

**THE CITY OF GLOUCESTER (ST OSWALDS PARK)
(OFF STREET PARKING PLACES) (CONSOLIDATION) ORDER 2007**

The Council of the City of Gloucester (hereinafter called “the Council”) in exercise of its powers under Sections 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (as amended) (hereinafter called “the 1984 Act”) and under the Road Traffic Act 1991 (hereinafter called “the 1991 Act”) and all other enabling powers with the consent of Gloucestershire County Council in accordance with Section 39 (3) of the 1984 Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:-

PART I - GENERAL

COMMENCEMENT AND CITATION

1. This Order shall come into operation on the 5 th day of November 2007 and may be cited as “The City of Gloucester (St Oswalds Park) (Off Street Parking Places) (Consolidation) Order 2007”.

DEFINITIONS AND INTERPRETATION

2. (1) Any reference in this Order to a numbered Article or to a numbered Schedule is a reference to the Article or to the Schedule bearing that number in this Order, unless otherwise stated.
- (2) In this Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-

“charging hours” means the period specified in column 6 of Schedule 1 in respect of which a parking charge is specified in Article 4

“disabled person’s badge” means any badge issued or having effect as if issued under any regulations for the time being in force under Section 21 of the Chronically Sick and Disabled Persons Act 1970 or any statutory re-enactment or replacement thereof

“disabled person’s vehicle” means a vehicle lawfully displaying a disabled person’s badge

“driver” in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in the parking place or the person deemed to be the driver under the terms of this Order

“motor car” has the same meaning as in Section 136(2)(a) of the 1984 Act

“owner” in relation to a vehicle means the person by whom such vehicle is kept and used

“parking attendant” means a person authorised by or on behalf of the Council in accordance with Section 63A of the 1984 Act to supervise any parking place (or places)

“parking charge” shall have the meaning given to it in Article 4

“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 regulation 8(5) of the Local Authorities Traffic Order (Exemptions for Disabled Persons) (England) Regulations 2000

“parking permit” means any permit issued in accordance with Article 4(3)

“parking place” means any area of land specified by name in column 1 of Schedule 1 provided by the Council under Section 32(1) of the 1984 Act for use as a parking place

“penalty charge” means a charge set in accordance with the provisions of the 1991 Act payable to the Council following the issue of a penalty charge notice

“penalty charge notice” means a notice issued or served by a parking attendant pursuant to the provisions of Section 66 of the 1991 Act

“permitted vehicle” means a disabled person’s vehicle or motor car

“ticket” means the ticket issued by means of the ticket machine

“ticket machine” means any apparatus that issues tickets indicating the payment of the parking charge the date and time at which that charge was paid and the time by which the vehicle must leave the parking place

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

PART II - USE OF PARKING PLACES

USE OF LAND AND PARKING PLACES

3. (1) The areas of land specified by name in column 1 of Schedule 1 may be used subject to the following provisions of this Order as a parking place for such vehicles or classes of vehicles in such positions on such days and during such hours as are specified in relation to that parking place in Schedule 1.
- (2) Where in Schedule 1 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 specified.
- (3) Wherever parking bays are provided vehicles shall be positioned wholly within the markings of a parking bay and where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for a disabled person’s vehicle the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled person’s vehicle.
- (4) Insofar as a vehicle is left in a parking place during the charging hours the driver of the vehicle shall pay such charge or charges as are specified in the following provisions of this Order unless the vehicle is exempt from paying such charges as specified in Article 4(5).
- (5) No person shall permit any vehicle other than a permitted vehicle to be left in a parking place without the consent of the Council.

