

WIGAN BOROUGH COUNCIL

WIGAN BOROUGH (OFF STREET PARKING PLACES)
(MONA STREET WEST SIDE CAR PARK, WIGAN) ORDER 1993

The Wigan Borough Council, in exercise of its powers under Section 35 of the Road Traffic Regulation Act 1984, hereby makes the following Order:-

PART I

GENERAL

1. This Order may be cited as the Wigan Borough (Off Street Parking Places) (Mona Street West Side Car Park, Wigan) Order 1993 and shall come into operation on 22nd February 1993

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

"1984 Act" means the Road Traffic Regulation Act 1984;

"charging hours" means the period between 8.00 am and 6.00 pm on any day other than a Sunday or a Bank or public holiday;

"Council" means the Wigan Borough Council;

"driver", in relation to a vehicle in a parking place, means the person driving the vehicle at the time it entered the parking place;

"parking place" means -

- (a) the two areas of land adjacent to the westerly side of Mona Street, Wigan

"relevant position" means in relation to Article 16(d) -

- (a) in the case of a vehicle fitted with a front windscreen, displayed with the observe side facing forwards on the near side immediately behind the windscreen;
- (b) in the case of a vehicle not fitted with a front windscreen, displayed in a conspicuous position on the vehicle;

"specified" means specified in Schedule 2.

(2) Any reference in this Order to a numbered Article is a reference to the Article having that number in this Order.

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

PART 2

USE OF THE PARKING PLACES

3. (1) A parking place may be used, subject to the provisions of this Order, as a place in which vehicles of the specified classes may wait on payment of the charges provided by paragraph (2) of this Article as the charges to be paid in connection with the use of the parking place.

(2) The charges specified in Schedule 1 shall be payable in respect of the use of the parking place during the charging hours so specified.

4. The driver of a vehicle shall not permit it to wait in a parking place -

(a) unless it is of a specified class; or

(b) in a position other than a specified position, except as directed by an attendant; or

(c) for longer than the specified maximum period.

5. (1) The initial charge for a vehicle left in a parking place during the charging hours shall, subject as hereinafter provided, be the amount payable by virtue of Article 3(2) in respect of the use of the parking place for a period not exceeding one hour.

(2) Save where a season ticket has been issued in respect of the use by a vehicle of a parking place, the initial charge shall be paid on the leaving of a vehicle in the parking place and shall be paid by the insertion of the necessary coins into the apparatus or device provided at the parking place, being an apparatus or device approved in accordance with Section 35(3)

of the 1984 Act, and the provisions of section 47(5) of the said Act shall apply in respect of such apparatus or device.

(3) The ticket issued on payment of the initial charge shall be displayed in the vehicle in a conspicuous position so that it can be easily read from outside the vehicle.

(4) Where a vehicle in respect of which an initial charge has been paid is to remain in the parking place for longer than the initial period for which payment was made, a further charge may be paid by the insertion of the necessary coins into the apparatus or device aforesaid before the expiry of the said initial period, and for the purposes of this Order (including this paragraph) any such further payment shall be deemed to be the payment of the initial charge and this Order shall apply accordingly.

(5) The Council may on application and in its absolute discretion issue in respect of any vehicle a season ticket for a parking place for the period indicated by the applicant, being a period in respect of which a fee is provided by an Order under the 1984 Act.

(6) The appropriate fee shall be paid on the issue of a season ticket, which shall be valid for the period or until the day stated therein.

6. (1) If a vehicle is left in a parking place and the initial charge is not paid in accordance with Article 5(2), a charge of twenty pounds (hereinafter referred to as the "penalty charge") shall be paid in accordance with the notice under paragraph (2) of this Article, and the penalty charge shall be in addition to any penalty which may be imposed in respect of the contravention of the said Article 5(2).

(2) In the case of a vehicle in respect of which a penalty charge may have been incurred, a parking attendant shall attach to the vehicle in a conspicuous position a notice which shall include the following particulars -

(a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate being carried by the vehicle;

(b) a statement that the penalty charge is required to be paid; and

(c) the manner in which a penalty charge which is due should be paid.

(3) A person, other than the driver of the vehicle or a person authorised by the driver of the vehicle or a person authorised by the Council, shall not remove from the vehicle a notice attached thereto under paragraph (2) of this Article.

7. (1) A vehicle shall not be left in a parking place during the charging hours for longer than the initial period for which payment was made, or for longer than that period and any further period for which payment has been made in accordance with Article 5(4), and if a vehicle is so left in the parking place an additional amount of twenty pounds (hereinafter referred to as the "excess charge") shall be paid in accordance with the notice under paragraph (2) of this Article, and the excess charge shall be in addition to any penalty which may be imposed in respect of the contravention of this paragraph.

(2) In the case of a vehicle in respect of which an excess charge may have been incurred, a parking attendant shall attach to the vehicle in a conspicuous position a notice which shall include the following particulars -

(a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;

(b) the time at which he first noticed that the period for which payment was made had expired;

(c) a statement that the excess charge is required to be paid; and

(d) the manner in which the excess charge should be paid.

