

**Dated: 7<sup>th</sup> September 2017**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (BEACON WAY  
CAR PARK, STOCKPORT) (PAY AND DISPLAY PARKING AND PERMIT  
PARKING) ORDER 2017**

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**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (BEACON WAY  
CAR PARK, STOCKPORT) (PAY AND DISPLAY PARKING AND PERMIT  
PARKING) ORDER 2017**

The Council of the Metropolitan Borough of Stockport in exercise of its powers under Section 1(1), 2(1) to (3), 4(2) and Sections 32(1) and 35(1) and part IV of Schedule 9 of the Road Traffic Regulation Act 1984 as amended ("the 1984 Act"), and the Road Traffic Act 1991 as amended ("the 1991 Act") 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 1984 Act and with the 1991 Act, hereby makes 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:-

“appropriate charge” is specified in the Schedule to this Order;

“charging hours” means the periods specified in the Schedule to this Order;

“disabled person” and “disabled persons' badge” have 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 1984 Act and which is a vehicle, which immediately before or after any period of waiting, has been or is to be driven by a disabled person or, as the case may be, used for carrying disabled person(s) as passenger(s);

“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;

“dual purpose vehicle” has the same meaning as in Regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986 as amended;

“goods” means goods or burden of any description and includes postal packets of any description;

“light goods vehicle” means a motor vehicle not exceeding 3.5 tonnes gross vehicle weight or 1525 kgs unladen weight which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

“motor vehicle” and “vehicle” means a mechanically propelled vehicle, the height of which does not exceed 1.98 metres and shall include a motor cycle but only when that motor cycle has a sidecar attached which is either:-

- (i) constructed solely for the carriage of not more than twelve passengers and their effects exclusive of the driver; or
- (ii) constructed for the conveyance of goods or burden of any description

“motor cycle” means a mechanically propelled vehicle with fewer than 4 wheels of which the weight unladen does not exceed 410 kilogrammes;

“motor cycle space” means any area of a parking place which is provided for the leaving of a motor cycle and indicated by markings on the surface of the parking place or signed or otherwise indicated by signs or any other structure whatsoever placed or erected in the parking place;

"owner", in relation to a vehicle means the person by whom the vehicle is kept. In determining who was the owner at any time it shall be presumed that the owner was the person who is named in the vehicle registration document as the registered keeper of a goods or passenger vehicle or the person who has the use of such a vehicle in the course of his / her employment and who is entitled to use such a vehicle as though he / she were the registered keeper thereof;

“parking bay” means any area of a parking place indicated by markings on the surface of the parking place and which is provided for the leaving of a vehicle of the specified classes of vehicles;

“parking disc” has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“parking ticket” means a ticket issued by a ticket machine pursuant to this Order and indicating the payment of a charge, the time at the beginning of the period for which payment was made and the time when the period expires;

"penalty charge" has the same meaning in section 82(1) of the 1991 Act and is £60 or such other charge as may be set by the Council under the provisions of section 74 of the 1991 Act in accordance with guidance given by the Secretary of State for Transport;

"penalty charge notice" means a notice issued or served by a police constable in uniform, civil enforcement officer or parking attendant pursuant to the provisions of section 66 of the 1991 Act;

“permit” means a permit issued to park in the Off Street Parking Places specified in the Schedule to this Order;

“permit holder means a person to whom a permit has been issued;

“specified classes of vehicles” means a passenger vehicle, light goods vehicle, dual purpose vehicle, invalid carriage and motor cycle.

“ticket machine” means an apparatus of a type and design approved by the Secretary of State for Transport being apparatus designed to issue parking tickets in accordance with section 35 (3) of the 1984 Act and the provisions of section 47 (5) of the 1984 Act shall apply in respect of such apparatus.

- (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) A disabled persons badge and clock should be displayed at all times in a vehicle parked in a disabled persons parking bay or a contravention of this order will have occurred.
- (4) Each parking place is authorised to be used subject to the following provisions of this Order as a parking place for waiting of such classes of the vehicles not exceeding 1.98 metres in height in such positions during the permitted hours.

## **PART II –PAY AND DISPLAY & PAY BY PHONE PARKING AND PERMIT PARKING**

### **Introduction of Pay and Display Parking Places , Pay by Phone Parking Places and Permit Parking Places**

- 2 The parking places described in the Schedule to this order are hereby designated as pay and display parking places or Pay by Phone Parking Places, or permit parking places.
3. Any person leaving a vehicle in a pay and display parking place, or permit parking place, as specified in the Schedule to this order during the specified hours shall pay the charge applicable to that parking place or display a permit.
4. Save as provided in Article 11, no person shall cause or permit any vehicle to wait in a pay and display parking place or permit parking place during the specified hours unless the relevant charge for the period during which the vehicle waits therein has been paid. or there is a valid permit displayed on that vehicle.

