

ROAD TRAFFIC REGULATION ACT 1984
LANCASHIRE COUNTY COUNCIL
(WALTON-LE-DALE PARK AND RIDE CAR PARK, WALTON-LE-DALE,
SOUTH RIBBLE BOROUGH) (OFF STREET PARKING PLACE AND
ELECTRIC CHARGING POINT PLACES (A)) ORDER 2020

The County Council of Lancashire ("the Council") in exercise of its powers under Sections 32 and 35 to the Road Traffic Regulation Act 1984, as amended ("the 1984 Act") and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order: -

1. Definitions and Interpretation

In this Order where the context requires, the masculine includes the feminine and the neuter and vice versa, the singular includes the plural and vice versa.

For all the purposes of this Order the terms described in this Article shall have the meanings specified:

- a) **"Authorised Person"** means the Director of Highways and Transport or the Regulation & Enforcement Manager employed by The Council;
- b) **"Civil Enforcement Officer"** means a person authorised by or on behalf of Lancashire County Council in accordance with Section 76 of the Traffic Management Act 2004;
- c) **"Disabled Person's Badge"** means a badge which was –
 - i) issued, or has effect as if issued, to a disabled person or an institution under The Disabled Persons (Badges for Motor Vehicles) (England) Regulations or under regulations having effect in Scotland or Wales under Section 21 of the Chronically Sick and Disabled Persons Act 1970; and
 - ii) has not ceased to be in force.
- d) **"Disabled Person's Vehicle"** means a Vehicle displaying a Disabled Person's Badge in the circumstances prescribed in Regulations 13, 14, 15 or 16 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
- e) **"Disabled Person's Parking Space"** means any Parking Space within a Parking Place where there is a sign and/or surface marking which indicates that the Parking Space is only to be used for the parking of a Disabled Person's Vehicle;
- f) **"Driver"** in relation to a Vehicle Waiting in a Parking Place means the person driving the Vehicle immediately prior to parking it in the Parking Place;
- g) **"Electric Vehicle"** means any Vehicle which uses one or more electric motors for propulsion;
- h) **"Enforcement Authority"** means Lancashire County Council;
- i) **"Invalid Carriage"** means a mechanically propelled Vehicle of which the weight unladen does not exceed 254 kilograms and which is specifically designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person;

- j) **"Material Time"** means the time when the contravention giving rise to the Penalty Charge is said to have occurred;
- k) **"Motor Car"** means a motor Vehicle (other than an Invalid Carriage or motor cycle):-
 - i) which is not constructed or adapted to carry more than nine persons inclusive of the Driver; and
 - ii) which has a maximum gross weight not exceeding 3.5 tonnes.
- l) **"Motorcycle"** means a mechanically propelled Vehicle (not being an Invalid Carriage) with fewer than four wheels, of which the weight unladen does not exceed 410 kilograms;
- m) **"Owner"** in relation to a Vehicle means the person in whose name the Vehicle is registered at the relevant time under the Vehicle Excise and Registration Act 1994;
- n) **"Parent and Child Parking Bay"** means a parking space designated for use by vehicles whose occupants include one or more children travelling in a child car seat or booster seat;
- o) **"Parent's Vehicle"** means a Vehicle being used to transport one or more children who require the use of a child car seat or booster seat;
- p) **"Park"** refers to a Vehicle which Waits in a Parking Place;
- q) **"Parking Disc"** means a device which -
 - i) is 125 millimetres square and coloured blue, if issued on or after 1st April, 2000 or orange if issued before that date;
 - ii) has been issued by a local authority and has not ceased to be valid; and
 - iii) is capable of showing the quarter hour period during which a period of waiting has begun.
- r) **"Parking Place"** means any land, premises or place detailed in Column 1 of the Schedule and edged red;
- s) **"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;
- t) **"Penalty Charge"** means the charge set by The Council under the provisions of The 2004 Act and subordinate legislation made thereunder;
- u) **"Penalty Charge Notice"** means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of section 78 of The 2004 Act and The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, or any other legislation as may replace it in the future;
- v) **"The 2004 Act"** means the Traffic Management Act 2004;
- w) **"The Council"** means Lancashire County Council;
- x) A Vehicle displays a Disabled Person's Badge, Parking Disc or Parking Ticket in the **"Relevant Position"** if –

- i) it is exhibited on the dashboard or fascia of the Vehicle; or
 - ii) where the Vehicle is not fitted with a dashboard or fascia the badge/disc/permit/ticket is exhibited in a conspicuous position on the Vehicle, so that the front of the badge/disc/permit is clearly legible from the outside of the Vehicle.
- y) **"Vehicle"** means a Motor Car, Motorcycle or Invalid Carriage;
- z) **"Wait"** refers to a Vehicle stopping and remaining stationary for any period of time whether or not with the intention of parking. If a Vehicle remains stationary for any period in a Parking Place whether or not a person alights from the Vehicle it is deemed to be Waiting.