AMOUNT OF PARKING CHARGE AT PARKING PLACES

4. (1) This Article applies to the parking places specified by name in column 1 of Schedule 1.
 - (2) The parking charge for a vehicle left in the parking place specified by name in column 1 of Schedule 2 during the charging hours and complying in all respects with the provisions of this Order shall be as specified against such parking place in column 2 of Schedule 2 and shall be payable not later than the first leaving of the vehicle in the parking place.
 - (3) The Council reserves the right to issue parking permits on such terms and conditions as it shall think fit.
 - (4) The issue of parking permits does not imply that a parking bay is available for use by vehicles to which they relate.
 - (5) The parking charge shall not be payable by the driver of a vehicle left in that parking place who:-
 - (a) produces or displays as appropriate a valid parking permit issued in respect of that vehicle in accordance with paragraph (3) of this Article; or
 - (b) is otherwise exempt from payment of the parking charge by the provisions of Article 30.
 - (6) During the charging hours a vehicle shall not be left in a parking place unless it displays a valid ticket or parking permit in respect of that vehicle.
 - (7) It shall be an offence to leave a vehicle in a parking place during the charging hours unless it displays either a valid ticket or parking permit issued in accordance with the provisions of this Article and Article 5.
 - (8) If on the date a vehicle is left or allowed to remain in a parking place (as the case may be) a person is shown to have been the registered keeper of the vehicle in writing from the appropriate registration authority then for the purpose of this Order and in any legal proceedings in relation to this Order (notwithstanding that that person may not be an individual) he shall be deemed to have been the driver of the vehicle on that date unless the contrary is shown.
5. (1) (a) The parking charge shall be payable by the insertion of an appropriate coin or coins into the ticket machine provided in the parking place being an apparatus or device approved in accordance with Section 35(3) of the 1984 Act (as amended).
 - (b) Where there is no charge the driver of a vehicle shall obtain a ticket and display it in accordance with the provisions of Article 5(2)
 - (2) Any ticket issued on payment of the charge referred to in Article 4(2) or issued in accordance with Article 5(1)(b) or parking permit issued in accordance with Article 4(3) shall be displayed:-
 - (a) on the inside of either the windscreen or the front near side window of the vehicle in respect of which it was issued so that it is readable from the outside of the vehicle; or

- (b) in the case of a vehicle not fitted with either a windscreen or a front near side window in a conspicuous and readable position on the front near side of the vehicle in respect of which it was issued.
- (3) Where in a parking place there are signs or instructions indicating the absence or malfunction of the ticket machine referred to in paragraph (1) of this Article the driver of a vehicle shall purchase a ticket from another ticket machine in that parking place or in another parking place that is adjacent or nearby, making due allowance of fees paid and expiry times shown on parking tickets.
- (4) Any indication of date and time printed on a ticket issued by a ticket machine or a parking attendant shall be evidence of the date on and the time at which such ticket was purchased.

RESTRICTIONS ON WAITING

- 6. The driver of a vehicle shall not permit it to wait in a parking place for longer than 24 consecutive hours unless the driver has obtained prior written approval from the Council to exceed that period.

CONTRAVENTION AND PENALTY CHARGE

- 7. If a vehicle is parked in a parking place at any time without complying with the provisions of this Order, then a contravention of or a failure to comply with the provisions of this Order shall be deemed to have occurred and a penalty charge shall be payable and a penalty charge notice may be issued in accordance with the 1991 Act. Such contravention or non compliance shall include when a vehicle
 - (1) is waiting or has been left in a parking place and that vehicle is not a permitted vehicle
 - (2) is waiting or has been left in a parking place during the charging hours and that vehicle is not displaying a valid ticket or parking permit in accordance with Article 5(2)
 - (3) remains in a parking place for longer than the period permitted where there is no charge payable
 - (4) remains in a parking place for longer than the period for which payment was made by the parking charge

RESTRICTION ON REMOVAL OF TICKETS AND PARKING PERMITS

- 8. When a ticket or a parking permit has been displayed upon a vehicle in accordance with the provisions of Article 5(2), no person other than the driver of the vehicle or a person authorised by the driver of the vehicle shall remove that ticket or parking permit at any time whilst the vehicle remains in the parking place to which the ticket or parking permit relates.

TRANSFER OF TICKETS/VEHICLES

- 9. (1) A driver of a vehicle who has purchased a ticket and who leaves the parking place with his vehicle shall not pass his ticket to the driver of any other vehicle to enable the driver of such other vehicle to take the benefit of any unexpired period of parking to which the original driver/purchaser of the ticket is entitled.

