

NORTH EAST DERBYSHIRE DISTRICT COUNCIL
(OFF-STREET PARKING PLACES)
(CIVIL ENFORCEMENT AND CONSOLIDATION)
ORDER 2009

North East Derbyshire District Council ("the Council") in exercise of its powers under Sections 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended ("the 1984 Act") and of all other enabling powers, with the consent of the Derbyshire County Council in accordance with section 39(3) of the 1984 Act and after consultation with the Chief Constable of Derbyshire Constabulary in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

PART 1
GENERAL

Commencement and Citation

1. This Order having been made on 2nd February 2009 shall come into operation on the 19th day of February 2009 and may be cited as the North East Derbyshire District Council (Off-Street Parking Places) (Civil Enforcement and Consolidation) Order 2009.

Interpretation

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

"Bank Holiday" has the same meaning as described in the 'Banking and Financial Dealings Act 1971 (C.80). The first Monday of May shall be treated as if it were a Bank Holiday for the purposes of this Order;

"Council" means North East Derbyshire District Council or its successor authority;

"Disabled Persons' Badge" means a badge issued by any Local Authority in accordance with the provisions of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons Regulations 2000 or a badge having effect under those regulations as if it were a Disabled Person's Badge);

"Motor Cycle" refers to a solo motorcycle only and excludes any motor cycle which has a side-car or trailer, or which has more than two wheels;

"Owner" in relation to a Vehicle means the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the Vehicle was Parked in the Parking Place in question;

"Parking Bay" means an area of a Parking Place, which is provided for the leaving of a Vehicle of a class specified and indicated by markings on the surface of the Parking Place or signed or otherwise indicated by signs in the Parking Place;

"Parking Place" means an area of land or purpose built car park (shown on the plans in the Schedule to this Order) provided by the Council pursuant to Section 32(1) of the 1984 Act for the purpose of Parking of Vehicles and not closed (in part or in whole) by a notice erected thereon by authority of the Council;

"Penalty Charge" means a charge imposed by legislation in respect of Parking contraventions that are subject to civil enforcement and has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"Public Holiday" means Christmas Day, Good Friday and any other day designated by the Government as a public holiday;

"Relevant Position" means

(a) in respect of a Vehicle displaying a valid Disabled Person's Badge -

- (i) in the case of a Vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 (the front of the badge), is legible from outside the Vehicle; or
 - (ii) in the case of a Vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the Vehicle so that Part 1 of the badge is legible from outside the Vehicle;
- (b) in respect of a Vehicle displaying a Hackney Carriage Plate
 - (i) the plate must be affixed to the Vehicle in accordance with the instructions given within the licence as issued by the Council;

"Vehicle" includes any motor car, Motor Cycle or other mechanically propelled automobile.

3. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order.
4. 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.
5. Unless the context otherwise requires, words denoting the singular shall include the plural and vice versa and words denoting the persons shall include either gender, bodies corporate, unincorporated associations and partnerships.
6. The Interpretation Act 1978 shall apply for the interpretation of this Order.

PART 2

DESIGNATION AND USE OF PARKING PLACES

Designation

7. Each area of land or building specified by the accompanying plans in the Schedule may be used, subject to the provisions of this Order, as a place to Park Vehicles of such classes, in such positions, on such days, during such hours and for such periods as are advertised at each Parking Place.

Class and position of Vehicle

8. Where by notice at a Parking Place, a Parking Place is described as available for Vehicles of a specified class or Vehicles to be Parked in a specified location, no person shall cause or permit a Vehicle to be Parked in that Parking Place or in any Parking Bay within the Parking Place,
 - (i) unless it is of the specified class;
 - (ii) that is Parked beyond the Parking Bay markings;
 - (iii) in a position other than that specified; or
 - (iv) for a purpose other than provided for in this Order.

Disabled person's Parking bays

9. No person shall cause or permit a Vehicle to be Parked in a Parking Bay marked for disabled persons unless the Vehicle displays a valid Disabled Person's Badge in the Relevant Position and immediately before or immediately after the act of Parking the Vehicle has been or is about to be used by the person(s) in respect of whom the Disabled Person's Badge has been issued.

Permit Parking Bays

10. Not Applicable

Taxi bays

11. No person shall cause or permit a Vehicle to be Parked in an area marked as a taxi bay unless the Vehicle displays in the relevant position a valid Hackney Carriage plate issued by the Council.

Loading and unloading bays

- 12 No person shall cause or permit a Vehicle to Park in any area marked as a loading bay unless the Vehicle is being used for the purpose of Loading or Unloading.

Motor Cycle Parking bays

- 13 No person shall cause or permit a Vehicle to Park in a Parking Bay marked for Motor Cycles unless the Vehicle is a Motor Cycle.

Maximum Period of Stay

- 14 Where by notice on site, a Parking Place or in any Parking Bay within the Parking Place is described as being in operation on specified days, during specified hours or for a maximum period of stay, no person shall cause or permit a Vehicle to be Parked in that Parking Place or in any Parking Bay within the Parking Place on any day, during such hours or for any period other or longer than those specified.

Period of no return

- 15 Where by notice on site, a Parking Place is described as having a period within which a Vehicle may not return, no person shall cause or permit a Vehicle to be parked again in that Parking Place on any day, during such period.

Power to close or suspend Parking Places

- 16 Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in a Parking Place:
- (i) from closing a Parking Place or any part thereof for any period; and/or
 - (ii) from setting aside a Parking Place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular Vehicles or organisations.
- 17 Any person closing or suspending the use of a Parking Place or any part thereof shall thereupon place or cause to be placed in or adjacent to that Parking Place or that part thereof a notice or traffic sign indicating that the

Parking Place or that part thereof is closed or the use is suspended and that Parking by Vehicles is prohibited.

- 18 No person shall cause or permit a Vehicle to be Parked in a Parking Place or any part thereof during such periods that the Parking Place or that part thereof is closed or the use is suspended or during such period as there is in or adjacent thereto a notice or traffic sign indicating the closure or suspension placed by or on behalf of the Council.

Sale of Goods

- 19 No person shall in a Parking Place without the express written permission of the Council, use a Vehicle, in connection with the sale of any article, including the Vehicle itself, to any person in or near the Parking Place or in connection with the selling or offering for hire of skill or services in any other capacity.

Parked with engine running

- 20 No person in a Parking Place shall continue to run the engine when the Vehicle is in the Parking Bay and shall not start the engine except when about to change the position of the Vehicle in or to depart from the Parking Place.

Parked causing an obstruction

- 21 No person shall in a Parking Place Park the Vehicle in such a manner or place where it causes an obstruction to any other users of the Parking Place.

PART 3

CHARGES FOR PARKING

Payment

- 22 Not Applicable

Means of Payment

- 23 Not Applicable

Pay and Display Parking Places

- 24 Not Applicable

Display ticket

25 Not Applicable

Validity of Pay and Display Tickets

26 Not Applicable

27 Not Applicable

Expiry of parking period

28 Not Applicable

No Pay and Display Ticket displayed

29 Not Applicable

30 Not Applicable

31 Not Applicable

Parking Permits

32 Not Applicable

33 Not Applicable

34 Not Applicable

35 Not Applicable

Display of Parking Permits

36 Not Applicable

Replacement of Parking Permits

37 Not Applicable

Surrender of Parking Permits

38 Not Applicable

Restriction on Removal

39 Not Applicable

PART 4
EXEMPTIONS

Exemption from daily Charge

40 Not Applicable

Absence of Ticket Machine

41 Not Applicable

Payment by Approved Method of Payment

42 Not Applicable

PART 5
RELOCATION, REMOVAL AND DISPOSAL OF VEHICLES

Emergencies

43 A person authorised by the Council or a Police Constable in uniform may, using such measures as are appropriate, move or cause to be moved in the case of an emergency to any place he/she thinks fit, any Vehicle Parked in a Parking Place.

