

BOROUGH OF EASTLEIGH
THE BOROUGH OF EASTLEIGH
(CAR PARK AT LEIGH ROAD HARDSTANDING)
(OFF STREET CAR PARK) ORDER 1998

THE EASTLEIGH BOROUGH COUNCIL (hereinafter called "the Council") in exercise of their powers under sections 32(1), 35(1) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers with the consent of the Hampshire County Council in accordance with Section 39(3) of the Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act hereby make the following Order:-

PART I

GENERAL

1. COMMENCEMENT AND CITATION

- (1) The provisions of this Order shall come into operation on 3 August 1998 and the Order may be cited as "The Borough of Eastleigh (Car Park at Leigh Road Hardstanding) (Off Street Car Park) Order 1998"

2. INTERPRETATION

- (1) In this Order except where the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them:-

"car park permit" means a ticket or card issued by the Council in respect of a particular vehicle which entitles the holder to leave that vehicle in a parking place at any time in accordance with the provisions of this Order up to and including the date of expiry as shown on the ticket;

"charging hours" means the periods as specified in Column 5 of the Schedule to this Order during which a charge as specified in Column 7 of the Schedule to this Order is payable for leaving a vehicle of a class as specified in Column 3 of the Schedule to this Order in a parking place;

"disabled persons badge" has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1991 and The Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1992;

"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;

"motor cycle" means a two-wheeled mechanically propelled vehicle not having a sidecar or trailer attached thereto;

"parking place" means the area specified by name in Column 1 of the First Schedule to this Order provided by the Council under section 32(1) of the Act for use as a parking place;

"parking attendant" means a person authorised by or on behalf of the Council to supervise and control vehicles in any parking place;

"ticket machine" means an apparatus of a type and design approved by the Secretary of State for the Environment for the purpose of this Order being an apparatus designed to issue parking tickets indicating the payment of a charge and the date and time at which the charge was paid;

"Market Days" means Thursdays and Saturdays between the hours of 6.00 am to 5.00 pm;

"Motor vehicles" means the classes of vehicles set out in Column 3 of the Schedule to this Order.

PART II

USE OF PARKING PLACES

3. USE OF AREAS AS PARKING PLACES

- (1) The area specified by name in Column 1 of the Schedule to this Order may be used subject to the following provisions of this Order as a parking place for such classes of vehicles in a manner specified in relation to the area in the said Schedule
- (2) The parking place will not be operational on Market Days as a parking place for the parking of motor vehicles except as set out in Column 6 of the Schedule to this Order

4. CLASS AND POSITION OF VEHICLES

Where in the Schedule to this Order 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 -

- (1) unless it is of the specified class; or
- (2) in a position other than that specified

5. TRAILERS

The driver of a vehicle drawing a trailer shall not permit the vehicle or the trailer to wait in a parking place unless they have been disconnected and for the purpose of this Order the vehicle and the trailer shall be deemed to be separate vehicles and the said driver shall be deemed to be the driver of each of the said vehicles.

6. USE OF VEHICLES IN PARKING PLACE

- (1) No person shall use a vehicle while it is in a parking place as a dwelling or for any domestic or sanitary purposes
- (2) 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 skill or services other than with the consent of the Council

7. DRIVING OF VEHICLES IN PARKING PLACES

No person shall except with the permission of the Council drive any vehicles in parking places 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. REPAIR OF VEHICLES IN PARKING PLACES

No person shall while a vehicle is in a parking place permit the carrying out of any work either of maintenance or repair thereto or of any other nature whatsoever except such as may be necessary to enable the vehicle to depart from the parking place

9. AMOUNT OF CHARGE AT PARKING PLACES

The charge for a vehicle left in a parking place for any period during the charging hours shall be as specified in Column 7 of the Schedule to this Order.

10. PARKING TICKETS

(1) The charge specified in Article 9 of this Order shall be paid on the leaving of a vehicle in a parking place during the charging hours by the insertion into the ticket machine of a coin or coins making up the amount of the charge for the period for which payment is being made

(2) Upon payment of the charge for a vehicle left in a parking place during the charging hours the driver thereof shall exhibit the ticket in a conspicuous position to the vehicle in respect of which it was issued

11. RESTRICTION OF REMOVAL OF TICKETS

When a ticket has been exhibited on a vehicle in accordance with the provisions of Article 10 of this Order no person shall remove the ticket from the vehicle until the vehicle is removed from the parking place

12. RESERVED PARKING BAYS

(1) No person other than the driver of a vehicle displaying a Disabled Persons Badge shall leave a vehicle in any parking bay in a parking place clearly shown as being reserved for disabled drivers

(2) No person other than the holder of a certificate issued by the Borough Council shall be permitted to park in those parking bays reserved for "contract parking" between the hours of 8.00 am and 6.00 pm Monday to Friday

(3) No person other than the holder of a certificate issued by the Borough Council shall be permitted to park in those bays (if any) which are marked "reserved"

13. EXCESS CHARGES

(1) Where in relation to a vehicle left in a parking place specified in Column 1 of the Schedule a driver

