


THE NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

SECTION 35 ROAD TRAFFIC REGULATIONS ACT 1984
(AS AMENDED)

THE NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
(OFF-STREET PARKING PLACES)

ORDER 1997

I HEREBY CERTIFY THIS DOCUMENT
TO BE A TRUE AND CORRECT COPY OF
THE ORIGINAL
DATED.....
PROPER OFFICER
NEATH PORT TALBOT COUNTY
BOROUGH COUNCIL

C.A. JOHN
ASSISTANT DIRECTOR - LEGAL SERVICES
NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CIVIC CENTRE
PORT TALBOT
SA13 1PJ

litigation/order/parking

DS9-26

NDT (1.1)

**THE NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
(OFF-STREET PARKING PLACES) ORDER 1997**

The Neath Port Talbot County Borough Council in exercise of its powers under Section 35 of the Road Traffic Regulation Act 1984 as amended and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Paragraph 20 of Part III of Schedule 9 of the Act hereby make the following Order:-

PART I

GENERAL:

1. this Order shall come into operation in respect of the Parking Places hereinafter referred to on the Sixteenth day of September One Thousand Nine Hundred and Ninety Seven and may be cited as the Neath Port Talbot County Borough Council (Off-Street Parking Places) Order 1997
2. (1) in this Order except where the context otherwise requires the following expressions shall have the meanings hereby assigned to them:-
 - "The Council" means the Neath Port Talbot County Borough Council
 - "The Act" means the Road Traffic Regulation Act 1984 (as amended)
 - "Charging Hours" in relation to each parking place means the period shown in Columns 5 and 6 of Schedule 1 to this Order
 - "Disabled Parking Space" means a parking bay or area provided by the Council in a parking place for the exclusive use of vehicles driven by or used for the carriage of disabled persons and who are the holders of badges issued by virtue of Section 21 of the Chronically Sick and Disabled Persons Act 1970 and any regulations made in relation thereto, such bays or areas being marked as such
 - "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
 - "Parking Attendant" means a person authorised by or on behalf of the Council to supervise any parking place

"Parking Place" means any area of land specified by name in Column 1 of Schedule 1 to this Order and shown edged in red on the plans attached and provided by the Council in pursuance of Section 32(1) of the Act for use as a Parking Place

"Parking Bay" means the defined area within which parking is permitted within the Parking Place

"Parking Ticket Machine" means any apparatus generally or specially approved by the Secretary of State for Wales in accordance with Section 35(3) of the Act for the purposes of this Order being apparatus designed to issue a ticket indicating whether the initial charge referred to in Article 6(1) of this Order has been paid and the time at which it was paid

"Vehicle" for the purpose of this Order means any vehicle whether or not it is in a fit state for use on roads and includes any chassis or body with or without wheels appearing to form part of such a vehicle and any load carried by and anything attached to such a vehicle

"Excess Charge" means an additional amount which shall be payable to the Council in the circumstances as specified in Article 7 of this Order and shall be paid in the manner required under Article 9 of this Order

- (2) this Order revokes and repeals the previous Orders set out in Schedule 2 attached hereto
- (3) the Interpretation Act 1978 shall apply for the interpretation of this Order as it applies to the interpretation of an Act of Parliament

PART II

USE OF PARKING PLACE

3. (1) The areas of land specified by name in Column 1 of Schedule 1 to this Order may be used subject to the following provisions of this Order as a Parking Place for such classes of Vehicles in such manner and on such days and during such hours as are specified in relation to that area in the said Schedule
- (2) Insofar as a vehicle is left in a Parking Place during the Charging Hours the Driver thereof shall pay a charge in accordance with the following provisions of this Part of this Order