Contraventions in suspended Parking Place

44 A person authorised by the Council may, using such measures as are appropriate, move or cause to be moved to any place he/she thinks fit, any Vehicle Parked in a Parking Place which has been closed or suspended in whole or in part by the Council and the cost of movement or removal and safe keeping shall be the liability of the owner of the vehicle.

Safe keeping

45 Any person removing a Vehicle from a Parking Place under the provisions of this Order shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the Vehicle.

Disposal of Vehicles abandoned in Parking Places

- 46 The Council may sell or otherwise dispose of, in accordance with current legislation, a Vehicle which has been, or could at any time be, removed from a Parking Place if the Vehicle appears to have been abandoned.

PART 6

CONTRAVENTION AND PENALTY CHARGE

Contravention

- 47 Save for the provisions in Part 5, if a Vehicle is Parked in a Parking Place without complying with the requirements of this Order, a contravention shall have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice may then be served and/or the vehicle may be removed from the location.

Restriction on removal of notices

- 48 A notice of the penalty charge fixed to a Vehicle in accordance with this Order shall not be removed or interfered with except by or under the authority of:
- (i) the Owner, or person in charge of, the Vehicle;
 - (ii) the Council for the Parking Place in which the Vehicle in question was found.

Indications as Evidence

- 49 The particulars given in the notice served on a Vehicle in accordance with the provisions of this Order shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

PART 7
LIABILITY AND OTHER PROVISIONS

Liability

- 50 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 save for that arising from the negligence of the Council.

Driving within a Parking Place

- 51 Where in a Parking Place signs are erected or surface markings are laid for the purpose of
- (i) indicating the entrance to or exit from the Parking Place, or
 - (ii) indicating that a Vehicle using the Parking Place shall proceed in a specified direction within the Parking Place,
- any person who drives or permits to be driven 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 so specified
- shall be liable to prosecution.
- 52 Any person who, without with the permission of a person authorised by the Council in that behalf, drives or permits to be driven any Vehicle in a Parking Place for any purpose other than 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 shall be liable to prosecution.

Wilful damage

- 53 Not Applicable

Domestic purposes

- 54 Any person who uses any part of the Parking Place or any Vehicle Parked in a Parking Place
- (i) for sleeping or camping or cooking, or

- (ii) for the purpose of servicing or washing any Vehicle or part thereof other than is reasonably necessary to enable the Vehicle to depart from the Parking Place, shall be liable to prosecution.

Behaviour

- 55 Any person who wilfully sounds any horn or any other similar instrument on a Vehicle except when about to change the position of the Vehicle in or to depart from the Parking Place shall be liable to prosecution.
- 56 Any person who in a Parking Place shouts or otherwise makes any loud noise to the disturbance or annoyance of users of the Parking Place or residents or premises in the neighbourhood shall be liable to prosecution.
- 57 Any person who in a Parking Place uses 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 shall be liable to prosecution.

Other activities

- 58 Any person who in a Parking Place
- (i) erects or causes or permits to be erected any tent, booth, stand, building or other structure without the written consent of the Council, or
- (ii) lights or causes to be lit any fire,
- shall be liable to prosecution.

PART 8

REVOCATIONS

Revocations

10. The following Orders made by North East Derbyshire District Council and all their Amendments and any other Orders and Regulations of whatever nature relating to off-street Parking Places specified in the Schedules within the area of the Council made before the introduction of this Order are hereby revoked.

Orders:

North East Derbyshire District Council (Off Street Parking Places) (No 1) Order 2006

North East Derbyshire District Council (Off Street Parking Places) (No1) Order 2005

North East Derbyshire (Off Street Parking Places) Order 1997

North East Derbyshire (Off Street Parking Places) Order 1993

North East Derbyshire (Off Street Parking Places) Order (No 2) 1983

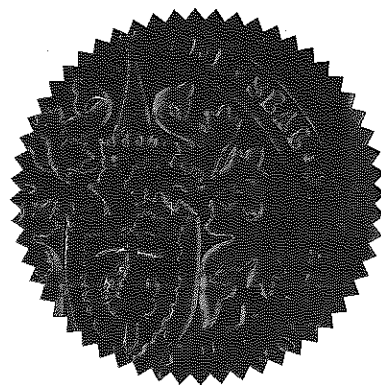
North East Derbyshire (Off Street Parking Places) Order (No 1) 1982

**EXECUTED as a Deed by affixing the COMMON SEAL
of North East Derbyshire District Council
in the presence of**

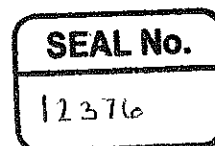
Chair

N C Doherty

Nearin L.
Chief Executive/Principal Solicitor



Dated this 2nd day of February 2009



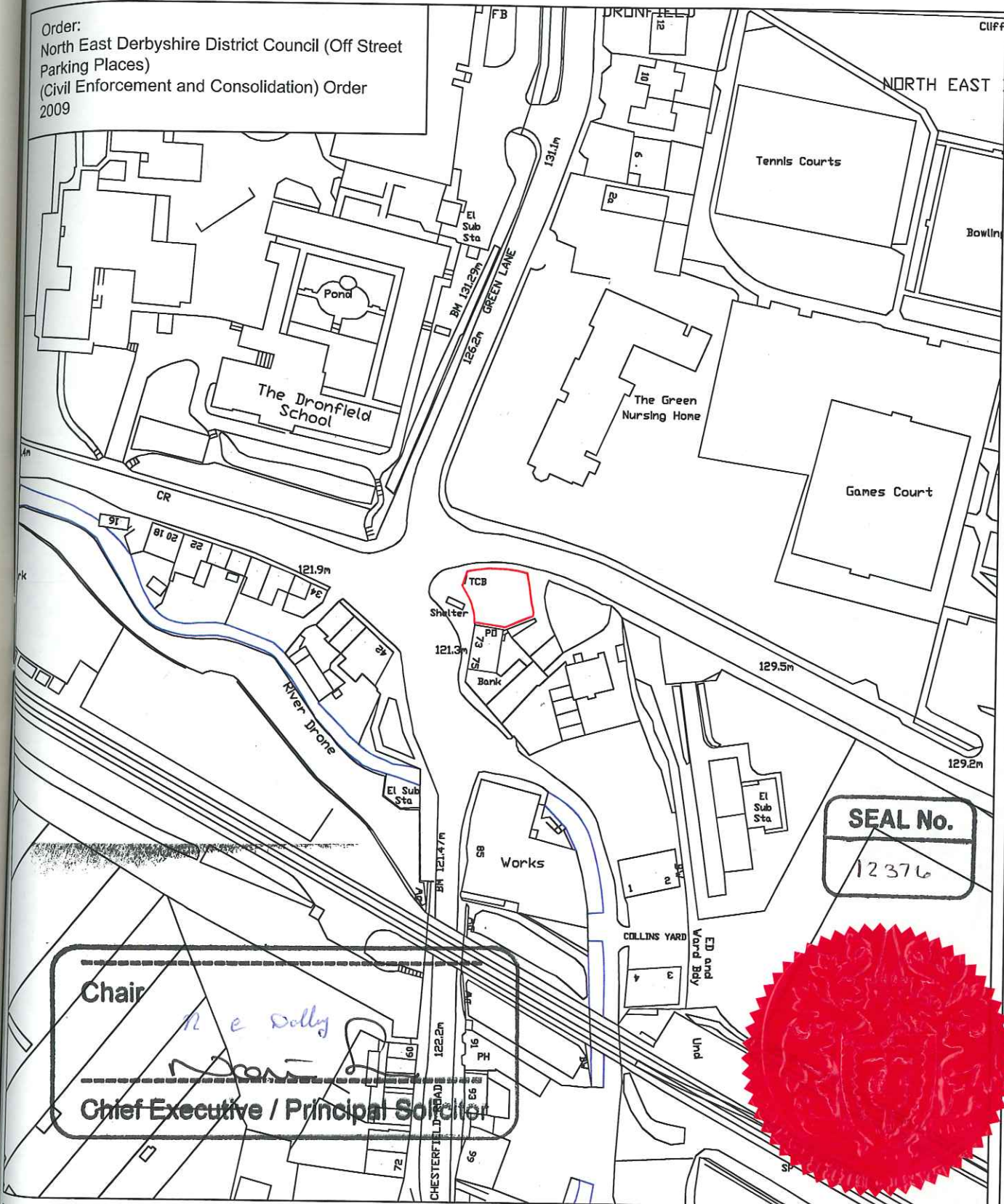
NORTH EAST DERBYSHIRE DISTRICT COUNCIL (OFF STREET PARKING PLACES)

