

DERBY CITY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
DERBY CITY COUNCIL (GROVE STREET CAR PARK)
PARKING PLACES ORDER 2008

DERBY CITY COUNCIL ("the Council"), in exercise of its powers under Sections 32, 35(1), 35(3) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and under the Road Traffic Act 1991 ("the 1991 Act") and of all other enabling powers, after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, makes the following Order:

1. This Order shall come into operation on the 25th day of February, Two Thousand and Eight and may be cited as the Derby City Council (Grove Street Car Park) Parking Places Order 2008.
2. (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference in this Order to a "Schedule" is a reference to a Schedule to this Order.

(2) In this Order:

"Charging Hours" - means any period specified in Column 5 the First Schedule in respect of which a charge or a scale of charges is specified in Column 6 thereof.

"Disabled Person's Badge" - has the same meaning as in The Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

“Disabled Person's Vehicle”	- has the same meaning as in the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000.
“Driver”	- in relation to a vehicle means the person driving the vehicle at the time when it was left in the Parking Place, and unless proved otherwise will be deemed to be the registered keeper of the vehicle at the time the Penalty Charge Notice is issued under Article 6(2).
“Motor Cycle”	- means a mechanically propelled vehicle (not being an invalid carriage as defined in Section 136(5) of the Act) with less than four wheels of which the weight unladen does not exceed 410 kilograms.
“Owner”	- in relation to a vehicle means the person by whom such vehicle is kept and used.
“Parking Attendant”	- means a person authorised by or on behalf of the Council to supervise and control vehicles in any Parking Place.
“Parking Area”	- 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.

- “Parking Place”
- means any area of land specified by name in Column 1 the First Schedule provided by the Council under Section 32(1) of the Act for use as a parking place.
- “Pedal Cycle”
- means a cycle not being propelled by mechanical power.
- “Penalty Charge” and
“Reduced Penalty Charge”
- means a charge set by the Council under the provisions of section 66 of the 1991 Act which is to be paid to the Council within 28 days beginning with the date of the Penalty Charge Notice, or 14 days in the case of a Reduced Penalty Charge, following the issue of a Penalty Charge Notice. Without prejudice to the Council’s ability to change those charges the current charges at the time of this order are set out in the Third Schedule.
- “Penalty Charge Notice”
- means a notice issued or served by a Parking Attendant pursuant to the provisions of section 66 of the 1991 Act containing the particulars therein required.
- “Ticket Machine”
- means an apparatus designed to issue parking tickets indicating the payment of a charge and the date and time when the charge was paid.

- (3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

USE OF LAND AND PARKING PLACE

- (1) The area of land specified by name in Column 1 of the First Schedule may be used subject to the following provisions of this Order as a Parking Place for such classes of vehicles in such positions on such days and during such hours as are specified in relation to that area in the First Schedule, provided that nothing in this Order shall prevent the Council from closing or suspending a Parking Place or any part of it for any such purpose as it considers appropriate including for the purposes of carrying out works of repair, renewal or maintenance.
- (2) (i) Where in the First Schedule a Parking Place is described as available for vehicles of a specified class or prescribing a specified position for a specified class of vehicle to park within the Parking Place 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.
- (ii) Where within a Parking Place there is a sign or surface marking which indicates that a Parking Area is available only for a Disabled Person's Vehicle the Driver of a vehicle shall not permit it to wait in that Parking Area unless it is a Disabled Person's Vehicle displaying a Disabled Person's Badge.
- (3) When a Parking Place is described in Column 4 and 5 of the First Schedule as operating on certain days or during certain times, the Driver of a vehicle shall not permit it to wait in that Parking Place on any other day or at any other time without the Council's permission.

AMOUNT OF INITIAL CHARGE AT PARKING PLACES

- 4 (1) When a vehicle is left in a Parking Place during the Charging Hours the Driver shall, subject to Paragraph 2 of this Article, pay the appropriate charge in accordance with the scale of charges specified in Column 6 of the First Schedule as relating to that Parking Place.
- (2) No charge shall be payable by a Driver of a vehicle left in a car Parking Place designated in the Second Schedule if he displays a valid season ticket acquired in accordance with Article 22 or a valid staff permit issued by the Director of Regeneration and Community Department.
- (3) The charge referred to in Paragraph 1 of this Article shall be payable by the insertion of an appropriate coin or coins into a Ticket Machine.
- (4) Any ticket issued on payment of the charge referred to in Paragraph 1 of this Article shall be displayed on the vehicle as follows:
- (i) in the case of a vehicle which is fitted with a front windscreen by sticking the ticket to the inside surface of the windscreen so that it is facing forward and can be easily seen from the front of the vehicle; or
 - (ii) in the case of a vehicle which is not fitted with a front windscreen by sticking the ticket on the front of the vehicle so that it is facing forward and can be easily seen from the front of the vehicle.

