

Medway Council

TRAFFIC REGULATION ORDER

2003 No.\*

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The Medway Council (Off-Street Parking Places)  
Order 200\*

Made 2003

Coming into force 2003

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**ARRANGEMENT OF ARTICLES**

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**Schedules 1 to 45 (inclusive)** - Designated parking places

**Schedule 46** – Specific details relating to the use of designated parking places

**Schedule 47** – Designated parking places for use with Commuters Season Tickets

**Schedule 48** – Designated parking places for use with Shoppers Season Tickets

Medway Council, after consulting the Chief of Police, in exercise of the powers conferred by sections 32 and 35 of the Road Traffic Regulation Act 1984(a), as amended by the Local Government Act 1985(b), and the Road Traffic Act 1991(c) and of all other powers thereunto enabling, hereby make the following Order:-

### **Citation and Commencement**

1. This Order shall come into force on 200\* and may be cited as the Medway (Off-Street Parking Places) Order 200\*.

### **Interpretation**

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

“article” means an article to this Order;

“authorised agent” means the parking services contractor appointed by and acting on behalf of the Council for the purpose of the supervision and enforcement of this Order;

“Council” means Medway Council;

“commuters season ticket” means a season ticket issued under the provisions of Article 4;

“commuters season ticket holder” means a person to whom a season ticket has been issued under the provisions of Article 4;

“disabled person’s badge” and “disabled person’s vehicle” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000(d) as amended;

“driver”, in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in that parking place;

“enactment” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“maximum waiting period” means the period specified in column 4 of Schedule 46;

“owner”, in relation to a vehicle, means the person by whom such vehicle is kept and used;

“parking attendant” means a person authorised by or on behalf of the Council to supervise and enforce the provisions of this Order;

“parking bay” means a space in a parking place marked on the surface of a parking place by lines, studs or other indications, which is provided for the leaving of a vehicle;

“parking place” means the area of land provided by the Council for use as a parking place shown hatched on the plans comprised in Schedules 1 to 45 (inclusive) of this Order;

“penalty charge notice” means a notice issued or served by a parking attendant or an authorised agent pursuant to the provisions of Article 11;

“permitted hours” in relation to a parking place, means the period specified in column 3 of Schedule 46 of this Order ;

“relevant position” means in the case of a vehicle fitted with a front windscreen, with the observe side facing forward on the near-side of and immediately behind the windscreen, or in any other case in a conspicuous position on the front or near-side of a vehicle;

“Schedule” means a Schedule to this Order;

“shoppers season ticket” means a season ticket issued under the provisions of Article 5;

“shoppers season ticket holder” means a person to whom a season ticket has been issued under the provisions of Article 5;

“ticket” means a ticket issued by a ticket machine;

“ticket machine” means an apparatus of a type and design approved by the Secretary of State for Transport as a means of collecting charges payable under this Order, being designed to receive the fee in accordance with Article 8 of this Order and thereupon to issue a ticket marked with the date/time/time of departure/time of issue and the period of parking or fee paid;

“trade licence” has the same meaning as in section 11 of the Vehicle Excise and Registration Act 1994(a);

“trade plates” has the same meaning as in Part V of the Road Vehicles (Registration and Licensing) Regulations 1971(b);

“vehicle” includes trailer.

- (2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment..

- (3) The Interpretation Act 1978(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- (4) The restrictions, prohibitions and requirements imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption from the provisions of this Order is without prejudice to the provisions of any other enactment.

### **Vehicles for which parking bays are designated**

3. Each parking bay may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles of the following class, that is to say a passenger vehicle, a goods carrying vehicle which does not exceed 2.28 metres in height (or as specified in column 2 of Schedule 46 to this Order), a motor cycle (with or without a side car) or an invalid carriage as display a valid ticket from a ticket machine.