- (a) has left the vehicle for more than the permitted time in that parking place; or
- (b) contravened any other provision of this Order

an Excess Charge of £30.00 shall be incurred by the driver of that vehicle

(2) In the case of a vehicle in respect of which an excess charge has been incurred it shall be the duty of a car park patrol officer to attach to the vehicle in a conspicuous position a 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 number of the trade plate carried by the vehicle;
- (b) the time at which it was noticed that the excess charge had been incurred;
- (c) a statement that an excess charge of £30.00 is required to be paid;
- (d) the manner in which and the time within which the excess charge should be paid;
and
- (e) 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

14. MANNER OF PAYMENT OF EXCESS CHARGE

The driver of a vehicle in respect of which an excess charge has been incurred shall pay the excess charge to the Council either by cheque or postal order which shall be delivered or sent by post so as to reach the Head of Financial Services of the Council not later than 10 a.m. on the tenth day following the day on which the excess charge was incurred or in cash in person at the said Department not later than aforesaid

PROVIDED THAT if the 10th day falls upon a day on which the said Department is closed the period shall be extended to the next full day that the said Department is open

PROVIDED THAT if payment is made no later than the fifth day following the day on which the excess charge was incurred the sum of £20.00 shall be received in full settlement of the excess charge

PROVIDED THAT in the event that the fifth day falls upon a day on which the Financial Services Department is closed the period shall be extended to the next full day that the Department is open

15. RESTRICTION ON REMOVAL OF NOTICES

Where a notice has been attached to a vehicle in accordance with the provisions of Article 10 of this Order no person not being a car park patrol officer shall remove the notice from the vehicle until the vehicle is removed from the parking place

16. EXEMPTION FROM CHARGES

(1) If at a time when a vehicle is left in a parking place during the charging hours all the ticket machines at that parking place carry notices placed upon them by a person duly authorised by the Council indicating that they are out of order the driver of that vehicle shall be exempt from payment of the charge

(2) Any vehicle left in a parking place during the charging hours shall be exempt from the payment of any charges specified in Column 7 of the Schedule to this order if a current disabled person's badge is being displayed on the vehicle

(3) (i) Any vehicle left in a parking place shall be exempt from the payment of any charges specified in Column 7 of the Schedule to this Order if a current car park permit has been obtained and is being displayed on the vehicle

(ii) Car park permits shall be displayed in the same manner as that prescribed in Article 10 for the display of parking tickets purchased from the ticket machine

17. REMOVAL OF VEHICLES FROM PARKING PLACES

When a vehicle is left in a parking place in contravention of any of the provisions of Articles 4 or 10 of this Order a person authorised by or on behalf of the Council may remove the vehicle or arrange for it to be removed from that parking place

PROVIDED THAT where a vehicle is left in a parking place in a position other than that specified in Column 2 of the Schedule to this Order a person authorised by or on behalf of the Council may move the vehicle or cause it to be moved to a position which complies with that specified in Column 2 of the said Schedule

18. MOVEMENT OF VEHICLES IN A PARKING PLACE IN EMERGENCIES

Any person authorised by or on behalf of the Council may move or cause to be moved in case of emergency to any place he thinks fit vehicles left in a parking place

19. MANNER OF MOVING VEHICLES

Any person removing or altering the position of a vehicle by virtue of Article 17 or Article 18 of this Order may do so by towing or driving the vehicle or any 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 or alter its position

20. SAFE CUSTODY OF VEHICLES

When a person authorised by or on behalf of the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 17 of this Order he shall make such arrangements as may be necessary for the safe custody of the vehicle

21. ENTRY AND EXIT

Where in a parking place signs are erected or surface markings are laid for the purpose of -

- (1) indicating the entrance to or exit from the parking place; or
- (2) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place;

no person shall drive or cause or permit to be driven any vehicle

- (a) 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
- (b) in a direction other than that specified

THE SCHEDULE

<u>Column 1</u> <u>Description of Parking</u> <u>Place</u>	<u>Column 2</u> <u>Position in which</u> <u>Vehicles may Wait</u>	<u>Column 3</u> <u>Classes of</u> <u>Vehicle</u>	<u>Column 4</u> <u>Days of</u> <u>Operation of</u> <u>Parking Place</u>	<u>Column 5</u> <u>Hours of</u> <u>Operation of</u> <u>Parking Place</u>	<u>Column 6</u> <u>Special</u> <u>Conditions</u>	<u>Column 7</u> <u>Scale of</u> <u>Charges</u>	<u>Column 8</u> <u>Period for which</u> <u>Vehicles may wait</u> <u>during hours of</u> <u>operation</u>
Car Park at Leigh Road hardstanding as shown on the attached plan	Wholly within a parking bay	All motor vehicles except those with a gross weight in excess of 2.2 tonnes	Monday to Wednesday inclusive and Friday	All hours		Per day between 8.00 am and 6.00 pm 30p for up to 1 hour 40p for up to and including 2 hours	2 hours
			Thursdays and Saturdays	All hours	No vehicular parking on market days except for the loading and unloading of market traders' vehicles	5.00 pm to 6.00 pm 30p for up to and including 1 hour	1 hour
			Sundays and Bank Holidays	All hours		No charge	No maximum period

DATED this 30 day of July 1998



THE COMMON SEAL of EASTLEIGH)
BOROUGH COUNCIL was hereunto)
affixed in the presence of)



A handwritten signature in black ink, appearing to read 'N. D. P.', positioned above the title.

Acting Head of Legal Services

KEY

	Area of extended playground
	Clear space adjoining disabled parking space - Yellow kerbside

