

**WINCHESTER CITY COUNCIL**

**ROAD TRAFFIC REGULATION ACT 1984**

**THE WINCHESTER CITY (BARFIELD CLOSE AND ST CATHERINE'S VIEW) (OFF STREET PARKING PLACES) ORDER 2003 (VARIATION NO.4) ORDER 2021**

Winchester City Council (hereinafter referred to as "the Council") in exercise of its powers and duties under Sections 32, 35, 122 (1) and (2) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (which Act is hereinafter referred to as "the Act of 1984"), and of all other enabling and amending legislation and powers, with consent of Hampshire County Council and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act of 1984 hereby make the following Order.

**PART I**

**General**

1. In this order the "Principal Order" means "The Winchester City (Barfield Close and St Catherine's View) (Off Street Parking Places) Order 2003" as amended.
  
2. The Principal Order shall have effect:
  - (1) as to revoke Article 3 (1) "Interpretation" in Part I and replace with the items specified in Schedule 1 of this Order.
  
  - (2) in that an amendment is made to Article 3 in Part II as follows:  
'Schedule I' shall be replaced with 'The Schedule'
  
  - (3) in that an amendment is made to Article 5 as follows:  
'Schedule I' shall be replaced with 'The Schedule'

(4) as to revoke Article 7 and replace with the items specified in Schedule 2 of this Order.

(5) as though a new Article 8 (2) is added as follows:

8(2) The requirement to display a Ticket shall not apply where a Virtual Ticket or Wallet payment method as specified in 7 (5) has been purchased which covers the Vehicle and period of parking in that Parking Place.

(6) in that an amendment is made to Article 10 (1) and two new articles 10 (3) and 10 (4) are added as follows:

10 (1) 'Parking Attendant' shall be replaced with 'Civil Enforcement Officer'.

10 (3) Where there is a sign or notice indicating that a Parking Bay is intended for a specific use (for instance limited waiting for school collection and drop off) then the Driver of a Vehicle shall only wait in that bay for the designated purpose and period advertised on the sign or notice or marking.

10 (4) The driver of an Electric Vehicle shall not permit it to wait in an Electric Vehicle Parking Place unless it is being charged throughout the period within which it is parking in the Electric Vehicle Parking Place.

(7) as to revoke Article 12 and replace with the items specified in Schedule 3.

(8) in that an amendment is made to Article 13 as follows:

"Smartcard" shall be deleted from the article.

"Parking Attendant" shall be replaced by "Civil Enforcement Officer".

(9) as to remove The Schedule and replace it with The Schedule contained in Schedule 4 of this Order.

3. The following Orders are hereby revoked:

(a) The Winchester City (Barfield Close and St Catherine’s View) (Off Street Parking Places) Order 2003 (Variation No. 2) Order 2010

(b) The Winchester City (Pitt Manor) (Off Street Parking Places) Order 2015

(c) The Winchester City (Pitt) (Off Street Parking Places) Order 2015 (Variation No.1) Order 2018

(d) The Winchester City (Barfield Close and St Catherine’s View) (Off Street Parking Places) Order 2003 (Variation No. 3) Order 2018

4. This Order shall come into operation on \_\_\_\_\_ 2021 and may be cited as The Winchester City (Barfield Close and St Catherine’s View) Off Street Parking Places) Order 2003 (Variation No.4) Order 2021

Given this \_\_\_\_\_ day of \_\_\_\_\_ 2021

THE COMMON SEAL OF WINCHESTER )  
CITY COUNCIL was hereunto affixed )  
in the presence of :- )

**SCHEDULE 1**

**(To replace PART 1, Article 3 of the Principal Order – Interpretation)**

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

(i) “the Council “ means Winchester City Council

- (ii) "Blue Badge" means a badge of a form prescribed by the Disabled Persons (Badges for Motor Vehicles) (England and Wales) Regulations 2000 and "Parking Disc" means a disc, issued by a local authority, complying with the requirements of the British Standard Specifications for Parking discs coloured blue and capable of showing the quarter hours period during which a period of waiting begins;
- (iii) "Bus" means a public service vehicle provided and used for the park and ride facility and "Bus Pass" means a bus pass issued by a relevant authority for free or discounted travel on a bus in the Winchester City Council District
- (iv) "Civil Enforcement Officer" has the same meaning as in Section 76 of the Traffic Management Act of 2004.
- (v) "Coach" or "Coaches" has the same meaning as in Part 1 (2) of the Public Service Vehicles Accessibility Regulations 2000.
- (vi) "Coach Parking Bay" means an area within the Parking Place indicated as such by markings on the surface or signage of the Parking Place as an area where a Coach, in accordance with the provisions of this Order, may be stationed
- (vii) "Disabled Parking Bay" means an area of the parking place/a length of road indicated as such by markings on the surface or signage, to be used as a parking place for a disabled person's vehicle displaying a Blue Badge in the relevant position.
- (viii) "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;
- (ix) "Dual Bays" means a parking place which allows both Parent and Child and Disabled Parking and is indicated as such by markings on the surface or signage of the Parking Place.
- (x) "Electric Vehicles" means a motor vehicle which is powered entirely or partially by electricity and is capable of being charged from an external source.
- (xi) "Electric Vehicle Parking Place" means a parking place designated for the sole use by an electric vehicle for continuous charging time, subject to any maximum

