



### 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) "disabled persons badge" means a badge of a form prescribed by the Disabled Persons (Badges for Motor Vehicles) (England and Wales) Regulations 2000;
  - (iii) "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;
  - (iv) "goods vehicle" has the same meaning as in Section 192 of the Road Traffic Act 1988;
  - (v) "owner" has the same meaning as in Section 142 of the Act of 1984;
  - (vi) "parking attendant" has the same meaning as in Section 63A of the Act of 1984.
  - (vii) "parking device" has the same meaning as in Section 142 of the Act of 1984 and shall include any apparatus or device approved by the Secretary of State operated by the insertion of coins or bank notes or by means of credit or debit cards;
  - (viii) "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;
  - (ix) "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;
  - (x) "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.

(xi) "smartcard" means a card purchased from the Council pursuant to article 7(2) hereof and used in conjunction with a ticket machine to record and regulate units of parking charge paid in advance;

(xii) "ticket" means the ticket or tickets issued by means of a parking device or parking apparatus on payment of the appropriate fee;

(xiii) "ticket machine" means an apparatus of a type or design approved by the Secretary of State in accordance with Section 35(3) of the Act of 1984 for the purpose of this Order, being apparatus designed to indicate the time by a clock and to issue parking tickets indicating payment of charge and the date and time at which the ticket was issued;

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

(xv) "vehicle" means a motor vehicle as defined by Section 136 of the Act of 1984.

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

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

## PART II

### Use of Parking Places

3. The land and buildings specified by name in column 1 of Schedule I to this Order shall not be used, subject to the following provisions of this Order, other than as parking places for such classes of vehicles, in such positions and on such days and during such hours as are specified in relation to that land or buildings in the said Schedule and on payment of such charges as are specified in the said Schedule.
4. Nothing in this Order shall prevent the Council, if appropriate by a notice displayed at the parking places;
- (a) from closing the parking place or any part thereof for any period
    - (i) whilst any works are being executed therein
    - (ii) whilst the parking place or part thereof is required for use for some special purpose
    - (iii) for any other reason
  - (b) from setting aside for use only by specially authorised vehicles of part or parts of a parking place on all days or on certain days or during certain parts of certain days.
5. Where in Article 4 of, or Schedule I to this Order, a parking place is described as available for waiting on all days or on certain days by specified classes of vehicle or in a

specified position, the driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it to wait in that parking place on any day:-

- (a) unless it is a vehicle of one of the specified classes of vehicles appropriate to that parking place and that day; or
- (b) otherwise than wholly within a parking bay marked out on the parking place.

6. The driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it to wait in a parking place or any part thereof –

- (a) at any time when the parking place or that part (as the case may be) has been closed or set aside for use only by specially authorised vehicles in accordance with Article 4 of this Order;
- (b) for longer than 24 hours.

7. (1) Unless the driver has been exempted by the Council from payment of the charge in accordance with paragraphs (6) or (8) 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 Schedule I to this order.

(2) Where a parking apparatus 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 apparatus provided, or by means of Smartcard or other parking device, such apparatus or device having been specially or generally approved by the Secretary of State for such purposes.

- (3) The particulars as to the time at which a ticket was obtained from parking apparatus, specified on the ticket issued by such apparatus shall be evidence of the particulars so specified.
- (4) No person shall exhibit on any vehicle, any ticket or disabled person's 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.
- (5) Where any parking apparatus 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 parking attendant.
- (6) 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 7 of Schedule 1 hereto.
- (7) 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.
- (8) A vehicle which displays in the relevant place a disabled person's badge left in a parking place named in Column 1 of Schedule 1 hereto shall be exempt from payment of any charge specified in Column 7 of Schedule 1 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 disabled person's badge.

Parked without displaying ticket

8. The relevant portion of any ticket issued on payment of the charge referred to in Article 7 of this Order shall be at all times displayed in the relevant position so that the date, time, parking place name and fee paid shown on the ticket are clearly visible from outside the vehicle. The relevant portion being that ticket having printed on it instruction to display within the vehicle.

