

ROAD TRAFFIC REGULATION ACT 1984

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**(CHURCHILL GARDENS, HEREFORD)
(OFF STREET PARKING PLACES) ORDER 2004**

The County of Herefordshire District Council ("the Council") in exercise of its powers under Sections 1 and 2 of the Road Traffic Regulation Act 1984 (referred to as "the Act"), the Road Traffic Act 1991 (as amended) 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 of 1984, hereby make the following Order:-

1. This Order shall come into operation on the 2 day of August 2004 and may be cited as The County of Herefordshire District Council (Churchill Gardens, Hereford) (Off Road Parking Places) Order 2004.

2. (1) In this Order:-

"the 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 relating to a vehicle, means the person by whom such vehicle is kept and used;

"vehicle" as referred to in the relevant articles herein shall mean a motor car or motor cycle or any other vehicle as defined in Section 136 of the 1984 Act.

"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 of land specified by name in the schedule provided by the Council under Section 32 (1) of the 1984 Act for use as a parking place as shown on the attached plan;

"disabled person's badge" has the same meaning as in the Disabled Persons (badges for Motor Vehicles) Regulation 2000;

"disabled person's vehicle" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled persons) (England) Regulations 2000:

"parking disc" means a disc, issued by a local authority, 125 millimetres square, Coloured blue if issued on or after 1st April 2000 and coloured orange if issued before that date and capable of showing the quarter hour period during which a period of waiting begins:

"parking attendant" means a person appointed in accordance with the provisions of Section 63A of the 1984 Act.

"penalty charge" means a charge as stated in Article of this Order as amended from time to time in compliance with the provisions of Section 74 of the 1991 Act.

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

(2) For the purpose of this Order a vehicle shall be regarded as displaying:-

(a) a disabled person's badge in the relevant position, when:-

- (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that the front of the badge is legible from outside the vehicle; and
- (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that the front of the badge is legible from outside the vehicle.

(b) a Parking Disc in the relevant position, when:-

- (i) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle; and
- (ii) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle.

(3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if for the purposes of Sections 16(1) and 17(2) of that Act this Order were an Act of Parliament and the Orders revoked by this Order were an Act of Parliament thereby repealed.

USE OF LAND AND PARKING PLACE

- 3. Each area of land shown on the attached plan 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 day and during such hours as are specified in relation to that area in the Schedule.
- 4. 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:-
 - (a) it is of the class and in the position so specified; or
 - (b) it is of the class and in a position directed by a parking attendant
- 5. 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.
- 6. The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in the Schedule in relation to that parking place.

PENALTY CHARGE AT PARKING PLACES

7. (1) If a vehicle is left in a parking place in contravention of or non compliance with any Article of this Order a penalty charge shall be payable by the owner (subject to the provision of Section 66 and Schedule 6 of the 1991 Act) for each day of the said contravention of non compliance.
- (2) The penalty charge shall be in the sum of the following amounts:
 - (a) £60 on the issue of a PCN subject to being discounted to £30 if payment is received by the Council as provided in paragraph 6 of this Article within 14 days of the issue of the PCN
 - (b) on the issue of a "charge certificate" in accordance with the provisions of paragraph 6 of Schedule 6 of the 1991 Act the penalty charge shall be increased to the sum of £90
- (3) where a penalty charge has been incurred a parking attendant may attach to the vehicle in a conspicuous position a PCN which shall comply with the requirements of Section 66(3) of the 1991 Act.
- (4) Nothing in this Article shall render it unlawful to cause or permit a disabled persons vehicle which displays in the relevant position a disabled persons badge/disc to wait in the parking places referred to in Part 1 of the Schedule for double the limitation of time as specified in the Schedule.
- (5) Payment of the penalty charge to the Council shall either be by cheque, postal Order or by cash in person which shall be delivered or sent by post so as to reach the relevant department/office of the Council not later than 4.30 pm by the date specified on the PCN but should the said Council Department/Office be closed on the said date specified the period for receiving payment may be extended until 4.30 pm on the next full working day.
- (6) The particulars given in the PCN attached to a vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay the penalty charge.

