

## THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF (CANTON AND RIVERSIDE AREA CAR PARKS OFF-STREET PARKING PLACES) (PAY AND DISPLAY) ORDER 2013

The County Council of the City and County of Cardiff (hereinafter referred to as "the Council") in exercise of its powers under Sections 32 and 35 and Part IV of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act of 1984") and Part 6 of the Traffic Management Act 2004 (hereinafter referred to as "the Act of 2004") and The Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013 ("the 2013 Regulations"), The Civil Enforcement of Parking Contraventions (City and County of Cardiff) Designation Order 2010 and Regulation 21 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and of all other enabling powers, and after consultation with the Chief Officer of South Wales Police in accordance with Part III of Schedule 9 to the Act of 1984 hereby makes the following Order (hereinafter referred to as "this Order"):

### PART I – GENERAL

1. The Order shall come into operation on the 16<sup>th</sup> January, 2014 and may be cited as the County Council of the City and County of Cardiff (Canton and Riverside Area Car Parks Off-Street Parking Places) (Pay and Display) Order 2013.
2. (A) In this Order except where the context otherwise requires the following expressions have the meanings hereby assigned to them:-
  - “**the Act of 1984**” means the Road Traffic Regulation Act 1984 or any replacement, successor or amending legislation;
  - “**the Act of 2004**” means the Traffic Management Act 2004 or any replacement, successor or amending legislation;
  - “**the 2013 Regulations**” means the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013
  - “**the 2000 Regulations**” means the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 or any replacement, successor or amending legislation;
  - “**Attendant**” means any person appointed by the Council or its duly authorised agent to ensure compliance with this Order or any part thereof in the Parking Place and for the avoidance of doubt shall include a Civil Enforcement Officer;
  - “**Caravan**” means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a Vehicle or Trailer) and any motor Vehicle so designed or adapted, and for the avoidance of doubt shall include a motor home;
  - “**Charging Hours**” means any period specified in Column 6 of the Schedule to this Order in respect of which a charge is made;
  - “**Civil Enforcement Officer**” has the same meaning as in s.76 the Act of 2004 and means a person authorised by or on behalf of the Council to supervise and enforce the restrictions and prohibitions imposed by this Order;
  - “**Contravention**” has the same meaning as in “Parking Contravention” as defined in section 73 (2) (a) of Part 1 of Schedule 7 to the Traffic Management Act 2004, and “contravene” and “contravened” shall be construed accordingly;
  - “**Disabled Person’s Badge**” has the same meaning as in the 2000 Regulations;
  - “**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;
  - “**Motorcycle**” has the same meaning as in s. 136 (4) of the Act of 1984;
  - “**Owner**” has the same meaning as given in regulation 2 (1) of the 2013 Regulations
  - “**Parking Bay**” means an area in a Parking Place which is provided for the leaving of a Vehicle and indicated by markings on the surface of the Parking Place;

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**“Parking Charge”** means the charge for parking in the relevant Parking Place during the Charging Hours specified in column 6 of the Schedule to this Order;

**“Parking Place”** means the area of land edged orange on the Plan annexed hereto specified by name in Column 1 of the Schedule to this order and described by the plan referred to in Column 2 of the said Schedule and provided by the Council under s. 32 of the Act of 1984;

**“Ticket”** means a ticket or tickets purchased from a Ticket Issuing Machine;

**“Penalty Charge”** has the same meaning as in s. 92 of the Act of 2004 and means a penalty charge imposed under Part 6 of the 2004 Act and payable in accordance with the 2004 Act and the 2013 Regulations and the Penalty Charges in force shall be those as set out in the County Council of the City and County of Cardiff (Penalty Charges Notice) (Civil Enforcement Area) 2010 or any subsequent notice setting or varying the Penalty Charges or any subsequent Regulation specifying the Penalty Charges payable.

