

THE BOROUGH OF EASTLEIGH
(CAMBRIDGE DRIVE OFF-STREET CAR PARK, CHANDLER'S FORD)
ORDER 2010

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 County Council under Sections 32, 33 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 1 March 2010 and may be cited as the "Borough of Eastleigh (Cambridge Drive Off-Street Car Park, Chandler's Ford) 2010".

Interpretation

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

"carers permit" means any valid carers permit issued by the Council in accordance with the relevant provisions contained within the Borough of Eastleigh (North End Copse Area) (Eleventh Zone) Order 2010 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) has been issued by a local authority and has not ceased to be valid; and
- (b) 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;

"entitled residents permit" shall mean a permit issued under the provisions of Article 21(A) of the Borough of Eastleigh (North End Copse Area) (Eleventh Zone) Order 2010 Order including any subsequent amendment;

"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.

(4) If a court, the Department for Transport, the Traffic Penalty Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or un-enforceable, such declaration shall not invalidate the remainder of the Order.

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 as are specified in relation to that area in the various Articles and the Schedule to this Order.
4. Save as provided in Articles 5 and 6 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform or a Civil Enforcement Officer cause or permit any vehicle to wait between the hours of 9.00am and 5.00pm on any day other than a Saturday or Sunday in the parking place described in column 1 of the Schedule to this Order for a longer period than two hours or if a period of less than three hours has elapsed since the termination during the said hours of the last period of waiting (if any) of the vehicle in that parking place.
5. Nothing in Article 4 of this Order shall render it unlawful to cause or permit a carers vehicle which displays in the relevant position a carers permit to wait in the parking place referred to in that Article for a period not exceeding three hours not being a period separated by an interval of less than two hours from a previous period of waiting by the same vehicle in the same length of road.
6. Nothing in Article 4 of this Order shall render it unlawful to permit or cause a vehicle which displays in a relevant position an entitled residents parking permit issued by the Council to wait in the parking place described in column 1 of the Schedule to this Order.

Class and Position of Vehicles

7. 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.
8. 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.

9. 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.
10. 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 Council's permission.
11. 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.
12. No person shall park a trailer in a parking place.
13. No person shall park a goods vehicle or a public service vehicle in any parking place.

Use of Vehicles in Parking Places

14. No person shall use a vehicle while it is in a parking place as a dwelling or for any domestic or sanitary purposes.
15. 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

16. 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.
17. 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

18. 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

19. 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

20. 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.

21. 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 20 of this Order, that person shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

Entry and Exit

22. 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

23. 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.

24. No person shall use a parking place that has been suspended in accordance with Article 23 to this Order, without the express consent of the Council.

Penalty Charge

25. A penalty charge shall be payable for any contravention of this Order.

Manner of Payment of Penalty Charge

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

Restriction on Removal of Notices

27. Where a 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.

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 Days and Hours of Operation of Restriction	Column 6 Restriction
Cambridge Drive car park (shown edged in red on the attached plan)	Wholly within a parking bay	All Vehicles (except those as specified in Articles 12 and 13 to this Order)	All days, all hours	Monday to Friday 9am to 5pm (excluding bank holidays)	Waiting limited to two hours, no return within three hours (carer permits three hours maximum stay no return in two hours; exemption for vehicles displaying an entitled residents permit)

