

Medway Council

TRAFFIC REGULATION ORDER

2003 No.72

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The Medway Council (Off-Street Parking Places)  
Order 2003

Made 29<sup>th</sup> October 2003

Coming into force 31<sup>st</sup> October 2003

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ARRANGEMENT OF ARTICLES

	<u>Article</u>
Citation and commencement .. .. .	1
Interpretation .. .. .	2
Vehicles for which parking places are designated .. .. .	3
Commuters season ticket .. .. .	4
Shoppers season ticket .. .. .	5
Manner of standing in a parking place .. .. .	6
Restriction on the use of a parking place .. .. .	7
Payment of parking charge .. .. .	8
Suspension of use of a parking place .. .. .	9
Movement of a vehicle by a parking attendant or an authorised agent .. .. .	10
Issue of a penalty charge notice .. .. .	11
Payment of a penalty charge .. .. .	12
Removal and safe keeping of a vehicle .. .. .	13
Vehicles exempt from the provisions of this Order .. .. .	14
Revocation .. .. .	15
<b>Schedules 1 to 45 (inclusive) - Designated parking places</b>	
<b>Schedule 46</b> – Specific details relating to the use of designated parking places	
<b>Schedule 47</b> – Designated parking places for use with Commuters Season Tickets	
<b>Schedule 48</b> – 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 31<sup>st</sup> October 2003 and may be cited as the Medway (Off-Street Parking Places) Order 2003.

### 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;

(a) 1984 c.27

(b) 1985 c.51

(c) 1991 c.40

(d) S.I. 2000/683

“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.

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(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.

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(a) S.I. 2000/683