The ticket shall not be valid unless so displayed.

CONTRAVENTIONS

- 5 (1) Subject to the exemptions in Articles 20 and 21 no vehicle shall be left in a Parking Place during the Charging Hours either:
- (i) for a longer period than that period for which payment was made; or
 - (ii) without a valid ticket being displayed: or

(iii) in contravention of any other Article of this Order.

PENALTY CHARGES

- 6 (1) If a vehicle is left in a Parking Place in contravention of or in non-compliance with this Order a Penalty Charge shall be payable for each day of the said contravention or non-compliance and/or the vehicle may be removed from that location.
- (2) In the case of a vehicle in respect of which a Penalty Charge is payable, a Penalty Charge Notice showing the information required by section 66(3) of the Road Traffic Act 1991 may then be issued by a Parking Attendant in uniform in accordance with section 66(1) of the said Act.
- (3) Subject to paragraph (5) of this Article if a vehicle is left after a Penalty Charge has been incurred, a Parking Attendant in uniform or a person acting under his direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of section 69(1) and (2) of the Road Traffic Act 1991 and that vehicle shall only be released from the device on payment of the Penalty Charge, or as the case may be a Reduced Penalty Charge, along with such release fee as may be required by the Council.
- (4) Subject to paragraph (5) of this Article where a Parking Attendant has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article:-
- (a) he shall provide for the safe custody of the vehicle;
 - (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time, (without prejudice to the Council's

powers to alter those charges the current charges are set out in the Third Schedule);

(c) the provisions of the Road Traffic Regulation Act 1984 as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.

(5) Nothing in paragraphs (3) and (4) of this Article shall apply in respect of a vehicle displaying in the relevant position a valid Disabled Person's Badge issued by any local authority.

(6) A Penalty Charge can be discharged by the driver of a vehicle in respect of which a Penalty Charge has been incurred paying a Reduced Penalty Charge to the Council in the amount and manner prescribed on the Penalty Charge Notice (or the rear thereof) so as to reach the Council within the period ending at 4.00 pm on the 14th day following the day on which the Penalty Charge was incurred.

(7) If the Penalty Charge is not discharged in accordance with Article 6(6) above then the Penalty Charge shall be discharged by the driver of a vehicle in respect of which a Penalty Charge has been incurred paying the full amount of the Penalty Charge in the amount and manner prescribed on the Penalty Charge Notice (or the rear thereof) so as to reach the Council within the period ending at 4.00 pm on the 28th day following the day on which the Penalty Charge was incurred.

In the event that either of the said 14th or 28th days referred to in paragraphs (5) and (6) of this Article falls upon a day on which the council offices referred to as the place of payment on the Penalty Charge Notice are closed, the period within which payment of the Penalty Charge or Reduced Penalty

Charge shall be made, shall be extended until 4.00 pm on the next full day on which the said offices are open.

GENERAL PROVISIONS

7. The Driver of a motor 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.
8. No person shall use a vehicle while it is in a Parking Place in connection with the sale of any article to persons in or near the Parking Place or in connection with the selling or offering for hire of his skills or services without the written consent of the Director of Regeneration and Community Department of the Council.
9. No person shall use any part of a Parking Place or any vehicle left in a Parking Place 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.
10. 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.
11. The Driver of a vehicle drawing a trailer shall not permit the vehicle or trailer to wait in a Parking Place unless they have been disconnected and for the purpose of this Order the vehicle and trailer shall be deemed to be separate vehicles and the Driver shall be deemed to be the Driver of each of the vehicles.
- 12.(1) If a vehicle is left in a Parking Place in a position other than in accordance with the provisions of Article 3(2) a person authorised by the Council may alter

or cause to be altered the position of the vehicle so that its position is in accordance with the provisions.

- (2) If a vehicle is left in a Parking Place in contravention of any of the foregoing provisions of this Order a person authorised by the Council may remove the vehicle from that Parking Place or arrange for its removal.
- (3) In an emergency a person authorised by the Council 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.
- (4) Any person altering or causing the alteration of the position of a vehicle by virtue of Paragraph (1) of this Article or removing or causing the removal of a vehicle by virtue of Paragraphs (2) or (3) of this Article may do so by towing or driving the vehicle or in such a manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
- (5) Any person removing or arranging for the removal of a vehicle by virtue of Paragraphs (2) or (3) 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.

