

CITY OF PLYMOUTH

THE CITY OF PLYMOUTH (OFF-STREET PARKING PLACES)

(WESTERN APPROACH CAR PARK) ORDER 1994

1. The Council in exercise of its powers under Sections 32 and 35 of the Road Traffic Regulation Act, 1984 ("the 1984 Act") and Part 2 of Schedule 9 to the 1984 Act and of all other enabling powers with the consent of Devon County Council in accordance with Section 39(3) of the 1984 Act and after consultation with the Chief Officer of Police in accordance with Part 3 of Schedule 9 of the 1984 Act now makes an Order in the following terms:-

Commencement and Citation

1. This Order shall come into operation on the 1st day of November One thousand nine hundred and ninety-four and may be cited as "The City of Plymouth (Off-Street Parking Places) (Western Approach Car Park) Order 1994.

Interpretation

2.
 - (i) Any reference in this Order to a numbered article is a reference to the article bearing that number in this Order and reference in this Order to a numbered schedule is except with a context otherwise requires a reference to the schedule bearing that number in this Order.
 - (ii) In this Order except where the context otherwise requires the following expressions have meanings hereby respectively assigned to them:-

"The Council" means the Council of the City of Plymouth

"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.

"Owner" in relation to a vehicle means the person by whom such vehicle is kept or used.

"Parking bay" means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place.

"Parking place" means the area of land known as Western Approach car park provided by the Council under Section 32 of the 1984 Act for use as an off-street parking place.

"Disabled person's vehicle" means:-

- (a) an invalid carriage;
- (b) a vehicle issued to a disabled person by the Department of Social Security in lieu of an invalid carriage.

- (c) a vehicle left by the driver thereof who is a person who on account of his severe physical disability has been given a notice in writing by the Council that he is exempt from any such charge or limitation on time if the notice is displayed on the vehicle in a conspicuous position.
- (d) a vehicle which displays in the relevant position a disabled person's badge issued by any Local Authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 or a badge having effect under those regulations as if it were a disabled persons badge.

(iii) the Interpretation Act of 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Use of Area as Parking Place

3. The Western Approach car park may on any day be used subject to the following provisions of this order as a parking place for such classes of vehicles in such positions as are specified in Schedule 1 subject to the payment of such charges on such days and during such hours as are specified in the Schedule.

Class of Vehicle

4. The driver of a vehicle shall not permit it to wait in that parking place unless it is of the class specified in Schedule 2 to this Order.

Parking Spaces for Disabled Persons

5. Where within the parking place there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle or of some other specified class of vehicle the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled person's vehicle or is of such other class of vehicle as may be specified.

Charges

6. Insofar as a vehicle is left in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in Schedule 1 to this Order and in the manner specified in the following provisions of this Order.

Method of Payment

7. (i) The driver shall at the entrance to the parking place obtain a ticket which shall indicate the date and time of arrival from the apparatus or device provided for that purpose being an apparatus or device having been specifically or generally approved for such a purpose in accordance with Section 35(3) of the 1984 Act.

7. The driver shall at the entrance to the parking place obtain a ticket by one of the following procedures (as detailed in 7(i), 7(ii), 7(iii) herein) which shall, subject to all or any part of the procedures being made available by the Council at its ultimate discretion, be in operation at the time, being either :

7.(i) from a pay on exit apparatus or device (hereinafter referred to as "the pay on exit device") which shall indicate the date and time of arrival at the pay on exit device such apparatus or device having been specifically or generally approved for such a purpose in accordance with S.35(3) of the 1984 Act; or

7.(ii) from a pay on entrance apparatus or device (hereinafter referred to as "the pay on entrance device") which shall indicate the date and time of arrival at the pay on entrance device such apparatus or device having been specifically or generally approved for such a purpose in accordance with S.35(3) of the 1984 Act; or

7.(iii) from an official uniformed parking attendant (hereinafter referred to as "the parking attendant") who shall, upon payment of the correct charge for the proposed period of stay in accordance with the Scale

of Charges specified in Schedule 1 herein, issue a ticket which shall indicate the period of the proposed stay and which shall be issued in conjunction with a ticket from the pay on exit device as specified in 7(i) herein

7.1 On leaving the parking place the driver shall exit by one of the following procedures (as detailed in 7.1(i), 7.1(ii) and 7.1(iii) herein) which shall, subject to all or any part of the procedures being made available by the Council at its ultimate discretion, be in operation at the time, being either :

7.1 (i) presenting the ticket, if issued by the pay on exit device, to the parking attendant at the exit of the car park and to pay the said parking attendant the appropriate charge for the time the vehicle was left in the parking place or, alternatively, insert the ticket in the apparatus or device provided for that purpose which shall indicate the charge payable and upon insertion of the appropriate amount the apparatus controlling the exit of vehicles from the parking place will operate, or