4. (1) Where in Schedule 1 to this Order a Parking Place is described as available for Vehicles of a specified class or in a specified position or during specified hours the Driver of a Vehicle shall not permit it to wait in that Parking Place:-
 - (a) unless it is of the specified class or
 - (b) in a position other than that specified or
 - (c) during hours other than those specified in relation to the Vehicle
- (2) Where within any Parking Place Parking Bays are marked on the ground Vehicles shall only be parked within such bays and in any other cases Drivers of Vehicles must ensure that they are parked in an orderly manner and so as not to cause any obstruction to any other user of the Parking Place
- (3) A Vehicle may only be parked in a Disabled Parking Space where it is driven by or used for the carriage of a disabled person who is the holder of a badge issued by virtue of Section 21 of the Chronically Sick and Disabled Act 1970 and any regulations made in relation thereto
- (4) The Driver of a Vehicle shall not permit it to wait in a Parking Place for longer than the maximum period permitted for waiting specified in Column 7 of Schedule 1 to this Order in relation to that Parking Place
5. The owner of a Vehicle may on application to the Council purchase a season ticket in respect of that Vehicle for a charge determined by the Council and that season ticket shall be valid in such Parking Places as are specified thereon during the period for which it is issued and no charge shall be payable by the Driver of a Vehicle left in a Parking Place to which the said season ticket relates **PROVIDED THAT** the season ticket is affixed to the Vehicle in the manner specified in Article 6(3) below
6. (1) The Driver of a Vehicle using a Parking Place shall on leaving the Vehicle in that Parking Place pay the appropriate charge in accordance with the Scale of Charges specified in Column 8 of Schedule 1 to this Order
- (2) The Charge referred to in the last preceding paragraph shall be payable by the insertion of an appropriate coin or coins into the Parking Ticket Machine provided

- (3) The ticket or tickets issued on payment of the charge referred to in Paragraph 1 of this Article shall be attached to the Vehicle in respect of which it was issued:-
- (a) In the case of a Vehicle fitted with a front windscreen on the near side of and immediately behind the windscreen in such manner so as to allow the time of issue of the ticket to be visible from outside the Vehicle
 - (b) In the case of a Vehicle not fitted with a front windscreen in a conspicuous position on the Vehicle
- (4) No charges shall be payable by the Driver of a Vehicle parked in accordance with Article 4(3)
- (5) (a) Where in a Parking Place there is no Parking Ticket Machine in operation the charge referred to in Paragraph 1 of this Article shall be payable to the Parking Attendant on demand
- (b) While there is no Parking Ticket Machine in operation at Milland Road, the charge referred to in paragraph 1 of this Article shall be payable at the barrier on exit
- (6) The Driver of a motor vehicle using a Parking Place shall stop the engine as soon as a 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
- (7) No person shall whilst a Vehicle is in a Parking Place:-
- (a) except with the permission in writing of the Council use the Vehicle 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 his skill or services or those of others
 - (b) carry out any work of maintenance or repair or the washing down of the Vehicle except when such maintenance or repair is necessary to enable the Vehicle to be moved from that Parking Place
 - (c) except with the permission in writing of the Council use the Vehicle or permit it to be used for residential or camping purposes
 - (d) use the Parking Place for eating or cooking purposes

7. (1) In the event of any one of the following circumstances arising the initial charge together with the Excess Charge shall be payable:-
- (a) except in the case of Milland Road where a Vehicle is left in a Parking Place during the Charging Hours and a valid parking ticket is not displayed thereon in accordance with Article 6(3) of this Order
 - (b) where a Vehicle is left in a Parking Place during the Charging Hours for longer than the appropriate period for which payment was made or in the case of Milland Road for longer than 12 hours
 - (c) where a Vehicle which is not a Vehicle in accordance with Article 4(3) of this Order is left
 - (i) in a Disabled Parking Space or
 - (ii) not wholly within the lines of a designated Parking Bay or
 - (iii) in areas where no Parking Bays are designated
 - (d) where a Vehicle which is a Vehicle in accordance with Article 4(3) of this Order is left wholly within the lines of any Parking space no initial charge or Excess Charge is payable but both charges shall be payable where such a vehicle is left
 - (i) not wholly within the lines of a Disabled Parking Space or
 - (ii) not wholly within the lines of a designated Parking Bay or
 - (iii) in areas where no Parking bays are designated.
- (2) In the case of a Vehicle in respect of which an Excess Charge may have been incurred it shall be the duty of a Parking Attendant 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 time at which he first noticed that an Excess Charge had been incurred
 - (c) a statement that an Excess Charge of twenty five pounds is required to be paid to the Council
 - (d) the manner in which and the time within which the Excess Charge is required to be paid