**“Penalty Charge Notice”** means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of the 2004 Act and the 2013 Regulations and has the same meaning given by regulation 8(1) of the 2013 Regulations;

**“Ticket Issuing Machine”** means an apparatus or device of a type approved in accordance with s. 35 (3) of the Act of 1984;

**“Trailer”** means a wheeled carriage drawn by a Vehicle so constructed or adapted that the overall height of which does not exceed 2.44 metres and the overall length of which does not exceed 5.49 metres and has a current Vehicle Excise License and is insured for use on the highway;

**“Vehicle”** means any motor car or other mechanically propelled Vehicle intended or adapted for use on the road.

(B) Except as provided by this Order the restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any Regulations made or having effect as if made under the Act of 1984, the Act of 2004 or by or under any other Enactment.

(C) Where an Act of Parliament referred to in this Order or any Regulation Direction or Order made under it is repealed and new provisions enacted (with or without modifications) then the new provisions shall be substituted in this Order where relevant.

(D) The Interpretation Act 1978 shall apply to this Order as it applies to an Act of Parliament.

(E) If any provision of this Order is held invalid or unenforceable for any reason by a court of competent jurisdiction such provision shall be severed and the remainder of the provisions of the Order shall continue in full force and effect as if the Order had been executed with the invalid illegal or unenforceable provision eliminated.

## **PART II – USE OF PARKING PLACE**

3. Each Parking Place specified by name in Column 1 as described in Column 2 of the Schedule to this Order may be used subject to the following provisions of this Order on the days and between the hours specified in Column 4 and 5 of the Schedule to this Order by the classes of Vehicle referred to in Column 3 of the said Schedule as being appropriate to that day and time.
4. Nothing in this Order shall prevent the Council, by notice, displayed at the Parking Place:-
  - (a) from closing the Parking Place or any part thereof for any period;
  - (b) from setting aside any part or parts of the Parking Place on all days or on certain days or during certain parts of certain days for the sole use of particular Vehicles.
5. The Driver of a Vehicle shall not cause or permit a Vehicle to park in a Parking Place:-
  - (a) otherwise than within a Parking Bay marked out in the Parking Place;
  - (b) otherwise than within a Parking Bay set aside for the parking of the class of Vehicle to which the Vehicle belongs.

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 that Vehicle:-
  - (a) to park in the Parking Place or any part thereof:-
    - (i) at any time when the Parking Place or that part of it (as the case may be) has been closed under Article 4 (a) of this Order;
    - (ii) for longer than 24 consecutive hours;
  - (b) to park in any part of the Parking Place at a time when that part has been set aside for use by a specifically authorised Vehicle in accordance with Article 4(b) of this Order, unless the Vehicle is so authorised;
  - (c) to enter the Parking Place otherwise than by an entrance or leave it otherwise by an exit, or proceed within the Parking Place otherwise than by the routes specified by notices, signs or other indications displayed in or on the Parking Place.
7. The Driver of a Vehicle using a Parking Place shall not drive a Vehicle:-
  - (a) recklessly or at a speed or in a manner which is dangerous to 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 purposes of departing from the Parking Place.
8. The Driver of a Vehicle, or any other person in a Parking Place shall not:-
  - (a) cause any nuisance, annoyance or inconvenience to the Council, its officers, servants, employees, or agents or 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.
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 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 depart from that Parking Place; or
  - (b) between the hours of 11.30 p.m. – Midnight and Midnight – 7.00 a.m.
11. The Driver of a Vehicle while it is still in a Parking Place, shall comply with any instructions from an Attendant as to the manner of parking the Vehicle, and shall remove the Vehicle from the Parking Place on being required to do so by the Attendant.
12. The Driver of a Vehicle, or any person, whilst it is in a Parking Place shall not:-
  - (a) 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) place or permit to be placed on the Vehicle, save for a Motorcycle, any cover of the type normally used to protect the exterior of a Vehicle from the weather during storage in the open air;
  - (c) except with the permission in writing from the Council, use the Vehicle or permit it to be used in conjunction with the sale or attempted sale of any article including any Vehicle, to persons in or near the Parking Place, or in connection with the selling or offering for hire of any skills or services; and
  - (d) except with the permission in writing from the Council, use the Vehicle or permit it to be used for residential or camping purposes

