, or without due care and attention or without reasonable consideration for other users of that parking place, or

- (b) 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.

8. The driver of a vehicle, or any other person, shall not, in a parking place -

- (a) cause any nuisance, annoyance or inconvenience to the Council, its officers, servants or agents or to any other person whatsoever, or
- (b) 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.

Restriction of use of parking places

9. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position 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.

10. The driver of a vehicle using a parking place, or any other person, shall not sound any horn or similar instrument -

- (a) whilst the vehicle is stationary in a parking place, except when the driver is about to change the position of the vehicle in, or to depart from, that parking place, or
- (b) (in any circumstances) between the hours of 11.30 p.m. and 7.00 a.m. on the following day.

11. Whilst a vehicle is in a parking place, the driver of a vehicle, or any other person -

- (a) shall not carry out or permit to be carried out any work of maintenance or repair or the washing down of the vehicle except such maintenance or repair as may be necessary to enable the vehicle to be moved from that parking place;
- (b) shall not place or permit to be placed on the vehicle, not being a motor cycle, any cover of the type normally used to protect the exterior of a vehicle from the weather during storage in the open air;
- (c) shall not use the vehicle or permit it to be used in connection with the sale of any vehicle or other article, or in connection with the selling or offering for hire of any skill or services; and
- (d) shall not use the vehicle or permit it to be used for residential or camping purposes.

12. The driver of a vehicle, whilst it is in a parking place, shall comply with any instructions given to him by a parking attendant as to the manner of waiting of the vehicle and shall remove the vehicle from the parking place on being required by a parking attendant so to do.

Restrictions on Free Parking

13. Between the hours of 8.00 a.m. and 6.00 p.m. on any day other than a Sunday, Christmas Day, Good Friday or a Bank Holiday no vehicle shall be left in a parking place specified in Schedule 1 to this order for a period longer than 3 hours at any one time, and upon removal of any such vehicle that vehicle shall not again be left in the same parking place until a period of 3 hours has elapsed since its removal. This Article does not apply to motorcycles.
14. No vehicle which is permitted to service vessels in the harbour shall be left in a parking place as specified in Schedule 2 to this order for a period longer than 30 minutes at any one time.
15. The holder of a service parking permit or a special parking permit shall comply with all conditions or limitations imposed on the use of the permit and shall display the permit in a conspicuous position on or within the vehicle so as to be clearly visible to a parking attendant whilst the vehicle is parked within the relevant parking place or places.

Contravention of order - Penalty Charge

16. (1) If a vehicle is left in a parking place on any day in contravention of or non-compliance with any provision of this order, a penalty charge shall be payable by the owner of that vehicle.
- (2) Where a penalty charge under paragraph (1) of this Article has been incurred the parking attendant may attach to the vehicle in a conspicuous position a penalty charge notice which shall include the following particulars -
 - (a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the general registration mark on the trade plate on the vehicle;
 - (b) the time at which the parking attendant first noticed that a penalty charge had been incurred;
 - (c) the grounds on which the parking attendant believes that a penalty charge is payable with respect to the vehicle;
 - (d) a statement that the penalty charge is required to be paid to the Council within the period of 28 days beginning with the date of the penalty charge notice;

- (e) a statement that payment of the amount of the discounted penalty charge will be accepted in lieu of payment of the penalty charge if payment is made within 14 days (in accordance with the provisions of Article 19 of this order);
- (f) a statement that if the penalty charge is not paid before the end of the 28 day period a notice to owner may be served by the Council;
- (g) the address to which payment of the penalty charge is required to be sent and the manner to which it is required to be paid; and.
- (h) such other information as may be prescribed.

Restriction on removal of Penalty Charge Notice

17. Where a penalty charge notice has been attached to a vehicle under the provision of Article 16(2) of this order no person, not being the driver or owner of the vehicle or a parking attendant, shall remove the penalty charge notice from the vehicle, unless authorised by the said driver or owner of the vehicle or a parking attendant, or duly authorised representative of the Council so to do.

Payment of Penalty Charge

18. Payment of the penalty charge, subject to the provisions of Article 19 of this order, shall (where payment is made other than by post) be made to the Council, by not later than 5.00 p.m. on the twenty-eighth day following the day on which the penalty charge was incurred, or where payment is sent by post, shall be sent as to reach the Council not later than the said twenty-eighth day.

Provided that if the said twenty-eighth day falls upon a Saturday or a day on which the payment facilities described below are closed, the period within which payment of the penalty charge shall be made to the Council shall be extended until 5.00 p.m. on the next full day on which the said facilities are open.

WAYS TO MAKE PAYMENT:

By Personal Visit: at Amelia Court, Pipe Lane, off City Centre during these hours:

Monday to Friday 9.00 a.m. to 5.00 p.m.
(except Wednesdays 10.00 a.m. to 5.00 p.m.), and

at The Parking Shop, Wilder House, Wilder Street, during these hours:

Monday to Friday 9.00 a.m. to 5.00 p.m.
Saturday 9.00 a.m. to 1.00 p.m.