2. Designation And Use Of Parking Place

Each area of land or place specified by name in column 1 of the Schedule and being marked on a plan forming part of this Order 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, for such period on such days and during such hours, as are specified in relation to that Parking Place in the Schedule to this Order. No person shall, unless authorised in writing by The Council, use any Parking Place so named for any other purpose whatsoever.

3. Position Of Vehicle

Every Vehicle left Waiting in a Parking Place in accordance with the provisions of this Order shall so stand so that every part of the Vehicle is within the limits of a particular Parking Space within the limits of the Parking Place.

4. Parking Only For Disabled Person's Badge Holders

No Driver shall cause or permit a Vehicle to Wait, on any day at any time, in a Disabled Person's Parking Space, unless the Vehicle is a Disabled Person's Vehicle and it displays a valid Disabled Person's Badge in the Relevant Position.

5. Parking Only For Motorcycles

No Driver shall cause or permit a Vehicle other than a Motorcycle to Wait, on any day at any time, in a Parking Space signed and/or marked for Motorcycles.

6. Parking Only for Parent and Child

No Driver shall cause or permit a Vehicle other than a Parent's Vehicle to Wait, on any day at any time, in a Parent and Child Parking Bay signed and/or marked for Parent's Vehicles.

7. Electric Vehicle Charging Place 5 Hours No Return Within 2 Hours

No Driver shall cause or permit a Vehicle other than an Electric Vehicle, plugged in and being recharged via a Charging Unit, on any day at any time, to Wait in a Parking Space signed and/or marked for Electric Vehicles in which case that Vehicle may Wait for a maximum period of 5 hours and not return within 2 hours.

8. Removal And Repositioning Of Vehicles

When a Vehicle Waits in a Parking Place in contravention of any of the provisions of this Order a person authorised by The Council may remove the Vehicle or arrange for the Vehicle to be removed from that Parking Place and when a Vehicle is Waiting in a Parking Place in contravention of the provision of Article 3 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 Article.

9. Removal Of Vehicles In An Emergency

For the purpose of meeting the requirements of an emergency a person authorised 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 and in so doing shall provide for the safe custody of the Vehicle.

10. Method Of Removing And Repositioning Vehicles

An Authorised Person altering or causing to be altered the position of the Vehicle by virtue of Articles 8 or 9, or removing or causing the removal of a Vehicle by virtue of Articles 8 or 9 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.

11. Safe Custody Of Vehicles

- a) An Authorised Person removing or arranging for the removal of a Vehicle by virtue of Articles 8 or 9 shall make such arrangements as he considers to be reasonably necessary for the safe custody of the Vehicle.
- b) Where an Authorised Person has removed or caused to be removed a Vehicle by virtue of Articles 8 or 9 The Council shall be entitled to recover from any person responsible such charges in respect of the removal, storage and disposal of the Vehicle as it determined under Schedule 9 of The 2004 Act.

12. Power To Close Any Parking Place Or Part Thereof

- a) Notwithstanding the provisions of this Order any person authorised by The Council may by notice, sign or barrier displayed on or near the Parking Place close any Parking Place or any part thereof for any period and/or may designate any Parking Place or any part thereof as reserved for use only by particular Vehicles for particular purposes approved by The Council.
- b) No Driver of any Vehicle shall use the Parking Place or any part thereof when it is so closed unless with the written consent of The Council or in compliance with the particulars of the reservation.

13. Stop Engine

The Driver of a Vehicle using a Parking Place shall stop the engine as soon as a Vehicle is correctly in position in the Parking Space 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. Parked Causing An Obstruction

The Driver of a Vehicle using a Parking Place shall not Park the Vehicle in such a manner or place where it causes an obstruction to any other users of the Parking Place.

