

THE MEDWAY COUNCIL (OFF - STREET PARKING PLACES) ORDER 2000

Preliminary

Medway Council in exercise of the powers under sections 32, 33, 34, 35, 35C, 37, 38 and 61 of the Road Traffic Regulation Act 1984 and all other enabling powers having regard to Section 122 of that Act and having consulted the Chief Officer of Police in accordance with Part III of Schedule 9 of that Act and in accordance with the Road Traffic (Permitted Parking Area and Special Parking Area)(Borough of Medway) Order 1999 made by the Secretary of State makes the following Order

In accordance with the provisions of section 37 of the Road Traffic Regulation Act 1984 this Order forms part of a general scheme of traffic control whose boundary is the boundary of the Medway Council area

Citation and Commencement

- 1 This Order may be cited as the Medway Council (Off- street Parking Places Order) 2000 Waiting Order 2000 and shall have effect from _____

Revocation

- 2 Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into effect of this Order any prohibitions and restrictions of waiting as respects vehicles in off- street parking places effective in the Medway area prior to this Order coming into effect relating to any of the parking places described herein are revoked to the extent that this Order takes effect

Definitions

- 3 In this Order:

"the Act" means the Road Traffic Regulation Act 1984 and references to section numbers are to sections of that Act unless the context admits otherwise

"The 1991 Act" means the Road Traffic Act 1991

"carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles but excludes any lay-by

"the Council" means Medway Council

"designated parking place" means a parking place designated under an Order forming part of this general scheme of parking control

"disabled person's badge" has the meaning given by section 142 of the Act

"disabled person's vehicle" has the meaning given by section 142 of the Act

"footway" has the meaning given by section 329 of the Highways Act 1980

"goods vehicle" has the meaning given by section 92 of the Transport Act 1968

"heavy goods vehicle" has the meaning given by section 20(1) of the Road Traffic Act 1988

"owner" in relation to a vehicle means the person who is liable to receive a notice to owner respecting any contravention of this Order

"parking attendant" means a person appointed by or on behalf of the Council to enforce the restrictions imposed by this general scheme of traffic control relating to stationary vehicles

"parking disc" has the meaning given by Regulation 4(3)(ii) of the Local Authorities'

Traffic Orders (Exemption for Disabled Persons)(England and Wales) Regulations
1986

"penalty charge" means a charge set by the Council under the 1991 Act and following approval by the Secretary of State which is due to be paid to the Council following the issue of a penalty charge notice and within 28 days of the issue of that notice

"penalty charge notice" means a notice which complies with the requirements of section 66(3) of the 1991 Act and which is fixed to a vehicle or given to a person appearing to be in charge of a vehicle by or under the authority of a parking attendant

"reduced penalty charge" means a charge set by the Council under the 1991 Act and following approval by the Secretary of State which is due to be paid to the Council following the issue of a penalty charge notice and within 14 days of the issue of that notice

"undertaker" has the meaning given by section 48(4) of the New Roads and Street Works Act 1991

Permission to Wait

- 4 (1) Any person may cause or permit to wait in a parking place specified in the First Schedule hereto a vehicle of such classes as are specified in the second column of that Schedule during the days and hours specified in column 3 of that Schedule on payment of a charge as specified in column 5 of that Schedule for a period not exceeding the maximum waiting period specified in Column 4 of that Schedule
- (2) Where a parking place is mentioned in column 1 of Schedule 2 hereto the holder of a shoppers season ticket or a commuter season ticket as the case may provided the season ticket (of whatever type) is displayed in a vehicle of a class which is specified in column 2 of Schedule 1 hereto so that the front of the ticket is legible from outside the vehicle cause or permit a vehicle to wait for a period not exceeding the maximum waiting period specified in column 4 of Schedule 1 hereto until and including the date of expiry shown on the ticket
- (3) Where a parking space within any of the parking places described in the First Schedule hereto is marked with sign number 661 in the Traffic Signs Regulations and General Directions 1994 no person shall cause or permit a vehicle to wait in that parking space at any time other than a disabled person's vehicle

