

**THE BOROUGH OF GRAVESHAM (GURDWARA, SADDINGTON STREET,  
GRAVESEND )  
(OFF STREET PARKING PLACE) ORDER 2005**

The council of the Borough of Gravesham ( "the Council") in exercise of its powers under section 35(1) and (3) of the Road Traffic Regulation Act 1984 ("the Act") and Part IV of schedule 9 to the Act, and of all other enabling powers, with the consent of the Kent County Council in accordance with section 39(3) of the Act and after consulting the chief officer of police in accordance with Part III of schedule 9 to the Act, hereby makes the following Order:-

**CITATION and COMMENCEMENT**

1. This Order shall come into operation on the 24 January 2006 and may be cited as The Borough of Gravesham (Gurdwara, Saddington Street, Gravesend) ( Off street parking place) Order 2005.

**INTERPRETATION**

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

"the Act of 1984" means the Road Traffic Regulation Act 1984;

"the Council" means the Gravesham Borough Council;

"charging hours" means any period of time specified in column 4 on any day specified in column 5 of the schedule in respect of which a charge is payable by virtue of Article 4;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge and which is a vehicle which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) ( England) Regulations 2000 to be included in an Order under the Act of 1984, has been or is to be driven by a disabled person or as the case may be, has been or is to be used for carrying disabled persons as passengers;

"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.

"the owner" in relation to a vehicle, shall be taken to be the person by whom the vehicle is kept and, in determining who was the owner of a vehicle at any time, it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under Vehicles (Excise) Act 1971

"parking attendant" has the same meaning as in section 63A of the Road Traffic Regulation Act 1984;

"parking place" means any area of land specified by name in column 1 of the Schedule provided by the Council under section 32(1) of the Act for use as a parking place; and

"parking space" 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 authority" has the same meaning as in The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (Borough of Gravesham) Order 1999

"relevant position" means:-

In the case of a parking ticket –

- (a) A vehicle displays a parking ticket in the relevant position if :-
  - i. In the case of a vehicle fitted with a dashboard or fascia panel, the parking ticket is exhibited thereon so that the front of the parking ticket is legible from outside the vehicle; or
  - ii. In the case of a vehicle not fitted with a dashboard or fascia panel, the parking ticket is exhibited in a conspicuous position on the vehicle so that the front of the parking ticket is legible from outside the vehicle.
- (2) In this Order except where the context otherwise requires:-
  - (a) any reference to a numbered Article or a numbered schedule is a reference to the Article or Schedule bearing that number in this Order;
  - (b) any reference to a numbered or lettered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph bearing that number or letter in the Article or Schedule or (in the case of a sub-paragraph) paragraph in which the reference occurs; and
  - (c) Any reference to a table, or to a numbered Table, is a reference to the Table, or to the Table bearing that number, in the Article or Schedule in which that reference occurs.
- (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment;
- (4) The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made under or having effect as if made under the Act of 1984 or by or under any other enactment;
- (5) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

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

3. (1) Each area of land specified by name in column 1 of the Schedule may be used, subject to the following provisions of this order, as a parking place for such classes of the vehicles, in such positions on such days and during such hours as are specified in relation to that area in the schedule.
- (2) Where in the Schedule 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.
- (3) In so far as a vehicle is left in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in the following provisions of this Order.

## **AMOUNT AND PAYMENT OF PARKING CHARGE AT PARKING PLACES**

4 (1) The driver of a vehicle using a parking place specified in the schedule to this Order shall on leaving the vehicle in that parking place pay the appropriate parking charge in accordance with the Scale of Charges specified in column 7 of the Schedule.

PROVIDED ALWAYS that nothing in this paragraph shall apply in respect of any vehicle which is waiting in a parking place and is displaying in the relevant position a Season Ticket valid in respect of that vehicle and in respect of the parking space in the parking place in which that vehicle is parked;

PROVIDED ALSO that no parking charge will be payable for the parking of motor cycles.

- (2) The parking charge shall be payable by the insertion of an appropriate coin or coins into the ticket machine provided.
- (3) No person shall, except upon the direction or with the permission of a Parking Attendant, cause or permit any vehicle to wait during the charging hours in a charged parking place for longer than the parking period paid for on payment of the parking charge.
- (4) Any ticket issued on payment of the charge referred to in paragraph (1) of this Article and any season ticket issued in accordance with the provisions of paragraph (5) of this article shall be exhibited in the relevant position on the vehicle in respect of which it was issued.
- (5) The owner of a vehicle may on application to the Council purchase a season ticket in respect of that vehicle for a charge ascertained by reference to the Scale of Charges specified in column 8 of the Schedule. That season ticket shall be valid in Gurdwara Car Park and such other parking places as are specified thereon during the period for which it is issued.

(6) A vehicle shall not be left in a parking place if it displays an expired ticket issued on payment of the parking charge.

## **CONTRAVENTIONS IN RELATION TO VEHICLES**

5 (1) A contravention is committed and a penalty charge incurred if a vehicle is left in a parking place –

- (a) for longer than the period for which payment has been made in accordance with column 7 of the Schedule to this Order; or
- (b) contrary to the classes of vehicle permitted to park; or
- (c) for longer than the period for which vehicles may wait; or
- (d) without displaying a valid ticket; or
- (e) when not parked wholly within a parking space; or
- (f) In a position so as to obstruct access to the parking place or to any premises adjoining the parking place or to obstruct an access way within the parking place.

(2) No person shall display on any vehicle left in a parking place referred to in the Schedule during the charging hours a parking ticket subsequent to the parking ticket that was displayed at the time the vehicle was first left in the parking place unless the provisions of Article 4 (7) have first been complied with.

## **ACTION BY PARKING ATTENDANTS**

6. (1) where, in the case of a stationary vehicle a Parking Attendant has reason to believe that a penalty charge is payable with respect to the vehicle, he may

- (a) fix a penalty charge notice to the vehicle; or
- (b) give such a notice to the person appearing to him to be in charge of the vehicle.

(2) A penalty charge notice must state

- (a) The grounds on which the Parking Attendant believes that a penalty charge is payable with respect to the vehicle.
- (b) The amount of the penalty charge which is payable;
- (c) That the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice.
- (d) That if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by one half.
- (e) That, if the penalty charge is not paid before the end of the 28 day period, a notice to owner may be served by the parking authority on the person appearing to them to be the owner of the vehicle;
- (f) The address to which payment of the penalty charge must be sent.

## **RESTRICTION ON REMOVAL OF NOTICES**

7. When a notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised

by the Council in that behalf or the driver or a person authorised by the driver in that behalf shall remove the notice from the vehicle.

8. A penalty charge notice fixed to a vehicle in accordance with the provisions of this Order shall not be removed or interfered with except by or under the authority of

- (a) the owner, or person in charge, of the vehicle; or
- (b) the parking authority.

## **OTHER PROVISIONS**

9. The driver of a motor 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 to depart from the parking place.
10. no person shall use a 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.
11. 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; or
  - (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.
12. 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.
13. (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 foregoing 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.

(3) For the purpose of meeting the requirement 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 persons 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.

14. 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.

15. no person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purposes of departing from the parking place.



Rosemary  
Senior Legal Assistant

15509

Given under the Common Seal  
of the Gravesham Borough Council  
The 10<sup>th</sup> day of January 2006

THE COMMON SEAL OF  
GRAVESHAM BOROUGH  
COUNCIL was herewith  
affixed on the authority  
of ROSEMARY SPEARNE  
AUTHORISED SIGNATORY