By Post: By Cheque or Postal Order to Bristol City Council, P.O. Box 76, Bristol BS99 7BL.
Cheques or Postal Orders should be made payable to BRISTOL CITY COUNCIL and crossed "A/c Payee only". The penalty charge notice should be enclosed with the payment.

A receipt will only be issued if a stamped, self addressed envelope is supplied.

By Telephone: By debit or credit card by telephoning 0117 922 3091, during these hours:

Monday to Friday 9.00 a.m. to 5.00 p.m.

19. Where payment of the penalty charge is received by the Council within a period of fourteen days following the day on which the penalty charge was incurred the amount of the discounted penalty charge will be accepted in settlement of the penalty charge.

Provided that if the fourteenth day falls upon a Saturday or a day on which the Council facilities for receiving payment are closed, the period for payment of the discounted penalty charge shall be extended until 5.00 p.m. on the next full day on which the said facilities are open.

Immobilisation of Vehicle

20. When a vehicle, other than an immobilisation exempt vehicle, is left in a parking place in contravention of the provisions contained in Article 5, Article 6, Article 13, Article 14 and Article 15 of this order a person authorised in that behalf by the Council, or a parking attendant, may -

- (a) fix an immobilisation device to the vehicle while it remains in the position in which it is found, or
- (b) remove, or make arrangements for the removal of the vehicle, from the parking place to another place and fix an immobilisation device to it in that other place.

21. On any occasion when an immobilisation device is fixed to a vehicle in accordance with Article 20 of this order, the person fixing the device shall also affix to the vehicle a Notice -

- (a) indicating that such a device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from that device;
- (b) specifying the steps to be taken in order to secure its release, and
- (c) giving such other information as may be prescribed.

22. A vehicle to which an immobilisation device has been fixed, in accordance with Article 20 of this order, may only be released from that device by or under the direction of a person authorised on that behalf by the Council, or of a parking attendant.
23. Subject to Article 22 of this order, a vehicle to which an immobilisation device has been fixed, in accordance with Article 20 of this order, shall be released from that device on payment in any manner specified in that notice affixed to the vehicle under the provision of Article 21 of this order of such charge in respect of the release as the Council may from time to time determine.
24. When an immobilisation device has been fixed to a vehicle in accordance with Article 20 of this order, no person, not being a person duly authorised by the Council, or a parking attendant, or under the direction of a person duly authorised by the Council, or a parking attendant, shall remove or attempt to remove the device from the vehicle.
25. Where a notice has been attached to a vehicle under the provision of Article 21 of this order, no person, not being the driver or owner of the vehicle, or a parking attendant, or a duly authorised representative of the Council, shall remove the notice from the vehicle unless authorised by the said driver or owner, or a parking attendant, or duly authorised representative of the Council so to do.

Removal of Vehicle

26. When a vehicle, other than an immobilisation exempt vehicle, is left in a parking place in contravention of any of the provisions contained in Article 5, Article 6, Article 13, Article 14 and Article 15 of this order, a person authorised in that behalf by the Council, or a parking attendant, may remove the vehicle or arrange for it to be removed from that parking place or, if it is left in contravention of paragraph (b) of Article 5 of this order, may alter or cause to be altered the position of the vehicle in order that its position shall comply with that paragraph.
27. Any person removing or altering the position of a vehicle by virtue of Article 26 of this order 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 the vehicle as aforesaid.
28. When a person authorised by the Council, or a parking attendant, removes or makes arrangements for the removal of a vehicle from the parking place by virtue of Article 27 of this order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

Miscellaneous Provisions

29. Where, within the parking places specified in Schedule 1, Schedule 2 and Schedule 3 to this order, there is a sign of 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 unless it is a disabled person's vehicle or displays a Disabled Person's Badge.

30. Where, within the parking place specified in Schedule 1, Schedule 2 and Schedule 3 to this order, there is a sign or surface marking which indicates that a parking bay is available only for a passenger carrying vehicle with seats for 9 - 16 persons (inclusive of the driver), the driver of a vehicle shall not permit it to wait in that parking bay unless it is such a passenger carrying vehicle.

Liability

31. Except where the provisions of any enactment provide to the contrary, the Council shall not be subject to liability in respect of the loss of or damage to any vehicle or the fittings or contents of any vehicle parked in any parking place to which this order applies.

PART 3

REVOCATION OF EXISTING ORDER

32. The Bristol (Off-Street Parking Places) (District Car Parks) (Consolidation) Order 2000 is hereby revoked.

Given under the Common Seal of the City Council of Bristol the 14th day of March 2000.

