

THE DISTRICT OF ROTHER (OFF-STREET) PARKING PLACES ORDER 1983

The District Council of Rother (hereinafter referred to as "the Council") in exercise of their powers under Section 31 of the Road Traffic Regulation Act 1967, as amended by Part IX of the Transport Act 1968, Schedule 19 to the Local Government Act 1972, Schedule 6 to the Local Government Act 1974 and Section 115 of the Highways Act 1980 (which said Act of 1967 as so amended is hereinafter referred to as the "Act of 1967"), and of all other enabling powers with the consent of the County Council of East Sussex in accordance with Section 28A(2) of the Act of 1967 and after consulting the Chief Officer of Police in accordance with Section 84C(1) of the Act of 1967, hereby make the following Order:-

P A R T I

GENERAL

1. COMMENCEMENT AND CITATION

This Order shall come into operation on the 15th August, 1983 and may be cited as The District of Rother (Off-Street) Parking Places Order 1983.

2. REVOCATION OF PREVIOUS ORDERS

The Orders set out in the First Schedule to this Order are hereby revoked.

3. INTERPRETATION

(1) In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:-

"Council" means the Council of the District of Rother;

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

"owner" has the same meaning as in Section 104(1) of the Act of 1967;

"parking place" means the area of land specified by name in column 1 of the Schedule to this Order provided by the Council under Section 28(1) of the Act of 1967 for use as a parking place;

"parking attendant" means a person authorised by or on behalf of the Council to supervise any parking place;

"prescribed hours" means the period set out in column 9 of the Schedule to this Order and which refers to the hours of the day in which a charge shall be paid;

"ticket machine" means an apparatus or device of a type and design having been specially or generally approved by the Secretary of State for Transport, or his predecessors, designed to issue parking tickets indicating the payment of a charge and the date and time at which the charge was paid;

"disabled person's vehicle" has, in relation to Article 23, the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons)(England and Wales)(Amendment) Regulations 1975;

"disabled person's badge" has, in relation to Article 23, the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1975;

"relevant position", in relation to Article 23, means:-

- (i) in the case of a vehicle fitted with a transparent front windscreen, the badge is exhibited thereon with the obverse side facing forward on the near side and immediately behind the windscreen;
- (ii) in the case of a vehicle not fitted with a front transparent windscreen the badge is exhibited in a conspicuous position on the front or nearside of the vehicle.

(2) Any reference in this Order to a numbered Article is a reference to the Article bearing 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, and as if for the purposes of Section 17 of that Act, this Order were an Act of Parliament.

PART II

USE OF PARKING PLACES

4. Each of the areas of land specified in column 1 of the Second Schedule to this Order may be used, subject to the following provisions of this Order, as parking places for such classes of vehicles, in such positions and on such days and during such hours and on payment of such charges, if any, as are specified in relation to that area in the said Schedule, and furthermore, the use of any such parking place is permitted on the clear understanding that the Council and their representatives accept no liability for any damage to vehicles or other property or injuries to persons arising in any way whatsoever directly or indirectly from the use of the car park or for the safe custody of any vehicles or property left thereon.

5. Class and Position of Vehicles

Where in the Second Schedule to this Order a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place:-

- (a) unless it is of the specified class; or
- (b) in a position other than that specified.

6. Manner of Parking of Trailers

The driver of a vehicle drawing a trailer shall not permit the vehicle or trailer to wait in a parking place unless they have been disconnected, and for the purposes of this Order the vehicle and trailer shall be deemed to be separate vehicles and the said driver shall be deemed to be the driver of each of the said vehicles.

7. Use of Vehicles in Parking Places

No person shall, without the prior consent of the Council, use a vehicle while it is in a parking place in connection with the sale of any goods to any persons in or near the parking place or in connection with the selling or offering for hire of his skills or services.

8. No person shall, without the prior consent of the Council, use any part of the parking place or any vehicle left in the parking place:-

- (a) for sleeping or camping purposes;
- (b) for cooking and eating purposes; or
- (c) for the purpose of repairing, servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

9. The driver of a motor vehicle using the 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, or to avoid an accident.

