

24-2002^b (P+D)^{ex 25}
(Others | OXFORD CITY)

**THE OXFORDSHIRE COUNTY COUNCIL (PAY-AND-DISPLAY PARKING,
OXFORD CITY) ORDER 2002**

The Oxfordshire County Council ("the Council") in exercise of their powers under Sections 45 to 53 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984 ("the Act of 1984") and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby make the following Order:-

INTERPRETATION

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

"authorised officer" means a police officer in uniform, a traffic warden, or a person duly authorised by the Council for the purposes of this Order;

"charging hours" means:-

- (a) in relation to any parking place specified in Part I of the First Schedule to this Order, the period between 8.00 a.m. and 6.30 p.m. on Mondays to Fridays and between 8.00 a.m. and 1.00 p.m. on Saturdays;
- (b) in relation to any parking place specified in Part II of the First Schedule to this Order, the period between 8.00 a.m. and 10.00 p.m. on any day;

"the Council" means the Oxfordshire Council and includes any agent of theirs for the time being appointed by them for the purposes of this Order;

"disabled persons badge" has the same meaning as in the Disabled Persons (Badges For Motor Vehicles)(England) Regulations 2000:

"disabled persons vehicle" has the same meaning as in Section 142 of the Act of 1984;

"driver" in relation to a vehicle left in a parking place means the person driving the vehicle at the time it is or was left in the parking place;

"initial charge" means a charge payable as mentioned in Article 10 of this Order;

"invalid carriage" has the same meaning as in Section 136 of the Act of 1984;

"initial period" means a period in respect of which an initial charge is payable as mentioned in Article 10 of this Order;

"operative hours" means in relation to any parking place specified in Parts I and II of the First Schedule to this Order, the whole twenty-four hours of every day;

"parking place" means a parking place within the meaning of Section 45 of the Act of 1984 and designated by Article 3 of this Order;

"parking space" means a space marked in accordance with Article 19(b) of this Order as a space within which a vehicle may be left;

"parking ticket" means a ticket issued by a ticket machine or any authorised officer pursuant to Article 11 of this Order and indicating the payment of an initial charge, the initial period in respect of which that charge has been paid, and the time of the beginning or the end of that period;

"period of stay" in relation to a vehicle left in a parking place means the period beginning at the time of arrival of the vehicle in that parking place and extending until the time of its departure therefrom;

"permitted vehicle" means a vehicle of one of the following descriptions and complying (subject to the limitations below set out) with the definition contained in Regulation 3(1) of the Road Vehicles (Construction and Use) Regulations, 1986, namely:-

- (a) a goods vehicle, the maximum gross weight of which does not exceed 2.25 tonnes;
- (b) a dual purpose vehicle;
- (c) a motor cycle, so long as there is attached to it a sidecar;
- (d) a passenger vehicle (not being a motor cycle), constructed or adapted to carry not more than 12 passengers and their effects in addition to the driver,

and for the avoidance of doubt does not, subject to the operation of Section 137(1) of the Act of 1984 (as to motor cycle sidecars) include any trailer drawn by a vehicle;

"postal packets" has the meaning given in Section 125 of the Postal Services Act 2000;

"prepaid card" means a parking device in which is stored electronically an amount of credit and which when inserted into a ticket machine adapted for that purpose, is debited with the amount of an initial charge

and causes the machine to issue a parking ticket appropriate to that charge;

“relevant position” means a position where a resident’s parking permit is readily visible and legible from the front or nearside of the vehicle;

“ticket machine” means apparatus of a type designed to issue parking tickets indicating the time of arrival or departure, the charge paid and as a means to collect charges payable;

“universal service provider” has the same meaning as in Sections 4(3) and (4) of the Postal Services Act 2000.

2. For the purposes of this Order a vehicle which, having been left in a parking place outside the charging hours, remains there at the beginning of the charging hours shall be treated as if it had been left at the beginning of the charging hours.