7.1(ii) presenting the ticket, if issued by the pay on entrance device, to the parking attendant at the exit of the car park or, alternatively, inserting the ticket in the

apparatus or device provided controlling the exit of vehicles from the parking place which will automatically raise the exit barrier PROVIDED ALWAYS THAT the ticket shall have been presented in such reasonable time after the driver has left the parking place and arrived at the exit barrier as may be determined by the Council, or

- 7.1(iii) in the event that the exit barrier shall still be operational at the time the driver shall arrive at the exit to the car park, the driver shall present the ticket issued by the pay on exit device together with the ticket issued by the parking attendant at the time of entry as detailed in 7(iii) herein, to the parking attendant at the exit to the car park and in the event that no further payment is deemed to be payable the apparatus controlling the exit of vehicles from the parking place will operate or, alternatively, should the exit barriers be already in a raised position the driver shall exit without interruption or further payment.

7.2 On occasion as directed by the Council at its discretion <sup>Amendment No 2
12/2/97</sup>
"Pay and Display" machines will be in operation in substitution
of the "Pay on Exit" payment system (as defined at paragraph
5.3 of the The City of Plymouth (Off Street Car Parking)
(Western Approach Car Park) Amendment Order No. 1 1995.

7.2.1. When the "Pay and Display" method of payment for car
parking is in operation the control and management of
Western Approach Car Park will be subject to the City of
Plymouth (Off Street Parking Places Order) 1988 as amended,
and the provisions therein so far as the same apply to the
Western Approach Car Park.

7.2.2 Drivers of vehicles may if they so wish use the "pay on foot"
machines as an alternative to other methods of payment. The driver
will obtain a ticket from the entry machine without making a
payment on returning to the car park the driver will insert the ticket
into the "Pay on Foot" machine and when indicated by that
machine, pay the appropriate amount for the length of time the
vehicle was parked. When exiting the car park the driver will insert
the ticket into the barrier raising machine for validation purposes
and to enable the vehicles to exit.

- (ii) On leaving the parking place the driver shall present the ticket to the parking attendant at the exit of the car park and pay to the attendant the appropriate charge for the time in which the vehicle was left in the parking place or, alternatively, insert the ticket in the apparatus or device provided for that purpose which shall indicate the charge payable and upon insertion of the appropriate amount the apparatus controlling the exit of vehicles from the parking place will operate.

Amend
8/5/95

(1v)
(iii)

In the event of the driver losing his ticket a standard charge of £3.00 Amend no 1 8/5/95 £5.00 for each day the car remains in the parking place will become payable.

Amend
8/5/95

(1v)
(iv)

The owner of a vehicle may on application to the Council purchase a season ticket in respect of that vehicle for a charge specified in Schedule 1 and that season ticket shall be valid not only in the parking place but also in all other long term parking places during the period for which it is issued provided it is attached to the vehicle in a conspicuous position on the windscreen facing forwards on the inside surface of the windscreen so that it can be seen easily from the front of the vehicle.

8. The driver of the motor vehicle using the 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.

Sale of Goods etc.

9. (i) 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 or in connection with the selling or offering for hire of his skill or services.
- (ii) No person shall within a parking place tout for custom or attempt to sell or offer for hire articles, skills or services whether with or without a vehicle.

Licensing and Insurance

10. The driver of a vehicle should not permit that vehicle to wait in the parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicles (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the driver a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.

Sounding of Horns

11. The driver of a motor vehicle using a parking place shall not sound any horn or similar instrument except when about to change the position of the vehicle in or depart from that parking place.

Driving in Parking Places

12. No person shall, except with the permission of the Council, drive or permit to be driven any vehicle in a parking place for any purpose other than the purpose of leaving that vehicle in that parking place in accordance with the provisions of this Order or for the purpose of departing from that parking place.

Disturbance

13. No person shall in any parking place wantonly shout or otherwise make a loud noise to the disturbance or annoyance of users of a parking place or residents of premises in the neighbourhood.

Behaviour in Parking Places

14. No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct so as to occasion a breach of the peace, or whereby a breach of the peace is likely to be occasioned.

Use of Vehicles in the Parking Place

15. (i) No person shall use any part of the parking place or any vehicle left in a parking place for:-
- (a) for sleeping or camping or,
 - (b) for cooking or,

- (c) for the purpose of repairing, servicing, washing, painting or otherwise tending any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place in a roadworthy condition.
- (ii) No person shall drive any vehicle in any parking place unless he or she shall be the holder of a current driver's licence for that class of vehicle within the meaning of Section 87 of the Road Traffic Act, 1988.