10. No person shall, except with the permission of any person duly authorised in that behalf by the Council, drive any vehicle in the parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purposes of departing from the parking place.

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

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

13. A driver of a vehicle shall not use the parking place:-

- (a) so as unreasonably to prevent access to any premises adjoining the parking place or so as to be a nuisance; or
- (b) when the Council shall have closed the parking place or a part thereof or shall have closed the parking place or a part thereof to a specified class or classes of vehicles, and exhibited notice of such closing on or near the parking place.

14. The driver of a 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.

15. (1) The driver of a vehicle shall not permit it to wait in the parking place for longer than the maximum period permitted for waiting specified in column 6 of the Second Schedule to this Order in relation to that parking place.

(2) When a vehicle has left the parking place after waiting therein the driver thereof shall not, after its leaving, permit it to wait again in the parking place within such period, if any, as is specified in column 10 of the Second Schedule to this Order in relation to that parking place.

16. In respect of those parking places for which, in column 7 of the Second Schedule to this Order, it is indicated that a "fixed charge" applies, the charge for a vehicle left in such a parking place for any period during the prescribed hours shall subject to Articles 20 and 22 below be ten pounds.

17. In the case of a vehicle in respect of which the charge indicated in Article 16 above may have been incurred, it shall be the duty of a parking attendant to 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 noticed that the charge had been incurred;
- (c) a statement that the charge of the sum specified in Article 16 above is required to be paid;
- (d) the manner in which, and the time within which, the charge should be paid; and
- (e) a statement that it is an offence under this Order and Section 31(3) of the Act of 1967 for the driver of a vehicle who has left the vehicle in a parking place to fail to pay the charge.

18. Where a notice has been attached to a vehicle in accordance with the provisions of Article 17 of this Order, no person not being a parking attendant or some other person duly authorised by the Council shall remove the notice from the vehicle until the vehicle is removed from the parking place.

19. The driver of a vehicle in respect of which the charge has been incurred shall pay the charge to the Council either by cheque or postal order, which shall be delivered or sent by post so as to reach the Offices of the Council not later than 10 a.m. on the seventh day following the day on which the charge was incurred or in cash in person at the said Offices not later than as aforesaid.

Provided that, if the said seventh day falls upon a day on which the said Department is closed, the period within which payment of the charge shall be made to the Council shall be extended until 10 a.m. on the next full day on which the said Office is open.

20. (1) The driver of a vehicle left in a parking place shall be exempt from payment of the charge referred to in Article 16 above:-

- (a) in respect of any period for which a valid ticket has been purchased for that parking place provided that such parking ticket is exhibited on the vehicle in accordance with the provisions of this Article; or
- (b) in respect of those parking places where parking tickets are not available, if the driver removes the said vehicle from the parking place before the expiration of the maximum period of waiting specified in column 6 of the Second Schedule to this Order.

(2) For the purpose of this Order a parking ticket shall be:-

- (a) a ticket purchased by the insertion of the appropriate coin or coins from a ticket machine at a parking place at the price and for the period specified in relation to that parking place in column 8 of the Second Schedule to this Order;

- (b) a season ticket purchased from the Council at a charge ascertained by reference to the Scale of Charges set out in column 6 to the Second Schedule to this Order, such tickets being valid for all the parking places in the said Schedule; or
- (c) any other ticket otherwise supplied by or purchased from any person duly authorised by the Council for such purpose.

(3) A parking ticket shall be valid for a parking place if and so long as the following conditions are satisfied:-