- (e) a statement that it is an offence under Section 35A of the Act of 1984 for the Driver of a Vehicle who has left the Vehicle in a Parking Place to fail duly to pay the Excess Charge
8. (1) When a ticket or tickets has or have been attached to a Vehicle in accordance with Article 6(3) of this Order no person not being a Driver of the Vehicle shall remove the ticket or tickets from the Vehicle unless authorised by the Driver so to do
- (2) Where a Notice has been attached to the Vehicle under Article 7(2) of this Order no person not being the Driver of the Vehicle shall remove the Notice from the Vehicle unless authorised by the Driver so to do
9. (1) The Excess Charge will be paid to the Council either by cheque bankers draft money postal order or in person.
- (2) If payment reaches the Director of Finance's Department of the Council at the Civic Centre Port Talbot not later than 4.00 pm on the tenth day following the day on which the Excess Charge was incurred the amount payable by way of Excess Charge shall be £10 otherwise the excess charge shall be £25. In the event of non payment after 20 days from the day on which the excess charge was incurred Court Action will be commenced
- (3) **PROVIDED THAT** if the said tenth day falls upon a day on which the said offices are closed the period within which payment of the said charge will be made to the Council shall be extended to 4.00 pm on the next full day on which the offices are open
- (4) All enquiries regarding any Excess Charge Notice must be made to the above offices
10. The Driver of a Vehicle shall not permit the Vehicle to wait in a Parking Place unless the Vehicle is licensed in accordance with the provisions relevant thereto and unless there is in relation to the use of the Vehicle by the Driver such a policy of insurance as complies with requirements of the provisions relevant thereto
11. The Driver of a motor Vehicle 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 the Parking Place
12. (1) Where a Parking Attendant is of the opinion that any of the provisions contained in Article 4 or 6 of this Order have been contravened or not complied with in respect of the Vehicle left in a Parking Place he may remove the Vehicle from the Parking Place or cause it to be removed and where it is so removed shall provide for its safe custody

- (2) Where a Vehicle is removed in accordance with the provisions of this Article the Council may recover the reasonable cost of such removal and storage from the Driver or other person claiming the Vehicle
13. Any person duly authorised by the Council or a Police Constable in uniform may move or cause to be moved in case of emergency to any place he thinks fit Vehicles left in a Parking Place
14. Any person removing or altering the position of a Vehicle by virtue of Paragraphs 12 or 13 of this Article may do so by towing or driving a Vehicle or in such other manner as he may think necessary to enable him to remove it as aforesaid
15. The Driver of a Vehicle whilst it is in a Parking Place shall comply with any instructions given to him by the Parking Attendant as to the manner of waiting of the Vehicle and shall remove the Vehicle from the Parking Place on being required by the Parking Attendant to do so
16. Nothing in this Order shall prevent the Council by Notice displayed at the Parking Place:-
- (a) from closing the Parking Place or any part thereof for any period whilst any works are being executed therein or whilst the Parking Place or part thereof is required for the use of some special purpose or
 - (b) from setting aside for use only by specially authorised Vehicles any part or parts of the Parking Place on all days or on certain days or during certain parts of certain days
17. No person shall except with the permission of any person duly authorised by the Council drive any Vehicle in the Parking Place other than for the purpose of leaving that Vehicle in the Parking Place in accordance with the provisions of this Order or for the purpose of departing from the Parking Place
18. No person shall in the Parking Place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the Parking Place or residents of premises in the neighbourhood
19. No person shall in the Parking Place use any threatening abusive or insulting language gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned
20. No person shall use the Parking Place as a means of passage proceeding from one road to another road

21. Where in the Parking Place signs are erected or surface markings are laid for the purpose of:-

(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

no person shall drive or cause or permit to drive any Vehicle:-

(i) so that it enters the Parking Place otherwise than by an entrance or leaves the Parking Place otherwise than by an exit so indicated or

(ii) in a direction other than that specified as the case may be

22. In the Parking Place no person shall:-

(a) erect or cause or permit to be erected any tent booth stand building or other structure without the written consent of the Council

(b) light or cause or permit to be lit any fire

23. No unauthorised person shall enter onto the Parking Places except with the intention of passing to or from a Vehicle left in the Parking Place in accordance with this Order

24. No object shall be left in such a manner in the Parking Place so as to cause an obstruction or nuisance to any person lawfully using the Parking Place

THE COMMON SEAL of NEATH PORT)