### **Commuters Season Ticket**

4.
  - (1) Any person may apply to the Council for a Commuters Season Ticket in respect of a vehicle specified in Article 3 to this Order.
  - (2) The Council may issue a Commuters Season Ticket on receipt of the relevant fee shown in column 3 of Schedule 47 to this Order hereto applying to the designated parking place in column 1 of that Schedule.
  - (3) Any person may cause or permit a vehicle which displays a valid Commuters Season Ticket to wait in the designated parking place to which that ticket applies during the hours specified in column 5 of Schedule 46 to this Order.
  - (4) At all times during which a vehicle is left in a designated parking place referred to in Schedule 47 during the permitted hours, the driver shall cause to be displayed on the front or nearside of the vehicle a valid Commuters Season Ticket issued in respect of that vehicle so that all the particulars on that Commuters Season Ticket are readily available from the front or nearside of that vehicle.
  - (5) Where the holder of a Commuters Season Ticket wishes to surrender the season ticket, the surrender value shall be calculated in a manner specified on the application form for the issue of the Commuters Season Ticket.

### **Shoppers Season Ticket**

5.
  - (1) Any person may apply to the Council for a Shoppers Season Ticket in respect of a vehicle specified in Article 3 of this Order.

(a) 1978 c.30

- (2) The Council may issue a Shoppers Season Ticket on receipt of the relevant fee shown in column 3 of Schedule 48 to this Order hereto applying to the designated parking place in column 1 of that Schedule.
- (3) Any person may cause or permit a vehicle which displays a valid Shoppers Season Ticket to wait in the designated parking place to which that ticket applies during the hours specified in column 5 of Schedule 46 to this Order.
- (4) At all times during which a vehicle is left in a designated parking place referred to in Schedule 48 during the permitted hours, the driver shall cause to be displayed on the front or nearside of the vehicle a valid Shoppers Season Ticket issued in respect of that vehicle so that all the particulars on that Shoppers Season Ticket are readily available from the front or nearside of that vehicle.
- (5) Where the holder of a Shoppers Season Ticket wishes to surrender the season ticket, the surrender value shall be calculated in a manner specified on the application form for the issue of the Shoppers Season Ticket.

#### **Manner of standing in a parking place**

6. The driver of a vehicle left in a parking place in accordance with the provisions of this Order shall cause it to stand so that every part of the vehicle is within the markings of a parking bay.

#### **Restriction on the use of a parking place**

7. (1) Where within a parking place there is a sign or surface markings indicating that a parking bay is for the use of a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in that bay unless the vehicle is a disabled person's vehicle displaying a disabled person's badge in the manner prescribed by the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000(a).
- (2) Where signs are erected or surface markings are laid for the purpose of indicating:-
  - (a) the entrance to or the exit from a parking place; or
  - (b) that a vehicle should proceed in a specified direction in a parking place,

no person shall drive or cause or permit a vehicle to be driven other than in accordance with those provisions excepting that any driver of a vehicle in the parking place shall comply with any instructions given orally by a parking attendant, an authorised agent or a person duly authorised by the Council.

- (3) Where a notice is displayed indicating that a parking place is fully occupied or is closed, no driver shall take or attempt to take a vehicle into that parking place nor cause any obstruction by waiting in any part of that parking place.
- (4) The driver of a vehicle:
- (a) shall not permit it to wait in a parking place for longer than the maximum period of time permitted for waiting specified in column 4 of Schedule 46 to this Order in relation to that parking place and no vehicle having left a parking place after waiting therein shall return to that same parking place within two hours of leaving;
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- (b) using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not restart the engine except when about to change the position of the vehicle in or to depart from that parking place;
  - (c) 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 that parking place.
- (5) No person:
- (a) shall permit the use of a vehicle whilst 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 any skill or services;
  - (b) except a parking attendant, an authorised agent or a duly authorised employee or authorised agent of the Council shall, with the prior consent in writing of the Council, place upon or affix to a vehicle in a parking place any notice, leaflet or other material of whatsoever nature;
  - (c) shall, except with the permission of a parking attendant, an authorised agent or any person duly authorised by the Council, drive a vehicle in a parking place other than for the purposes of leaving that vehicle in that parking place or for the purpose of leaving that parking place;
  - (d) shall wantonly shout or otherwise make any loud noise in a parking place to the disturbance or annoyance of users of a parking place or residents of premises in the neighbourhood;
  - (e) shall use any part of a parking place or vehicle left within that parking place for sleeping, camping, eating, cooking or for the servicing or washing of a vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from that parking place;

- (f) shall erect or cause to be erected any tent, booth, stand, building or other structure in a parking place without the written consent of the Council;
- (g) shall light or cause or permit any fire to be lit in a parking place.