DESIGNATION AND USE OF PARKING PLACES

3. Each of the areas of highway specified in the First Schedule to this Order is hereby designated a parking place in which, subject to the provisions of this Order, permitted vehicles may be left during the operative hours applicable to that parking place.
4. Subject to Article 15 of this Order, no person shall leave a vehicle in a parking place at any time:-
 - (a) if the vehicle is not a permitted vehicle; or
 - (b) other than wholly within a parking space.
5. Subject to Articles 15 and 16 of this Order, no person shall leave a vehicle in a parking place during the charging hours:-
 - (a) if a parking ticket obtained for that vehicle is not displayed in accordance with Article 12 of this Order;
 - (b) for a period of longer than the initial period in respect of which payment of the initial charge has been made;
 - (c) if a period of less than one hour has elapsed since the termination of the last period of stay (if any) of the vehicle in the same parking place during the charging hours.
6. Subject to Articles 15 and 16 of this Order, no person, except upon the direction or with the permission of an authorised officer, shall cause or permit a vehicle (not being a permitted vehicle left in a parking place in a

manner authorised by the provisions of this Order) to wait at any time in any parking place.

7. Subject to Article 17 of this Order, no person shall leave a vehicle, or cause or permit a vehicle to wait, in a parking place or part of a parking place in respect of which there is an indication placed in accordance with Article 23 of this Order that the use by vehicles of that parking place or that part of a parking place is for the time being suspended.
8. No person shall, save in the case mentioned in Article 15(e) of this Order, use any vehicle while it is in a parking place in connection with the sale of any article to any person in or near the parking place or in connection with selling or offering for hire of his skills or services.
9. Subject to Article 18 of this Order, the driver of a vehicle left or waiting in a parking place shall stop the engine as soon as the vehicle is in position in that 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.

INITIAL CHARGES AND PARKING TICKETS

10. Subject to Articles 15 and 16 of this Order, the driver of a permitted vehicle who leaves the vehicle in a parking place during the charging hours shall, at the commencement of the period of stay, pay an initial charge, in such one of the amounts specified in Part I of the Second Schedule to this Order as the driver shall select according to the time of commencement and expected duration of the period of stay, and such payment shall be in respect of the initial period specified in the said paragraph (1) opposite the amount so selected.
11. The initial charge shall be paid, and a parking ticket obtained, by the insertion into a ticket machine at or near the parking place (or, if such machine is for the time being defective, at another machine at or near the parking place) of either:-
 - (a) a coin or coins, of appropriate denomination, to the amount of the initial charge; or
 - (b) (if the ticket machine is so constructed or adapted) a prepaid card issued in accordance with Article 20 of this Order of which the remaining credit is not less than the amount of the initial charge,providing that if for the time being a notice is displayed at the parking place so requiring, the initial charge shall be paid to, and a parking ticket obtained from, an authorised officer of such description as shall be specified in the notice.
12. Upon payment of the initial charge, the driver of the vehicle shall display the parking ticket obtained as mentioned in Article 11:-

- (a) on the inside of the windscreen or a front side window of the vehicle; or
- (b) in the case of a vehicle not fitted with either a windscreen or any front side window, in a conspicuous position on the front part of the vehicle,

so that, in either case, the particulars entered on the parking ticket by the ticket machine or authorised officer are clearly visible when inspected from the front or side of the vehicle.

13. At no time during the period of stay of a vehicle in parking place:-

- (a) shall any person, other than the driver or a person authorised to do so by the driver, remove a parking ticket displayed in accordance with Article 12; or
- (b) shall there be displayed on the vehicle either:-
 - (i) any parking ticket other than the parking ticket obtained for the vehicle at the beginning of the period of stay in accordance with Article 11; or
 - (ii) any other ticket of the nature of a parking ticket issued in respect of any other place provided, authorised or designated for the parking of vehicles pursuant to the Act of 1984,

provided that it shall not be contrary to the provisions of this part of this Article also to have on display a parking permit issued in respect of any other designated parking place.

14. For the purpose of ascertaining whether any period mentioned in Article 5 of this Order in respect of a vehicle left in a parking place during the charging hours has expired, and in any proceedings for an offence arising therefrom, the indications on a parking ticket displayed on the vehicle in accordance with Article 12 of this Order as to the time of the beginning or the end of an initial period in respect of which an initial charge has been paid shall (without prejudice to any contrary evidence) be evidence of, as the case may be, the time of the beginning of the period in respect of which the initial charge has been paid; provided that for the purpose of such ascertainment in the case of a parking ticket issued from a ticket machine, the said indications on the parking ticket shall be compared with the time shown on the clock on the ticket machine from which the parking ticket was issued.