- (a) In the case of a parking ticket having an adhesive portion the parking ticket is exhibited on the vehicle:-
 - (i) in the case of a vehicle which is fitted with a transparent front windscreen, by sticking the parking ticket or tickets to the inside surface of the windscreen on the offside so that it is facing forwards and can be easily seen from in front of the vehicle;
 - (ii) in the case of a vehicle which is not fitted with a transparent front windscreen, by sticking the parking ticket or tickets on the front of the vehicle so that it is facing forwards and can easily be seen from in front of the vehicle.
- (b) In the case of the parking ticket not having an adhesive portion the parking ticket is exhibited on the vehicle:-
 - (i) in the case of a vehicle which is fitted with a transparent front windscreen, by exhibiting the parking ticket or tickets in the inside of the vehicle facing upwards, in such a position that it can easily be seen through the windscreen from in front of the vehicle;
 - (ii) in the case of a vehicle which is not fitted with a transparent front windscreen, by securing the parking ticket or tickets to the front of the vehicle so that it can easily be seen from in front of the vehicle.
- (c) The period indicated on the parking ticket calculated from the date and time of purchase indicated in the ticket or 8.00 a.m., whichever is the later, has not expired.

21. When a parking ticket has been exhibited on a vehicle in accordance with the provisions of Article 20 of this Order, no person shall remove the parking ticket from the vehicle until the vehicle is removed from the parking place.

22. If at the time when a vehicle is left in a parking place during the prescribed hours there is no ticket machine at that 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 driver of that vehicle shall be exempt from payment of the charge referred to in Article 16 above except when a vehicle is left in a parking place for longer than the maximum period specified in column 6 of the Second Schedule to this Order.

23. The driver of the following vehicles shall be exempt from any limitation on time specified in column 6 of the Second Schedule to this Order:-

- (1) A disabled person's vehicle, as defined by the Local Authorities Traffic Orders (Exemptions for Disabled Persons)(England and Wales)(Amendment) Regulations 1975, which means a motor vehicle which:-
 - (a) is driven by a disabled person (a disabled person means a disabled person of a description prescribed by Regulation 5 of the Disabled Persons (Badges for Motor Vehicles) Regulations 1975); or
 - (b) is otherwise used for carrying disabled persons as passengers and is either:-
 - (i) a vehicle which is constructed or adapted for the carriage of not more than 12 passengers (exclusive of the driver) and is not a public service vehicle (as defined in Section 117 of the Road Traffic Act 1960); or
 - (ii) a dual purpose vehicle as defined in Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1978;

and in each case, 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, had been or is to be used for carrying disabled persons as passengers;

- (2) a vehicle left by the driver thereof, being a vehicle which bears in the relevant position a disabled person's badge issued by any local authority in pursuance of a scheme under the Disabled Persons (Badges for Motor Vehicles) Regulations 1975, or a badge having effect under those Regulations as if it were a disabled person's badge.

24. Subject to the proviso hereto, when a vehicle is left in the parking place in contravention of any of the provisions of Article 5, Article 15 or Article 25 of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from the parking place:

Provided that when a vehicle is waiting in the parking place in contravention of the provision of Article 5(b) of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.

25. The driver of a vehicle shall not permit that vehicle to wait in the parking place unless the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicles (Excise) Act 1962 and unless there is in relation to the use of the vehicles by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1960.

26. No person shall use the parking place as a means of passage proceeding from one road to another.

27. Where in the 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 cause or permit to be driven any vehicle:-

- (i) so that it enters the parking place otherwise than by an entrance, or leave the parking place otherwise than by an exit, so indicated; or
- (ii) in a direction other than that specified, as the case may be.

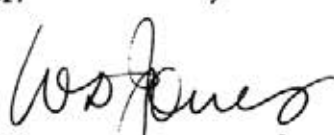
28. In the parking place, no person shall:-

- (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 or cause or permit to be lit any fire.

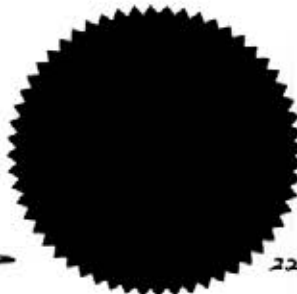
29. Any person removing or altering the position of a vehicle by virtue of Article 24 of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position, as the case may be.

30. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from the parking place by virtue of Article 24 of this Order, he shall make such arrangement as may be reasonably necessary for the safe custody of the vehicle.

GIVEN under the COMMON SEAL of)
the ROTHER DISTRICT COUNCIL)
this 28th day of July 1983 in)
the presence of:-)


Chairman of the Council


Chief Executive and Clerk



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