

CITY OF PLYMOUTH

THE CITY OF PLYMOUTH (OFF STREET PARKING PLACES)

BRETONSIDE BUS STATION CAR PARK ORDER 1998

1. The Council of the City of Plymouth (hereinafter referred to as "the Council" in exercise of its powers under Sections 32,33,34 and 35 of The Road Traffic Regulation Act 1984 (hereinafter referred to as "the 1984 Act") and with the consent of Devon County Council under Section 39(3) of the 1984 Act and with the consent of the Chief of Police in accordance with Part 3 of Schedule 9 of the 1984 Act and other consultees in accordance with The Local Authorities' Traffic Orders (Procedure)(England and Wales) Regulations 1996,

HEREBY MAKES AN ORDER IN THE FOLLOWING TERMS :-

2. Commencement and Citation

This Order shall come into operation on the 1st day of May 1998 and shall be cited as "The City of Plymouth (Off Street Parking Places) Bretonside Bus Station Car Park Order 1997".

3. Interpretation

- (i) In this Order the expression "the Principal Order" means The City of Plymouth (Off Street Parking Places) Order 1988 as amended.
- (ii) Any reference in this Order to a numbered clause is a reference to the clause bearing that number in this Order unless the context indicates otherwise and the

same applies to a numbered Schedule.

- (iii) In this Order except where the context otherwise states the following expressions have the meanings hereby respectively assigned to them:-

“DRIVER” In relation to a vehicle waiting in a Parking Place or a Pick Up and Setting Down Area means the person driving that vehicle at the time the vehicle was left in a parking Place or a Pick Up and Setting Down Area.

“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 and displaying the appropriate Disabled Person’s Orange Badge
- (c) a vehicle which displays in the relevant position an Disabled Person’s Orange Badge issued by any local Authority or other recognised body empowered under European Law in relation to reciprocal parking arrangements for disabled and blind people in Europe.

“DISABLED PERSON’S ORANGE BADGE” Means an orange badge issued by any Local Authority or other recognised European body 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 person's badge.

"PARKING BAY" Shall be defined as an area designated and marked for the purposes of vehicle parking in the Parking Place by permanent or non-permanent markings on the surface of the Parking Place or by bollards or any other form of delineation whether permanent or non-permanent at the discretion and under the direction of the Council of the City of Plymouth.

"DISABLED PARKING BAY" Shall have the same meaning of "Parking Bay" as above save for the vehicles shall be disabled person's vehicles.

"TAXI RANK" Shall have the same meaning as "Parking Bay" as above save for the vehicle shall be a Hackney Carriage available for private hire and waits in contemplation of being hired.

"PICKING UP AND SETTING DOWN AREA" Means an area designated and marked solely for the purposes of picking up and setting down passengers and luggage in the Parking Place by permanent or non-permanent markings on the surface of the Parking Place by bollards or any other form of delineation whether permanent or not at the discretion and under the direction of Plymouth City Council.

iv) The Interpretation Act 1978 shall apply to interpretation of this Order as it

applies for the interpretation of an Act of Parliament.

4. Use of Area as Parking Place

The Bretonside Bus Station Car Park may be used subject to the following provisions of this Order and the Principal Order where directed, as a parking place for such classes of vehicles as are specified in Schedule 2 subject to the payment of such charges and during such hours as are specified in Schedule 1.

5. Class of Vehicle

The driver of a vehicle shall not allow that vehicle to wait or be parked in the Parking Place unless it is of the class specified in Schedule 2 of this Order.

6. Charges

In so far as a vehicle is left in the Parking Place during charging hours the driver shall pay such a charge or charges as are specified in Schedule 1 to this Order and in a manner specified in the following provisions of this Order.

7. Method of Payment

"Pay and Display" machine being the apparatus or device provided and being specifically or generally approved for such purposes in accordance with Section 35(3) and the provisions of Section 47(5) of the 1984 Act.

8. Parking Spaces for Disabled Persons

- (i) 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

no other vehicle may park in that Parking Bay. Vehicles which park in a Disabled Persons' Bay without displaying a valid appropriate and recognised Disabled Persons' Orange Badge or its European equivalent shall incur a penalty ticket.

- (ii) Those Disabled Persons' vehicles which are validly parked may only stay for a maximum of 1/2 hour in any Disabled Parking Bay and may not park in another Disabled Parking Bay in the Parking Place until 1 hour has elapsed. If such a vehicle wishes to remain in the Parking Place for more than 1/2 hour that vehicle must display a valid parking ticket for the excess time over the first 1/2 hour. Such a vehicle may remain parked in the original Disabled Parking Bay.
- (iii) Breach of this clause shall incur a penalty ticket.

9. Taxi Rank

- (i) As and when directed and designated by the Council and its officers, the Council may permit an allocated area within the Parking Place as a Taxi Rank for use by Hackney Carriages in accordance with the 1984 Act.
- (ii) Hackney Carriages may wait for a fare in the Taxi Rank for a maximum of 1 hour.
- (iii) Vehicles which are not Hackney Carriages are not permitted to park or wait, whether attended or not, in the taxi Rank.
- (iv) Breach of this clause will incur a penalty ticket.

10. Picking Up and Setting Down

- (i) Vehicles may wait in this area for a maximum of 5 minutes for the purposes of Picking Up and Setting Down passengers and luggage. These vehicles may not

be left unattended.

- (ii) Return to the area is prohibited for 30 minutes.
- (iii) The parking of any vehicle other than for the purposes of Picking Up and Setting Down is prohibited.
- (iv) A breach of this clause shall incur a penalty ticket.

11. Licensing and Insurance

The Driver of a vehicle shall not permit that vehicle to wait in the Parking Place unless the vehicle is licensed in pursuance to the provisions of the Vehicles (Excise) Act 1971 or any other statutory modification or re-enactment thereof and the same shall apply unless there is in relation to the use of the vehicle by the driver a policy of insurance which complies with the requirements of Part VI of the Road Traffic Act 1988.

12. Incorporation of Section 47 of the 1984 Act

The provisions of Section 47 of the 1984 Act where appropriate shall apply to the Parking Place.

13. Motorcycles

No person shall park a motorcycle in a Parking Bay unless a sidecar is attached.

14. Miscellaneous Clauses

The following Clauses are to be incorporated into this Order by the Principal Order as amended and these articles are to be regulated by those provisions in the Principal Order:

THE SALE OF GOODS

EXEMPTION FROM CHARGES

SOUNDING OF HORNS

REMOVAL AND DISPOSAL OF VEHICLES

PENALTY TICKETS

BEHAVIOUR IN A PARKING PLACE

DISTURBANCE

EXCESS CHARGE

SCHEDULE 1

Scale of Charges

1/2 hour maximum

0.30

Free for Orange Badge holders in designated disabled parking bays so long as they do not exceed 1/2 hour. A further 1/2 hr is permitted at the chargeable rate. Parking in another bay not being a disabled parking bay will be permitted for 1/2 hr only and no longer, and will be subject to the chargeable rate.

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 Regulations act 1984.

Hackney Carriages as and when permitted under Clause 9 of this Order which are licensed by the Council, Tricycles, Bicycles and Commercial Vehicles not exceeding 7500 kg unladen weight.

THE COMMON SEAL OF The Council)

of the City of Plymouth was)

hereto affixed in the presence of :-)



Solicitor Authorised by the Council