period of stay; indicated as such by markings on the surface or signage of the Parking Place.

- (xii) "Goods Vehicle" has the same meaning as in Section 192 of the Road Traffic Act 1988;
- (xiii) "Motor Caravan" has the same meaning as in the Motor Vehicles (Type Approval) (Great Britain) Regulations 1984.
- (xiv) "Motor Home" means a private vehicle with sleeping accommodation for the motor taxation class 'motor caravan'.
- (xv) "Motor Home Parking Place" means an area of the Parking Place indicated as such by markings on the surface or signage of the Parking Place as an area where a Motor Home, in accordance with the provisions of this Order, may be stationed.
- (xvi) "Owner" for the purpose of this order means, in relation to a vehicle, the person who is the registered keeper of the vehicle or who is authorised by the registered keeper to keep and use the vehicle
- (xvii) "Parking Bay" means a space in a Parking Place, marked on the surface of the Parking Place by lines, studs or other indications, or indicated by notices which is provided for the parking of Vehicles;
- (xviii) "Parking Place" means any part of any land or building specified by name in Column 1 of the Schedule to this Order and provided by the Council pursuant to the Act of 1984 for use as a public Parking Place;
- (xix) "Park and Ride Facility" means the provision of an off-street Parking Place and bus use as specified in Part 2 Article 3 of this Order
- (xx) "Parent and Child Bay" means an area of the Parking Place indicated as such by markings on the surface or signage of the Parking Place as an area where a Vehicle whose passengers contain at least one child under 12 and has a booster or child seat, may be stationed.
- (xxi) "Passenger Vehicle" means a vehicle constructed or adapted solely for the carriage of passengers and their effects.

(xxii) "Penalty Charge Notice" has the same meaning as the Civil Enforcement of Parking Contraventions (England) General Regulations 2007

(xxiii) "Recharging Point" " means an installation adjacent to a parking place for the purposes of recharging the battery of an electric vehicle by way of a connecting lead.

(xxiv) "Relevant Position" means :

(a) in the case of a Vehicle fitted with a front windscreen, a position thereon with the obverse side facing on the near side of and immediately behind the windscreen so that the date, time, Parking Place name and fee paid shown on the Ticket are clearly visible from outside the Vehicle.

(b) in the case of a Vehicle not fitted with a front windscreen, any other conspicuous position on the front of the Vehicle so that the date, time, Parking Place name and fee paid shown on the Ticket are clearly visible from outside the Vehicle.

(xxv) "Season Ticket" and "Season Card" means a season ticket or season card purchased from the Council

(xxvi) "Ticket" means the ticket or tickets issued by means of a parking device or Ticket Machine on payment of the appropriate fee;

(xxvii) "Ticket Machine" means any apparatus or device approved by the Secretary of State, being an apparatus designed to issue Tickets indicating the payment of a charge and the date and time at which the charge was paid

(xxviii) "Trailer" shall have the same meaning as defined in Section 136 of the Act of 1984;

(xxix) "Wallet" means a credit purchased by an authorised supplier of virtual tickets as defined below, and used as units of parking charge paid in advance

(xxx) "Vehicle" means a motor Vehicle as defined by Section 136 of the Act of 1984

(xxxi) "Virtual Ticket" shall mean a virtual ticket purchased by an app, internet, or ringing the number advertised in the car park for that purpose, by the payment

method specified and shall only be valid for the time specified and for the Vehicle details given and for the car park for which it was purchase