(CIVIL ENFORCEMENT AND CONSOLIDATION) ORDER 2009

SCHEDULE 1

**PLANS SHOWING PARKING PLACES PROVIDED PURSUANT TO SECTION 32(1) OF
THE ROAD TRAFFIC REGULATION ACT 1984**

Order:
North East Derbyshire District Council (Off Street
Parking Places)
(Civil Enforcement and Consolidation) Order
2009



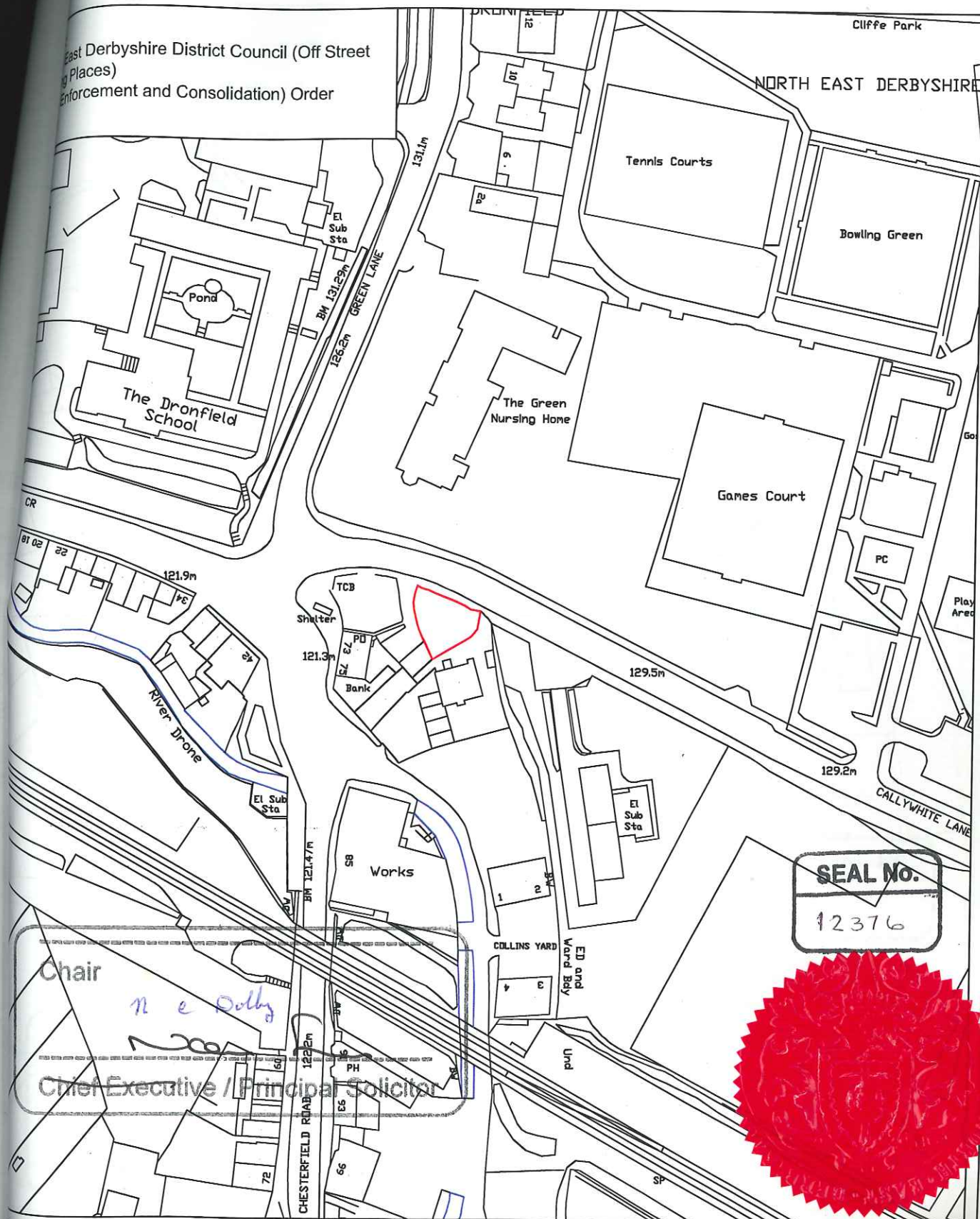
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Date	OCT 2008	
Scale	1 : 1250	

TITLE

PLAN No. 111273

Callywhite Lane Lower Car Park
Dronfield (SK 35717837)

North East Derbyshire District Council (Off Street
Places)
Enforcement and Consolidation) Order