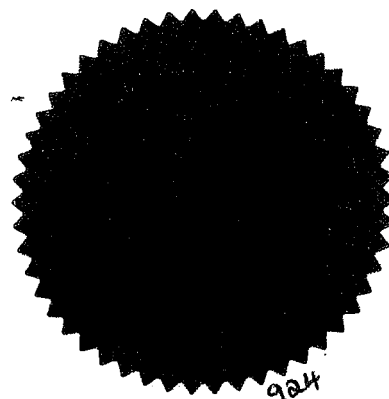
TALBOT COUNTY BOROUGH COUNCIL)

was hereunto affixed this 4th)

day of September 1997 in the)

presence of:-)


PROPER OFFICER



SCHEDULE 1

COLUMN 1 NAME OF THE PARKING PLACE	COLUMN 2 DATE AT WHICH THE ORDER WILL COME INTO EFFECT IN RELATION TO THE PARKING PLACE	COLUMN 3 POSITION IN WHICH VEHICLES MAY WAIT	COLUMN 4 CLASSES OF VEHICLE	COLUMN 5 DAYS OF OPERATION OF PARKING PLACE	COLUMN 6 HOURS OF OPERATION OF PARKING PLACE	COLUMN 7 MAXIMUM PERIOD FOR WHICH VEHICLE MAY WAIT	COLUMN 8 SCALE OF CHARGES	COLUMN 9 SEASON TICKETS
ST MARY'S STREET CAR PARK PORT TALBOT	16TH SEPTEMBER 1997	WHOLLY WITHIN A PARKING BAY OTHER THAN A DISABLED PARKING SPACE (APPLIES TO (i) TO (iii) OF COLUMN 4 HEREIN) WHOLLY WITHIN A PARKING SPACE (APPLIES TO (iv) & (v) OF COLUMN 4 HEREIN)	(i) MOTOR CARS WITHIN PROVISION OF SECTION 138 (2) (a) OF THE ACT (ii) MOTOR CYCLES AS DEFINED IN SECTION 138 (4) OF THE ACT (iii) MOTOR VEHICLES CONSTRUCTED OR ADAPTED FOR THE USE FOR THE CONVEYANCE OF GOODS OR BURDEN THE UNLADEN WEIGHT OF WHICH DOES NOT EXCEED 1525kg (iv) INVALID CARRIAGES (v) DISABLED PERSONS VEHICLES.	MONDAY TO SATURDAY INCLUSIVE EXCLUDING CHRISTMAS DAY AS ABOVE	9.00am TO 6.00pm	9 HOURS	UPTO 1 HOUR 50p 1-3 HOURS 80p 3-5 HOURS £1.10 5-7 HOURS £1.40 7-10 HOURS £1.80 AS ABOVE	3 MONTHS - £75.00 6 MONTHS - £130.00 9 MONTHS - £190.00 12 MONTHS - £245.00 AS ABOVE
BETHANY SQUARE CAR PARK PORT TALBOT	AS ABOVE			AS ABOVE EXCLUDING TUESDAY AND SATURDAY	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE
STATION ROAD CAR PARK PORT TALBOT	AS ABOVE	AS ABOVE			AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE
MULTI STOREY CAR PARK PORT TALBOT	AS ABOVE	AS ABOVE	AS ABOVE	MONDAY TO SATURDAY ALL DAY INCLUSIVE EXCLUDING CHRISTMAS DAY	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE
MULTI STOREY CAR PARK NEATH	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE	8.00am TO 6.00pm	AS ABOVE	AS ABOVE	AS ABOVE
ROSSER STREET CAR PARK NEATH	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE
WATER STREET CAR PARK NEATH	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE
HIGH STREET CAR PARK NEATH	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE
CIVIC CENTRE CAR PARK NEATH	AS ABOVE	AS ABOVE	AS ABOVE	SATURDAY ONLY	AS ABOVE	AS ABOVE	AS ABOVE	N/A
MILLAND ROAD CAR PARK NEATH	AS ABOVE	WHOLLY WITHIN A PARKING SPACE	AS ABOVE	MONDAY TO SUNDAY INCLUSIVE EXCLUDING CHRISTMAS DAY	24 HOURS	12 HOURS IN ANY 24 HOUR PERIOD	FLAT RATE £1.00	N/A

SCHEDULE 2

NAME OF ORDER

EXTENT OF THE REPEAL

- | | |
|--|------------------------|
| 1. The Borough Council of Port
Talbot (Off-Street Parking
Places) (Pay and Display)
(Eighth Amendment) Order 1994 | The Whole of the Order |
| 2. The Neath Borough Council
(Off-Street Parking Places)
(Pay and Display) Order 1992 | The Whole of the Order |

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