EXEMPTIONS

15. Nothing in Articles 4, 5, 6, 10 or 12 of this Order shall apply to a vehicle which, for so long as it is left or waiting in a parking place:-

- (a) is waiting to enable a person to board or alight from the vehicle or to load thereon or unload therefrom his personal baggage;
- (b) is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
- (c) is waiting while any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is being opened or closed;
- (d) is waiting to enable goods or other burden of any description to be loaded onto or unloaded from the vehicle, being goods or other burden collected from or to be delivered to premises adjacent to the parking place;
- (e) is being used by a roundsman and is waiting while orders are being taken for the immediate delivery of goods from the vehicle at premises adjacent to the parking place;
- (f) is in the service of or employed by a universal service provider and is being used for the purpose of delivering or collecting postal packets;
- (g) is being used in connection with the posting or removing of advertising material in the form of posters, or cleaning windows or chimneys in premises adjacent to the parking place;
- (h) is waiting in connection with any wedding or funeral taking place at or from premises adjacent to the parking place;
- (i) is a vehicle reasonably required for the purpose of any building, demolition or excavation operations at premises adjacent to the parking place;
- (j) is being used for police, fire brigade or ambulance purposes;
- (k) is being used in connection with the removal of any obstruction to traffic; or
- (l) is being used by a local authority or public utility undertaking acting in pursuance of statutory powers in relation to the highway comprised in the parking place, or in relation to apparatus in, on, over or under the highway,

provided that:-

(1) the disapplication of the said Articles in the case of any of the foregoing paragraphs of this Article shall not have effect insofar as either:-

(i) the vehicle cannot conveniently be left or wait for the purposes specified in that paragraph otherwise than in the parking place;

or

(ii) the vehicle is left or waits for longer than is necessary for the purposes specified in that paragraph;

(2) any vehicle left or waiting in a parking place pursuant to this Article shall be left or wait:-

(i) so far as practicable, wholly within a parking space; or

(ii) (so far as not practicable as aforesaid) in such position as to occupy the minimum number of parking spaces consistent with the size of the vehicle;

and if for the removal or prevention of obstruction an authorised officer so instructs, the person in charge of the vehicle shall move the vehicle, in accordance with any direction given by the authorised officer in that behalf.

16. Nothing in Articles 5, 6, 10 or 12 of this Order which restricts the times at which, or the periods for which, vehicles may be left or may wait in a parking place, or requires the payment of a charge or the display of a parking ticket in respect thereof, shall apply to:-

(a) an invalid carriage;

(b) a disabled person's vehicle (not being an invalid carriage);

(c) in respect of the parking places specified in Part I of the First Schedule and in item 2 of Part II of the First Schedule to this Order a vehicle which displays in the relevant position a residents' parking permit issued under the provisions of The City of Oxford (Norham Manor) (Controlled Parking Zone) Order or its successor in title for the time being in force.

17. Nothing in Article 7 of this Order shall apply to a vehicle which for the time being:-

(a) is being used as mentioned in paragraph (j), (k) or (l) of Article 15 of this Order; or

- (b) is otherwise a vehicle reasonably required in connection with the purpose for which the use of the parking place has been suspended.
18. Nothing in Article 9 of this Order shall apply to a vehicle which for the time being:-
- (a) is waiting as mentioned in paragraph (a), (b) or (c) of Article 15 of this Order; or
 - (b) is being used for a purpose within paragraph (i), (j), (k) or (l) of Article 15 and the engine of the vehicle is providing the motive power for machinery which is necessary for the purpose.

POWERS OF COUNCIL, POLICE AND AUTHORISED OFFICER AS TO PARKING PLACES

19. The Council may, on or in the vicinity of a parking place:-
- (a) erect such notices and signs as they consider requisite for the purpose of that parking place;
 - (b) mark on the surface of the road comprised in that parking place the spaces within which vehicles may be left and the directions in which vehicles are to proceed;
 - (c) install such ticket machines as they consider requisite for the purpose of that parking place;
 - (d) maintain and from time to time alter the said notices, signs, road markings and ticket machines; and
 - (e) carry out such other work as is reasonably required for the purpose of the satisfactory operation of that parking place.
20. The Council may from time to time make provision, by the installation at any parking place of ticket machines adapted for that purpose, for the payment of any initial charge by means of a prepaid card, and may make arrangements for the issue of prepaid cards:-
- (a) in such denominations; and
 - (b) from such place or places,
- as they shall determine.
21. The Council or the Chief Officer of Police may, from time to time and subject to such exceptions as they or either of them, see fit, suspend the use by vehicles of a parking place or part thereof if satisfied that it is expedient so to do:-