- (2) Save as provided in Article 5(3) any ticket issued in accordance with the provisions of this Order shall be valid only at the parking place at which it was issued.

PROMOTIONAL ARRANGEMENT

10. The Council at its discretion may at any time offer a reduction in relation to the fare payable by users of the park and ride bus operating from St Oswalds Park. Such concession may be limited to a driver of a vehicle who has purchased a ticket at the parking charge and his passengers and a driver of a disabled person's vehicle.

OTHER PROVISIONS

11. The driver of a vehicle shall not drive into or permit that vehicle to wait in a parking place unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.
12. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking bay, and shall not start the engine except when about to change the position of the vehicle in, or to depart from, the parking place.
13. (1) No person shall use any part of a parking place or any vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.
(2) No person shall use any part of a parking place or any vehicle left in a parking place –
 - (a) for sleeping or camping or cooking;
 - (b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place; or
 - (c) for the erection of any tent, booth, stand, building or other structure.
14. In a parking place no person shall:-
 - (1) light or cause or permit to be lit any fire;
 - (2) use or permit to be used any skateboard or rollerskate;
 - (3) soil or defile, remove, displace or damage any wall or fence in or enclosing the parking place or any building, barrier, post, notice, sign, railing, ticket machine, or any other erection therein; or
 - (4) throw down, drop or otherwise deposit in any parking place any item or article of rubbish or waste material so as to contribute to or tend to lead to the defilement of that parking place by litter.
15. A person shall not drive a vehicle in a parking place at a speed exceeding 10 miles per hour.
16. The driver of a vehicle shall drive carefully in the parking place at all times.
17. No person shall leave any trolley, basket on wheels or other similar receptacle designed for the carrying of merchandise in such a position in any parking place as to cause an obstruction, nuisance or annoyance to other users of the parking place but shall ensure that such trolleys,

baskets on wheels and receptacles are returned to the premises of the owners of such trolleys, baskets on wheels and receptacles.

18. No person shall do anything to interfere with the use and enjoyment of any parking place by other users of the parking place.
19. No person shall in a parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.
- 20.. No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
21. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in, or to depart from, the parking place.
22. No person shall except with the permission of any person duly authorised by the Council drive or permit to be driven any vehicle in a parking place 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.
23. Wherever parking bays are provided each vehicle shall be parked wholly within the limits of a parking bay
24. 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 specified direction within the parking place,

no person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated, or (ii) in a direction other than so specified.

MOVEMENT/REMOVAL AND DISPOSAL OF VEHICLES IN PARKING PLACES

25. (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 3, a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.
- (2) If a vehicle is left in a parking place in contravention of any of the provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal and the owner of such vehicle shall be charged a removal charge as may from time to time be prescribed by the Council (in addition to any other charge incurred under this Order) in payment of the cost of removal of the vehicle.
- (3) For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a police constable in uniform may alter or cause to be

altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.

- (4) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (1) of this Article, or removing, or causing the removal, of a vehicle by virtue of paragraphs (2) or (3) of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
- (5) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (2) or (3) of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed and the owner of such vehicle shall be charged a storage charge as may from time to time be prescribed by the Council in payment of the cost of storing the vehicle.
- (6) If a vehicle is removed by virtue of paragraphs (2) and (3) of this Article and is not claimed by the owner of such vehicle within 5 days of such removal at the end of that period a person authorised by the Council in that behalf may dispose of the vehicle and the owner of such vehicle shall be charged a disposal charge as may from time to time be prescribed by the Council in payment of the cost of disposing of the vehicle.