SK 357783
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OCT 2008
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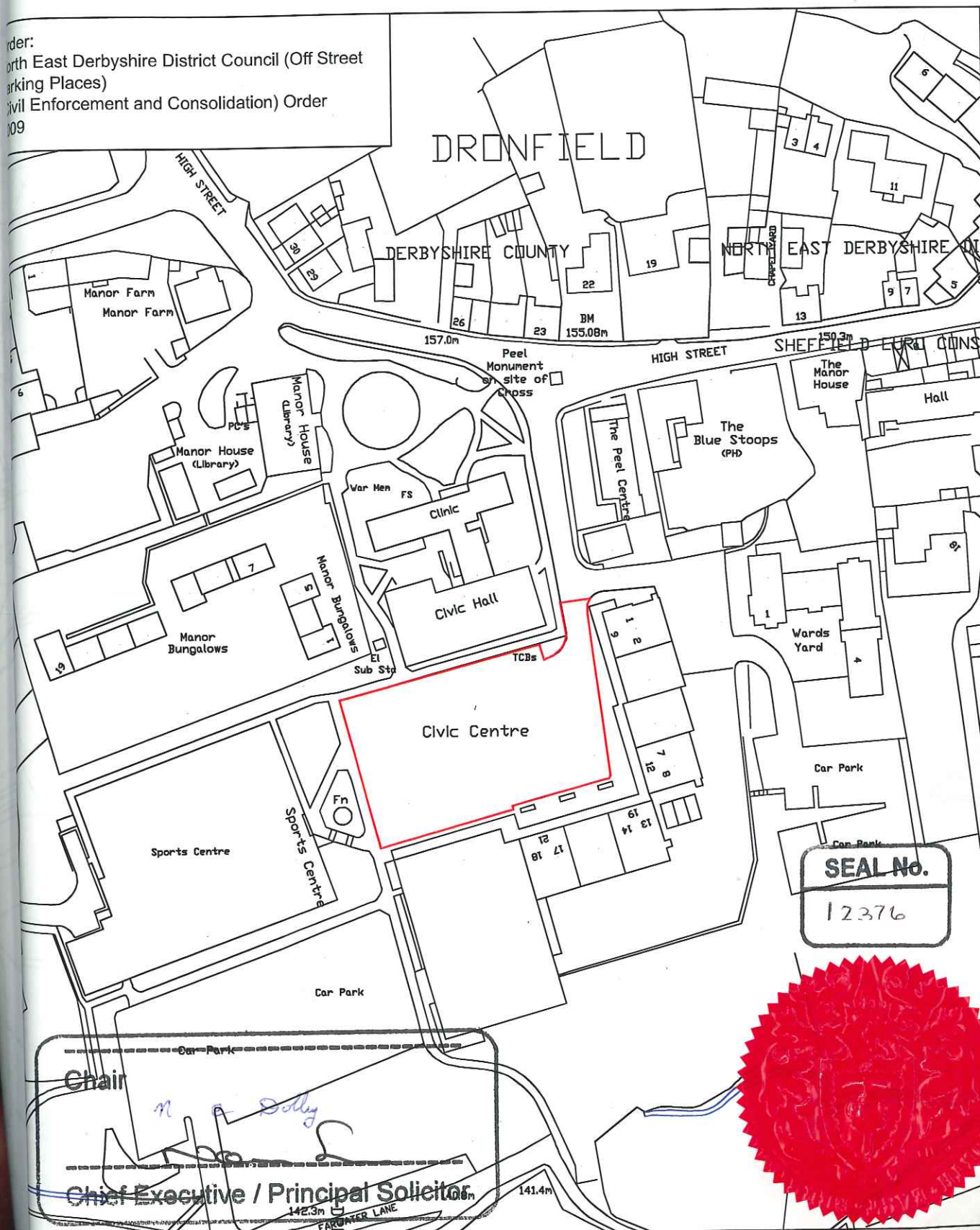
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TITLE

Callywhite Lane Upper Car Park
Dronfield (SK 35737836)

PLAN No. 111274

Order:
North East Derbyshire District Council (Off Street
Parking Places)
Civil Enforcement and Consolidation) Order
109



SEAL No.

12376

Chief Executive / Principal Solicitor

SK 350784

T.B.

OCT 2008

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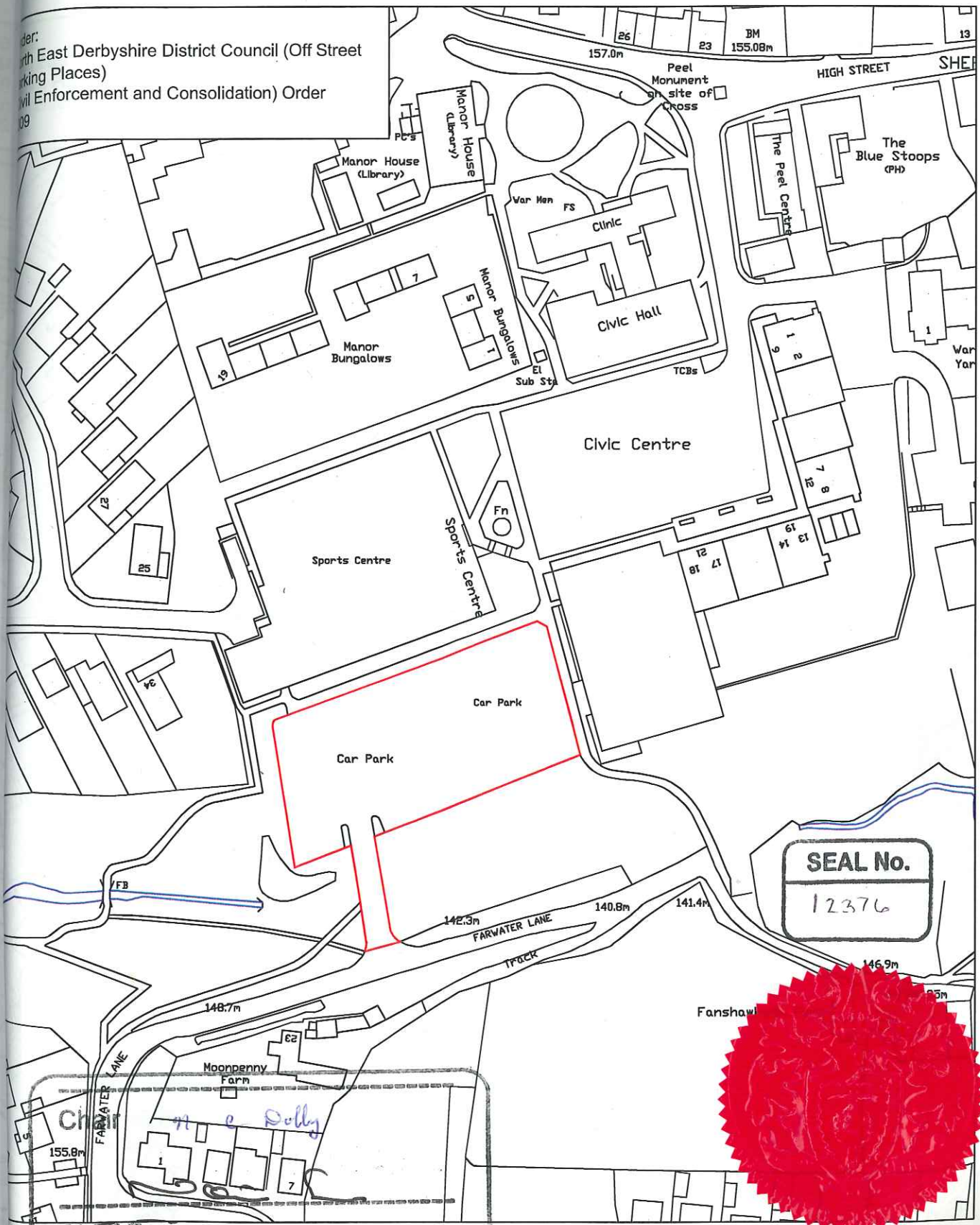
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TITLE

PLAN No. 111275

Civic Centre Car Park
Dronfield (SK35077843)

Order:
North East Derbyshire District Council (Off Street
Parking Places)
Civil Enforcement and Consolidation) Order
09



