

DONCASTER BOROUGH COUNCIL
(VARIOUS ROADS DONCASTER)
(PARKING, STOPPING, WAITING AND LOADING CONSOLIDATION)
ORDER 2007
(AMENDMENT NO. 1) ORDER 2007

The Doncaster Borough Council ("the Council") in exercise of its powers under Section 1(1), 2(1) to (3), 4(2) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

1 The Doncaster Borough Council (Various Roads Doncaster) (Parking Stopping Waiting and Loading Consolidation) Order 2007 shall have effect as though :-

(i) the following items were deleted from Schedule 1.03 of the Order No waiting at any time:-

BRAMWORTH ROAD

South East Side

From its junction with the south western kerbline of Old Hexthorpe Road for a distance of 18 metres in a south westerly direction

And the following items were substituted in lieu thereof:-

BRAMWORTH ROAD

South East Side

The whole

(ii) and the following items were included:-

OTHER PROVISIONS

25. (10) Pursuant to powers given for the purpose in Sections 35(A) and 47(4) and (6) of the Road Traffic Regulation Act 1984 the following shall apply:-

- (a) if on the date a vehicle is left a person is shown to have been the Registered Owner or Keeper thereof in writing from the Vehicle Registration Authority then for the purpose of this Order and any legal proceedings in relation thereto it shall be conclusively presumed (notwithstanding that such a person may not be an individual) that he was the driver of the vehicle at that time and accordingly that acts or omissions of the driver of the vehicle at that time were his acts or omissions unless the Registered Keeper can prove that at the relevant time the vehicle was in the possession of some other person without his consent or that he was not the owner of the vehicle

- (b) the date and time printed on any ticket from a ticket machine at a parking place shall be good evidence in any legal proceedings in relation to this Order that the ticket was purchased on that date and at that time
 - (c) where in any legal proceedings in relation to the failure to pay any charge under this Order it is proved to the satisfaction of the Court that the amount which has become due or any part thereof has not been paid the Court shall order the payment of the sum not paid which shall then become recoverable as a penalty
- 25. (11) The driver of a vehicle shall not permit that vehicle to wait unless the vehicle is licensed in pursuance of the provisions of the Vehicle Excise and Registration Act 1994 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
- (12) The driver of a vehicle using a parking place or loading bay shall stop the engine as soon as the vehicle is in position in the parking place or loading 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 or loading bay
- (13) (i) No person shall use a vehicle while it is in a parking place or loading bay in connection with the sale of any article to persons in or near the parking place or loading bay or in connection with the selling or offering for hire of his skill or services
- (ii) No person shall use any part of a parking place or loading bay or any vehicle left in a parking place or loading bay: -
 - (a) for sleeping or camping 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 or loading bay
- 25. (14) The driver of a vehicle using a parking place or loading bay 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 or loading bay
 - (i) If a vehicle is left in a parking place or loading bay in a position other than in accordance with the provisions of Schedule 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 13.01, 13.02, 13.03, 13.04, 13.05, 13.06 and 13.07 of this Order 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

- (ii) If a vehicle is left in a parking place or loading bay in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal
- (iii) For the purpose of meeting the requirements of an emergency a person authorised in that behalf 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 loading bay or remove or arrange for the vehicle to be removed
- (iv) Any person altering or causing the alteration of the position of a vehicle by virtue of paragraph (i) of this Article or removing or causing the removal of a vehicle by virtue of paragraphs (ii) and (iii) 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
- (v) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (ii) and (iii) 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

DISPOSAL OF VEHICLES ON PARKING PLACES

- 25 (15) Pursuant to powers given for the purpose in Sections 99 and 101 of the Act the Council may sell or otherwise dispose of any vehicle that has been or could at any time be removed from a parking place or loading bay in pursuance of Article 25(14) of this Order

Provided that the power of disposal conferred by this Article shall not be exercisable unless the Council has taken such of the following steps as are applicable to the vehicle and there has elapsed a period of six weeks beginning with the taking of the first of those steps

- 25 (16) (i) Subject to the provisions of Article 25(22) of this Order where a vehicle carries a registration mark issued under the Vehicle Excise and Registration Act 1994 the Council shall ascertain in writing from the Vehicle Registration Authority the name and address of the person who it appears is the owner of that vehicle
- (ii) For the purposes of Articles 25(15) and 25(17) the first steps shall be taken to be the sending of the notice

mentioned in Article 25(17)