RESTRICTION ON REMOVAL OF A PCN

8. When a PCN 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 owner or driver or a person authorised by the owner or driver in that behalf shall remove the PCN from the vehicle.

OTHER PROVISIONS

9. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle Excise and Registration Act 1994.
10. 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.

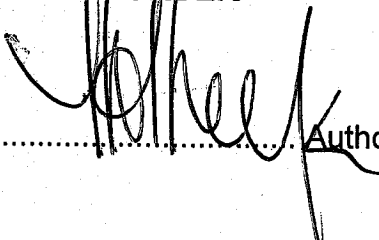
11. (1) No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.
 - (2) No person shall use any part of a parking place or any vehicle left in a parking place :-
 - (a) for sleeping or camping or cooking; or
 - (b) for eating and cooking purposes; or
 - (c) for the purposes of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
 - (3) No person shall use a parking place or any part thereof for the distribution of leaflets or advertising materials or attach such leaflets or materials to any vehicle in a 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 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 or causes an obstruction 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 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.
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,

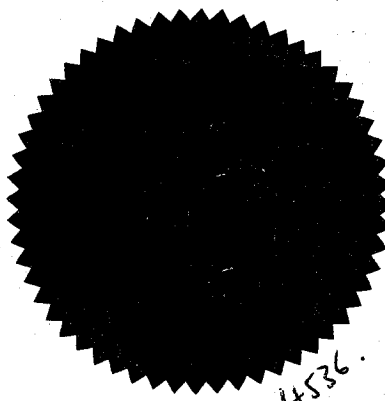
no person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated, or (ii) in a direction other than so specified.

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 purpose of departing from the parking place.
16. No person in a parking place shall shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents or premises in the neighbourhood.
17. 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.
18. No person shall use a parking place as a means of passage proceeding from one road to another.
19. In a parking place no person shall:-
 - (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the prior written consent of the Council;
 - (b) light or cause or permit to light any fire.
20. No person shall while a vehicle is in a parking place use the parking place for any purpose other than parking the vehicle, boarding or alighting from the vehicle or taking articles out of or into the vehicle, and in particular but without prejudice to the generality of the foregoing provisions of this Article shall not carry out works of maintenance and/or construction in respect of the vehicle except such as may be necessary to enable the vehicle to be moved from the parking place.
21. A driver shall not use a parking place when the parking place or any part thereof has been closed by the Council and there is exhibited a notice of such closure on or near the parking place.
22. References to any statutory provision herein shall include reference to any statutory modification or re-enactment thereof.
23. For the avoidance of doubt should there be any ambiguity between the provisions of this Order and any statutory provision then the latter shall prevail.