13. Where in a Parking Place signs are erected or surface markings are laid for the purpose of:

- (a) indicating the entrance to or exit from the Parking Place; or
- (b) indicating that a vehicle using the Parking Place shall proceed in a specified direction within the Parking Place;

then no person shall drive or permit to be driven any vehicle:

- (i) 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
 - (ii) in a direction other than so specified.
- 14. No person shall, except with the permission of a person authorised by the Council, drive or permit to be driven any vehicle in a Parking Place for any purpose other than the purpose of leaving that vehicle in the Parking Place or for the purpose of departing from the Parking Place in accordance with the provisions of this Order.
- 15. No person shall knowingly exhibit on any vehicle any parking ticket which has been altered, defaced, mutilated or added to or upon which the figures or particulars have become illegible.
- 16. No person shall, use any part of a Parking Place or any vehicle left in the Parking Place for sleeping or camping purposes.
- 17. No person shall play or take part in any game in a Parking Place.
- 18. No person shall use the Parking Place as a means of passage proceeding from one road to another road.
- 19. No person shall in a Parking Place erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Director of Regeneration and Community Department.

EXEMPTIONS

- 20. (1) The Driver of a vehicle which displays in the relevant position a Disabled Person's Badge shall be exempt from any payment specified in Article 4 for the first three hours. However where no vehicle excise duty is charged in respect of a Disabled Person's vehicle under Part 1 of the Vehicle Excise and Registration Act 1994 the Driver of a vehicle which displays in the relevant

position a Disabled Person's Badge shall be exempt from any payment specified in Article 4.

(2) For the purpose of this Order a vehicle shall be regarded as displaying a Disabled Person's Badge in the relevant position when:

- (i) in the case of a vehicle fitted with a front windscreen the badge is exhibited thereon with the obverse side facing forward on the near side of and immediately behind the windscreen; and
- (ii) in the case of a vehicle not fitted with a front windscreen the badge is exhibited in a conspicuous position on the front or near side of the vehicle.

21. A vehicle of any type specified in this Article which is left in a Parking Place shall be exempt from any payment specified in Articles 4

- (i) an invalid carriage;
- (ii) a Motor Cycle or Pedal Cycle

SEASON TICKETS

22. The Owner of a vehicle may on an application to the Director of Regeneration and Community Department of the Council acquire a season ticket for a particular Parking Place if such are issued by paying the charge specified in the Second Schedule to this Order.

SUSPENSION OF ORDER

23. The Council shall be entitled to suspend any or all of the provisions of this Order on such occasions and for such purposes as it sees fit.

The COMMON SEAL of the)
DERBY CITY COUNCIL)
was hereunto affixed on the)
19th day of February)
Two Thousand and Eight)
in the presence of:)



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PRINCIPAL SOLICITOR

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PRINCIPAL SOLICITOR

FIRST SCHEDULE

Column 1 Name and situation of Parking Place	Column 2 Position in which vehicles may wait	Column 3 Class of permitted vehicles	Column 4 Days of operation of Parking Place	Column 5 Days of charges and charging hours	Column 6 Scale of charges
Grove Street Car Park	Wholly within a marked bay of a marked Parking Area	<p>(i) Motor cars as designated in Section 136(2)(a) of the Act</p> <p>(ii) Motor vehicles not exceeding 1525kg laden weight</p> <p>(iii) Motor cycles (note that motor cycles are exempt from column 6 charges)</p>	At all times	8am to 6pm Mondays to Saturdays inclusive (excluding Bank Holidays)	<p>0-1hr 20p</p> <p>1-2hrs 50p</p> <p>2-3hrs £1.00</p> <p>3-4hrs £2.00</p> <p>Over 4hrs £6.00</p>

SECOND SCHEDULE

(SEASON TICKETS)

For Grove Street Car Park

The charges for season tickets are (inclusive of VAT) as follows;

£200.00 - 12 months

THIRD SCHEDULE

**(PENALTY CHARGE, REDUCED PENALTY CHARGE AND OTHER CHARGES)
(current at the time of this Order but subject to future amendment and
variation)**

(See Article 6)

Penalty Charge	£ 60.00
Reduced Penalty Charge	£ 30.00
Immobilisation Device Release Fee	£ 40.00
Release fee for Removed Vehicles	£105.00
Storage of vehicle Fee per 24 hour period (or part thereof)	£ 12.00
Disposal of Vehicle Fee	£ 50.00