

THE BOROUGH OF EASTLEIGH
(ITCHEN VALLEY COUNTRY PARK) (PARKING PLACES)
CONSOLIDATION ORDER 2011

The Council of the Borough of Eastleigh (hereinafter referred to as "the Council") pursuant to arrangements made under Section 19 the Local Government Act 2000 with the Hampshire County Council in exercise of the powers of the said County Council under Sections 1, 2, 4, 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 2 June 2011 and may be cited as the "Borough of Eastleigh (Itchen Valley Country Park) (Parking Places) Consolidation Order 2011".

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 Columns 3 and 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 2 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;

“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;

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

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

“ticket machine” means apparatus designed to issue parking tickets indicating the time of arrival and the authorised period of stay in the parking place;

“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. The area 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. 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.

Trailers

7. The driver of a vehicle drawing a trailer shall not permit the vehicle or the trailer to wait in a parking place unless they have been disconnected and for the purpose of this Order the vehicle and the trailer shall be deemed to be separate vehicles and the said driver shall be deemed to be the driver of each of the said vehicles.

Use of Vehicles in Parking Places

8. No person shall use a vehicle while it is in a parking place as a dwelling or for any domestic or sanitary purposes.
9. 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

10. 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.
11. 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

12. 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

13. Where a Police Constable in uniform or a person authorised by the Council is of the opinion that any of the provisions contained in 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

14. 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.
15. 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 16 of this Order, that person shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

Entry and Exit

16. 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

17. 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

18. 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

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

Restriction on Removal of Notices

20. 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.

Use of Parking Places During Permitted Hours Without Payment

21. Without prejudice to the foregoing provisions of this Order but subject to the provisions of Article 22 with respect to vehicles which are left in a parking place in accordance with those provisions any vehicle may wait during the permitted hours anywhere on the carriageway in a parking place other than a parking place or part thereof the use of which has been suspended if:

- (a) the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle;
- (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid accident;
- (c) the vehicle is a vehicle being used for fire brigade purposes or an ambulance or a vehicle (other than a passenger vehicle) in service of a local authority or water authority for a vehicle in the service of a police force in either case being used in pursuance of statutory powers or duties;
- (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
- (e) the vehicle is being used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953 or in connection with the servicing of telephone kiosks adjacent to the parking place;
- (f) the vehicle not being a passenger vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for the purpose of facilitating the movement of traffic or promoting its safety;
- (g) the vehicle not being a passenger vehicle is in actual use in connection with the delivery, collection, loading or unloading of goods to premises adjacent to the parking place;
- (h) the vehicle is waiting otherwise than in a parking place if goods are being sold or offered for sale from the vehicle by a person who is licensed by the Council to sell goods from a statutory pitch situated in the parking place;
- (i) the vehicle is waiting only for so long as is necessary to enable it to be used in connection with posting or removing advertising material in the form of posters on or from premises adjacent to the parking place in which the vehicle is waiting.

22. No charge specified in this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the provisions of Article 21.

Amount of Charge at Parking Places

23. Unless the vehicle has the benefit of an exemption, as specified in Article 22, 24, 25 or 26 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 5 of the Schedule to this Order.
24. If at a time when a vehicle is left in a parking place during the charging hours all the ticket machines at that parking place carry notices placed upon them by persons duly authorised by the Council indicating that they are out of order the driver of that vehicle shall be exempt from the payment of the charge.
25. Any vehicle left in a parking place during the charging hours shall be exempt from the payment of any charges specified in Column 5 of the Schedule to this Order if a current disabled persons badge is being displayed on the vehicle.
26. Any vehicle left in a parking place shall be exempt from the payment of any charges specified in Column 5 of the Schedule to this Order if a current car park season permit at a charge of £12 (or £8.65 for those aged over 60) valid for 4 months commencing from the date of issue or a valid annual car park permit at a charge of £33 (or £22.80 for those aged over 60) valid for one year commencing from the date of issue has been obtained and is being displayed on the vehicle.
27. Annual car park permits and seasonal car park permits shall be displayed in the same manner as that prescribed in Article 29 for the display of parking tickets purchased from the ticket machine.

Parking Tickets

28. The charge specified in Column 5 of the Schedule to 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.
29. Upon acquisition of a parking ticket for a vehicle left in a parking place during the charging hours the driver thereof shall exhibit, at all times, the ticket in a conspicuous position to the vehicle in respect of which it was issued, so that all the particulars on the ticket are clearly visible from the outside of the vehicle.
30. Any ticket purchased in accordance with Article 28 of this Order is not transferable between one vehicle and another, or between one parking place and another.

31. When a ticket has been exhibited on a vehicle in accordance with the provisions of Article 29 of this Order no person shall remove the ticket from the vehicle until the vehicle is removed from the parking place.
32. The Council may install in such positions on or in the vicinity of a parking place as they may think fit such ticket machines as are required by this Order for the purposes of the parking place and carry out such work as is authorised by this Order or is reasonably required for the purposes of the satisfactory operation of a parking place.