Signs and Directions

16. (i) Where in a parking place signs are erected or surface markings are laid for the purpose of:-
- (a) Indicating the entrance to or exit from that parking place or,
 - (b) Indicating that a vehicle using that parking place shall proceed in a specified direction within the parking place.

No person shall drive or cause or permit to be driven any vehicle -

- (i) so that it enters that parking place otherwise than by an entrance or leaves that parking place otherwise than by an exit so indicated or,

(ii) in a direction other than so specified.

- (ii) Wherein the parking place surface markings are laid indicating parking bays for individual vehicles no vehicle should be parked in such a parking place except within such a parking bay and no vehicle shall be parked so as to cause an obstruction to other vehicles entering or leaving a parking place or any parking bay therein.

Prohibitions

17. 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, cause or permit to be lit any fire;
- (c) abandon or cause to be abandoned any shopping trolley save in a bay designated for that purpose where provided.

Exemption from Charges

18. The following vehicles left in the parking place shall be exempt from the payment of any charge specified in the Schedule of this Order:-

- (i) A disabled person's vehicle;
- (ii) A motor cycle without a sidecar;
- (iii) A bicycle.

Incorporation of Section 47 of the Road Traffic Regulation Act 1984

19. The provisions of Section 47 of the 1984 Act where appropriate shall apply to the parking place as if it were a designated parking place provided on a highway.

Removal and Disposal of Vehicles

20. (i) If a vehicle is left in the parking place in a position other than in accordance with the provisions of this Order, a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provision.
- (ii) If a vehicle is left in the parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal.

- (iii) Any police constable in uniform may alter or cause to be altered the position of a vehicle in the parking place or remove or arrange for the removal of the vehicle from a parking place.
- (iv) Any person altering or causing the alteration of the position of a vehicle by virtue of paragraph (i) of this article or removing or causing the removal of a vehicle by virtue of paragraph (ii) or (iii) of this article may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
- (v) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (ii) or (iii) of this article shall make such arrangements as are considered to be reasonably necessary for the safety of the vehicle in the place to which it is removed.

Penalty Ticket

21. Where any vehicle is :-

- (a) parked in a bay reserved for disabled drivers' vehicles;
- (b) parked in any area of the parking place so as to cause obstruction to other users of the parking place;

- (c) parked in any area of the parking place other than a marked bay so as to cause obstruction to other users of the parking place;
- (d) parked which exceeds 1500 GVW (unless specified in the Order) or where any driver refuses to pay the amount due under article 7 ii or 7 iii of this order

A penalty ticket in the sum of £35.00 (which is subject to 50 % discount for payment received within 14 days of the date of issue of the penalty ticket) shall become due and a notice shall be attached to the vehicle in a conspicuous position which shall include the following particulars:-

- (a) the registration mark of the vehicle or where the vehicle is being used under a trade the licence number of the trade plate carried by the vehicle;
- (b) the time at which it was noticed that the penalty had been incurred;
- (c) a statement that the penalty is required to be paid;
- (d) the manner in which and the time within which the penalty should be paid and,

- (d) a statement that it is an offence under this Order and Section 35A(1) of the 1984 Act for the driver of a vehicle who has left the vehicle in a parking place to fail to duly pay the penalty.

Application of the City of Plymouth (Off-Street Parking Places) Order 1988

22. The City of Plymouth Off-Street Parking Places Order 1988 as amended shall not have effect insofar as it relates to the Western Approach car park until such time as this Order is revoked.

SCHEDULE I

Scale of Charges 8 a.m. - 12 p.m.

0-1/2 hour	£0.25 20 AND NOT MORE 8/15/95
1/2 - 1 hour	£0.40
1 - 2 hours	£0.80
2 - 3 hours	£1.50
3 - 4 hours	£2.00
Over 4 hours	£3.00 for each day of stay

Lost Ticket

£3.00 And £ 8/5/95
£5.00 for each day of stay

After 6 p.m. £0.50

Four monthly season ticket £192

The following persons shall be exempt from paying the 50p evening charge.

- i) Those persons who have purchased a season ticket.
- ii) Those persons who have payed for a stay of over 4 hours.
- iii) Disabled orange badge holders.

SCHEDULE 2

Classes of Vehicles Permitted to Wait in the Parking Place

Motor cars as defined by Section 136(2) trailer as defined by Section 136(1) motor cycle as defined by Section 136(4) and invalid carriage as defined by Section 136(5) of the Road Traffic Regulation Act 1984; tricycle, bicycle and commercial vehicles not exceeding 7500Kg unladen weight with the area specified.

THE COMMON SEAL of the COUNCIL)

of the CITY OF PLYMOUTH was)

hereunto affixed in the presence of:-)



Solicitor authorised by the Council

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