(3) A person, other than the driver of the vehicle or a person authorised by the driver or a person authorised by the Council, shall not

remove from the vehicle a notice attached thereto under paragraph (2) of this Article.

8. The driver of a vehicle shall not permit the vehicle to wait in a parking place unless the vehicle is licensed in accordance with Section 1 of the Vehicles (Excise) Act 1971 and there is in force 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 1988.

9. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position, and shall not start the engine except for the purpose of changing the position of the vehicle or departing from the parking place.

10.(1) No person shall use a vehicle in a parking place in connection with the sale or offering for sale of goods to persons in or near the parking place or in connection with the sale or hire or offering for sale or hire of his skill or services.

(2) No person shall use any part of a parking place or any vehicle in a parking place -

(a) for sleeping or camping purposes; or

(b) for eating or cooking purposes.

and no person shall use any part of a parking place for the purposes of servicing or repairing or washing a vehicle or any part thereof otherwise than as may be reasonably necessary to enable the vehicle to depart from the parking place.

11. No person shall in a parking place -

(a) erect or cause to be erected any tent, booth, stand or other structure without the written consent of the Council; or

(b) light or cause to be lit any fire.

12. The driver of a vehicle in a parking place shall not sound the horn or other similar instrument except when the position of the vehicle in the parking place is being changed or the vehicle is leaving the parking place.

13. If signs are erected or marked in a parking place for the purpose of-
- (a) indicating the entrance to or exit from the parking place; or
 - (b) indicating the direction in which a vehicle may proceed,

no person shall drive -

- (i) so as to enter or attempt to enter the parking place otherwise than by the entrance so indicated;
- (ii) so as to leave or attempt to leave the parking place otherwise than by the exit so indicated;
- (iii) otherwise than in accordance with the sign or marking indicating the direction in which a vehicle may proceed.

14. No person shall, except with the permission of a person duly authorised by the Council, drive a vehicle in a parking place otherwise than for the purpose of leaving the vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

15.(1) In the event of a contravention of Article 4, Article 5(3) or Article 8, a person authorised in that behalf by the Council may remove the vehicle or cause the vehicle to be removed from the parking place.

(2) In the event of a contravention of Article 4(b), a person authorised in that behalf by the Council may, instead of removing the vehicle or causing it to be removed from the parking place, move the vehicle or cause it to be moved so that it is in a specified position.

(3) Any person removing or moving a vehicle by virtue of this Article may do so by towing or driving the vehicle or in such other manner as he may think necessary.

(4) A person who by virtue of this Article removes a vehicle or causes a vehicle to be removed from the parking place shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

16. The provisions of Article 5 shall not apply with respect to -

- (a) an invalid carriage;

- (b) a vehicle issued to a disabled person by the Department of Health and Social Security in lieu of an invalid carriage;
- (c) a vehicle used by a driver who is a person who on account of severe physical disability has been given a notice in writing by the Council that he is exempt from such provisions, if the notice is displayed on the vehicle in a conspicuous position; or
- (d) a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority in accordance with 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.

17. In the event of a contravention of Article 5(2) or (3), Article 6(1) or Article 7(1), the driver of the vehicle shall be the person responsible for the purposes of section 35A(1) of the 1984 Act.

18.(1) Payment of the initial charge in accordance with Article 5(2) and of any further charge paid pursuant to Article 5(4) shall be shown by means of a ticket issued by the apparatus or device referred to in the said Article 5(2).

(2) The time at which any such payment was made shall also be shown by means of the said ticket.

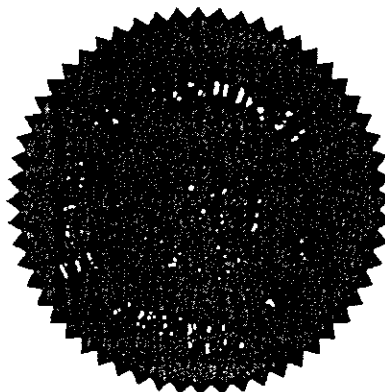
GIVEN under the COMMON SEAL of the WIGAN BOROUGH COUNCIL

The 8th day of February 1993

THE COMMON SEAL of THE)
WIGAN BOROUGH COUNCIL)
was hereunto affixed)
in the presence of:- .)



Borough Solicitor



91/93

SCHEDULE 1

CHARGING HOURS	CHARGES	£
8.00 am to 6.00 pm on Monday to Saturday	Not exceeding 1 hour Over 1 hour and not exceeding 3 hours Over 3 hours	60p 90p £1.80

SCHEDULE 2

POSITION IN WHICH VEHICLE MAY WAIT	CLASSES OF VEHICLE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT
Wholly within a parking bay	Motor cars as defined in Section 136 (2) (a) of the 1984 Act. Motor cars as defined in Section 136 (4) of the 1984 Act Invalid carriages as defined in Section 136(5) of the 1984 Act. Motor vehicles not exceeding 30 cwts unladen weight constructed or adapted solely for the purpose of carrying goods	24 hours