REMOVAL AND DISPOSAL OF ABANDONED VEHICLES IN PARKING PLACES

26. (1) If a vehicle is left in a parking place for longer than 24 consecutive hours and does not have displayed a current excise licence in pursuance of the provisions of the Vehicle Excise and Registration Act 1994 it shall be treated as having been abandoned.
- (2) If the Council considers that the vehicle is in such a condition that it ought to be removed and destroyed a person authorised by the Council in that behalf shall not less than the prescribed period before removing it cause a notice to be affixed to the vehicle stating that the Council propose to remove it for destruction on the expiration of that period.
- (3) On the expiration of the prescribed period a person authorised by the Council in that behalf may remove the vehicle from the parking place or arrange for such removal and the owner of such vehicle shall be charged a removal charge as may from time to time be prescribed by the Council (in addition to any other charge incurred under this Order) in payment of the cost of removal of the vehicle.
- (4) Any person removing or arranging for the removal of a vehicle by virtue of paragraph (3) of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed and the owner of such vehicle shall be charged a storage charge as may from time to time be prescribed by the Council in payment of the cost of storing the vehicle.
- (5) If a vehicle is removed by virtue of paragraph (3) of this Article and is not claimed by the owner of such vehicle within 5 days of such removal at the end of that period a person authorised by the Council in that behalf may dispose of the vehicle and the owner of such vehicle shall be charged a disposal charge as may from time to time be prescribed by the Council in payment of the cost of disposing of the vehicle.

CLOSURE OF PARKING PLACE

27. Notwithstanding the provisions of this Order the Council may by notice displayed on or near a parking place close that parking place or any part of it either permanently or for any period and for any reason and no driver of any vehicle shall use that parking place or any part of it when it is closed. In particular these provisions shall apply to permit the Council to close the affected parking places or any part of them on days on which a market is held.

WITHDRAWAL OF PARKING PERMITS

28. (1) The Council at its discretion may by notice in writing served upon a person to whom a parking permit has been issued withdraw any such parking permit at any time and for any reason and that person shall surrender their parking permit to the Council within 48 hours of the receipt of such notice.
- (2) The Council at its discretion may at any time and for any reason cease to make available parking permits and limit the parking places in which such parking permits may be used.

WAIVER

29. (1) The Council at its discretion may at any time and for any reason alter the days of operation of the parking place specified in column 4 of Schedule 1.
- (2) The Council at its discretion may at any time and for any reason suspend payment of the parking charge. In particular this provision may apply on days on which a market is held.
- (3) The Council at its discretion may at any time designate parking bays for use by disabled person's vehicles.
- (4) The Council at its discretion may suspend the use of any part of a parking place and thereafter may designate that part of such parking place be reserved for the parking of vehicles being used by or engaged in the operations of the Council, the Police, any voluntary or other organisation or any statutory undertaking and any part of a parking place so designated shall be marked so as to identify that it is reserved for vehicles being used by such persons or engaged in such operations.
- (5) The Council at its discretion may suspend the use of any part of a parking place and thereafter may designate that part of such parking place be reserved for the parking of vehicles of persons having the benefit of a lease, licence or agreement with the Council in respect thereof and any part of the parking place so designated shall be marked so as to identify that it is reserved for vehicles used by such persons.
- (6) No person shall cause or permit a vehicle to be left in a parking place or any part thereof (a) during such periods that the use of that parking place or that part thereof is suspended or designated under the provisions of this Article and (b) during such period as there is in or adjacent thereto a notice, marking or traffic sign indicating that the use of that parking place or part thereof is suspended or designated.

PART III - EXEMPTIONS

30. (1) Disabled person's vehicles which display in the relevant position a disabled person's badge shall be exempt from any payment of the parking charge specified in Article 4.

- (b) an invalid carriage.
- (2) For the purposes of this Order a disabled person's vehicle is regarded as displaying a disabled person's badge in the relevant position when:-
 - (a) in the case of a vehicle fitted with a front windscreen the badge is exhibited with the obverse side facing forwards on the near side of and immediately behind the windscreen and
 - (b) in the case of a vehicle not fitted with a front windscreen the badge is exhibited in a conspicuous position on the front or near side of the vehicle and
 - (c) in either case the vehicle's actual time of arrival in the parking bay is indicated by a parking disc displayed in a like manner.