- (a) for facilitating the movement of traffic or promoting its safety;
 - (b) for facilitating any operations within paragraphs (d), (h), (i), (k) or (l) of Article 15 of this Order; or
 - (c) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed.
22. An authorised officer may, from time to time and subject to such exceptions as he sees fit, suspend for not longer than twenty four hours the use by vehicles of a parking place or part thereof if satisfied that it is expedient to do so as mentioned in paragraphs (a), (b) or (c) of Article 21 of this Order.
23. For so long as the use by vehicles of a parking place or part thereof is suspended pursuant to Article 21 or 22 of this Order, the Council, the Chief Officer of Police or the authorised officer (as the case may be) shall indicate such suspension by placing or causing to be placed in or adjoining that parking place or that part of which the use is suspended, such notices, signs or barriers (or any combination thereof) as they or he shall think fit.
24. Where an authorised officer is of the opinion that any provision of this Order has been contravened or not complied with in respect of a vehicle left or waiting in a parking place, or in case of emergency, he may remove or cause to be removed the vehicle from the parking place, and, where it is so removed, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle; provided that when a vehicle has been left or is waiting in a parking place in a position contravening the provisions of paragraph (b) or Article 4 of this Order, or of proviso (2) to Article 15 of this Order, the authorised officer may alter or cause to be altered the position of the vehicle so that its position complies with those provisions.
25. An authorised officer who removes or alters the position of a vehicle pursuant to Article 24 of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.

GENERAL

26. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984, or by or under any other enactment.

27. This Order may be cited as The Oxfordshire County Council (Pay-and-Display Parking, Oxford City) Order 2002 and shall come into operation on the twenty fourth day of March 2002.

GIVEN UNDER the Common Seal of the Oxfordshire County Council this twenty second day of March 2002

FIRST SCHEDULE

DESIGNATED PARKING PLACES

PART I (CHARGING HOURS 8.00 A.M. - 6.30 P.M. MONDAYS TO FRIDAYS AND 8.00 A.M. - 1.00 P.M. SATURDAYS)

1. BENSON PLACE

- (a) Southern side; from a point 44 metres east of the eastern kerb line of Fyfield Road, westwards to Norham Road.
- (b) Eastern side; from a point opposite the northern boundary of number 4, southwards for a distance of 20 metres.
- (c) Eastern side; from the northern property boundary of The Cottage, southwards for a distance of 10 metres.

2. BRADMORE ROAD

- (a) Eastern side; from a point 20 metres north of the northern kerb line of Norham Gardens, northwards for a distance of 50 metres.
- (b) Eastern side; from a point 69 metres north of the northern kerb line of Norham Gardens, northwards for a distance of 18 metres.
- (c) Western side; from a point 57 metres north of the northern kerb line of Norham Gardens, northwards for a distance of 18 metres.
- (d) Western side; from a point 89 metres north of the northern kerb line of Norham Gardens, northwards for a distance of 18 metres.
- (e) Western side; from a point 28 metres north of the northern kerb line of Norham Gardens, southwards for a distance of 28 metres.

3. CRICK ROAD

- (a) Southern side; from a point 15 metres east of the eastern kerblines of Bradmore Road, eastwards for a distance of 34 metres.
- (b) Southern side; from a point 54 metres east of the eastern kerblines of Bradmore Road, eastwards for a distance of 19 metres.
- (c) Southern side; from a point 14 metres west of the western kerblines of Fyfield Road, westwards for a distance of 37 metres.
- (d) Northern side; from a point 15 metres east of the eastern kerblines of Bradmore Road, eastwards for a distance of 57 metres.

4. FYFIELD ROAD

- (a) Eastern side; from a point 36 metres north of the northern kerb line of Norham Gardens, northwards for a distance of 71 metres.
- (b) Eastern side; from a point 57 metres north of the northern kerb line of Norham Gardens, northwards for a distance of 20 metres.

5. NORHAM ROAD

- (a) Northern side; from a point 36 metres east of the eastern kerblines of Banbury Road, eastwards for a distance of 71 metres.
- (b) Northern side; from a point 42 metres west of the western property boundary of number 11 Norham Road, eastwards for a distance of 30 metres.
- (c) Southern side; from a point 24 metres east of the eastern kerblines of Banbury Road, eastwards for a distance of 42 metres.
- (d) Southern side; from a point 14 metres east of the eastern kerblines of Fyfield Road, eastwards to Benson Place.