- 25 (17) The Council shall send by recorded delivery service a notice to the address of the person who by virtue of Article 25(16) of this Order it appears is the owner of the vehicle stating that it is the intention of the Council to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the notice) on or after the specified date (which shall not be less than two weeks from the date of the notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this Part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as may be specified by the Council in the said notice or from such other place as may be subsequently notified in writing by the Council to that person
- 25 (18) If any person to whom a notice is sent in accordance with Article 25(17) of this Order informs the Council of the name and address of some other person who he alleges may be the owner of the vehicle a notice stating the particulars mentioned in Article 25(17) shall be sent by recorded delivery service to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the owner of the vehicle
- 25 (19) Subject to the provisions of Article 25(22) of this Order where a vehicle does not carry a registration mark issued under the Vehicle Excise and Registration Act 1994 the first step to be taken by the Council shall be to apply in writing to the Chief Officer of the Police Force in whose area is the parking place from which the vehicle has been or could at any time be removed inquiring who that Officer considers is the owner of the vehicle and the address of that person
- 25 (20) If after steps have been taken under the foregoing provisions of this Part of this Order a vehicle is not claimed the Council shall make such further inquiries (if any) as it considers reasonable as to who may be the owner of the vehicle and the address of that person
- 25 (21) Where by virtue of Articles 25(19) and 25(20) of this Order the Council is informed of the name and address of a person who it considers may be the owner of the vehicle Articles 25(17) and 25(18) of this Order as respects the sending of notices shall apply in relation to the person mentioned in the said Article 25(17)
- 25 (22) Nothing in the foregoing provisions in this Part of the Order shall require the Council to take any such steps as is therein mentioned for the purpose of inquiring who is the owner of a vehicle to which Article 25(15) of this Order applies if the Council has found a person who it is satisfied is in fact the owner of that vehicle and a notice in the manner and containing the particulars specified in Article 25(17) of this Order has been sent to him at his address

the sending of the notice being treated as the first step for the purposes of that Article and Article 25(15)

- 25 (23) The Council shall apply the proceeds from any vehicle sold under the provisions of this part of this Order in or towards the satisfaction of any costs incurred in connection with the disposal thereof and of any charge to payment of which the Council is entitled as regards the vehicle under the provisions of the Act
- 25 (24) In the event of any such costs incurred by the Council in connection with the disposal of the vehicle not being satisfied by virtue of Article 25(23) of this Order the Council may recoup those costs so far as not satisfied from the person who was the last owner of the vehicle before it was removed from the parking place either in pursuance of Article 25(14) of this Order or after it has been disposed of by virtue of the power of disposal conferred by Article 25(15) of this Order except in a case where that person satisfies the Council that he was not responsible for the vehicle being in the place from which it was removed and in that case the person by whom the said cost shall be payable shall be the person driving the vehicle at the time it was left in that place
- 25 (25) Any sums received by the Council on the sale of the vehicle after deducting any sum applied thereto by virtue of Article 25(23) of this Order shall be payable to any person who satisfies the Council within a period of one year from the date of the sale of the vehicle that but for such sale the vehicle would have belonged to him and insofar as any such sums are not claimed within the said period they shall be retained by the Council

2 This Order shall come into operation on the 6th day of August 2007 and may be cited as the "Doncaster Borough Council (Various Roads Doncaster) (Parking Stopping Waiting and Loading Consolidation) Order 2007 (Amendment No. 1) Order 2007".

GIVEN under the Common Seal of the Doncaster Borough Council this day of 2007

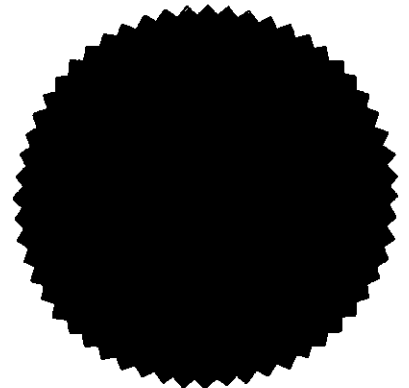
THE COMMON SEAL of DONCASTER)