SK 349782

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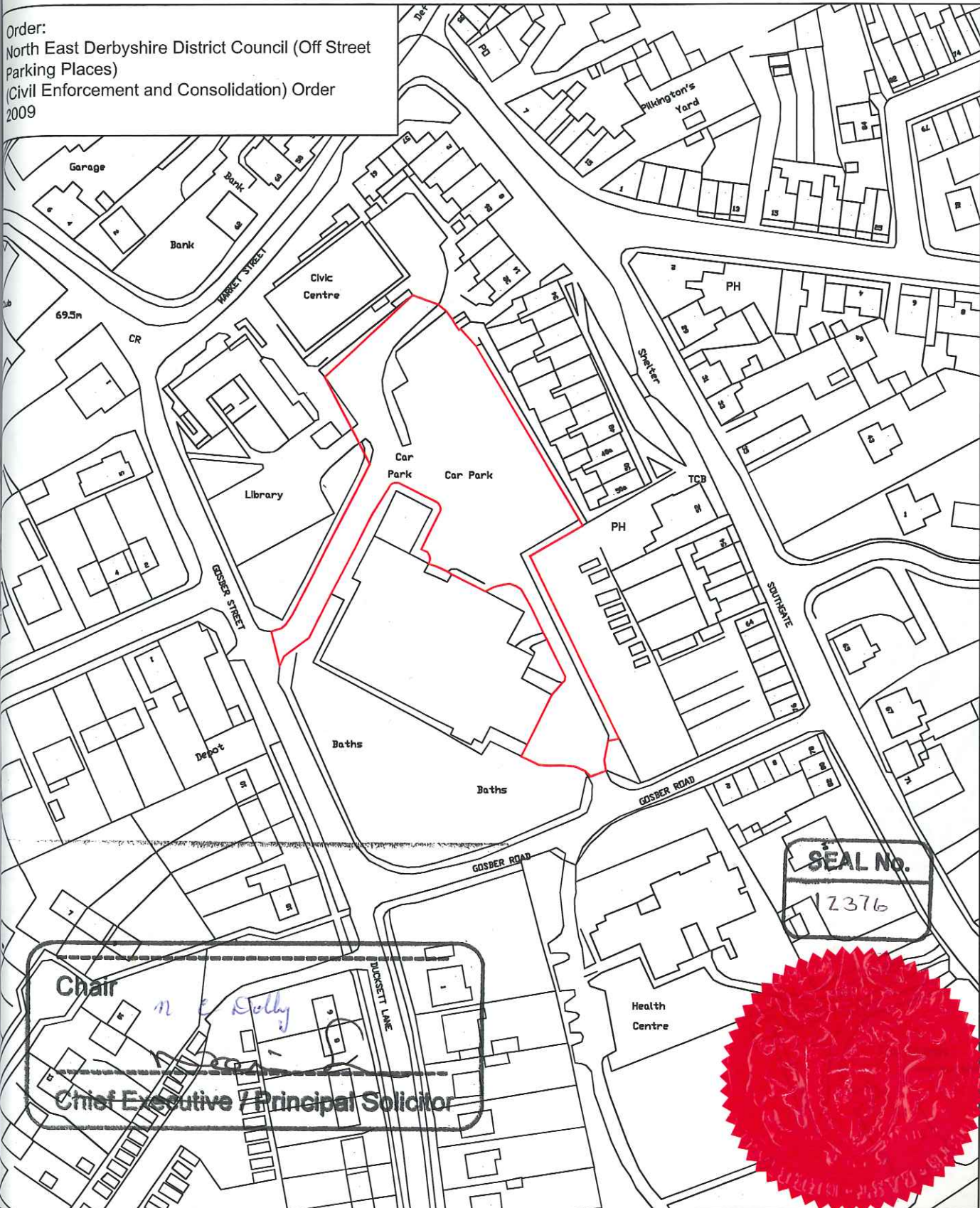
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TITLE

Dronfield Sports Centre Car Park
Farwater Lane, Dronfield (SK34987827)

PLAN No. 111276

Order:
North East Derbyshire District Council (Off Street
Parking Places)
(Civil Enforcement and Consolidation) Order
2009



SEAL No.

12376

Chair

Chief Executive / Principal Solicitor

SK 429792
T.B.
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TITLE

Eckington Pool Car Park, Gosber Street
Eckington (SK42967922)

PLAN No. 111277

12376 ☐ Air Shot

PLAN No. 111278

Eldon Street Car Park,
Clay Cross (SK39206356)

Order:
North East Derbyshire District Council (Off Street
Parking Places)
(Civil Enforcement and Consolidation) Order
2009



Chief Executive / Principal Solicitor

SK 392634
T.B.
OCT 2008
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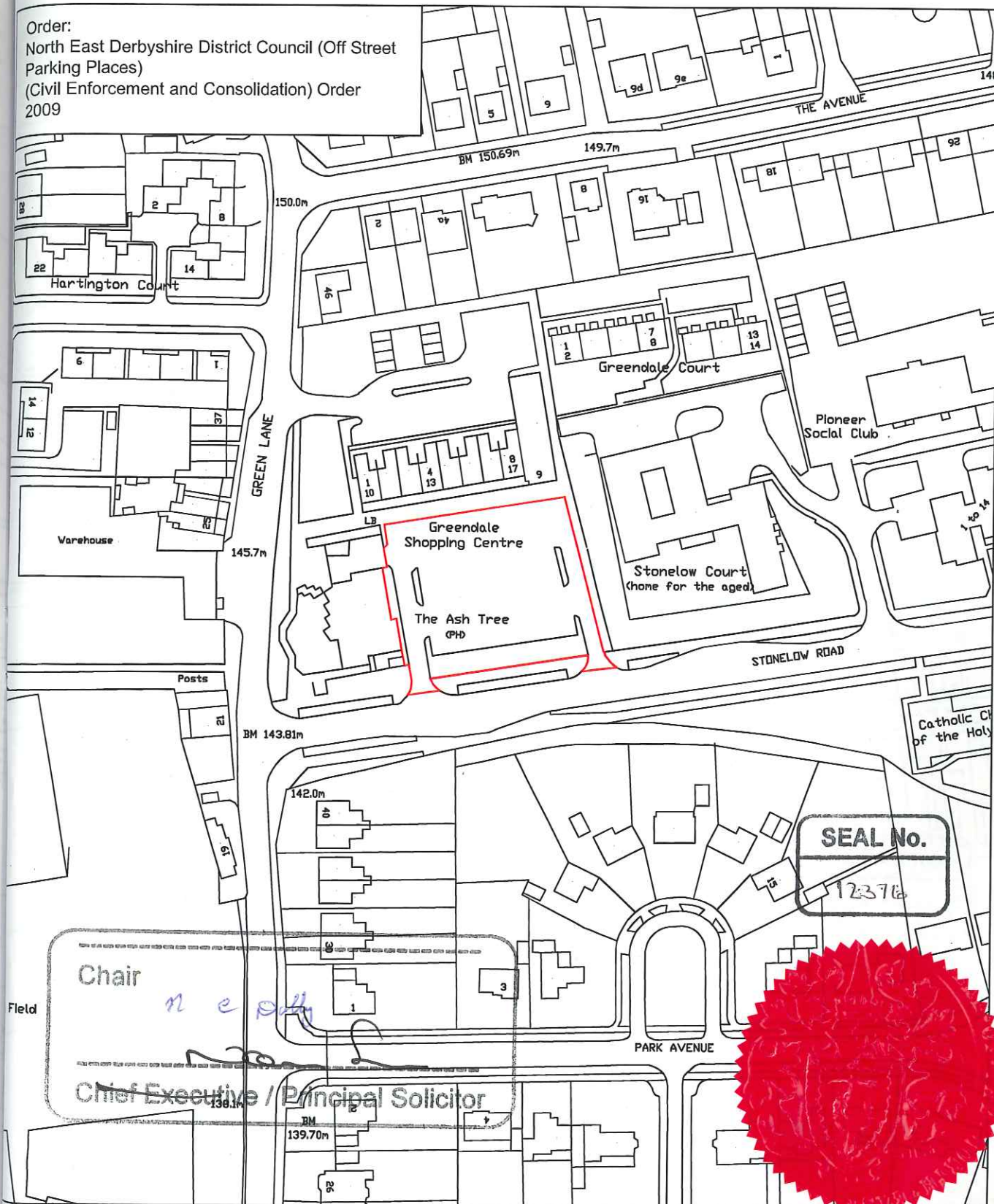
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TITLE