13. Insofar as a Vehicle is left in a Parking Place during the Charging Hours specified in Column 5 of the Schedule to this Order the Driver thereof shall pay the appropriate Parking Charge pursuant to the following provisions of this Order.
14. The Driver shall, in respect of the parking of a Vehicle in a Parking Place, pay the appropriate Parking Charge: -
  - (a) (i) except that a Vehicle being used for the conveyance of a disabled person displaying in a conspicuous position a Disabled Persons Badge in accordance with the 2000 Regulations and a Parking Disc as defined in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (Wales) Regulations 2000 may park free of charge;
  - (ii) except that a Motorcycle may park free of charge;
  - (b) The manner of payment of the Parking Charge shall be by the purchase of a Ticket or Tickets upon entering the Parking Place or having so purchased a Ticket or Tickets upon entry or at a later time whilst the Vehicle is still in the Parking Place from the Ticket Issuing Machine situated in the Parking Place;
  - (c) Upon payment pursuant to Article 14 (b) the purchase of a Ticket or Tickets shall entitle the Driver to leave the Vehicle in the Parking Place at which the Ticket was purchased for so long as it is specified in relation to the appropriate charge, whether it is a charge or charges paid by a Ticket or Tickets upon entry or a combination of such a charge or charges and a charge or charges paid for a Ticket or Tickets at a later time as aforesaid;
  - (d) On expiration of a Ticket the Driver shall not cause the Vehicle to return to the Parking Place until a period of at least two hours has expired.
15. Upon obtaining a Ticket or Tickets the Driver of the Vehicle shall exhibit the Ticket or Tickets on the Vehicle:-
  - (a) in the case of Vehicle fitted with a front windscreen, facing forwards affixed to the inside of the windscreen;
  - (b) in any other case, in a conspicuous position on the Vehicle, and so that the date and time shown on the Ticket or Tickets are clearly visible from outside the Vehicle
16. If a Vehicle is left in a Parking Place on any day for longer than any period or combination of periods for which payment was made in accordance to Article 14 of this Order then a Penalty Charge shall be payable by the Driver of that Vehicle and, in addition, the Driver of that Vehicle shall be deemed to have contravened or failed to comply with a provision of this Order.
17. If a Vehicle is left in a Parking Place on any day and no Ticket is exhibited on the Vehicle in respect of that day in Contravention of Article 15 of this Order, or if the Ticket exhibited is mutilated, defaced or altered in any way then a Penalty Charge shall be payable by the Driver of that Vehicle and, in addition, the Driver of that Vehicle shall be deemed to have contravened or failed to comply with a provision of this Order.
18. In the case of a Vehicle in respect of which a Penalty Charge is payable, a Penalty Charge Notice showing the information required by Part 6 of the Act of 2004 and the 2013 Regulations may then be issued by a Civil Enforcement Officer in accordance with the Act of 2004 and the 2013 Regulations.
19. If a Vehicle is left in a Parking Place in a position other than in accordance with the provisions of Article 5 a Civil Enforcement Officer or a person authorised by the Council in that behalf may alter or cause to be altered the position of the Vehicle so that its position is in accordance with the said provisions.
20. Any person removing or altering the position of a Vehicle by virtue of Article 19 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 it as aforesaid and in particular:
  - (a) If a Vehicle is left in a Parking Place in Contravention of any of the provisions of this Order a Civil Enforcement Officer or a person authorised by the Council in that behalf may remove the Vehicle from that Parking Place or arrange for such removal;

