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THE BOROUGH OF EASTLEIGH (HAMBLE SQUARE CAR PARK) (OFF-STREET
CAR PARK) ORDER 1995

The Eastleigh Borough Council (hereinafter referred to as "the Council") in exercise of the powers under sections 32(1) and 35(1) and (3) 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 to the Act hereby makes the following Order:-

PART I

GENERAL

1. COMMENCEMENT AND CITATION

The provisions of this Order shall come into operation on 22nd January 1996 and the Order may be cited as "The Borough of Eastleigh (Hamble Square Car Park) (Off-Street Car Park) Order 1995".

2. INTERPRETATION

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

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 (as amended);

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

"driver", in relation to a vehicle waiting in a parking place specified in this Order, means the person driving the vehicle at the time it was left in the parking place;

"goods vehicle" means a motor vehicle not exceeding 3.5 tonnes gross weight and which is

constructed or adapted for use for the carriage of goods or burden of any description, and is not drawing a trailer; "motor cycle" and "invalid carriage" have the same meanings respectively as in Section 136 of the Act;

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

"parking space" means a space in a parking place which is provided for the leaving of a vehicle;

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer;

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

"Public Service Vehicle" has the same meaning as in the Public Passenger Vehicle Act 1981;

PART II

USE OF PARKING PLACES

3. USE OF AREAS AS PARKING PLACES

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 such manner and during such hours as are specified in relation to the area in the said Schedule

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 -

- (a) unless it is of the specified class; or

(b) in a position other than that specified

5. TRAILERS

No person shall park a trailer in the parking place

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 a car park patrol officer 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 for the purpose of departing from the parking place or for the purposes of emptying removing or servicing recycling banks

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. EXCESS CHARGE

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

(a) outside a marked bay

(b) parked across two bays

(c) parked in a disabled bay and not displaying a current disabled badge.

An Excess Charge of £25.00 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 the 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 £25.00 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

10. 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 Hamble-le-Rice Parish Council either by cheque or postal order which shall be delivered or sent by post so as to reach the Parish Council Offices, Memorial Hall, High Street, Hamble-le-Rice not later than 10.00 am on the tenth day following the day on which the excess charge was incurred or in cash in person at the said Offices not later than aforesaid

PROVIDED THAT if the 10th day falls upon a day on which the said Offices are closed the period shall be extended to the next full day that the said Offices are 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 £15.00 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 said Offices are closed the period shall be extended to the next full day that the Offices are open

11. RESTRICTION ON REMOVAL OF NOTICES

Where a notice has been attached to a vehicle in accordance with the provisions of Article 9(2) 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

12. RESERVED PARKING BAYS

(1) No person other than the driver of a vehicle displaying a current disabled person's badge shall leave a vehicle in any parking bay in a parking place which is clearly shown as being reserved for disabled drivers

(2) No person other than the driver of a Public Service Vehicle shall leave a vehicle in any parking bay in a parking place which is clearly shown as being reserved for coaches

13. 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, 5 or 12 of this Order a car park patrol officer 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 car park patrol officer 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

14. MOVEMENT OF VEHICLES IN A PARKING PLACE IN EMERGENCIES

A car park patrol officer may move or cause to be moved in case of emergency to any place he thinks fit vehicles left in a parking place

15. MANNER OF MOVING VEHICLES

Any person removing or altering the position of a vehicle by virtue of Article 13 or Article 14 of this Order may do so by towing or driving the vehicle or by any other such 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

16. SAFE CUSTODY OF VEHICLES

When a car park patrol officer removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 13 of this Order he shall make such arrangements as may be necessary for the safe custody of the vehicle

17. ENTRY AND EXIT

Where in a parking place signs are erected or surface markings are laid for the purposes 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;

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

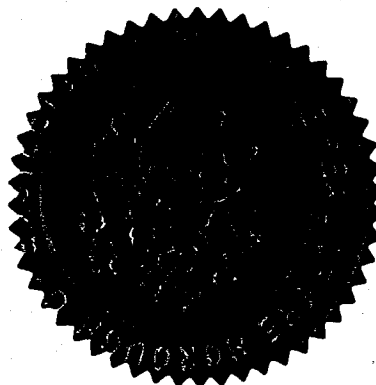
- (i) so that it enters the parking place otherwise than by an entrance; or leaves the parking place otherwise than by an exit so indicated; or
- (ii) in a direction other than that specified

DATED this 9th day of January 1996

THE COMMON SEAL OF EASTLEIGH)

BOROUGH COUNCIL was hereunto)

affixed in the presence of:-)



A handwritten signature in black ink, consisting of stylized letters, likely 'NDR', followed by a large loop.

Borough Secretary and Solicitor

THE SCHEDULE

1	2	3	4	5
Name of Parking Place	Position in which Vehicles May Wait	Classes of Vehicles	Days of Operation of Parking Place	Hours of Operation
Hamble Square Car Park	Wholly within a Parking Bay	All Motor Vehicles including Goods Vehicles, Public Service Vehicles of any description which are used for the purposes of emptying removing or servicing recycling banks	Mondays to Sundays inclusive	All hours