

THE CITY OF NORWICH  
(OFF STREET PARKING PLACES) ORDER 1999

The Council of the City of Norwich (hereinafter referred to as "the Council") in the exercise of their powers under Sections 32 and 35 of the Road Traffic Regulation Act, 1984 (which Act is hereinafter referred to as the 1984 Act) and of all other enabling powers and with the consent of the Norfolk County Council given under Section 39(4) of the 1984 Act, and after consultation with the Chief Officer of Police in accordance with the 1984 Act hereby make the following Order:-

Commencement and Citation

1. This Order shall come into operation on the sixth day of September, 1999, and shall be cited as "The City of Norwich (Off Street Parking Places) Order 1999."

- 2.(1) In this Order, the following expressions have the meanings assigned to them:-

"limited waiting place" means a parking place where vehicles are permitted to wait for a limited period of time.

"contract parking permit" means a permit issued under the provisions of Article 49 of this Order;

"parking permit" means a parking permit issued under the provisions of Article 50 of this Order;

"permit holders parking place" means a parking place for the use of permit holders during the hours mentioned for such use in the schedule to this Order in the column marked "period of waiting using an authorised parking permit";

"contract parking space" means a parking space for the use only of vehicles displaying a contract parking permit;

"driver" in relation to a vehicle waiting in a parking place means:

- (1) the person driving the vehicle at the time it was left in the parking space;
- (2) the person deemed to be the driver under the terms of Article 29 (1) of this Order.

"excess charge" means the charge referred to in Article 23 of this Order;

"initial charge" means the charge referred to in Article 14 of this Order;

"parking space"

- (1) in those parking places containing markings means an area of a parking place which is provided for the waiting of one vehicle and indicated by markings on the surface of the parking place;
- (2) in those parking places not containing markings means any area of the parking place;

"motor vehicle" and "motor cycle" shall have the same meaning as in Section 136 of the 1984 Act;

"parking place" means any area of land specified by name in the column of the schedule to this Order headed "Parking Place";

"registered keeper" means the person whose name and address are registered by the Driver Vehicle Licensing Authority or any substitute body as being the keeper of a vehicle;

"season ticket" means a ticket issued under the provisions of Article 48 of this Order;

"display" means display in accordance with Article 22 of this Order;

"parking ticket" means any of the following:

- (1) a parking ticket issued by a ticket machine operated by the Council or their contractor;
- (2) a season ticket issued by the Council or their contractor;
- (3) a scratchcard issued by the Council;

"ticket machine" means an apparatus of a type and design approved by the Secretary of State for Transport under the 1984 Act for the purpose of this Order, being an apparatus designed to issue parking tickets indicating the payment of a charge and the date and time at which the charge was paid;

"waiting" in relation to a vehicle means that the vehicle is not moving;

"Green Badge" means a badge identified as such and issued by the Council for the benefit of those with limited mobility;

"scratchcard" means a card identified as such and issued by the Council valid for a period of continuous waiting of up to one hour.

- 2.(2) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Each area of land specified by name in column 1 of the schedule 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 positions, on such days and times and on payment of such charges or display of such parking permits as are specified in relation to that area in the said schedule.
4. Subject to the following provisions of this Order, the driver of a vehicle shall not allow that vehicle to wait in a parking space unless that vehicle displays a valid parking ticket or is of a class that can wait free of charge in the parking place as specified in column 6 of the schedule to this Order.
5. The driver of a vehicle shall not allow that vehicle to wait in a parking space marked for the use of permit holders only unless that vehicle displays a parking permit allowing waiting in the parking place where that vehicle is waiting.
6. The driver of a vehicle shall not allow their vehicle to wait in a parking place for longer than a continuous period of two hours after an excess charge notice has been issued in respect of that vehicle.
7. The driver of a vehicle shall not allow that vehicle to wait in a parking space marked for the use of disabled persons only unless that vehicle displays a valid Disabled Persons badge issued by any local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 or displays a valid "Green Badge".
8. The driver of a vehicle shall not allow that vehicle to wait in a parking place if that vehicle displays a time expired parking ticket
9. Where in column 2 of the schedule to this Order a parking place or part thereof is described as available for vehicles of a specified class or if a parking space is designated by surface or other markings as available for vehicles of a specified class then the driver of a vehicle shall not allow the vehicle to wait in that parking space or parking place unless the vehicle is of the specified class.
10. Subject to a parking place having parking space markings, the driver of a vehicle shall not allow that vehicle to wait within a parking place other than completely within the markings of a single parking space.
11. The driver of a vehicle shall not allow that vehicle to wait in a parking space if that vehicle displays a parking ticket (other than a scratchcard) which was purchased (whether by the driver or another person) for a different vehicle or at a different parking place than the parking place where the vehicle is waiting.