Prohibitions

- 5 (1) No person shall cause or permit a vehicle to wait in any of the parking places specified in Schedule 1 hereto unless:
- (a) the vehicle waits wholly within the marked area of a parking space or without causing an obstruction where no such parking spaces are marked in that parking place and
 - (b) where a class of vehicle is specified in column 2 of Schedule 1 hereto in relation to a parking place the vehicle falls within any such class
 - (c) the vehicle waits with the permission of or on the direction of a parking attendant or a police constable in uniform
 - (d) the vehicle is being used by or with the written consent of the Council
 - (e) the person in charge of the vehicle is required by law to stop or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstances beyond his control
 - (f) the vehicle is being used for police fire brigade ambulance or other emergency service
- (2) No person shall cause or permit a vehicle which is a trailer or a caravan to wait in any of the parking places in the First Schedule hereto at any time irrespective of the provisions of paragraph (1) above

Enforcement

6 (1) Where a vehicle contravenes any provision of this Order a Penalty Charge Notice giving the information required by the 1991 Act and stating the prescribed amount payable as a penalty charge and the amount of the reduced penalty charge payable may be fixed to the vehicle or given to a person appearing to be in charge of the vehicle by a parking attendant in accordance with the 1991 Act

(2) A penalty charge shall be paid to the Council by such means of payment as may be approved by the Council and which shall be delivered or sent by post to the address or addresses shown on the penalty charge notice and in accordance with the instructions on that notice to arrive not later than 4 pm on;

a) the 14th day after the date shown on the penalty charge notice as being the date of issue of the notice in which case a reduced penalty charge as indicated on the notice shall be payable or;

b) the 28th day after the date shown on the penalty charge notice as being the date of issue of the notice.

(3) Provided that if the aforesaid 14th or 28th day fall upon a day on which the offices at the address or addresses given are not open for the receipt of payment then the day by which the penalty charge or reduced penalty charge shall be payable shall be deemed to be extended until 4 pm on the next following day upon which the said offices are open for the receipt of such payments

7 (1) Where a vehicle is left in contravention of the provisions of this Order and a Penalty Charge Notice has been affixed to the vehicle or given to a person appearing to be in charge of the vehicle a parking attendant or a person acting on the direction of a parking attendant may affix an immobilisation device to that vehicle and a notice which complies with the provisions of the Act

(2) Where an immobilisation device has been affixed to a vehicle that immobilisation device shall only be removed on payment of the amount of the Penalty Charge or Reduced Penalty Charge as the case may be together with such release fee as may be prescribed

(3) No immobilisation device shall be affixed to a vehicle which lawfully displays a disabled person's badge

8 (1) Where a vehicle is left in contravention of the provisions of this Order and a Penalty Charge Notice has been affixed to that vehicle a parking attendant or a person acting on the direction of a parking attendant may remove that vehicle in accordance with the provisions of the Road Traffic Regulation Act 1984

(2) Where a vehicle has been removed in accordance with paragraph (1) above that vehicle shall only be released on payment of any Penalty Charge or Reduced Penalty Charge as the case may be which is due to be paid in respect of that vehicle together with any charge for the removal and storage of that vehicle as may be prescribed

Payment of Parking Charge

9 (1) Save as provided in where a vehicle is left in a parking place during the hours specified in column 3 of Schedule 1 hereto where apparatus is in use in a parking place a parking device shall be purchased from the aforesaid apparatus by the insertion of coins or by such other means as the Council may from time to time provide to such value as is described in column 5 of the First Schedule against the relevant entry in respect of parking places

(2) A parking device shall be displayed in a vehicle so that the front of the device is legible from the nearside or front of the vehicle.

(3) Save as provided in Article 5 where a person causes or permits a vehicle to enter a parking place at any time where entry barriers are provided which issue parking devices that person shall retain the said parking device about his person and as the case may be insert the parking device in the receiving machine at an exit from the parking place and shall pay the relevant amount or shall insert the parking device in a validating apparatus and shall pay the relevant amount before the validated parking device is returned to him

(4) For the purposes of paragraph (3) above the relevant amount means the charge applicable to the period of waiting of a vehicle in a parking place during the times specified in columns 3 and 5 of Schedule 1 where relevant