## **SCHEDULE 2**

### **(To be inserted in PART II, Article 7 of the Principal Order)**

7. (1) Unless the Driver has been exempted by the Council from payment of the charge in accordance with paragraphs (8) or (10) of this article of this order, the Driver of a Vehicle shall upon depositing the Vehicle in a Parking Place immediately pay the appropriate charge ascertained by reference to The Schedule to this Order and shall on boarding the Bus if required to do so show the driver of the Bus a valid Buss Pass or the other half of the Ticket or other proof of purchase by way of Wallet or Virtual Ticket
- (2) Where a Season Ticket or Season Card is issued by the Council, the Council shall specify the class of Vehicle, the Parking Place(s), the day and time the Season Ticket or Season Card is valid for. The charge for such a Season Ticket or Season Card shall be ascertained by reference to The Schedule of this Order.
- (3) Where a Ticket Machine is in use, the charge referred to in paragraph (1) of this Article shall be payable by the insertion of an appropriate coin or coins into the parking device or apparatus provided, such apparatus or device having been specially or generally approved by the Secretary of State for such purposes.
- (4) The particulars as to the time at which a Ticket was obtained from a Ticket Machine, specified on the Ticket issued by such apparatus shall be evidence of the particulars so specified.
- (5) Where there is advertised on site the ability to pay by Virtual Ticket or Wallet then the payment of the charge specified in paragraph (1) of this Article shall be payable by the method specified in the Parking Place.

- (6) No person shall exhibit on any Vehicle, any Ticket or Blue Badge upon which the figures or particulars have become illegible or altered in any way by anyone other than a person duly authorised by the Council.
- (7) Where any Ticket Machine is defective or is not installed in a car park the charge referred to in paragraph (1) of this Article may be collected by a Civil Enforcement Officer.
- (8) A Vehicle left by the Driver thereof who has been issued with a permit by the Council for the purpose of leaving the Vehicle in a Parking Place for such time as that Vehicle is parked in consequence of the Driver's duty or business on behalf of the Council shall be exempted from payment of the charges specified in Column 8 of The Schedule hereto.
- (9) A Ticket issued on payment of the charge referred to in Article 7(1) hereof shall be valid only at the Parking Place at which it was issued.
- (10) A Vehicle which displays in the relevant place a Blue Badge left in a Parking Place named in Column 1 of The Schedule hereto shall be exempt from payment of any charge specified in Column 8 of The Schedule hereto PROVIDED THAT such exemption shall apply only where at the time the Vehicle is parked in the Parking Place it is either driven or occupied as a passenger by the holder of the Blue Badge.

### **SCHEDULE 3**

#### **(To be inserted in PART II, Article 12 of the Principal Order)**

12. (1) If a Vehicle has been left
- (i) in contravention of or failure to comply with the provisions of Articles 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Order or
  - (ii) beyond the period of parking which has been paid for or
- a penalty charge shall become payable provided that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be discounted in accordance with Regulation 5 of



the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (or any amendment)

- (2) In the case of a Vehicle in respect of which a penalty charge has been incurred a Civil Enforcement Officer may fix a penalty charge notice to the Vehicle or give such a notice to the person appearing to him or her to be in charge of the Vehicle or send a penalty charge notice pursuant to Regulation 10 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (and any statutory modifications or re-enactments thereof)
- (3) A penalty charge notice shall include the following particulars
  - (a) the date on which the notice is served
  - (b) the name of the enforcement authority,
  - (c) the Parking Place that the contravention occurred (which may be identified on the Penalty Charge Notice by an abbreviation or code),
  - (d) the registration mark of the Vehicle involved in the alleged contravention or when the Vehicle is being used under a trade license, the registration mark of the trade license
  - (e) the date, and time at which the Penalty Charge was seen to be payable,
  - (f) the grounds on which the Civil Enforcement Officer serving the Penalty Charge Notice believes that a penalty charge is payable
  - (g) the amount of the Penalty Charge
  - (h) the manner in which the Penalty Charge must be paid
  - (i) a statement that the Penalty Charge Notice must be paid within 28 days beginning the date on which the Penalty Charge Notice was served)
  - (j) a statement that a reduced charge may be payable if payment is made within fourteen days of the Penalty Charge Notice being served
  - (k) a statement that, if the Penalty Charge is not paid before the end of the period of twenty eight days, a notice to owner may be served by the Council on the person appearing to them to be the Owner of the Vehicle;

(4) The penalty charge should be paid to the Council either by cheque (drawn upon a bank or building society acceptable to the Council), postal order, cash, credit or debit card or by such other means as the Council may deem acceptable, which shall be delivered or sent by post or paid online using the E-Payment facility on the Council's website (or by telephone in the case of credit or debit card) For the purpose of Sub-Article (1) the amount of the penalty charge shall be that published by the Council in accordance with The Traffic Management Act 2004 (and any amending legislation)