12. The driver of a vehicle shall not allow that vehicle to wait in a parking space marked for the use of holders of contract parking permits only unless that vehicle displays a contract parking permit valid for that contract parking space.
13. The driver of a motor vehicle shall not return after parking in a limited waiting space to that same limited waiting space within the period (if any) stated in the schedule to this Order as being a period during which return is prohibited.
14. Subject to Articles 15, 16, 17 and 45 below, the driver of a vehicle which may not wait free of charge as specified in column 6 of the schedule to this Order waiting in a parking place shall pay a charge (called "the initial charge") for the vehicle in respect of the period for which the driver leaves the vehicle in that parking place in accordance with the scale of charges specified in respect of that parking place in column 6 of the schedule to this Order.
15. No initial charge shall be payable by the driver of a vehicle left in a parking space if that vehicle displays a season ticket valid for that vehicle at that parking space.
16. No initial charge shall be payable by the driver of a vehicle left in a contract parking space if that vehicle displays a contract parking permit valid for that contract parking space.
17. No initial charge shall be payable by the driver of a vehicle left in a parking place if that vehicle displays a parking permit valid for that parking place as specified in column 8 of the schedule to this Order.
18. A disabled persons badge as defined in Article 45 shall not be considered valid for the purposes of this Order if defaced or obstructed so that it cannot be read from outside the vehicle, or if it has expired by effluxion of time.
19. A season ticket, parking permit, Green Badge or contract parking permit shall not be considered valid for the purposes of this Order if defaced or obstructed so that it cannot be read from outside the vehicle, or if the season ticket, parking permit, Green Badge or contract parking permit has expired by effluxion of time or been declared invalid by the Council.
20. The initial charge shall be payable by the insertion of the appropriate banknotes, coins or electronic card into an apparatus or device provided being an apparatus or device known as a ticket machine.
21. The issue of a ticket by a ticket machine provided in a parking place shall (without any statement to that effect

upon the ticket) indicate the payment of the initial charge in accordance with the scale of charges appropriate to such a parking place as specified in the schedule to this Order provided that the ticket is displayed in accordance with Article 22.

22. The driver of a vehicle waiting in a parking place shall display a parking ticket, a parking permit or a contract parking permit within the vehicle either by attaching it firmly to the front windscreen or any other window or by placing it on the dashboard of the vehicle, in all cases so that the time and all other particulars shown are clearly visible from outside the vehicle during the entire time period the vehicle is waiting in the parking place.

23. If the driver of a vehicle breaches any of the Articles of this Order then the initial charge together with

an additional amount of £45.00 (which additional amount is referred to as an "excess charge") shall be payable by the driver of the vehicle; in the event of payment being received by the Parking Services Section of the Council within 14 days of the day on which the excess charge was incurred the amount of the excess charge shall be discounted to £30.00;

24. In the case of a vehicle in respect of which an excess charge has been incurred, it shall be the duty of a Council officer or contractor to attach to the vehicle in a conspicuous position on the driver's side window or on the windscreen or to hand to the driver a notice called an excess charge notice which may include the colour of the vehicle and 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 on the vehicle;
- (b) the day time and place at which the patrolling officer first noticed the failure to observe any of the requirements of this Order together with details of the failure;
- (c) a statement that an excess charge of £45.00 is required to be paid;
- (d) the manner in which, and the time within which, the excess charge should be paid;
- (e) a statement that a discounted excess charge of £30.00 is payable if payment is made within 14 days of the date of which the excess charge is incurred;
- (f) a statement that it is an offence for the driver of a vehicle who has incurred an excess charge to fail to pay that excess charge.

25. Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever that person feels it is reasonably necessary:-

- (a) for the purpose of facilitating the movement of

traffic or promoting its safety;

- (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance or improvement of the parking place or the laying, erection, alteration, removal or repair of any sewer or any services for the supply of gas, water, electricity or telecommunications.