15. Vehicle Tax And Insurance

The Driver of a Vehicle shall not cause or permit the Vehicle to Wait in any Parking Place unless the Vehicle is licensed in accordance with the provisions of the Vehicles Excise and Registration Act 1994 and there is in relation to the use of the Vehicle by the Driver such a current policy of insurance as complies with the requirements of the Road Traffic Act 1988.

16. Entry And Exit

The Driver of a Vehicle shall comply with all signs and markings in a Parking Place:

- 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.

17. Activities Prohibited In Parking Places

- a) No person shall use a Vehicle while it is in a Parking Place in connection with the sale of any article (including the Vehicle itself) to persons in or near the Parking Place or in connection with the selling or offering for hire of his skills or services, except with the prior written permission of The Council.
- b) No person shall use any part of a Parking Place or any Vehicle left in a Parking Place:
 - i) for sleeping or accommodation or camping purposes;
 - ii) for eating or cooking purposes;
 - iii) to undertake (or allow to be undertaken) any cleaning, maintenance or repair of a Vehicle except such as may be necessary to enable the Vehicle to be removed from the Parking Place.
- c) In a Parking Place no person shall:
 - i) erect or cause to be erected any tent stand building or other structure without the written consent of The Council; or
 - ii) light or cause or permit to be lit any fire.

18. No Liability For Loss Or Damage To Vehicle Or Property

The Council accepts no liability for the loss or damage to Vehicles or other property left in any of the Parking Places to which this Order applies.

19. Contravention

- a) Where a contravention of this Order constitutes a parking contravention within the meaning of The 2004 Act the contravention shall be subject to the penalties and procedures provided for by the said legislation and any subordinate legislation made thereunder.
- b) If a Vehicle is left in a Parking Place in contravention of this Order a Penalty Charge shall be payable by the person:
 - i) who was the Owner of; or
 - ii) who hired the Vehicle involved in the contravention at the Material Time.

20. Restriction On Removal Of Notices

A Penalty Charge Notice fixed to a Vehicle 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 Enforcement Authority.

21. Indications Of Evidence

- a) The particulars given in a Penalty Charge Notice issued in accordance with The 2004 Act and any subordinate legislation made thereunder shall be treated as evidence in any proceedings relating to the failure to pay such Penalty Charge.
- b) A contravention of this Order which does not constitute a parking contravention within the meaning of The 2004 Act is an offence under section 35A of the 1984 Act.

22. Disposal of Vehicles

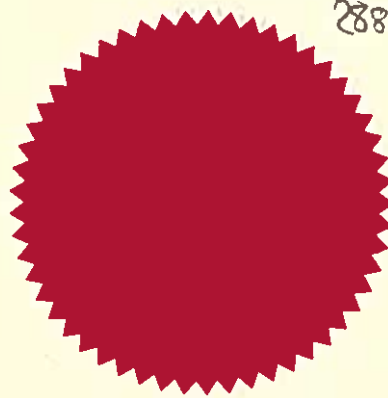
If a Vehicle has been, or could at anytime be, removed from a Parking Place in pursuance of this Order and the Vehicle appears to The Council to have been abandoned The Council may dispose of that Vehicle in such a manner as it thinks fit, the provisions set out in the 1984 Act shall apply.

23. Commencement Of Order

This Order shall come into force on the 30th day of March 2020 and may be cited as the "Lancashire County Council (Walton-Le-Dale Park And Ride Car Park, Walton-Le-Dale, South Ribble Borough) (Off Street Parking Place And Electric Charging Point Places (A)) Order 2020".

Dated this 25th day of March 2020.

THE COMMON SEAL of the Lancashire County Council was hereunto affixed pursuant to the Scheme of Delegation to Chief Officers