Eyre Street Car Park,
Clay Cross (SK39226349)

PLAN No. 111279

Order:
North East Derbyshire District Council (Off Street
Parking Places)
(Civil Enforcement and Consolidation) Order
2009



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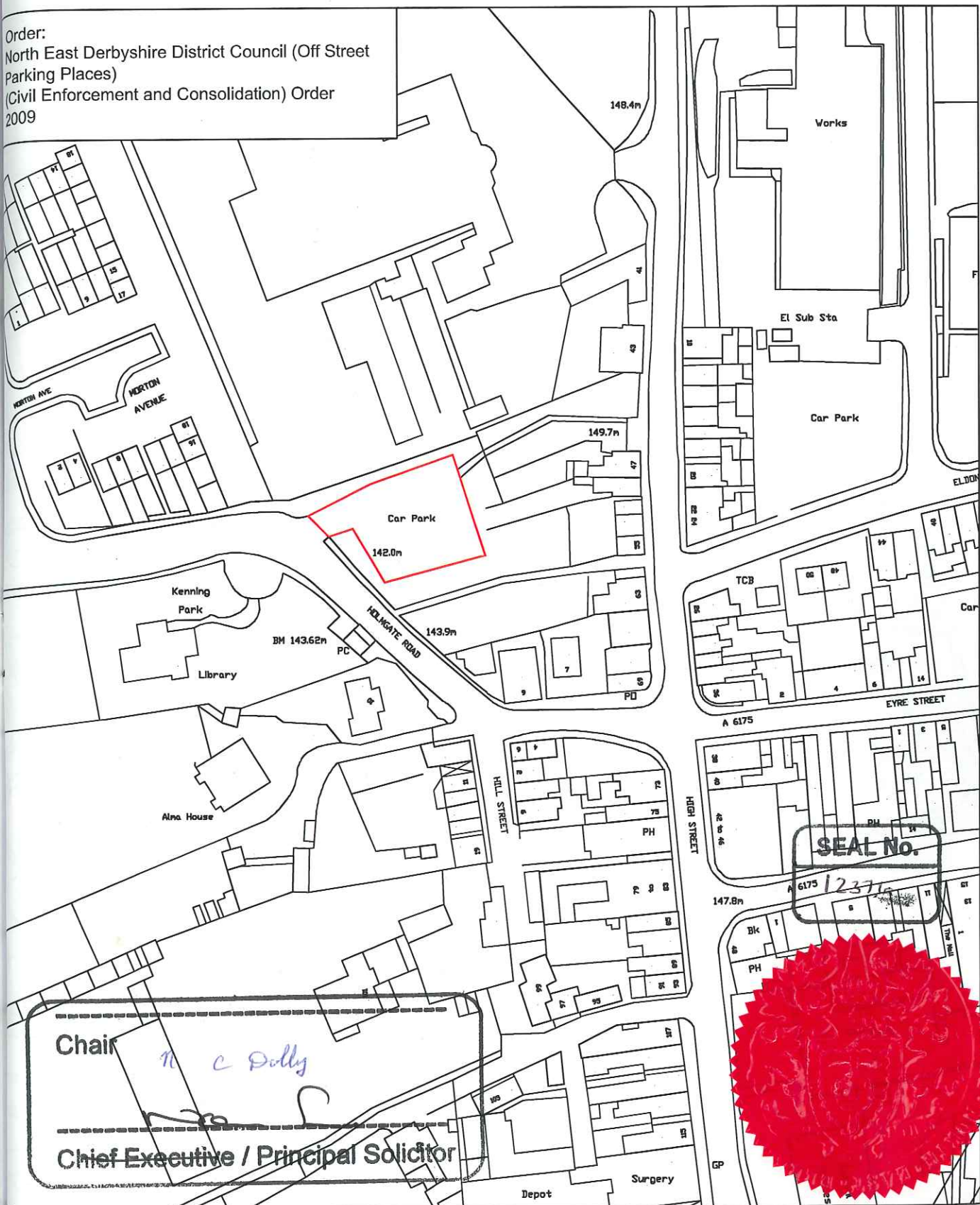
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TITLE

Greendale Shopping Centre Car Park
Dronfield (SK 35777871)

PLAN No. 111280

Order:
North East Derbyshire District Council (Off Street
Parking Places)
(Civil Enforcement and Consolidation) Order
2009



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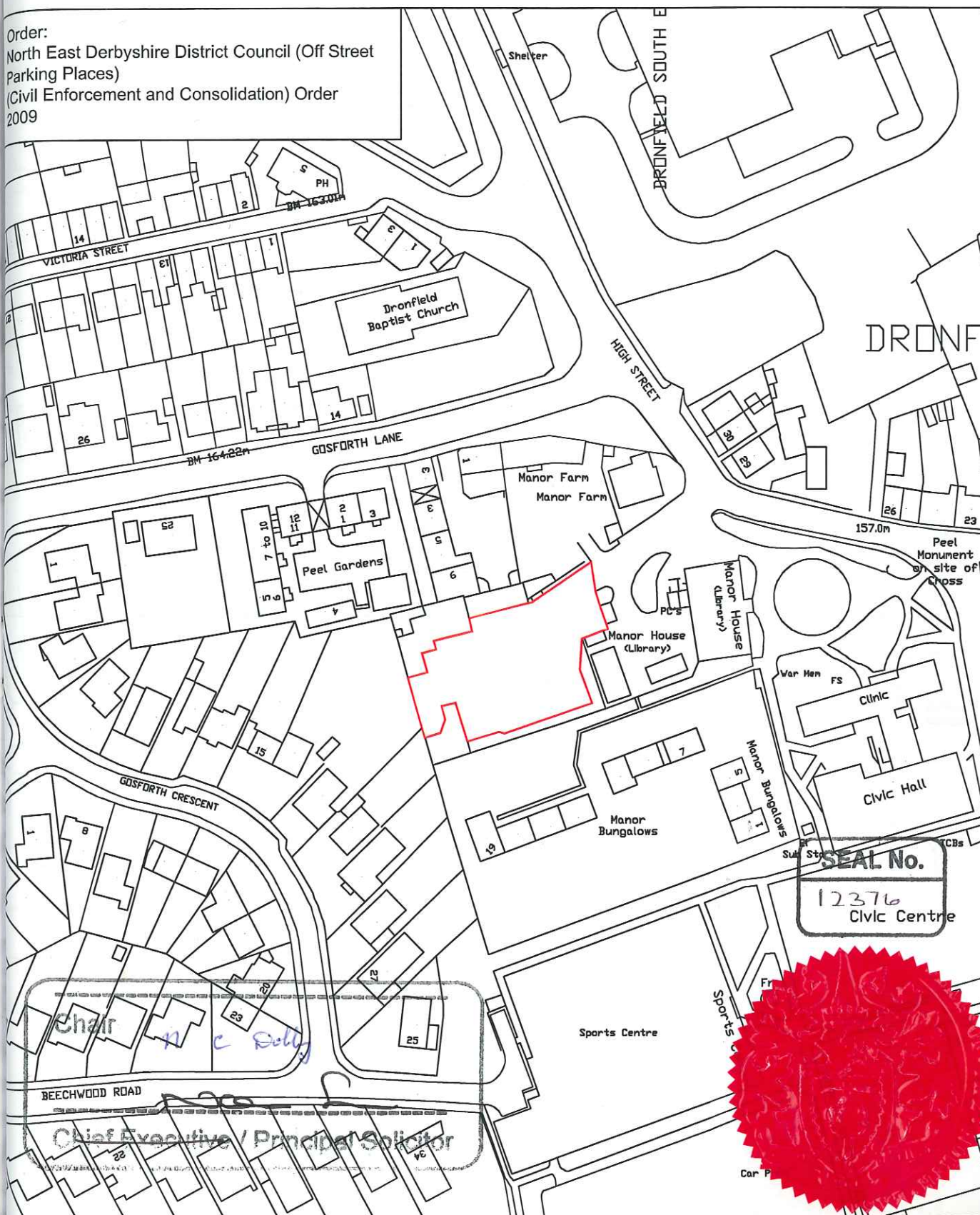
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TITLE

