

**THE ISLE OF WIGHT COUNCIL,
(DISABLED DRIVERS' STREET PARKING PLACES)
ORDER NO 2 2018**

The Isle of Wight Council ('the Council') in exercise of their powers under Sections 32(1) and 35(1) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ('the Act of 1984') and Section 21(1) of the Chronically Sick and Disabled Persons Act 1970, the Road Traffic Act 1991 ("the Act of 1991") 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 make the following Order:

Citation and commencement

1. This Order shall come into operation at 0001 hours on Friday 3rd of August 2018 and may be cited as the Isle of Wight Council (Disabled Drivers' Street Parking Places) Order No 2 2018.
2. The Isle of Wight Council (Disabled Drivers' Street Parking Places) Order No. 2 2018 Plans (the "Plans") are incorporated into this Order.

Revocation

3. The provisions of the Isle of Wight Council (Disabled Drivers' Street Parking Places) Order No 1 2018 is hereby revoked.

Interpretation

4. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

'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;

'Disabled Persons' Badge' has the same meaning assigned to it under

The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

'Disabled Person's Vehicle' means any vehicle which displays a Disabled Persons Badge in the relevant position.

'Invalid Carriage' has the meaning assigned to it by virtue of sub section 5 of Section 136 of the said Act;

"owner" in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was the owner at any time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his / her employment and who is entitled to use such vehicle as though he / she were the registered keeper thereof;

"goods" means good of any kind whether animate or inanimate and includes postal packets of any description and "delivering" and "collecting" in relation to an goods includes checking the goods for the purpose of their delivery or collection;

"parking attendant / civil enforcement officer" means a person employed in accordance with section 63A of the Act of 1984 to carry out the functions therein;

'permitted hours' means the period during which waiting by vehicles of a specific class is permitted as specified in the Plans;

'parking place' means any part of a road authorised by this Order to be used as a parking place:

"parking space" means a space within a parking place which is provided for the leaving of a vehicle;

"permitted hours" means the period during which waiting by vehicles of a specific class is permitted as specified in the Plans;

'relevant position' means the manner in which badges are to be displayed as contained in regulation 4 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

Designation

5. (i) Each of the parts of a road specified as such in the Plans is authorised to be used, subject to the following provisions of this Order as a parking place for vehicles displaying a disabled persons' badge in such positions and during the permitted hours as are specified in relation to that part of the road in the Plans
- (ii) Nothing in paragraph (i) of this Article shall restrict the power of the Council, for preventing obstruction of the streets, by Order on the occasion of any public procession, rejoicing or illumination, or when the streets are thronged or liable to be obstructed, to close any parking place.

Restrictions

6. Where in the Plans a space is described as available for vehicles of a specified class or in a specified position no person shall cause or permit a vehicle to wait in that parking place.
 - (a) unless it is of the specified class; or
 - (b) in a position other than specified.
7. No person shall cause or permit a vehicle to wait in a parking place for longer than the maximum period permitted for waiting specified in the Plans in relation to that parking place.

8. When a vehicle has left a parking place after waiting thereon no person shall within the specified period after its leaving permit that vehicle to wait again upon that parking place.
9. Every vehicle left in a parking place in accordance with the provisions of this Order shall so stand that every part of the vehicle is within the limits of the parking space.

Use of parking places

10. No person shall cause or permit a vehicle to wait in a parking place :
 - (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons or so as to be a nuisance;
 - (b) when for preventing obstruction of the streets the Council shall by Order made on the occasion of any public procession, rejoicing or illumination or when the streets are thronged or liable to be obstructed have closed that parking place and exhibited notice of such closing on or near the parking place.
11. 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 to depart from the parking place.

Movement and removal of vehicles

12. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Article 10 of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place; provided

that when a vehicle is waiting in a parking place in contravention of the provision of Article 10(a) of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.

13. Any person removing a vehicle or altering its position by virtue of the last preceding Article of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position, as the case may be.
14. 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 12 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

Contravention

15. If a vehicle is left in any road or length of road in contravention of or without complying with the requirements of this Order a contravention shall have occurred and a penalty charge shall be payable and/or the vehicle may be removed from that location.

Penalty charge notice

16. In the case of a vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of the Parking attendant / civil enforcement officer to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:
 - (a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
 - (b) the grounds on which the Parking attendant / civil enforcement officer believes that a Penalty Charge is payable in respect of that vehicle;

- (c) the amount of Penalty Charge required to be paid;
- (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 the specified proportion or amount;
- (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 Council on the person appearing to be the owner of the vehicle; and
- (f) the address to which payment of the Penalty Charge must be sent.

Manner of payment of penalty charge

17. The penalty charge shall be paid to the Council within 28 days of the issue of the penalty charge notice either;
- (a) by cheque, bankers' draft, money order or postal order delivered to any Isle of Wight Council office which accepts such payments, or
 - (b) by cheque, postal order, in cash, by credit card or debit card in person at any Isle of Wight Council office which accepts such payments, or
 - (c) by credit card or debit card over the phone or through the Council's web site using the number specified on the penalty charge notice

Provided that, if the said twenty eight day falls upon a day on which the said Department or office is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.00pm on the next full day on which the said Department is open.

18. 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 50%.

19. If the owner fails to pay the penalty charge by the end of the 28 day period, a notice of owner may be served; and if the charge is not paid within a further 28 days it may be increased by 50% on the issue of a charge certificate in accordance with the provisions of paragraph 6 of schedule 6 of the Act of 1991.
20. Continuing failure to pay the penalty charge may result in a judgement in the County Court against the owner to enable the Council to recover the payments due.

Indications as evidence

21. The particulars given in the penalty charge notice attached to a vehicle in accordance with Article 16 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

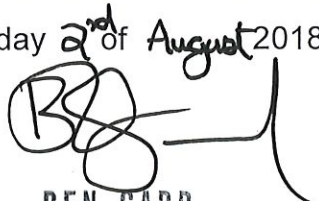
Restriction on removal of notices

22. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 16 no person, not being the driver of the vehicle, a police constable in uniform, a parking attendant / civil enforcement officer or some other person duly authorised by the Council shall remove the notice from the vehicle unless authorised to do so by the keeper of the vehicle
23. The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

THE COMMON SEAL of THE ISLE OF WIGHT COUNCIL

was hereunto affixed this day 2nd of August 2018 in the presence of :

Authorised Signatory



BEN GARD
LAWYER
AUTHORISED SIGNATORY
ISLE OF WIGHT COUNCIL

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