Season Tickets

- 10 (1) Any person may apply to the Council for a Shoppers Season Ticket or a Commuters Season Ticket in respect of a vehicle of a class which is not otherwise prohibited from using the relevant car park to which the season ticket applies
- (2) The Council may issue a Shoppers Season ticket or a Commuters Season Ticket on receipt of the relevant fee shown in column 3 of Schedule 2 hereto as applying to a car park in column 1 of that Schedule
- (3) Any person may cause or permit a vehicle which displays a valid Commuters Season Ticket or Shoppers Season Ticket to wait in the car park to which that ticket applies during the hours specified in column 5 of Schedule 1 hereto in respect of that car park
- (4) A Shoppers Season Ticket or a Commuters Season Ticket shall be displayed:-
- (a) in a vehicle which has a front windscreen fitted immediately behind the windscreen with its front facing forward so that the relevant details are legible from outside the vehicle or
 - (b) on a vehicle which has no front windscreen fitted in a conspicuous place on the vehicle so that the front of the ticket is visible from outside the vehicle
- (5) Where the holder wishes to surrender a Season Ticket of whatever kind the surrender value shall be calculated in the manner set out on the application form for the issue of a season ticket

Miscellaneous

- 11 (1) Where no charge is specified in column 5 of Schedule 1 hereto and no maximum waiting period is specified in column 4 of that Schedule a period of 48 hours shall be deemed to appear in the relevant place in column 4 of that Schedule
- (2) Where a period of time is specified in column 5 of Schedule 1 hereto any person may cause or permit a vehicle not otherwise prohibited from waiting to wait in that parking place outside that period of time
- (3) Where a sign is displayed indicating that a parking place is closed no person shall cause or permit a vehicle to wait in that parking place
- (4) Where a sign is displayed which indicates that a parking place is full no person shall cause or permit a vehicle to wait otherwise than accordance with paragraph (1) (a) of Article 5 above
- (5) No person shall use any vehicle including a disabled person's vehicle in any of the parking places described in Schedule 1 hereto in connection with the selling or offering for hire of goods or services at any time unless that person has obtained the written consent of the Council before doing so
- (6) Save where barriers are employed at the entrance to or exit from a parking place a disabled person's vehicle may be left without charge in a parking space within any of the parking places described in the First Schedule hereto which is marked with sign number 661 in the Traffic Signs Regulations and General Directions 1994
- (7) Any person who is the registered keeper of a vehicle and may apply to the Council for the issue to him of a permit to use the Globe Lane Car Park at a nil charge and any such permit shall be subject to the remaining provisions of this Order
- (8) Any person who is a registered keeper of a vehicle and is ordinarily resident at Nos 44 to 110 even and Nos 85 to 135 odd Rainham Road may apply to the Council for a key giving access to the Jezzrells Car Park and may cause or permit the vehicle to wait in a dedicated parking bay on payment of an annual fee of £70 the said key shall be and remain the property of Medway Council and shall be surrendered on demand either upon expiry of the period of one year or on receipt of written notice requiring its surrender giving reasons

The COMMON SEAL of)
 MEDWAY COUNCIL)
 Was affixed hereto)

This _____ day of 2000

In the presence of:-

SCHEDULE 1

- (a) Permitted vehicles - Each parking place in this Schedule is for the use of light goods or passenger vehicles not exceeding 4.9 metres (16 feet) in length unless stated otherwise in column 2 of the following table.
- (b) Hours & days of operation - Each parking place shall be operational at all hours on every day unless stated otherwise in column 3 of the following table.
- (c) Maximum waiting period - 72 hours unless stated otherwise.
- (d) Scale of Charges - The hours and days during which a scale of charges operate at a parking place are specified in column 5 of the following table.

CHATHAM

1 Name of parking place	2 Class of permitted vehicles	3 Hours and days of operation	4 Maximum waiting period	5 Scale of charges
Brook Pentagon MSCP	+ maximum height of 1.98 metres (6 feet 6 inches)			24 hours Monday to Saturday 0 - 1 hour 30p 1 - 2 hours 50p 2 - 4 hours 70p 4 - 6 hours 90p 6 - 8 hours £1.70 8 + hours £2.50 Sunday & bank holidays per visit 50p

