

THE BOROUGH OF EASTLEIGH  
(SWAN CENTRE OFF-STREET CAR PARK, EASTLEIGH) ORDER 2009

The Council of the Borough of Eastleigh (hereinafter referred to as "the Council") pursuant to arrangements made under Section 19 of the Local Government Act 2000 with the Hampshire County Council in exercise of the powers of the said Council under Sections 32 and 35 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 6 April 2009 and may be cited as the "Borough of Eastleigh (Swan Centre Off-Street Car Park, Eastleigh) 2009".

Interpretation

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

"charging hours" means the periods as specified in Column 5 of the Schedule to this Order;

"civil enforcement officer" shall have the same meaning as in section 76 of the Traffic Management Act 2004;

"disabled parking disc" means a device which:-

- (a) is coloured blue;
- (b) has been issued by a local authority and has not ceased to be valid; and
- (c) is capable of showing the quarter hour period during which a period of waiting has begun.

"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 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 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 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;

"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, during such hours and for not longer than the maximum period of waiting as are specified in relation to that area in 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 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, a Civil Enforcement Officer 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, a Civil Enforcement Officer 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 any of the provisions of this Order a penalty charge shall be payable.

#### Manner of Payment of Penalty Charge

22. The penalty charge shall be paid in the manner specified on the penalty charge notice.

#### Restriction on Removal of Notices

23. Where a penalty charge notice has been attached to a vehicle no person not being a Civil Enforcement Officer 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

24. Unless the driver of the vehicle has the benefit of an exemption or a discount, as specified in Article 25 of this Order, the charge for a vehicle left in a parking place for any period during the charging hours shall be as specified in Column 6 of the Schedule to this Order.

25. Vehicles shall be exempt from the charge or shall be entitled to a reduction of the charge where the driver of the vehicle has a valid parking card issued by the Head of Transportation and Engineering which can be used to gain access and egress from the parking place.

#### Parking Tickets

26. The charge specified in Article 24 of this Order shall be paid at the relevant pay station at the end of the parking period which will validate the parking ticket allowing it to be used to exit the parking place.
27. In the event that a driver of a vehicle is unable to produce a parking ticket the driver will be liable for the over seven hours charge applicable in the parking place as specified in the Schedule to this Order.
28. Any parking ticket is not transferable between one vehicle and another, or between one parking place and another.

### PART III- REVOCATION OF EXISTING TRAFFIC REGULATION PROVISIONS

29. The following Order is hereby revoked:

The Borough of Eastleigh (Swan Centre, Eastleigh) (Roof Top Car Park)  
Order 1989

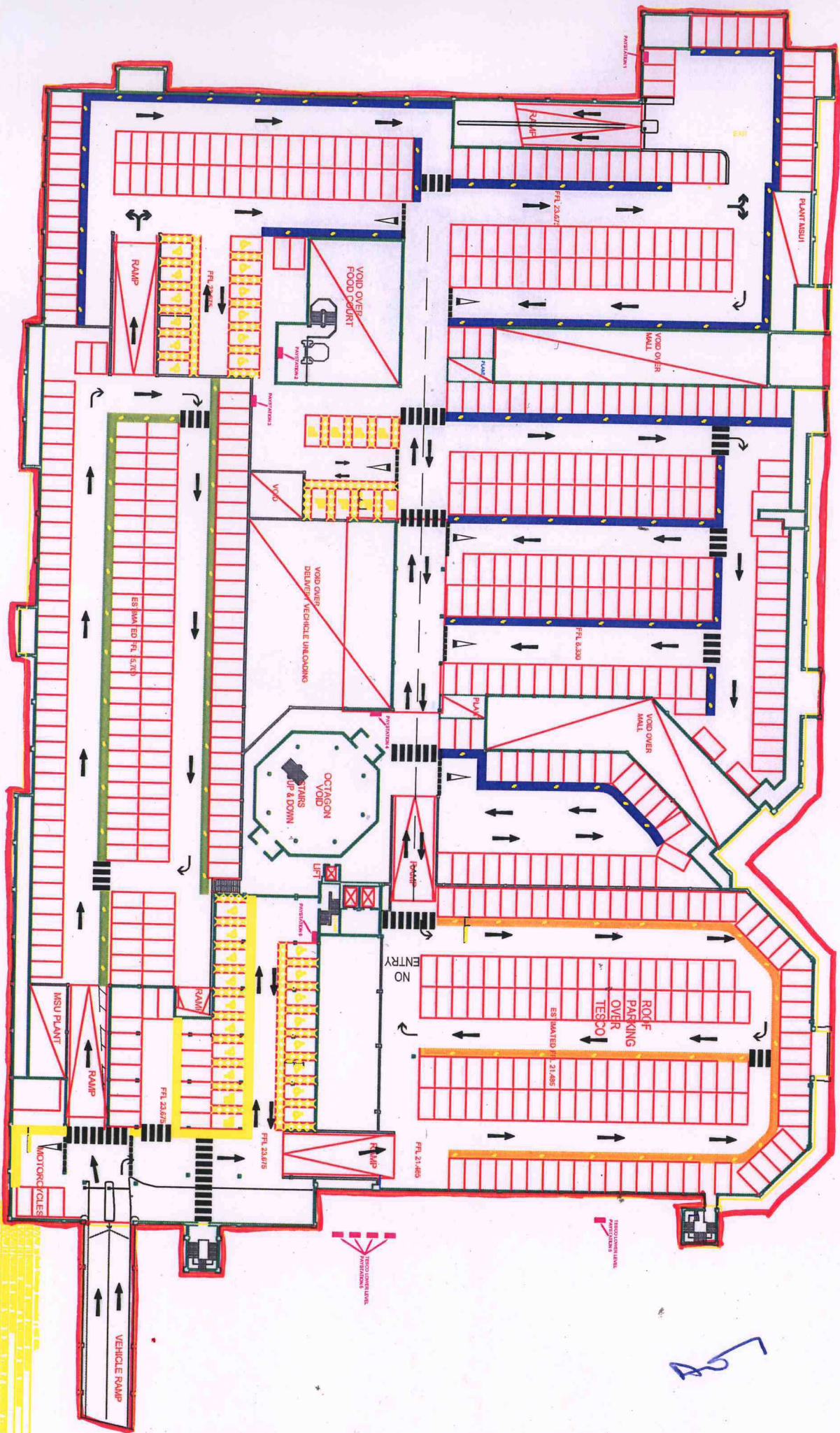


# SCHEDULE

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Description of Parking Place	Position in which Vehicles May Wait	Classes of Vehicles	Hours and Days of Operation	Charging Hours	Scale of Charges
The Swan Centre Car Park, Eastleigh (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)	All hours, all days	Monday to Saturday inclusive 7am to 6pm (excluding bank holidays)	Up to one hour 80p Up to two hours £1.70. Up to three hours £2.70 Up to four hours £3.60 Over four hours £8 Over seven hours £13 Exception / discount for parking card holders
				Monday to Saturday inclusive 6pm to 7am and All day Sunday and bank holidays	£2 any period  Exception / discount for parking card holders

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





DATED 17<sup>th</sup> March 2009

BOROUGH OF EASTLEIGH

THE BOROUGH OF EASTLEIGH  
(SWAN CENTRE OFF-STREET CAR  
PARK, EASTLEIGH) ORDER 2009

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

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