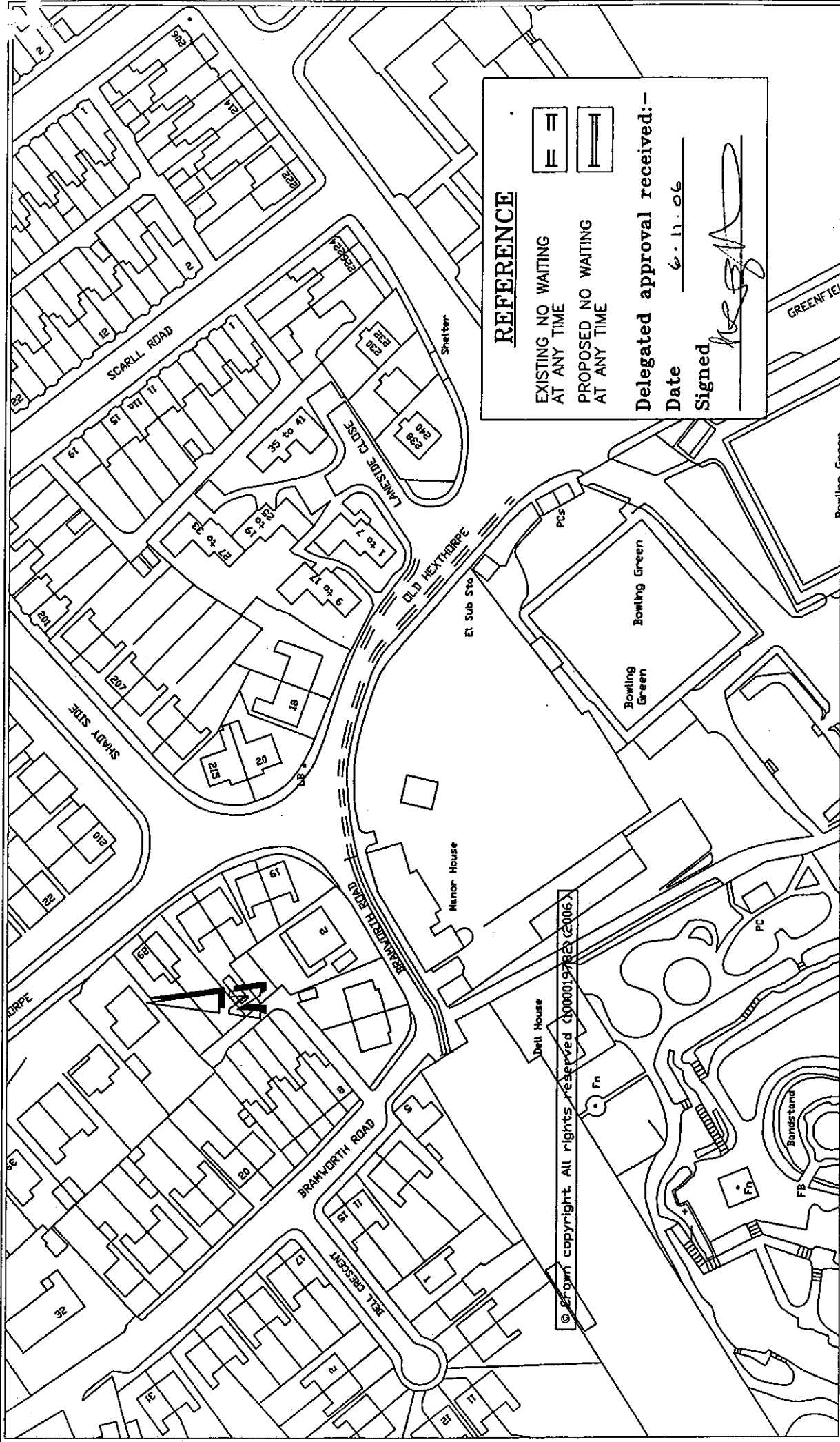
BOROUGH COUNCIL was hereunto affixed)

In the presence of:-)


Logo Name


Authorised by the Corporate Director of Legal Services
No. 55810 in Seal Register






REFERENCE

EXISTING NO WAITING AT ANY TIME 

PROPOSED NO WAITING AT ANY TIME 

Delegated approval received: -
 Date 6.11.06
 Signed 

DATE: Nov. 2006

SCALE: 1:1250

DRAWING NO: 45001/640

PROPOSED WAITING RESTRICTIONS
BRAMWORTH ROAD
HEXTHORPE

TITLE:

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