- (b) Any person removing or arranging for the removal of a Vehicle by virtue of paragraphs (a) of this Article 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.
21. Notwithstanding the provisions of Articles 5, 19, and 20, a Civil Enforcement Officer or Attendant may for the purpose of meeting the requirements of an emergency remove a Vehicle from the Parking Place, or alter or cause to be altered the position of a Vehicle wheresoever situated within a Parking Place, and may take such measures in relation to the Vehicle by towing or driving in such manner as he may think necessary to remove it or alter its position as aforesaid.
  22. Any person removing or arranging for the removal of a Vehicle by virtue of Article 21 shall make such arrangements as he considers to be reasonably necessary in all the circumstances of the emergency for the safety of the Vehicle in the place to which it is removed.
  23. The Driver of the Vehicle shall not take it or attempt to take it into a Parking Place if a sign indicates and/or an Attendant states that it is full.
  24. No person shall wilfully or carelessly damage or interfere in any way with the fabric or structure or equipment of the Parking Place which for the avoidance of doubt shall include the Ticket Issuing Machine situated thereon, or an apparatus or a device or devices provided therein.
  25. Any person causing damage in Contravention of Article 24 shall be liable for the costs incurred by the Council in making good the damage.
  26. The Driver of the Vehicle when leaving a Parking Place shall do so without unreasonable delay and in accordance with the routes specified by notices, signs, or other indications displayed in or on the Parking Place.
  27. No person shall bring any Trailer or Caravan into the Parking Place except with the consent of the Council.
  28. The time or times indicated on a Ticket issued in accordance with Article 14 shall in any proceedings in relation to a breach of this Order be evidence of the time of entry to a Parking Place of any Vehicle waiting in a Parking Place.
  29. No person other than an officer of the Council, a Civil Enforcement Officer or an Attendant shall affix any notice or advertisement to any part of the Parking Place or to a fence enclosing the Parking Place or to any Vehicle waiting in a Parking Place without first obtaining the written consent of the Council.
  30. The Driver of a Vehicle shall not permit that Vehicle to wait in the Parking Place unless there is displayed on the Vehicle a current Licence issued in accordance with the provisions of Section 1 of the Vehicles (Excise) Act 1971 or any replacement, successor or amending legislation and unless there is in relation to the use of the Vehicle by the driver such a policy of Insurance as complies with the requirements of Part VI of the Road Traffic Act 1988 or any replacement, successor or amending legislation.
  31. No person shall in the Parking Place make any loud noise or play any music to the disturbance or annoyance of the Council, its servants, employees, or agents, users of the Parking Places or occupiers of premises in the neighbourhood.
  32. In the Parking Place no person shall:-
    - (a) erect or cause to permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council; or
    - (b) light or cause or permit to be lit any fire.
  33. No inflammable or other dangerous substances (other than fuel in the fuel tank of a Vehicle) shall be brought into the Parking Place.
  34. The Council, its servants, employees, or agents shall not be responsible for any loss or damage howsoever occasioned to any person or thing entering within or leaving the Parking Place.
  35. The provisions of Section 35 and 35A of the 1984 Act and Part 6 of the 2004 Act shall have effect in relation to this Order to the effect that in the event of any Contravention of, or non-compliance with

a provision of this Order, the person responsible shall be subject to Civil Enforcement pursuant to Part 6 of the 2004 Act, the 2013 Regulations and any other enabling powers.

**SCHEDULE  
OFF STREET PARKING PLACES**

Name of Parking Place  Column 1	Description of Parking Place  Column 2	Class of Vehicle  Column 3	Days and hours of operation of Parking Place  Column 4	Charging Hours  Column 5	Parking Charge  Column 6	Penalty Charge (reduced by 50% if paid within 14 days of service)  Column 7
Harvey Street Car Park; Gray Street Car Park; Severn Road Car Park; Wellington Street Car Park; Leckwith Road Car Park	Shown on Plan annexed hereto	All Vehicles (except motor cycles)	8 a.m. to 6 p.m. Monday to Saturday inclusive except Christmas Day	8 a.m. to 6 p.m. Monday to <del>Sunday</del> Friday inclusive except Christmas Day	Up to 2 Hours – No charge More than 2 Hours - £3.00 (within a marked parking bay) No return within 2 Hours <u>Disabled Blue Badge Holders</u> Free of charge (no time limit) <u>Business Permits</u> £50 per Permit Per Year (parked within a marked permit holder bay)	Parked without payment of the parking charge - £50 Parked for longer than the maximum time permitted - £50 Parked in a restricted area in a car park - £70 Parked without clearly displaying a valid pay-and-display ticket - £50 Parked beyond the bay markings - £50 Parked in a disabled persons parking place without clearly displaying a valid disabled persons badge - £70 Parked causing an obstruction - £70 Parked in a parking place for a purpose other than the designated purpose for the parking place - £50

THE COMMON SEAL OF THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF was hereunto affixed this 6<sup>th</sup> day of JANUARY, 2014 in the presence of:-

  
Authorised Signatory