### **Maximum period of waiting**

5. Save as provided in Article 11, no person shall cause or permit:
  - (i) any vehicle to remain in a pay and display parking place for longer than the period for which payment was made or in a permit parking place without displaying a relevant permit.

### **Purchase and display of tickets**

6. The charge for parking shall be payable by the insertion in the ticket machine relating to that parking place of a coin or coins of the correct denomination. Upon payment of the said charge, the driver shall exhibit in the relevant position on the vehicle at all times during which the vehicle is left in the parking place the parking ticket or tickets issued by the ticket machine relating to the parking place in which the vehicle is left.
7. As an alternative to inserting coins in the ticket machine relating to that parking place the driver of the vehicle shall telephone the number displayed on the ticket machine and shall pay for the requisite number of hours for parking by way of a credit or debit card.

### **Expiry of time period**

- 8 The expiry of the period for which the charge specified has been paid shall be indicated when there is exhibited on the vehicle a parking ticket issued by a ticket machine relating to a parking place in which the vehicle is left showing the day and time of payment of the charge, and the time shown on the clock of the said ticket machine is later than the time at which the period for which a charge has been paid expired or if the number of hours paid for by credit or debit card via a mobile phone have expired.

### **Failure to pay charge**

9. If at any time while a vehicle is left in a pay and display parking place no parking ticket, indicating that the relevant charge has been paid in respect of that parking place during the period in which the vehicle is so left, is displayed on that vehicle in the relevant position the relevant charge shall be deemed not to have been paid unless the contrary is proved.

### **Indications as Evidence**

- 10 The indications given by any ticket machine or any parking ticket issued by it shall be treated as evidence of the facts which the ticket machine or parking ticket purports to record.

## **PART III - EXEMPTIONS TO PAY AND DISPLAY AND PAY BY PHONE**

11. Nothing in Part III of this Order shall render it unlawful to cause or permit any vehicle which displays in the relevant position either

- (i) a valid waiver waiting in accordance with the terms and conditions of the waiver certificate;
- (ii) a valid disabled person's badge

to wait in any pay and display parking place without purchasing and displaying a parking ticket or paying by phone or for longer than the maximum period of waiting for that parking place maximum three hours free parking with a disabled persons badge and clock displayed.

## **CONTRAVENTION OF ORDER**

### **12. Contravention**

If a vehicle is left in a parking place during the permitted hours in contravention or without complying with the requirements of this Order a contravention shall have occurred and the penalty charge shall be payable and/or the vehicle may be removed from that location.

### **13. Penalty Charge Notice**

In the case of vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a police constable in uniform, civil enforcement officer or Parking Attendant to issue a penalty charge notice which shall include the information required by the 1991 Act.

**14. Manner of payment of Penalty Charge**

The owner of the vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to the Council as indicated on the penalty charge notice.

**15. Indications as evidence**

The particulars given in the penalty charge notice attached to a vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

**16 Removal of vehicle**

Where a police constable in uniform, civil enforcement officer or parking attendant has removed or caused to be removed a vehicle in accordance with Article 12 or any other Article of this Order,

- (a) he / she shall provide for the safe custody of the vehicle;
- (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
- (c) the provisions of the 1984 Act as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.
- (d) Nothing in Article 12 or any other Article of this Order shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.

**17. Restriction on removal of notices**

Where a penalty charge notice has been attached to a vehicle, no person, not being the driver of the vehicle, a police constable in uniform, a parking attendant or some other person duly authorised by the Council, shall remove the notice from the vehicle unless authorised to do so by the driver.

**COMMENCEMENT & CITATION**

18. This Order shall come into operation on the 8<sup>th</sup> September 2017 and may be cited as The Metropolitan Borough Council of Stockport (Beacon Way Car Park, Stockport) (Pay and Display Parking Places and Permit Parking Places) Order 2017.

**PAY AND DISPLAY PARKING PLACES AND PERMIT PARKING PLACES**

Pay and Display parking on Saturdays and Sundays between 8am and 6pm **and** between the hours of 4pm and 6pm Monday to Friday with the tariff set at 20p per hour, 3 hours free parking during Pay and Display specified hours for vehicles parked in a disabled persons parking bay and displaying a disabled persons badge and clock, Permit only parking between 7am and 4pm Monday to Friday at Beacon Way Car Park.

The COMMON SEAL of the COUNCIL )  
of the METROPOLITAN BOROUGH OF )  
STOCKPORT was hereunto affixed )  
This 7<sup>th</sup> day of September 2017 )  
in the presence of:- )



Mayor

*W. H. H. H. H. H.*

*M. D. D. D. D.*

~~Head of Legal & Democratic Governance/~~  
Authorised Signatory