

THE BOROUGH OF EASTLEIGH
(HANNS WAY OFF-STREET CAR PARK, EASTLEIGH) 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 Section 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 13 April 2006 and may be cited as the "Borough of Eastleigh (Hanns Way Off-Street Car Park, Eastleigh) 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 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 4 of the Schedule to this Order during which a charge as specified in Column 5 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 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 persons badge, as defined under Section 142 of the Act;

“driver”, in relation to a vehicle waiting in a parking place, means the person in charge of the vehicle at the same time it was left in the parking place;

“goods vehicle” means a vehicle 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;

“motorcycle” means a mechanically propelled vehicle (not being an invalid carriage) with 2 wheels, not having a sidecar or trailer attached thereto;

“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 Road Traffic Regulation Act 1984;

“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 provided by the Council under section 32(1) of the Act for use as a parking place;

“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;

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

“ticket machine” means an apparatus designed to issue parking tickets indicating the payment of a charge and the date and time at which the charge was paid or expired;

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

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

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

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

PART II- USE OF PARKING PLACES

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, and on payment of such charges 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 Articles or 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 or a public service 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 either by cheque or postal order which shall be delivered or sent by post to

Financial Services, Civic Offices, Leigh Road, Eastleigh, SO50 9YN not later than 28 (or 14 if the reduced payment is to be made in accordance with the provisions of Article 21 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 22 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.

Amount of Charge at Parking Places

25. The charge for a vehicle left in a parking place for any period during the charging hours shall be as specified in Column 5 of the Schedule to this Order.

Parking Tickets

26. The charge specified in Article 25 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.
27. 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.
28. Any ticket purchased in accordance with Articles 26 and 27 of this Order is not transferable between one vehicle and another, or between one parking place and another.

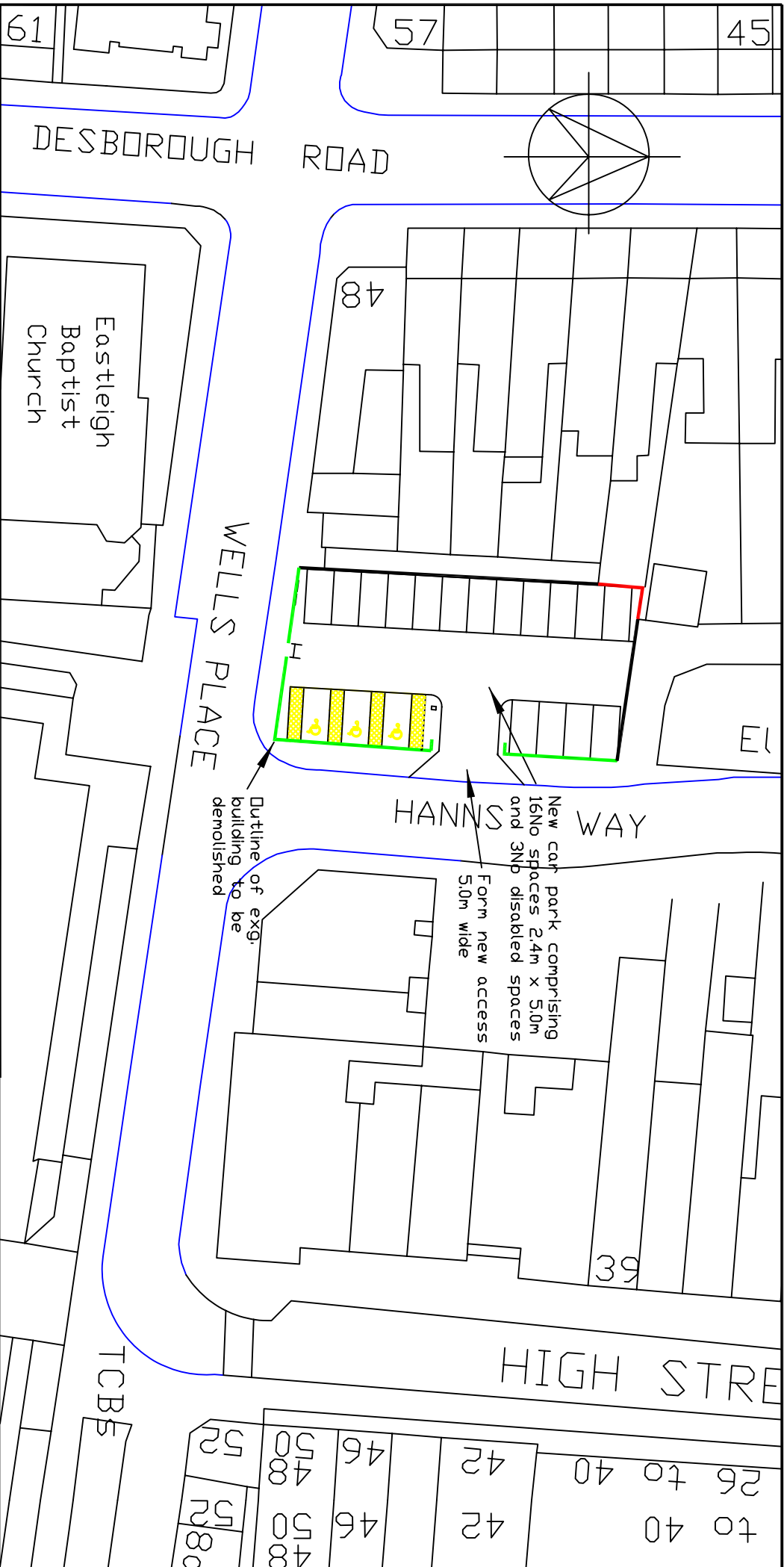
SCHEDULE

Column 1 Description of Parking Place	Column 2 Position in which Vehicles May Wait	Column 3 Classes of Vehicles	Column 4 Days and Hours of Operation	Column 5 Scale of Charges	Column 6 Maximum Stay
Hanns Way Car Park, (shown edged in red on the attached plan)	Wholly within a parking bay	All Vehicles (except those as specified in Articles 9 and 10 to this Order)	Monday to Saturday 8am till 6pm no charge made for Sundays and bank holidays	Up to one hour 60p Up to two hours £1.20. No quartley \business permits, no residents parking or visitors permits	2 hours no return within 4 hours

Dated this day of 2006

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

Head of Legal & Democratic Services



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EASTLEIGH BOROUGH COUNCIL

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Scheme 8H Wells Place

Title Proposed temporary car park

Scale 1 : 500 **Date** October 2005 **Drawn by** KJD

Drawing No E/EC/174/001C **Checked by**

Rev B Location of disabled spaces moved Dct 2005
Rev A Position of entrance amended October 2005

DATED

2006

BOROUGH OF EASTLEIGH

THE BOROUGH OF EASTLEIGH
(HANNS WAY OFF-STREET CAR
PARK, EASTLEIGH) ORDER 2006

A R Ward
Head of Legal & Democratic Services
Eastleigh Borough Council
Civic Offices
Leigh Road
Eastleigh
Hampshire
SO50 9YN

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