

Dated the 19th day of February 2009

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT
(HEALD GREEN HEALTH CENTRE, FINNEY LANE, HEALD GREEN)
(OFF STREET PARKING PLACES) ORDER 2009**

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(HEALD GREEN HEALTH CENTRE, FINNEY LANE, HEALD GREEN)
(OFF STREET PARKING PLACES) ORDER 2009**

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT ("the Council") in exercise of the powers conferred by Sections 32 and 35(1) of the Road Traffic Regulation Act 1984 ("the 1984 Act"), the Road Traffic Act 1991 ("the 1991 Act") and the Traffic Management Act 2004 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. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"appropriate charge" means

- (a) for a period of waiting on any day other a Sunday or a Bank Holiday the charge shown in Column 5 of Schedule 1 for the parking place in which the vehicle waits corresponding to the period during which that vehicle waits specified in Column 4 Schedule 1; and
- (b) for a period of waiting on a Sunday the charge shown in Column 7 of Schedule 1 for the parking place in which the vehicle waits corresponding to the period during which that vehicle waits specified in Column 6 of the Schedule;

"charging hours" means the period specified in Column 3 of Schedule 1 corresponding to each parking place specified in Column 1 of the Schedule during which an appropriate charge is to be paid in accordance Article 19;

"Civil Enforcement Officer" means a person employed in accordance with section 63A of the 1984 Act as amended by the 2004 Act to carry out the functions referred to therein

"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;

"Higher Level Contravention" means the contravention of this Order in respect of any of the Waiting and Loading restrictions of this Order.

"Lower Level Contravention" means the contravention of this Order in respect of any Articles of this Order other than the Waiting and Loading restrictions

"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 place" means each area of land specified by name in Column 1 of Schedule 1 or Schedule 2 and shown edged red on the attached plans and which is provided by the Council under Section 32(1) of the Act for use as a parking place;

"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 as in section 82(1) of the 1991 Act and is £70 in respect of a Higher Level Contravention and £50 in respect of a Lower Level Contravention or such other charges as may be set by the Council under the provisions of section 77 of the 2004 Act in accordance with guidance given by the Secretary of State for Transport;

"Penalty Charge Notice" means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of section 72 of the 2004 Act;

"permitted hours" means for each parking place specified in Column 1 of Schedule 1 and Schedule 2 the corresponding days and periods specified in Columns 4 and 6 of Schedule 1 and column 2 of Schedule 2 during which a parking place may be used for the waiting of the specified classes of vehicles;

"relevant position" in respect of: -

- (a) a disabled person's badge and parking disc has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000; and
- (b) all other tickets and permits referred to in this Order means exhibited on the dashboard or fascia of the vehicle or where the vehicle does not have a dashboard or fascia in a conspicuous position on the vehicle so that whole of the information on the front of the ticket is clearly legible from outside of the vehicle;

"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) Unless the context otherwise requires any reference in this Order to a numbered Article or Schedule is a reference to an Article or Schedule so numbered in this Order

(4) Any reference in this Order to any Act or Regulation shall be construed as a reference to that Act or Regulation as amended, applied, consolidated, re-enacted or as having effect by virtue of any subsequent Act or Regulation;

PART II

USE OF PARKING PLACES

Designation of parking places

- 2. 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.

Use of parking places

- 3. Where within a 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 person shall cause or permit a vehicle to wait in that parking bay unless it is a disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking disc (on which

the driver or other person in charge of the vehicle has marked the time at which the period of waiting began).

4. Where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for loading, no person shall cause or permit a vehicle to wait in that parking bay for longer than is necessary to enable a person to board or alight from the vehicle or to enable goods to be loaded or unloaded from the vehicle and the height restriction referred to in Article 3 shall not apply to such vehicle.
5. Where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for parking for one hour no person shall cause or permit any vehicle to wait in such a parking bay
 - (a) for longer than one hour; or
 - (b) if a period of less than two hours have elapsed since the termination of the last period of waiting if any by that vehicle in the parking place.

Position of and specified classes of vehicles

6. No person shall cause or permit a vehicle to wait in a parking place unless:-
 - (a) it is of the specified classes of vehicles;
 - (b) it does not exceed 1.98 metres in height; and
 - (c) where a parking bay is marked on the parking place it is parked wholly within a parking bay.

Other provisions / Use of vehicles in parking places

7. No person shall cause or permit a vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1998.
8. The driver of a motor 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.
9. No person shall use a vehicle while it is in a parking place in connection with the sale of any articles to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services without the express written consent of the Council.
10. No person shall use any part of a parking place or any vehicle left in a parking place:-
 - (a) for sleeping or camping or cooking; or
 - (b) for the purpose of servicing, repairing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place without the express written consent of the Council.

11. No person shall affix or attach to or leave or place on any vehicle while it is in a parking place any leaflet, bill placard or poster without the express written consent of the Council.
12. The driver of a 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.
13. 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 the parking place; or
 - (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,no person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit so indicated or (ii) in a direction other than so specified.
14. No person shall except with the permission of a person authorised by the Council in that behalf drive or permit to be driven any vehicle in a parking place for any purpose other than 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.

