

BOROUGH OF EASTLEIGH

THE BOROUGH OF EASTLEIGH (LAKESIDE COUNTRY PARK) (OFF-STREET CAR PARK) ORDER 2006

The Council of the Borough of Eastleigh (hereinafter referred to as "the Council") pursuant to arrangements made under Section 101 of the Local Government Act 1972 with the Hampshire County Council in exercise of the powers of the said County Council under Sections 35 (1) and (3) 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:-

PART I- GENERAL

Commencement and Citation

1. This Order shall come into operation on 27 March 2006 and may be cited as the "Borough of Eastleigh (Lakeside Country Park) (Off-Street Car Park) Order 2006".

Interpretation

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

"car park permit" means any 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;

"disabled person's badge" means a badge which was-

- (a) issued, or has effect as if issued, to a disabled person or an institution under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or under regulations having effect in Scotland or Wales under section 21 of the Chronically Sick and Disabled Persons Act 1970; and
- (b) has not ceased to be in force;

as defined in The Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge, as defined under Section 142 of the Act;

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

“goods vehicle” means a vehicle not exceeding 3.5 tonnes max gross weight and which is constructed or adapted for use for the carriage of goods or burden of any description, and is not a drawing trailer;

“hours of operation” are the hours between which vehicles may use the parking place in accordance with the various Articles within this Order;

“motorcycle” means a mechanically propelled vehicle (not being an invalid carriage) with fewer than 4 wheels, of which the weight unladen does not exceed 410 kilograms as defined in Section 136 of the Act;

“owner”, in relation to a vehicle, means the person named in the vehicle registration document or the person by whom such vehicle is kept and used;

“parking attendant” shall have the same meaning as in section 63A of the Act;

“parking bay” 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 disc” has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000

“parking place” means any area specified in name in the Schedule to this Order and shown on the plan attached to this Order provided by the Council under section 32(1) of the Act for use as a parking place;

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

“passenger vehicle” means a vehicle (other than a motorcycle 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;

“permit” means any permit issued under the provisions of Article 25 of this Order;

“permit holder” means a person to whom a permit has been issued under the provisions of Article 25 of this Order;

“public service vehicle” shall have the same meaning as in section 1 of the Public Passenger Vehicles Act 1981;

“trailer” shall have the same meaning as in section 136 of the Act;

“relevant position” means:

- (a) in the case of a vehicle fitted with a front windscreen, the permit is exhibited thereon with the obverse side facing forwards on the nearside of and immediately behind the windscreen;
- (b) in the case of a vehicle not fitted with a front windscreen, the permit is exhibited in a conspicuous position on the front or the nearside of the vehicle;

“telecommunication apparatus” has the same meaning as in Section 4 of the Telecommunications Act 1984;

“vehicle” means a motor vehicle and “motor vehicle” has the same meaning as in section 136 of the Act.

(2) For the purpose of this Order a vehicle displays a disabled person's badge in the relevant position if it is displayed in accordance with The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(4) The conditions, provisions, prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any other such matter imposed by any Order or regulation made, or having effect as if made, under the Act of 1984, or by or under any other enactment.

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

PART III- OFF-STREET CAR PARK

Use of Areas as Parking Places

- 3. Each area of land specified by name in the 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 positions on such days and during such hours as are specified in relation to that area in the various Articles and the Schedule to this Order.

Class and Position of Vehicles

- 4. 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 unless it is of the class and in the position so specified.
- 5. Where, within a parking place, there is a sign or a surface marking which indicates that a parking bay is available for a disabled persons vehicle the

driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled persons vehicle.

6. Where, within a parking place, there is a sign or a surface marking which indicates that a parking bay is available for a motorcycle, only motorcycles shall be permitted to wait in that parking bay.
7. When a parking place is described in the Schedule to this Order 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 Councils permission.
8. Where, within a parking place, there is a sign or a surface marking which indicates that a parking bay is available for use by authorised vehicles only, the driver of a vehicle shall not permit it to wait in that parking bay unless that vehicle has been designated as an authorised vehicle by an authorised Officer of the Council.
9. No person shall park a trailer in a parking place.
10. No person shall park a goods vehicle in any parking place.

Use of Vehicles in Parking Places

11. No person shall use a vehicle while it is in a parking place as a dwelling or for any domestic or sanitary purposes.
12. No person shall use any vehicle, whilst it is in a parking place, in connection with the sale of any article to any person in or near the parking place or in connection with the selling or offering for sale of a skill or handicraft or service in any other capacity without the consent of a person authorised by the Council.

Driving of Vehicles in Parking Places

13. 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.
14. 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.

Repair of Vehicles in Parking Places

15. No person shall, while a vehicle is in a parking place permit the carrying out of 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.

Removal of Vehicles from Parking Places

16. Where a Police Constable in uniform or a person authorised by the Council is of the opinion that any of the provisions contained in Article 3 of this Order have been contravened or not complied with in respect of a vehicle left in a parking place, he or she may remove or cause to be removed the vehicle from the parking place, and where it is so removed shall provide for safe custody of the vehicle.