PART II (CHARGING HOURS 8.00 A.M. - 10.00 P.M. ANY DAY)

1. GREAT CLARENDON STREET

- (a) South-eastern side; from a point 10 metres south-west of the south-western kerblines of Walton Street, south-westwards for a distance of 115 metres.
- (b) North-western side; from a point 30 metres south-west of the south-western kerblines of Walton Street, south-westwards for a distance of 85 metres.

2. WALTON STREET

- (a) South-western side; from a point 98 metres north-west of the north-western kerblines of Walton Crescent, north-westwards for a distance of 27 metres.
- (b) North-eastern side; from a point 55 metres south-east of the south-eastern kerblines of Observatory Street, south-eastwards for a distance of 33 metres.

- (c) North-eastern side; from a point 108 metres south-east of the south-eastern kerbline of Observatory Street, south-eastwards for a distance of 27 metres.
- (d) North-eastern side; from a point 170 metres south-east of the south-eastern kerbline of Observatory Street, south-eastwards for a distance of 20 metres.
- (e) North-eastern side; from a point 272 metres south-east of the south-eastern kerbline of Observatory Street, south-eastwards for a distance of 35 metres.

PART III (CHARGING HOURS 8.00 A.M. - 10.00 P.M. ANY DAY)

1. NORHAM GARDENS

- (a) North-western side; from a point 22 metres south-west of the western kerb line of Bradmore Road, south-westwards for a distance of 85 metres.
- (b) Northern side; from a point 20 metres east of the eastern kerb line of Bradmore Road, eastwards for a distance of 25 metres.
- (c) Northern side; from a point 10 metres east of the eastern kerb line of Fyfield Road, eastwards for a distance of 15 metres.
- (d) Southern side; from a point 22 metres east of the point opposite the eastern kerb line of Bradmore Road, eastwards for a distance of 25 metres.
- (e) Southern side; from a point 9 metres east of the property boundary between numbers 11 and 13 Norham Gardens, eastwards for a distance of 62 metres.
- (f) Southern side; from a point 15 metres east of the property boundary between numbers 15 and 17 Norham Gardens, eastwards for a distance of 33 metres.
- (g) Southern side; from a point 8 metres east of the point opposite the eastern kerb line of Fyfield Road, eastwards for a distance of 16 metres.

SECOND SCHEDULE

CHARGES

PART 1 (INITIAL CHARGES)

The initial charges, and the respective initial periods in respect of which they are payable, shall be as follows:

<u>Initial Charge</u>	<u>Initial Period</u>
(a) Period of stay commencing during that part of the charging hours which apply to Part I of the First Schedule falling between 8.00 a.m. and 6.30 p.m. on Monday to Friday or between 8.00 a.m. and 1.00 p.m. on Saturday.	
£1.00	One hour
£2.00	Three hours
(b) Period of stay commencing during that part of the charging hours which apply to Part II of the First Schedule falling between 8.00 a.m. and 6.30 p.m. on Monday to Saturday	
£1.00	One hour
£2.00	Two hours
(c) Period of stay commencing during that part of the charging hours which apply to Part III of the First Schedule falling between 8.00 a.m. and 6.30 p.m. on Monday to Saturday	
£1.00	One hour
£2.00	Three hours
(d) Period of stay commencing during that part of the charging hours which apply to Parts II and III of the First Schedule falling between 6.30 p.m. and 10.00 p.m. on Monday to Saturday or between 8.00 a.m. and 10.00 p.m. on Sunday	
£1.00	Any length of stay

Provided that if the initial period in respect of which the initial charge is paid pursuant to (b) above extends after 6.30 p.m. no further charge shall be payable in respect of that part of the period of stay which falls after that time.

PART II (PENALTY CHARGES)

The penalty charge which is payable by virtue of paragraph 3(1) and (2) of Schedule 3 to the Road Traffic Act 1991 shall be £40.00.

THIRD SCHEDULE
REVOCATIONS

1. The City of Oxford (Pay-and-Display Parking) Order 1999
2. The City of Oxford (Pay-and-Display Parking) (Variation No. 1) Order 2000
3. The City of Oxford (Pay-and-Display Parking) (Variation No. 2) Order 2000

THE COMMON SEAL of THE)
OXFORDSHIRE COUNTY)
COUNCIL was hereunto affixed)
in the presence of:-)