

**THE CITY OF GLOUCESTER  
(GL1 (LEISURE CENTRE) CAR 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 of 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 5th day of November 2007 and may be cited as “The City of Gloucester (GL1 (Leisure Centre) Car Park) (Off Street Parking Places) (Consolidation) Order 2007”.

**REVOCATIONS**

2. The City of Gloucester (GL1 (Leisure Centre) Car Park) (Off Street Parking Places) Order 2005 is hereby revoked

**DEFINITIONS AND INTERPRETATION**

3. (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 Schedule 1 in respect of which a parking charge is specified in Article 5

“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 the parking place means the person driving the vehicle at the time it was left in the parking place

“invalid carriage” has the same meaning as in Section 136(5) of the 1984 Act

“light goods vehicle” means a vehicle constructed or adapted for the conveyance of goods or burden the unladen weight of which does not exceed 1525kg (30cwt. imperial)

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

“motor cycle” has the same meaning as in Section 136(4) of the 1984 Act

“owner” in relation to a vehicle means the person by whom such vehicle is kept and used and unless the contrary is proved the person shown by the appropriate registration authority to have been the registered keeper or owner on the date on which a vehicle was left in the parking place shall be deemed to be the owner for the purposes of this Order and in relation to a vehicle which is subject to a hiring agreement or hire purchase agreement means the person in possession of the vehicle under that agreement

“parking attendant” means a person authorised by or on behalf of the Council in accordance with Section 63A of the 1984 Act to supervise the parking place and enforce the provisions of this Order

“parking bay” means any area of the parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place

“parking charge” shall have the meaning given to it in Article 5

“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 place” means GL1 car park Station Road Gloucester which is more particularly delineated on the plan annexed hereto and thereon edged red

"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 invalid carriage light goods vehicle motor car or motor cycle

“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 PLACE**

### **USE OF LAND AND PARKING PLACE**

4. (1) The parking place may be used on any day and during any hours of the day subject to the following provisions of this Order as a parking place for permitted vehicles
- (2) Where within the parking place there is a sign or surface marking which indicates that a parking bay is available only for a disabled person’s vehicle or an invalid carriage the driver of any other specified class of vehicle shall not permit it to wait in that parking bay unless it is a disabled person’s vehicle or an invalid carriage.

- (3) Insofar as a vehicle is left in the 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 30
- (4) No person shall permit any vehicle other than a permitted vehicle to be left in the parking place without the consent of the Council.

#### **AMOUNT OF PARKING CHARGE AT PARKING PLACE**

5.
  - (1) The parking charge for a vehicle left in the parking place during the charging hours and complying in all respects with the provisions of this Order shall be as specified in Schedule 2 and shall be payable not later than the first leaving of the vehicle in the parking place.
  - (2) The parking charge shall not be payable by the driver of a vehicle left in the parking place who is exempt from payment by the provisions of Article 30
  - (3) A vehicle shall not be left in the parking place during the charging hours unless it displays a valid ticket
  - (4) It shall be an offence to leave a vehicle in the parking place unless it displays a valid ticket issued in accordance with the provisions of Article 6.
  - (5) If on the date a vehicle is left or allowed to remain in the 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.
6.
  - (1) 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).
  - (2) The ticket issued on payment of the parking charge referred to in Article 5(1) shall be in two parts and one part of the ticket shall be displayed:-
    - (a) on the inside of either the windscreen or the front near side window of the vehicle 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.
  - (3) Where in the parking place there are signs or instructions indicating the absence or malfunction of the ticket machine the driver of a vehicle shall purchase a ticket from another ticket machine in that parking place.
  - (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.

## **REFUND/PROMOTIONAL ARRANGEMENT**

7. The Council at its discretion may at any time offer a refund or other promotional arrangement whether in relation to the parking charge or otherwise.