PLAN No. 111281

Holmgate Road Car Park,
Clay Cross (SK 39056353)

Order:
North East Derbyshire District Council (Off Street
Parking Places)
(Civil Enforcement and Consolidation) Order
2009



SEAL No.

12376
Civic Centre

Chief Executive / Principal Solicitor

SK 349784
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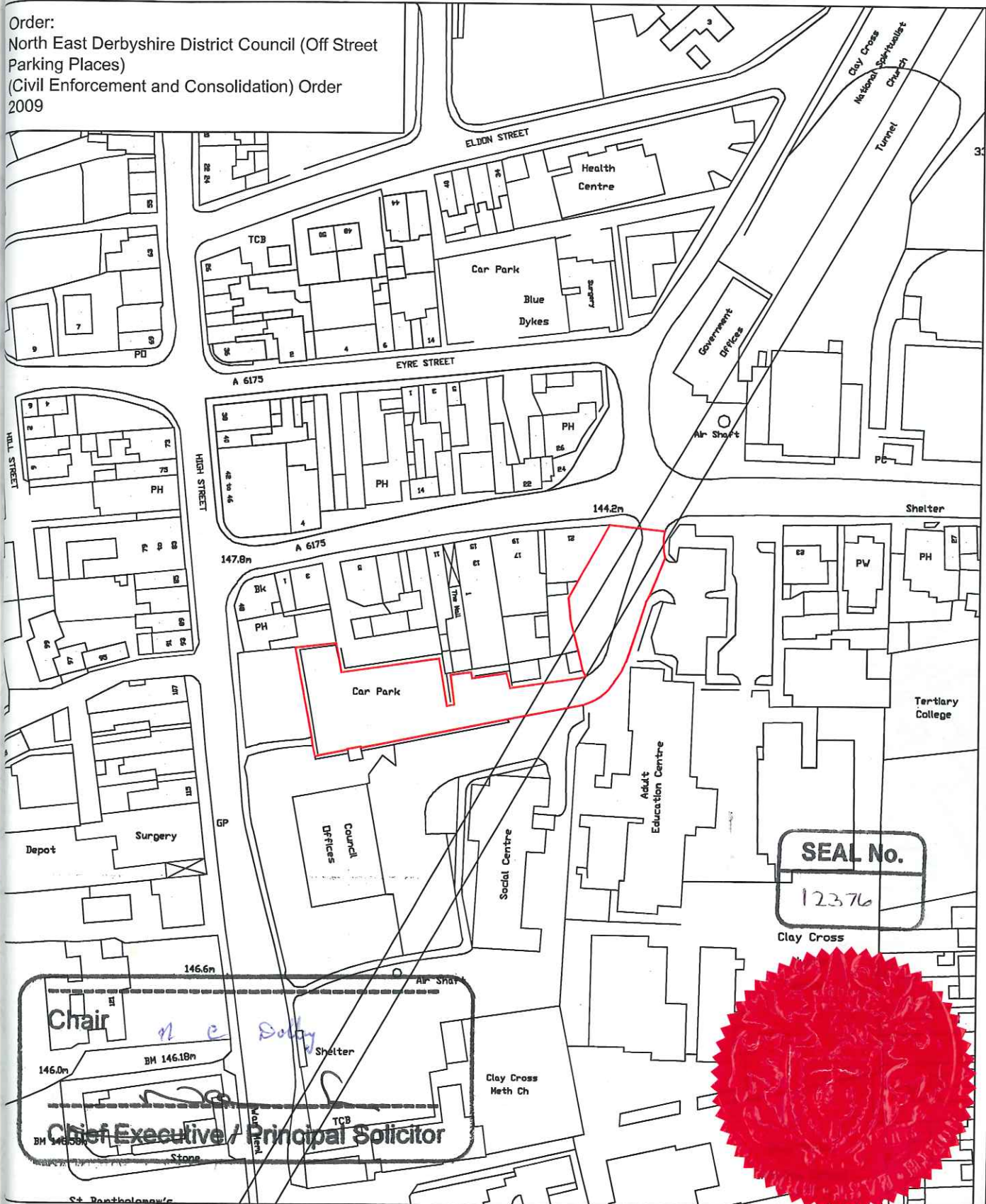
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TITLE

Manor Office Car Park
Dronfield (SK 34977848)

PLAN No. 111283

Order:
North East Derbyshire District Council (Off Street
Parking Places)
(Civil Enforcement and Consolidation) Order
2009