Dated this 26th July 2004

**THE COMMON SEAL of
THE COUNTY OF HEREFORDSHIRE
DISTRICT COUNCIL** was hereunto
affixed **BY ORDER**


..... Authorised Officer



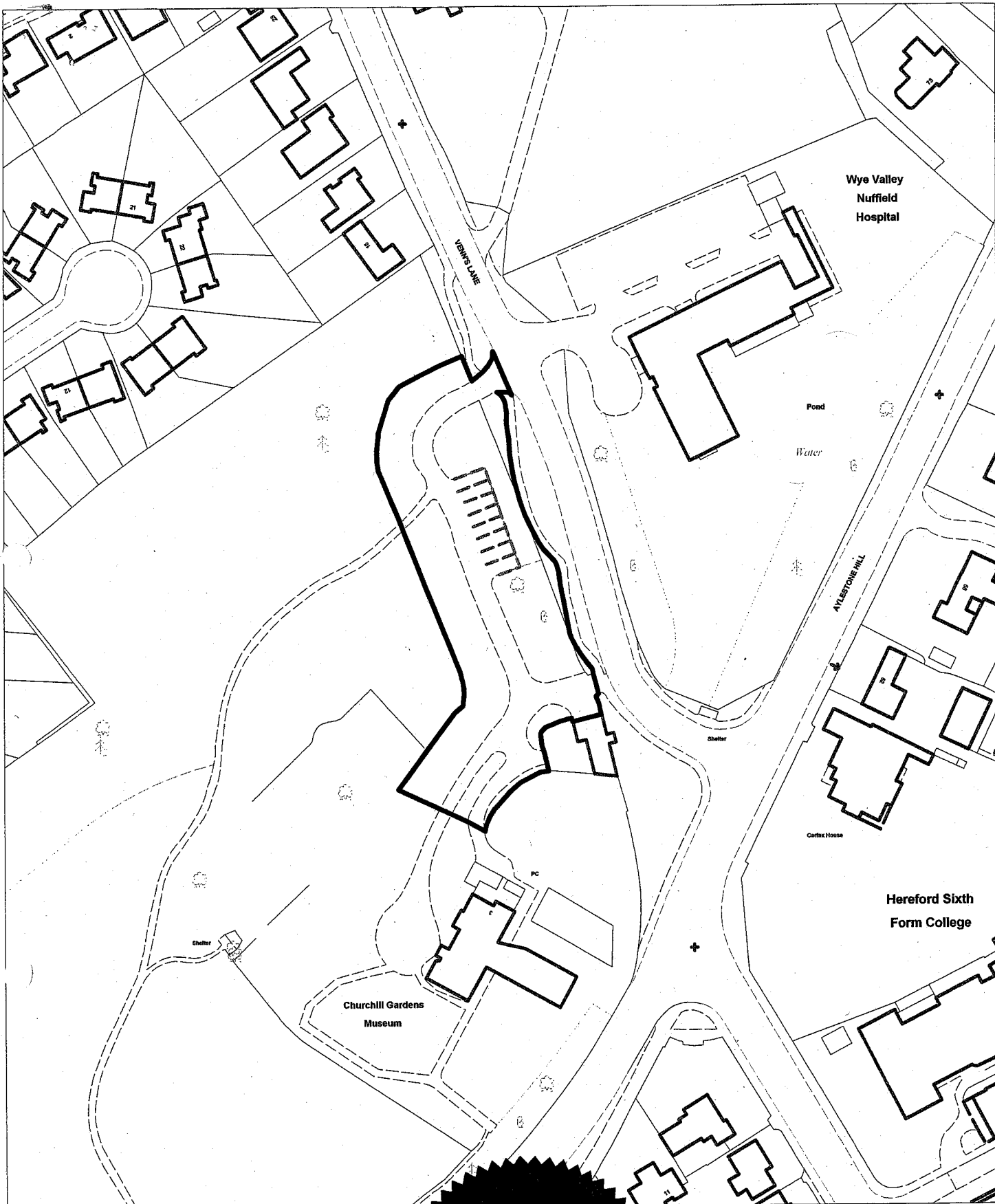
SCHEDULE

Churchill Gardens

Notice of Parking place	Position in which vehicle may wait	Classes of Vehicle	Maximum period for which vehicle may wait	System
Churchill Gardens	Wholly within a parking bay	Any vehicle up to 7.5 tonne (Gross vehicle weight)	2 hours Monday to Saturday from 8 am to 6 pm inclusive - no return within 2 hours	N/A

NB A barrier will be in operation at the following times:-

British Summer Time - barrier open at 7 am closed at 10 pm
Greenwich Mean Time - barrier open at 7 am closed at 7 pm

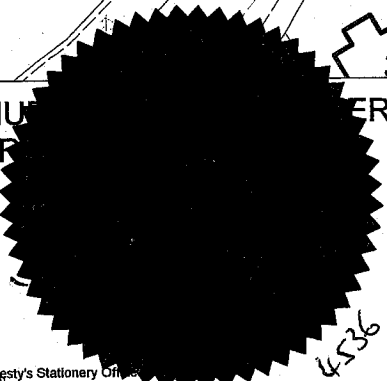


LOCATION PLAN - CHURCHILL GARDENS - HEREFORD
AREA FOR PARKING PROPOSAL



SCALE 1:1250

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 Parks & Countryside Service
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