PART IV - REVOCATION

- 31. The City of Gloucester (St Oswalds Park) (Off Street Parking Places) Order 2005 is hereby revoked.

SCHEDULE 1

Off-Street Parking Places

Name of Parking Place	Position in which vehicles may wait	Class of vehicles	Days of operation of parking place	Hours of operation of parking place	Charging Hours
1	2	3	4	5	6
B&Q Park and Ride Car Park	Wholly within a parking bay or as required by the parking attendant	Motor cars, Disabled Person's vehicles	All days	All hours	Mondays to Saturdays inclusive between the hours of 6.00a.m. and 6.00p.m. (except bank holidays)
St Oswalds Park Park and Ride Car Park No.1 (adjacent to Tescos Superstore)	Wholly within a parking bay or as required by the parking attendant	Motor cars, Disabled Person's vehicles	All days	All hours	Mondays to Saturdays inclusive between the hours of 6.00a.m. and 6.00p.m. (except bank holidays)
St Oswalds Park Park and Ride Car Park No.2 (adjacent to Tescos Superstore Filling Station)	Wholly within a parking bay or as required by the parking attendant	Motor cars, Disabled Person's vehicles	All days	All hours	Mondays to Saturdays inclusive between the hours of 6.00a.m. and 6.00p.m. (except bank holidays)
St Oswalds Park Park and Ride Car Park No.3 (east of Spartans RFC Clubhouse)	Anywhere in the car park area but not so as to obstruct the entrance to and egress from the car park of any other vehicle	Motor cars, Disabled Person's vehicles	All days	All hours	Mondays to Saturdays inclusive between the hours of 6.00a.m. and 6.00p.m. (except bank holidays)

Name of Parking Place	Position in which vehicles may wait	Class of vehicles	Days of operation of parking place	Hours of operation of parking place	Charging Hours
1	2	3	4	5	6
St Oswalds Park Park and Ride Car Park No.4 (north of Spartans RFC Clubhouse)	Anywhere in the car park area but not so as to obstruct the entrance to and egress from the car park of any other vehicle	Motor cars, Disabled Person's vehicles	All days	All hours	Mondays to Saturdays inclusive between the hours of 6.00a.m. and 6.00p.m. (except bank holidays)
St Oswalds Park Park and Ride Car Park No.5 (north of Park and Ride Car Park No.4)	Anywhere in the car park area but not so as to obstruct the entrance to and egress from the car park of any other vehicle	Motor cars, Disabled Person's vehicles	All days	All hours	Mondays to Saturdays inclusive between the hours of 6.00a.m. and 6.00p.m. (except bank holidays)

SCHEDULE 2

Off Street Parking Charges

Column 1 Parking Place	Column 2 Parking Charge
B & Q Park and Ride Car Park	Between 6.00a.m. and 10.00a.m. £1.50
	Between 10.00a.m. and 6.00p.m
	0-3 hours..... No charge (no return within 2 hours)
	3-8 hours..... £1.50
St. Oswalds Park and Ride Car Park)	
No.1 (adjacent to Tesco Superstore),)	
St. Oswalds Park and Ride Car Park)	
No.2 (adjacent to Tesco Superstore)£1.50
Filling Station),)	
St. Oswalds Park and Ride Car Park)	
No.3 (east of Spartans RFC Clubhouse),)	
St Oswalds Park and Ride Car Park No.4)	
(north of Spartans RFC Clubhouse),)	
St Oswalds Park and Ride Car Park No.5)	
(north of Park and Ride Car Park No.4))	

THE COMMON SEAL of **THE**)
COUNCIL OF THE CITY OF)
GLOUCESTER affixed hereto)
 this day of 2007)
 is authenticated by the undersigned a)
 person authorised by the said)
 Council to act for that purpose)

Head of Legal Services

DATED

2007

**THE CITY OF GLOUCESTER
(ST OSWALDS PARK)
(OFF STREET PARKING PLACES)
(CONSOLIDATION) ORDER 2007**

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