PART III

PAYMENT FOR PARKING

Charges

15. Any person leaving a vehicle in a parking place specified in Column 1 of Schedule 1 during the charging hours shall immediately on parking the vehicle in the parking place obtain a parking ticket.
16. Save as provided in Article 21, no person shall cause or permit any vehicle to wait in a parking place referred to in Article 15 during the charging hours unless the driver obtains a parking ticket and there is displayed in that vehicle in the relevant position a valid parking ticket for that period of waiting.

Exemptions

17. Nothing in Article 15 or 16 shall require the payment of a charge in respect of:-
 - (a) a motor cycle left in a motor cycle space; or
 - (b) a disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking disc (on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began) and which is lawfully left in a parking place so long as that vehicle remains within the parking place for a period not exceeding one hour (not being a period separated by an interval of less than two hours from a previous period of waiting by the same vehicle on the same parking place on the same day).

Method of payment of charge

18. The charge referred to in Article 19 shall be payable by the insertion into the ticket machine relating to that parking place of a coin or coins of the correct denomination or by such other means of payment as the Council may approve. Upon payment of the said charge, the driver of a vehicle shall exhibit the parking ticket in the relevant position on the vehicle the parking ticket issued by the ticket machine relating to the parking place in which the vehicle is left.

Period of waiting

19. No person shall cause or permit a vehicle to wait in a parking place specified in Schedule 1 for longer than the period for which payment was made.

Expiry of time period

20. The expiry of the period for which the charge specified in Column 3 of Schedule 1 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.

Failure to pay charge

21. 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

22. 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.

Restriction on removal of parking tickets

23. When a parking ticket has been exhibited on a vehicle in accordance with the provisions of Articles 21 or 22, no person shall remove the parking ticket from the vehicle until the vehicle is removed from the parking place.

Absence of ticket machine

24. If at the time when a vehicle is left in a parking place specified in the schedules to this Order during the charging hours there is no ticket machine at the parking place, or all the ticket machines at that parking place carry notices placed upon them by a person duly authorised by the Council indicating that they are out of Order, the charge shall be payable on demand to the Car Park Attendant or other person authorised to receive such a payment by the Council. In the absence of such arrangements, the driver of that vehicle shall be exempt from purchasing a parking

PART IV
SUSPENSION OF PARKING PLACE

Power to close parking places

25. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in the parking place:
- (a) from closing the parking place or any part thereof for any period; and/or
 - (b) from setting aside the parking place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular vehicles or organisations.
26. No person shall cause or permit a vehicle to be left in a parking place or any part thereof during such periods that the use of that parking place or that part thereof is suspended or during such period as there is in or adjacent thereto a notice or traffic sign placed by or on behalf of the Council.
27. Any person suspending the use of a parking place or any part thereof in accordance with the provisions of Article 31 shall thereupon place or cause to be placed in or adjacent to that parking place or that part thereof a notice or traffic sign indicating that the use of that parking place or that part thereof is suspended and that waiting by vehicles is prohibited.
28. No person shall cause or permit a vehicle to be left in a parking place or any part thereof during such periods that the use of that parking place or that part thereof is suspended or during such period as there is in or adjacent thereto a notice or traffic sign placed in pursuance of Article 30.

PART V
PENALTY CHARGE AT PARKING PLACES

Penalty charge

29. If a vehicle is left in a parking place in contravention of or without complying with any Article of this Order a penalty charge shall be payable and/or the vehicle may be removed from that location or parking place

Penalty charge notice

30. Where a penalty charge may have been incurred it shall be the duty of the parking attendant to issue a penalty charge notice which shall include the information required by the 1991 Act.

Payment of the penalty charge notice

31. 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.

Indications as evidence

32. 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.

Restriction on removal of a penalty charge notice

33. When a penalty charge notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order, 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 penalty charge notice from the vehicle unless authorised to do so by the driver.

PART VI

REMOVAL OF VEHICLES

Movement or removal of vehicles

34. If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 19 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 provisions.
35. If a vehicle is left in a 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.
36. For the purpose of meeting the requirements of an emergency a person authorised in that behalf by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.
37. Any person altering or causing the alteration of the position of a vehicle by virtue of Article 39 or removing or causing the removal of a vehicle by virtue of Articles 40 and 41 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.

Safe keeping, and disposal of vehicles

38. Where a parking attendant has removed or caused to be removed a vehicle in accordance with the relevant Articles:-
- (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

COMMENCEMENT & CITATION

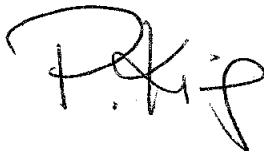
43. This Order shall come into operation on the 26th day of February 2009 and may be cited as The Metropolitan Borough Council of Stockport (Heald Green Health Centre, Finney Lane, Heald Green) (Off Street Parking Places) Order 2009.

SCHEDULE 1 **Parking Places**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Parking Place	Permitted hours	Hours for which a parking ticket must be obtained	Period of waiting Mondays to Saturdays	Charge Mondays to Saturdays	Period of Waiting on Sundays	Charge Sundays
Heald Green Health Centre, Finney Lane, Heald Green	All hours	Monday to Friday 8.00 am to 7.00 pm Saturday 8.00 am to 12 noon	1 hour No return within 2 hours	No charge	All hours	No charge

The COMMON SEAL of the)
METROPOLITAN BOROUGH)
COUNCIL OF STOCKPORT was)
hereunto affixed)
this 19th day of February 2009)
in the presence of:-)

Mayor



Council Solicitor