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OCT 2008
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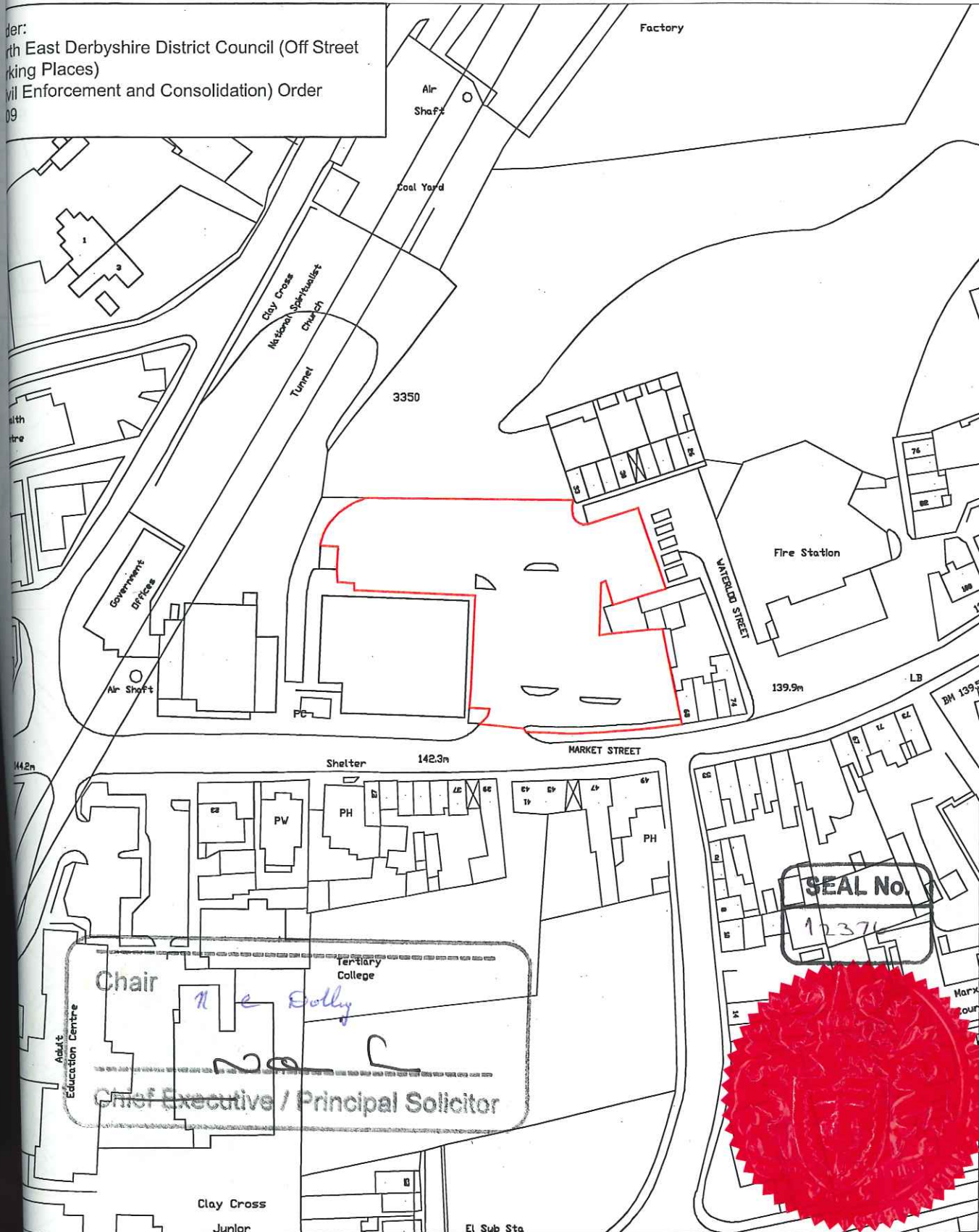
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TITLE

PLAN No. 111284

**No 1. Market Street Car Park
Clay Cross (SK 39266345)**

der:
North East Derbyshire District Council (Off Street
Parking Places)
Enforcement and Consolidation) Order
09



SEAL No.

12376

Chair

Tertiary
College

Chief Executive / Principal Solicitor

Clay Cross
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OCT 2008
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TITLE

PLAN No. 111282

No 2 Car Park, Market Street
Clay Cross (SK39376346)

Order:
North East Derbyshire District Council (Off Street
Parking Places)
(Civil Enforcement and Consolidation) Order
2009



SEAL No.

12376
Warehouse

Chief Executive / Principal Solicitor

SK 430794
T.B.
OCT 2008
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TITLE

Market Street Car Park, Eckington
(SK 43087941)

PLAN No. 111285

Order:
North East Derbyshire District Council (Off Street
Parking Places)
(Civil Enforcement and Consolidation) Order
2009



SK 329794
T.B.
OCT 2008
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TITLE

Pinfold Street Car Park, Eckington
(SK 42997944)

PLAN No. 111287

Order:
North East Derbyshire District Council (Off Street
Parking Places)
(Civil Enforcement and Consolidation) Order
2009

134.7m

134.4m

Shelter

El Sub Sta

Leisure Centre

Leisure Centre

Car Park

Car Park

Clay Cross
Community Hospital

SEAL No.
12376

Chair

Chief Executive / Principal Solicitor

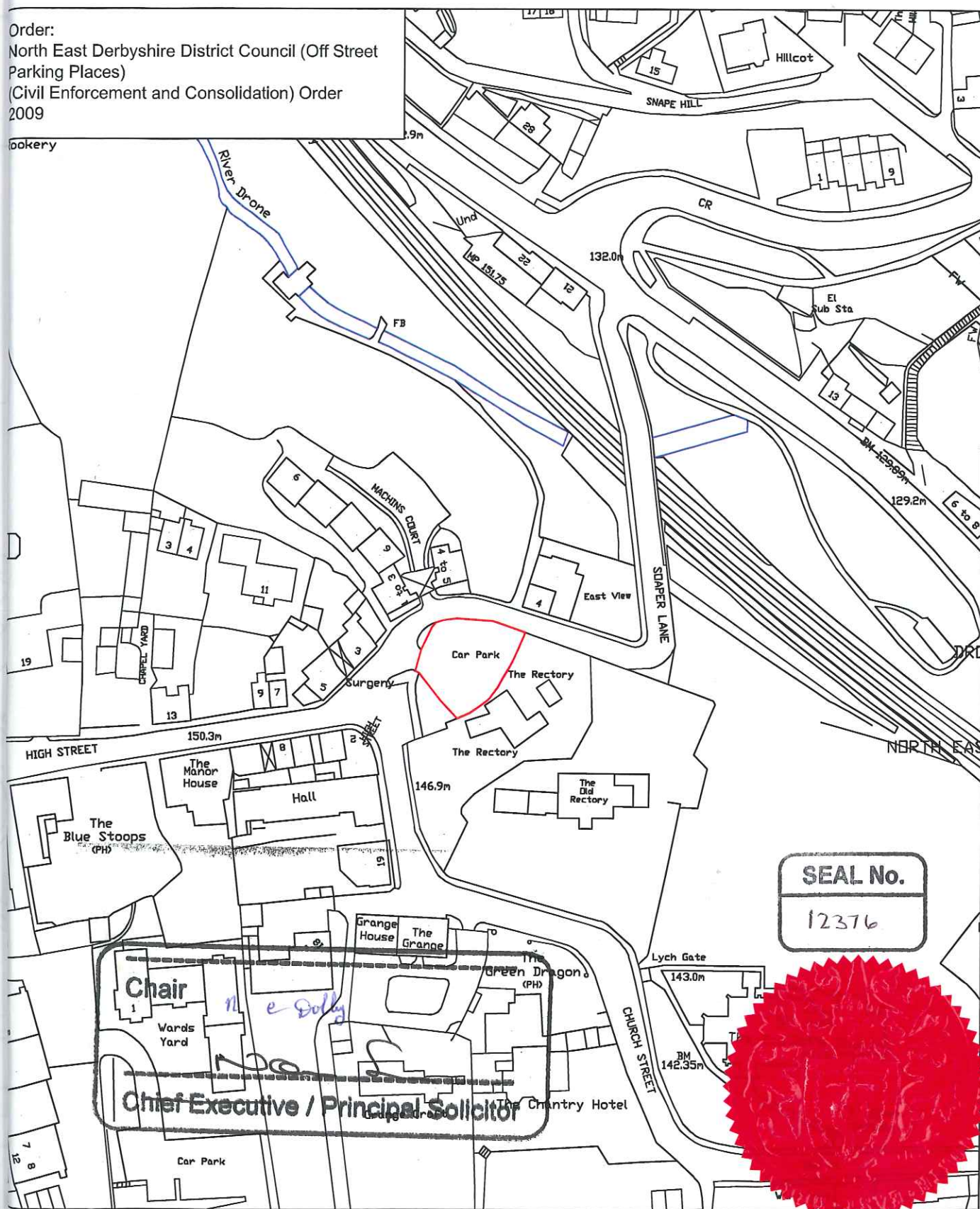
Greenacres

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TITLE

PLAN No. 111289

Sharley Park Leisure Centre Car Park
Market Street, Clay Cross (SK 39726361)

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PLAN No. 111288

T.B.
OCT 2008
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Soaper Lane Car Park
Dronfield (SK 35197851)