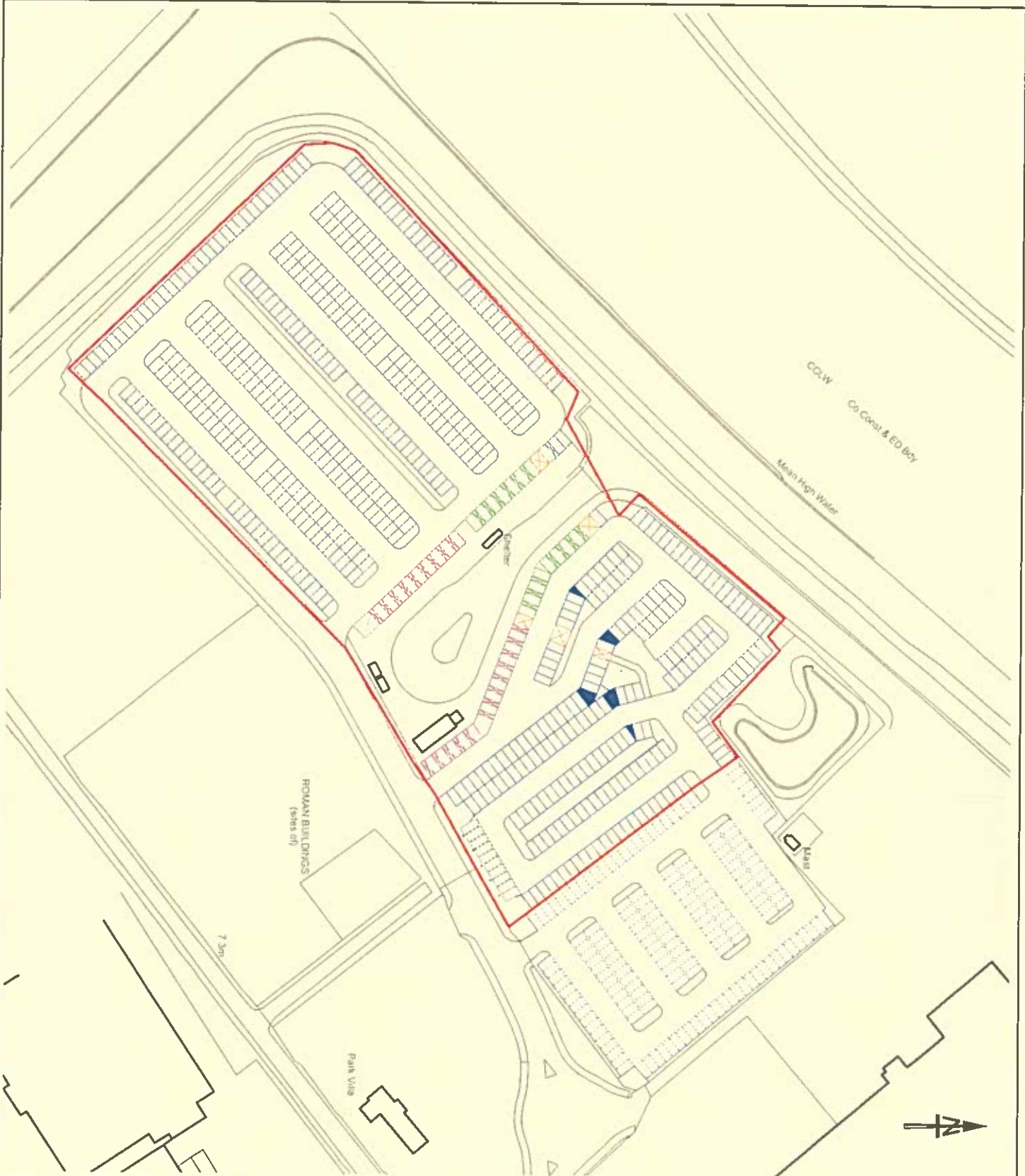


A handwritten signature in black ink, appearing to read 'Johanna'.









Authorised Signatory

Schedule

1	2	3	4
Name of Parking Place	Designation of type of Parking Place	Position in which vehicles must park	Classes of Vehicle
Walton le Dale Park and Ride	Off Street Parking Place	Wholly within a Parking Space in accordance with Article 3	Vehicles, Disabled Person's Vehicles, Motorcycles, Parent's Vehicle, and Electric Vehicles



KEY

-  General Parking Bays
-  Parent and Child Bays
-  Disabled Parking Bays
-  Electric Vehicle Charging Points
-  Motorcycle Parking
-  Pedestrian Walkways
-  Bays Covered By Order
-  Bays Not Covered By Order

PROJECT TITLE Lancashire Highway Services	
CLIENT Lancashire Highway Services	
PROJECT NO. LCC01 WLD P&R	
DATE 28/05/2019	
SCALE 1:1000 (A3)	
DESIGNER Mark Whittle	
CHECKED BY CH	
DATE 28/05/2019	
PROJECT NO. LCC01 WLD P&R	
SCALE 1:1000 (A3)	