Dated this day of 2010

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

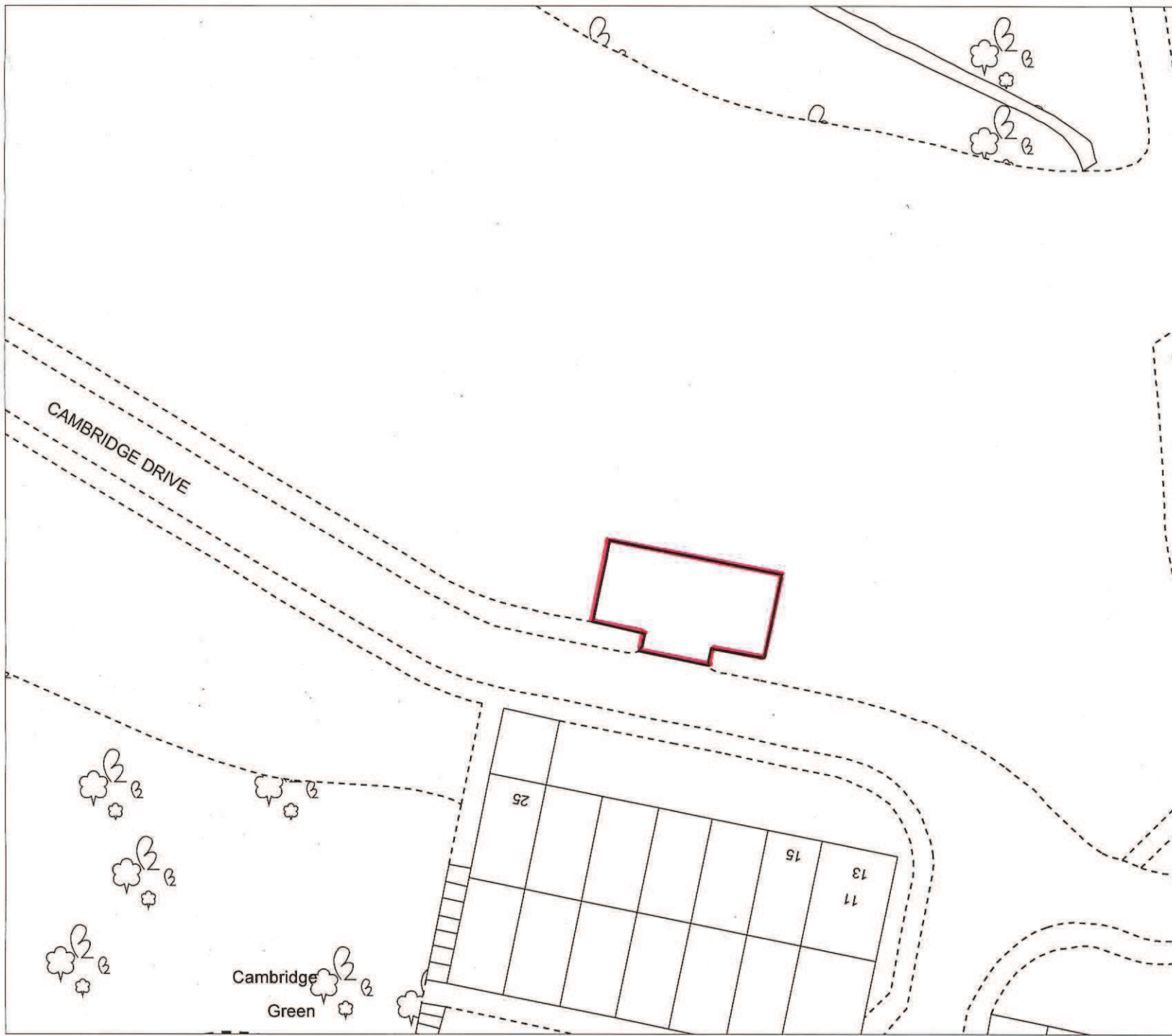
Head of Legal & Democratic Services

DATED _____ 2010

THE BOROUGH OF EASTLEIGH
(CAMBRIDGE DRIVE OFF-STREET
CAR PARK, CHANDLER'S FORD)
ORDER 2010

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Head of Legal & Democratic Services
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Title
 CAMBRIDGE DRIVE CAR PARK
 CHANDLER'S FORD

Drg No: E/TM/01/P/46/006
 Scale: 1:500
 Map Ref: SU4319SW
 Date: 27/05/2009
 Name: PG
 Checked By: *sw*



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