The COMMON SEAL of the
CITY COUNCIL OF BRISTOL
was hereunto affixed
in the presence of:-



Divisional Director
Democratic and Legal Services

I hereby certify that this is a true
copy of the original Document



91082
Divisional Director
Democratic and Legal Services

J.C.M. Flack
Duly Authorised Officer



SCHEDULE 1

<u>NAME OF PARKING PLACE</u>	<u>SITUATION OF PARKING PLACE</u>	<u>DAYS AND HOURS OF OPERATION OF PARKING PLACE</u> <u>RESTRICTIONS ON FREE PARKING</u>	<u>CLASSES OF VEHICLE</u>
Alexandra Park, Fishponds	Land at the Northern end of Alexandra Park, Fishponds) MONDAY - SATURDAY-) limited to a maximum) period of 3 hours between the) hours of 8.00 a.m. to 6.00 p.m.) with (except motor cycles) no) return to the car park) Motor vehicles) licensed as private) light goods, motor) cycles and disabled) persons vehicles.
Beechwood Road, Fishponds	Land between Beechwood Road and Coronation Avenue, Fishponds) permitted within 3 hours of that) maximum period. No time) restriction applies outside of these) times.))))
Callington Road, Brislington	Land at the junction of Callington Road and Bath Road))))))))
Chalks Road, Redfield	Land at St. George's Park adjacent to Chalks Road))))))))
Charles Place East, Hotwells	Land at Charles Place (Woburn Place), Hotwells))))))))
Charles Place West, Hotwells	Land at Charles Place (Woburn Place), Hotwells))))))))
Clayton Street, Avonmouth	Land at the south west side of Clayton Street, Avonmouth))))))))
Derby Street, Redfield	Land at Derby Street, Redfield))))))))

<u>NAME OF PARKING PLACE</u>	<u>SITUATION OF PARKING PLACE</u>	<u>DAYS AND HOURS OF OPERATION OF PARKING PLACE</u> <u>RESTRICTIONS ON FREE PARKING</u>	<u>CLASSES OF VEHICLE</u>
Diamond Street, Bedminster	Land bounded by East Street and Diamond Street, Bedminster))
Dowling Road, Hartcliffe	Land at Dowling Road, Hartcliffe))
Ducie Road, Lawrence Hill	Land at Ducie Road, Lawrence Hill))
Harden Road, Stockwood	Land at Harden Road, Stockwood))
Hereford Street, Bedminster	Land at Hereford Street, Bedminster))
Little Paradise North, Bedminster	Land at Little Paradise, Bedminster))
Little Paradise South, Bedminster	Land at Little Paradise, Bedminster))
Machin Road, Henbury	Land between Machin Road and Standfast Road, Henbury, adjacent to No. 38 Machin Road and No. 20 Standfast Road))
McAdam Way, Hotwells	Land between Brunswick Place and Brunel Lock Road))
Old field Place, Hotwells	Land to the south west of Old field Place))

<u>NAME OF PARKING PLACE</u>	<u>SITUATION OF PARKING PLACE</u>	<u>DAYS AND HOURS OF OPERATION OF PARKING PLACE</u> <u>RESTRICTIONS ON FREE PARKING</u>	<u>CLASSES OF VEHICLE</u>
Queens Road, Withywood	Land at the junction of Queen's Road and Three Wells Road, Withywood))))))))))))))
Ridingleaze, Lawrence Weston	Land at the rear of shop premises in Ridingleaze))))))))))))
Sandy Park, Brislington	Land off Repton Road adjacent to the disused railway track))))))))))))
Sheene Road, Bedminster	Land bounded by Sheene Road, Walton Street and Wesley Road, Bedminster))))))))))))))
Stoke View, Fishponds	Land at Stoke View Road, Fishponds))))))))))))
Tesco Roof, Bedminster	Land at Dean Street, Bedminster))))))))))))
Waverley Road, Shirehampton	Land at Waverley Road, Shirehampton))))))))))))
Westbury Hill Car Park	Land bounded on its south side by Westbury Hill, Bristol))))))))))))

SCHEDULE 2

<u>NAME OF PARKING PLACE</u>	<u>SITUATION OF PARKING PLACE</u>	<u>DAYS AND HOURS OF OPERATION OF PARKING PLACE RESTRICTIONS ON FREE PARKING</u>	<u>CLASSES OF VEHICLE</u>
Mud Dock, Centre	Quayside land adjacent to Grove Car Park and Prince Street) ALL DAYS - ALL HOURS -) Limited to a maximum period) of 30 minutes)	Vehicles displaying a current service parking permit
Welsh Back, Redcliffe	Areas of land used as access ways for premises on Welsh Back)))	

SCHEDULE 3

<u>NAME OF PARKING PLACE</u>	<u>SITUATION OF PARKING PLACE</u>	<u>DAYS AND HOURS OF OPERATION OF PARKING PLACE RESTRICTIONS ON FREE PARKING</u>	<u>CLASSES OF VEHICLE</u>
Brunel Lock, Hotwells	Quayside land to the north of Brunel Lock Road) ALL DAYS - ALL HOURS -) Unlimited use)	Motor vehicles licensed as private light goods, motor cycles and disabled persons vehicles.
Cottage Inn, Hotwells	Land to the north of Cumberland Road, adjacent to Baltic Wharf))	

SCHEDULE 4

Penalty Charges

The following amounts are hereby specified in respect of the penalty charges and discounted penalty charges payable pursuant to the provisions of this order:-

<u>Charge</u>	<u>Amount</u>
penalty charge	£40
discounted penalty charge	£20