### **Payment of Parking Charge**

- 8. Where a vehicle is left in a parking place during the charging hours the driver thereof shall pay the charges specified in column 5 of Schedule 46 of this Order.

### **Suspension of use of a parking place**

- 9. Notwithstanding the provisions of this Order, the Council may by Notice displayed on or near a parking place, close that parking place or part thereof for any period and may use the parking place for some other purpose and no driver of a vehicle shall use that parking place or any part thereof when it is so closed without the consent of the Council.

### **Movement of a vehicle by a parking attendant or an authorised agent**

- 10. Where a vehicle is standing in a parking place in contravention of the provisions of Articles 6 and 7(1) a parking attendant or an authorised agent may alter or cause to be altered the position of a vehicle in order that its position shall comply with those provisions.

### **Issue of a penalty charge notice**

- 11. (1) If a vehicle is left in or is using a parking place referred to in Schedules 1 to 45 (inclusive) during the permitted hours in contravention of this Order, an additional charge (which additional amount is hereinafter referred to as the “penalty charge”) shall be payable.
- (2) In the case of a vehicle in respect of which a penalty charge has been incurred, a parking attendant or an authorised agent may attached to the vehicle in a conspicuous position or, at his discretion, hand to a person whom he has reason to believe has incurred the penalty charge under this Order 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 general registration mark assigned to the holder of that licence and which mark is shown on the trade plates carried by that vehicle;
  - (b) the time by which he had reason to believe that a penalty charge has been incurred;
  - (c) a statement that a penalty charge is required to be paid;
  - (d) the manner in which, and the time within which, the penalty charge should be paid.
- (3) Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of paragraph (2) of this Article, no person, not being the owner or person in charge of a vehicle, a parking attendant or an authorised agent, shall remove the notice from

a vehicle unless authorised to do so by the said persons:

Provided that nothing herein shall apply to a parking attendant, an authorised agent or a person removing a vehicle in pursuance to Article 13.

### **Payment of a penalty charge**

12. The penalty charge shall be payable to the Council in the manner prescribed by paragraph (2) of the foregoing Article within 28 days following the day on which the penalty charge was incurred and further provided that the penalty charge shall be reduced by fifty percent if payment is received within 14 days of the day the penalty charge was incurred.

### **Removal and safe keeping of a vehicle**

13. (1) Notwithstanding the provisions of Article 14 where a parking attendant or an authorised agent is of the opinion that the provisions of this Order have been contravened in respect of a vehicle left in a parking place, he may remove or cause to be removed the vehicle from the parking place and, where it is so removed, shall provide safe custody of the vehicle; and
- (2) the Council may retain custody of the vehicle so removed from the parking place until such time as –
- (a) the expenses incurred by the Council in removing and storing that vehicle; and
- (b) the outstanding charges in respect of that vehicle have been paid in full;
- provided that any such vehicle shall only be released from custody of the Council on production of the written authority of the registered keeper of that vehicle.

### **Vehicles exempt from the provisions of this Order**

14. Nothing in this Order shall apply in relation to:-
- (1) a vehicle being used in the service of the Council for the collection of refuse, reconstruction of the parking place, or the placement, maintenance or removal of any traffic sign or equipment within a parking place; or
- (2) a vehicle being used for laying, erection or repair of any main, pipe or apparatus within a parking place for the supply of gas, water, electricity or of any telecommunication system; or
- (3) a vehicle being used for ambulance, fire brigade or police purposes in an emergency.

### **Revocation**

15. Without prejudice to the validity of anything done or to any liability in respect of any act or omission before the coming into force of this Order, the Medway Council (Off-Street Parking

Places) Order 2002 is hereby revoked.

Given under the Common Seal of the Council this \*      day of                      \*                      200\*.

THE COMMON SEAL OF  
MEDWAY COUNCIL WAS  
Thereunto affixed in the presence of

**Dr. Richard Simmons**  
Director of Development and Environment