PART III- REVOCATION OF EXISTING TRAFFIC REGULATION PROVISIONS

33. The following Orders are hereby consolidated:

(1) The Borough of Eastleigh (Itchen Valley Country Park) (Parking Places) Order 1999

(2) The Borough of Eastleigh (Itchen Valley Country Park) (Parking Places) (Amendment No.1) Order 2001

(3) The Borough of Eastleigh (Introduction of Decriminalised Parking) Minor Order 2004 – only so far as it relates to the above Orders

SCHEDULE

Pay & Display Parking (Exemption for Disabled Persons Vehicles and Vehicles displaying an Annual Parking Permit or Seasonal Parking Permit)

Column 1	Column 2	Column 3	Column 4	Column 5
Description of Parking Place	Classes of Vehicles	Days of Operation	Hours of Operation	Scale of Charges
Parking Places at Itchen Valley Country Park, (shown edged in red on the attached plan)	All motor vehicles except those with a gross weight in excess of 3.5 tonnes (other than for deliveries)	Monday to Saturday inclusive (excluding Bank Holidays)	7.00am to 9.00pm	Up to 1 hour 70p 1 to 4 hours £1.40 Over 4 hours £2.10
		Sundays and Bank Holidays	7.00am to 9.00pm	Up to 1 hour £1.00 1 to 4 hours £2.00 Over 4 hours £3.00
	Coaches	All days	7.00am to 9.00pm	£14 per day

Dated this day of 2011

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

Head of Legal & Democratic Services

DATED

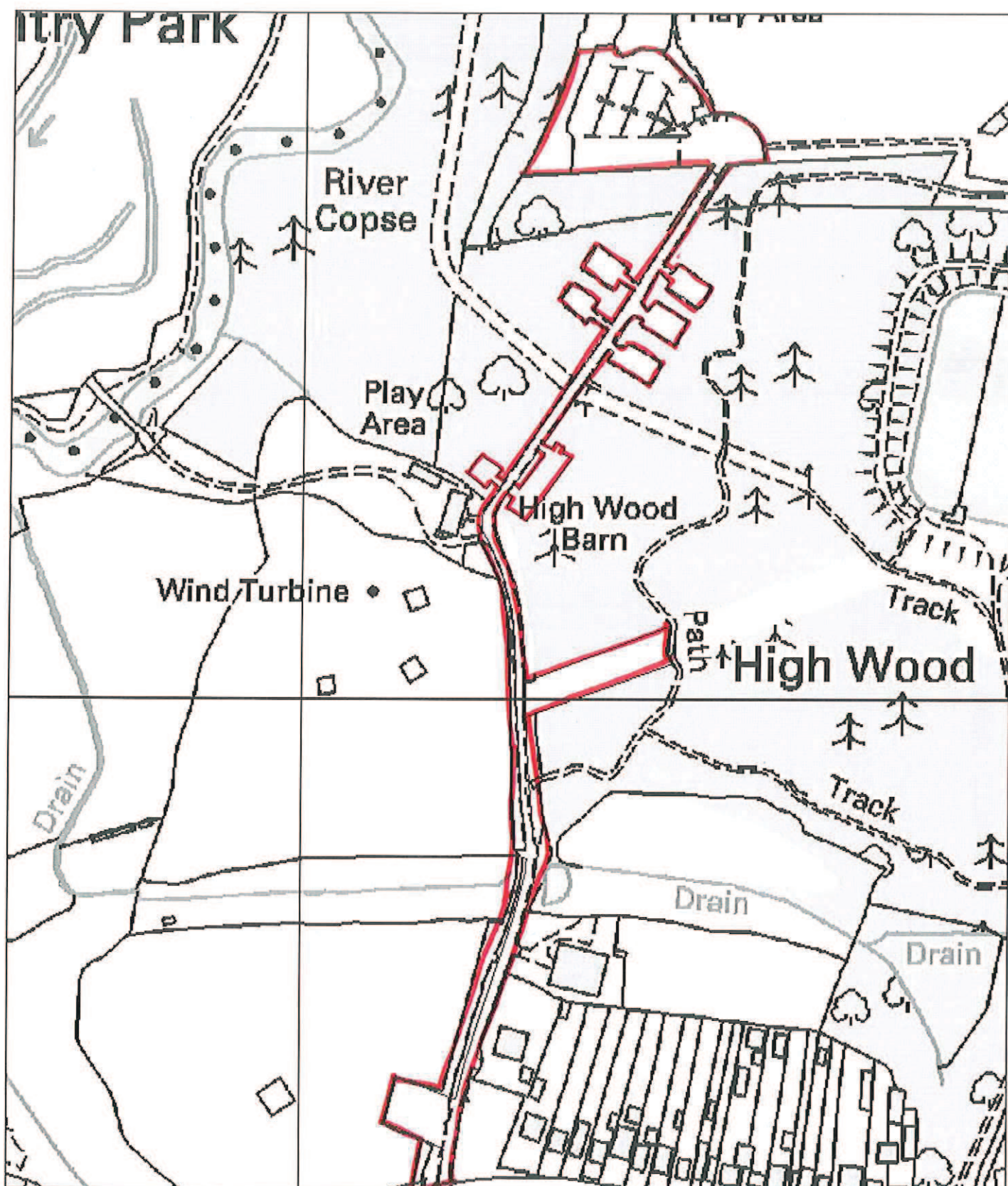
2011

BOROUGH OF EASTLEIGH

THE BOROUGH OF EASTLEIGH
(ITCHEN VALLEY COUNTY PARK)
(PARKING PLACES)
CONSOLIDATION ORDER 2011

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EASTLEIGH
BOROUGH COUNCIL

TITLE Plan of IVCP car parks

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Eastleigh
Hants SO50 9YN
Telephone 023 8068 8000 Fax 023 8064 3952



Map Ref SU4616SW

Scale 1:3000

Date 25/03/2011

Name