Market Hall MSCP	+ maximum height of 1.98 metres (6 feet 6 inches)			24 hours Monday to Saturday 0 - 1 hour 30p 1 - 2 hours 50p 2 - 4 hours 70p 4 - 6 hours 90p 6 - 8 hours £1.70 8 + hours £2.50 Sunday & bank holidays per visit 30p
Church Street Globe Lane James Street Rhode Street Sir John Hawkins The Paddock Town Hall				7 a.m. to 7 p.m. Monday to Saturday 0 - 1 hour 30p 1 - 2 hours 50p 2 - 4 hours 70p 4 - 5 hours 90p
Old Road Queen Street Riverside Slicketts Hill Union Place Union Street Upper Mount Whiffens Avenue				7 a.m. to 7 p.m. Monday to Saturday 0 - 1 hour 30p 1 - 2 hours 50p 2 - 4 hours 70p 4 - 6 hours 90p 6 - 8 hours £1.70 8 + hours £2.50
Nelson Terrace			20 hours	Single tariff..... 10p
Chelmer Road Henry Street				Free
Fullagers Yard Solomons Road				Disabled Only

ROCHESTER

1 Name of parking place	2 Class of permitted vehicles	3 Hours and days of operation	4 Maximum waiting period	5 Scale of charges
Almon Place Blue Boar Lane Boley Hill Cathedral Garage				7 a.m. to 7 p.m. Monday to Saturday 0 - 1 hour 30p 1 - 2 hours 50p 2 - 4 hours 70p 4 - 5 hours 90p
Berkeley House Corporation Street	Sundays to Thursdays	20 hours	7 a.m. to 7 p.m. Monday to Saturday 0 - 1 hour 30p 1 - 2 hours 50p 2 - 4 hours 70p 4 - 6 hours 90p 6 - 8 hours £1.70 8 + hours £2.50

SCHEDULE 1 (Continued)

Kestral Robin Hood Lane Rochester Airport (park and ride) Silverweed Road Sultan Road Upnor (Upper) Upnor (Lower)				Free

SCHEDULE 1 (Continued)

STROOD

1 Name of parking place	2 Class of permitted vehicles	3 Hours and days of operation	4 Maximum waiting period	5 Scale of charges
Commercial Road (North) Grove Road Strood Waterfront Temple Street				7 a.m. to 7 p.m. Monday to Saturday 0 - 1 hour 30p 1 - 2 hours 50p 2 - 4 hours 70p 4 - 6 hours 90p 6 - 8 hours £1.70 8 + hours £2.50
Civic Centre		Saturdays, Sundays and bank holidays only		7 a.m. to 7 p.m. Saturday only 0 - 1 hour 30p 1 - 2 hours 50p 2 - 4 hours 70p 4 - 6 hours 90p 6 - 8 hours £1.70 8 + hours £2.50
Kings Head				Disabled Only

SCHEDULE 1 (Continued)

GILLINGHAM/RAINHAM

1 Name of parking place	2 Class of permitted vehicles	3 Hours and days of operation	4 Maximum waiting period	5 Scale of charges
Balmoral Gardens Britton Street Cricketers (Rainham) Longley Road			4 hours	7 a.m. to 7 p.m. Monday to Saturday 0 - 1 hours 30p 1 - 2 hours 50p 2 - 4 hours 70p
Britton Farm		Closed overnight	3 hours	7 a.m. to 7 p.m. Monday to Saturday 0 - 1 hours 30p 1 - 2 hours 50p 2 - 3 hours 70p
Jeffery Street Littlewoods			2 hours	7 a.m. to 7 p.m. Monday to Saturday 0 - 1 hours 30p 1 - 2 hours 50p
Birling Avenue..... Station Road..... Croneens + HGV	24 hours 48 hours 48 hours	7 a.m. to 7 p.m. Monday to Saturday 0 - 1 hour 30p 1 - 2 hours 50p 2 - 4 hours 70p 4 - 6 hours 90p 6 - 8 hours £1.70 8 + hours £2.50 HGV all day £2.60
High Street, Rainham M2 Commuter The Strand				Free

SCHEDULE 2

1	2	3
PART I		
Balmoral Gardens Britton Street Cricketers Croneens Longley Road Station Road	Shoppers Season Ticket	£120 per quarter £425 per annum
PART II		
Berkeley House Commercial Road Croneens Grove Road High Street 1 High Street 2 King Street (south) Old Road Queen Street (main) Slicketts Hill Station Road Temple Street Union Place Union Street Upper Mount Whiffens Avenue	Commuter Season Ticket	£110 per quarter £400 per annum Medway residents only £ 90 per quarter £340 per annum