- 26. Where a excess charge notice has been attached to a vehicle in accordance with the provisions of Article 24 of this Order no person other than the driver of the vehicle or a duly authorised representative of the Council shall remove the notice from the vehicle.
- 27. Where a parking ticket has been placed on the dashboard or attached to a window of a vehicle in accordance with the provisions of this Order no person not being the driver of the vehicle shall remove the parking ticket from such location unless authorised to do so by the driver.
- 28. The driver of a vehicle in respect of which an excess charge has been incurred shall pay the excess charge or provide proof of payment of the excess charge to the Council which shall be delivered to or sent by post so as to reach the Parking Services Section of the Council within twenty-one days of the date it was incurred:
- 29. Pursuant to powers given under Section 35 of the 1984 Act the following shall apply:
  - (1) if on the date a vehicle is left in a parking place a person is shown to have been the registered keeper of that vehicle by information in writing received from the Driver Vehicle Licensing Authority or any successor organisation then for the purposes of this Order they shall be deemed to have been the driver of the vehicle on that date unless the contrary is shown;
  - (2) the date and time printed on any ticket from a ticket machine at a parking place shall be good evidence in any legal proceedings in relation to this Order that the ticket was purchased on that date and expired at that time;
  - (3) where in any legal proceedings in relation to the failure to pay any initial charge or excess charge under this Order, it is proved to the satisfaction of any court that the amount which has become due or part thereof has not been paid, the court shall order the payment of the sum not paid which shall then become recoverable as a penalty;
  - (4) in any legal proceedings in relation to this Order it shall be assumed unless the contrary is shown that any ticket machine at a parking place is of an industry standard type and design

30. The driver of a vehicle shall not allow that vehicle to wait in a parking place for longer than the time period for which payment was made by the initial charge.
31. The driver of a vehicle shall not allow their vehicle to wait in any parking place in a position which restricts or prohibits other motorists movements except in so far as the vehicle is waiting fully within the markings of a single parking space.
32. The driver of a vehicle using a parking place shall stop the engine as soon as the 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.
33. No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place other than with the authority of the Council.
34. No person shall use a vehicle, while it is in a parking place in connection with the selling or offering for hire of their skill or services other than with the authority of the Council.
35. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place: Provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 10 of this Order then a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.
36. Not used.
37. 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.
38. No person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in a 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.
39. No person shall in a parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or local residents.
40. No person shall in a 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.

41. No person shall use any part of a parking place or any vehicle left in a parking place:-
- (1) for sleeping or camping purposes;
  - (2) for eating or cooking purposes; or
  - (3) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
42. No driver of a motor vehicle shall use a parking place as a means of passage of proceeding from one road to another road unless the vehicle has waited in the parking place.
43. Where in a parking place signs are erected or surface markings are laid for the purpose of indicating the entrance to or exit from the parking place; or indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,
- then no person shall drive or cause or permit to be driven any vehicle:-
- (1) so that it enters the parking place otherwise than by an entrance so indicated, or leaves the parking place otherwise than by an exit so indicated; or
  - (2) in a direction other than that specified.
44. In a 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.
45. A disabled person's vehicle which displays a Green Badge or a disabled person's badge issued by any local authority in accordance with any regulations for the time being in force made under and by virtue of Section 21 of the Chronically Sick and Disabled Persons Act, 1970 or a badge having effect under those Regulations as if it were a disabled person's badge shall be exempt from the payment of an initial charge except if the vehicle is waiting in any of the following car parks: Bethel Street, Mary Chapman Court, Rose Lane, St Andrews and St Giles.
46. Any person removing or altering the position of a vehicle by virtue of Article 35 of this Order may do so by towing or driving the vehicle or in such other manner as they may think necessary and may take such measures in relation to



the vehicle as they may think necessary to enable them to remove the vehicle or alter the vehicle's position, as the case may be.

47. A person authorised by the Council may remove a vehicle from a parking place. They shall in such cases make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
48. The driver of a vehicle may subject to the Council's discretion and on application to the Council purchase a season ticket to be valid in respect of one vehicle for a period of up to twelve months from the date of issue:

Provided that:-

- (1) if a season ticket is restricted in use to certain parking places or otherwise conditioned that season ticket shall be used only in accordance with such restriction or conditions;
  - (2) a season ticket is not transferable between vehicles except in the cases of season tickets valid for St Andrews, Rose Lane, St Giles and Mary Chapman Court car parks.
49. The driver of a vehicle may, on application to the Council and at the discretion of the Council purchase a contract parking permit to be valid subject to the terms of this Order and any conditions of issue in respect of the parking of any vehicle in a specified contract holders parking space.
  50. The Council may issue parking permits to allow the permit holder to park a vehicle in a parking place which type of permit and time and location of parking place is specified in the schedules to this Order.
  51. If a parking permit is restricted in use to certain parking places or otherwise conditioned the permit shall be used only in accordance with such restriction or conditions.
  52. The issue of a parking permit under Article 50 shall not entitle the holder of the parking permit to the reservation of any individual parking space.

#### Revocations

53. The City of Norwich (Off-Street Parking Places) Order 1990 is revoked.

GIVEN under the CORPORATE SEAL )  
of the CITY COUNCIL OF NORWICH )  
this third day of September )  
One thousand nine hundred and )  
ninety-nine in the presence of:- )

Richard M Auton

City Clerk

(ref:LADTYP4/TRAFFIC.ORDERS/ETC./off(Lalree100,order)