Movement of Vehicles in Parking Places in Emergencies

17. A Police Constable in uniform or a person authorised by the Council may remove or cause to be moved in cases of emergency, to any place he or she thinks fit, any vehicle left in a parking place.

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

Entry and Exit

19. 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 specific 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 the entrance or leaves the parking place otherwise than by the exit so indicated; or
(ii) in a direction other than that specified.

Power to Suspend the Use of Parking Places

20. Any person duly authorised by the Council may suspend the use of a parking place or of any part thereof whenever he or she considers such suspension reasonably necessary for facilitating the carrying out of works of repair or renewal, or in connection with fairs or matters approved or authorised by the Council, or on such other occasions and for such purposes as it sees fit.

Penalty Charge

21. Where a vehicle is left in a parking place in contravention of the provisions of this Order a penalty charge of £60 (or £30 if paid within 14 days) shall be payable.

22. In the case of a vehicle in respect of which a penalty charge has been incurred it shall be the duty of a parking attendant 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 name of the parking place in which the vehicle was left and the day and time that the penalty charge was incurred;
- (c) a statement as to the nature of the contravention giving rise to the penalty charge;
- (d) the manner in which and the time within which the penalty charge should be paid; and
- (e) a statement that it is an offence under section 35A of the Act for the driver of a vehicle who has left the vehicle in the parking place to fail to pay the penalty charge.

Manner of Payment of Penalty Charge

23. The driver of a vehicle in respect of which a penalty charge has been incurred shall pay the penalty charge to Eastleigh Borough Council not later than 28 (or 14 if the reduced payment is to be made in accordance with the provisions of Article 24 of this Order) after the penalty charge was incurred.

Restriction on Removal of Notices

24. Where a notice has been attached to a vehicle in accordance with the provisions of Article 25 of this Order no person not being a parking attendant or the driver of the vehicle or a person authorised by the driver shall remove the notice from the vehicle.

PART IV- PERMITS

Application for and Issue of Permits

25. Any driver who is visiting Lakeside Country Park for recreational purposes may apply to the Council for the issue of a car park permit in respect of his or her vehicle for the leaving in any parking place of such vehicle.

26. The Council may at any time require an applicant for a car park permit or a car park permit holder to produce to an Officer of the Council such evidence in respect of an application for a car park permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any car park permit issued by them as they may reasonably require to verify the car park permit is valid. If such evidence in

respect of an application for a car park permit cannot be supplied the Council shall have discretion on whether or not a car park permit is issued.

27. There shall be no charge by the Council for the issue of a car park permit in respect of the parking place as specified in the Schedule to this Order.

Surrender, Withdrawal and Validity of Permits

28. A permit holder may surrender the car park permit to the Council at any time and the Council may at any time demand that a car park permit is surrendered or withdraw a car park permit if it appears to the Council that the car park permit is being abused.

29. A permit shall cease to be valid at the expiration of the period specified thereon or in the occurrence of any one of the events set out in Article 28, whichever is the earlier.

Form of Permit

30. A permit shall be in writing and shall include the following particulars:-

- (1) the registration mark of the vehicle in respect of which the permit has been issued;
- (2) the period during which the permit shall remain valid;
- (3) an indication that the permit has been issued by the Council.

Display of Permits

31. At times during which a vehicle is left in a parking place during the permitted hours there shall be displayed:

- (1) in the case of a vehicle which is fitted with a transparent windscreen on the inside surface of the windscreen on the nearside so that it is facing forwards and can be entirely and easily seen from the front of the vehicle, a valid permit issued in respect of that vehicle;
- (2) in the case of a vehicle which is not fitted with a transparent windscreen on the front of the vehicle so that it is facing forwards and can be entirely and easily seen from the front of the vehicle, a valid permit issued in respect of that vehicle.

Restriction and Removal of Permits

32. Where a permit has been displayed on a vehicle in accordance with the provisions of Article 31 of this Order no person other than the driver of that vehicle, shall remove the permit from the vehicle unless authorised to do so by the driver of that vehicle.

33. Insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act of 1984 and existing at the time when this Order comes into operation, and which imposes a restriction or prohibition on waiting by vehicles other than or grants an exemption from such restriction or prohibition, that provision of that Order shall prevail.

SCHEDULE
CAR PARK

Description of Parking Place and hours of operation of parking place	Position in which vehicles must wait	Classes of Vehicles	Maximum Period for which Vehicles may Wait During Hours of Operation
<p>Lakeside Car Park (as shown on the attached plan outlined in red)</p> <p>Car Park in operation: 6am- 10pm Monday to Friday excluding bank holidays</p>	<p>Wholly within a parking bay</p>	<p>All Vehicles (except those as specified in Articles 9 and 10 to this Order but including disabled persons vehicles)</p>	<p>4 hours, no return within 12 hours (unless a permit is displayed in accordance with the Articles within this Order)</p>

Dated this day of 2006

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

Head of Legal & Democratic Services

DATED 2006

BOROUGH OF EASTLEIGH

THE BOROUGH OF EASTLEIGH
(LAKESIDE COUNTRY PARK)
ORDER 2006

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