## **MAXIMUM LENGTH OF STAY**

8. The driver of a vehicle shall not permit it to wait in the parking place for longer than 2½ consecutive hours.

## **CONTRAVENTION AND PENALTY CHARGE**

9. If a vehicle is parked in the 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 the parking place and that vehicle is not a permitted vehicle
  - (2) is waiting or has been left in the parking place during the charging hours and that vehicle is not displaying a valid ticket in accordance with Article 6(2)
  - (3) has been waiting or has been left in the parking place for longer than the maximum length of stay specified in Article 8
  - (4) is waiting or has been left in the parking place in a parking bay which is provided for the leaving of a disabled persons vehicle or invalid carriage and that vehicle is not a disabled persons vehicle or invalid carriage

## **RESTRICTION ON REMOVAL OF TICKETS**

10. When a ticket has been displayed upon a vehicle in accordance with the provisions of Article 6(2), no person other than the driver of the vehicle or a person authorised by the driver of the vehicle shall remove that ticket at any time whilst the vehicle remains in the parking place to which the ticket relates.

## **TRANSFER OF TICKETS/VEHICLES**

11.
  - (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) Any ticket issued in accordance with the provisions of this Order shall be valid only at the parking place at which it was issued.

## **OTHER PROVISIONS**

12. The driver of a vehicle shall not drive into or permit that vehicle to wait in the 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.
13. The driver of a vehicle using the 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.
14. (1) No person shall use any part of the parking place or any vehicle, while it is in the 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 the parking place or any vehicle left in the 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.
15. In the 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 the parking place any item or article of rubbish or waste material so as to contribute to or tend to lead to the defilement of the parking place by litter.
16. A person shall not drive a vehicle in the parking place at a speed exceeding 10 miles per hour.
17. The driver of a vehicle shall drive carefully in the parking place at all times.
18. No person shall leave any trolley, basket on wheels or other similar receptacle designed for the carrying of merchandise in such a position in the 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.
19. No person shall do anything to interfere with the use and enjoyment of the parking place by other users of the parking place.
20. No person shall in the 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.

21. No person shall in the 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.
22. The driver of a vehicle using the 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.
23. No person shall except with the permission of any person duly authorised by the Council drive or permit to be driven any vehicle in the 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.
24. Each vehicle shall be parked wholly within the limits of a parking bay.
25. Where in the 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 THE PARKING PLACE**

26. (1) If a vehicle is left in the parking place in a position other than in accordance with the provisions of Article 4 or Article 24, 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 the 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 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.
- (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 the parking place or remove or arrange for the removal of a vehicle from the 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 THE PARKING PLACE**

27. (1) If a vehicle is left in the parking place for longer than 2½ 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 THE PARKING PLACE**

28. Notwithstanding the provisions of this Order the Council may by notice displayed on or near the parking place close the 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 the parking place or any part of it when it is closed.

## **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 Article 4(1).

- (2) The Council at its discretion may at any time and for any reason suspend payment of the parking charge.
- (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 the parking place and thereafter may designate that part of the 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 the 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 the parking place and thereafter may designate that part of the 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) The Council at its discretion may suspend the use of any part of the parking place and thereafter may designate that part of the parking place be reserved for the parking of vehicles of participants in events being staged at GL1 (Leisure Centre).
- (6) No person shall cause or permit a vehicle to be left in the parking place or any part thereof (a) during such periods that the use of the 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) The following vehicles left in a parking bay reserved for the use of vehicles by disabled persons shall be exempt from any payment of the parking charge specified in Article 5 but all provisions as to maximum length of stay in relation to the parking place must be observed.
  - (a) a disabled person's vehicle which displays in the relevant position a disabled person's badge;
  - (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 thereon 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.



**SCHEDULE 1**  
**Charging Hours**

9.00 a.m. – 3.00 p.m. on Mondays to Saturdays

**SCHEDULE 2**  
**Parking Charges**

£4.00 – up to 2½ hours

**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  
(GL1 (LEISURE CENTRE) CAR PARK)  
(OFF STREET PARKING PLACES)  
(CONSOLIDATION) ORDER 2007**

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