Parked beyond the bay markings

9. The driver of a vehicle shall not permit it to wait in a parking place other than wholly within a marked parking bay.

Parked in disabled persons spaces or other spaces designated by signs or lines

10. (1) The driver of a vehicle left in a parking place shall permit it to wait only in such positions as conform with any notices or markings displayed in the parking place or with any directions given by a parking attendant and shall not leave a vehicle in a position that prevents the ingress or egress of any other vehicle.  
(2) Where there is a sign in a parking bay indicating that the use of that bay is suspended the driver of a vehicle shall not permit that vehicle to wait in that parking bay.

Vehicle exceeds maximum height/weight or not otherwise of specified class

11. Where
  - (a) in the Schedule to this Order a parking place is described as available for vehicles of a specified class or in a specified position; or

- (b) a parking bay within a parking place is described by special markings or indicated by means of a notice displayed within the parking place 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 or parking bay (as the case may be) unless it is of the specified class or other than in the position specified.

#### Penalty Charge Notices

- 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 reduced by the specified proportion;

- (2) In the case of a vehicle in respect of which a penalty charge has been incurred a parking attendant 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



- (3) A penalty charge notice must state
- (a) the grounds on which the parking attendant believes that a penalty charge is payable with respect to the vehicle;
  - (b) the amount of the penalty charge which is payable;
  - (c) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
  - (d) 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 reduced by the specified proportion;
  - (e) that, if the penalty charge is not paid before the end of the 28 day period, a notice to owner may be served by the Council on the person appearing to them to be the owner of the vehicle;
  - (f) the address to which payment of the penalty charge must be sent
- (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 by telephone in the case of credit or debit card) so as to reach the offices of the Council, its authorised agent or other address specified in the penalty charge notice no later than 4pm on the 28th day following the day on which the penalty charge was incurred provided that if the said twenty eighth day falls upon a day upon which the said offices are closed the period within which payment of the said charge shall be made to the Council shall be extended until 4pm on the next full day on which the said offices are open

- (5) For the purpose of Sub-Article (1) the amount of the penalty charge shall be that published by the Council in accordance with Section 74 of the Road Traffic Act 1991
  - (6) For the purpose of Sub-Article 3(d) the "specified proportion" has the same meaning as in Section 66(4) of the Road Traffic Act 1991 and shall be that which is published by the Council from time to time in accordance with Section 74 of that Act
  - (7) The provisions of Sections 63-67 and 70-82 of and Schedules 6 and 7 to the Road Traffic Act 1991 shall apply to the above restrictions imposed by this Order
13. The holder of any ticket, smartcard, disabled persons badge or other purported authority to park shall produce such document on demand for inspection by a parking attendant or any other person duly authorised by the Council.

#### Restriction on Removal of Notices

14. Where a notice has been fixed to a vehicle or given to the person appearing to be in charge of the vehicle in accordance with the provisions of Article 12(2) of this Order , no person other than the driver of the vehicle 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.
- 15 (1) Where in a parking place signs are erected or surface markings are laid out for the purposes of: -

- (a) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place; or

(b) indicating the entrance to or exit from that 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 leaves the parking place otherwise than by an exit so indicated or
- (ii) in a direction other than that specified, as the case may be

16. When a vehicle or trailer is waiting in a parking place in contravention of the provisions of any Article 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 those provisions but without prejudice to the provisions of Article 25 of this Order
17. The driver of a vehicle shall not bring into a parking bay any vehicle or trailer attached hereto containing any toxic, inflammable, explosive, noxious or dangerous substance, other than fuel used either for the propulsion of the vehicle or the drawing of the vehicle as the case may be or for the driving or any ancillary engine or equipment forming part of the vehicle
18. The driver of a vehicle using a parking place shall not drive the vehicle other than for the purpose of leaving that vehicle in a parking place in accordance with the provisions of this order or for the purpose of departing from the parking place. (Provided that this Article shall not prevent a person from driving a motor vehicle in a parking place to which this Order applies for the purpose of gaining access to a private parking place where access to that private parking place can only be gained by driving a vehicle through a parking place to which this Order applies).

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

20. No person shall in a parking place

- (a) use any threatening, abusive or insulting language, gesture or conduct likely 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
- (b) Deposit or leave any vehicle, trailer, or anything which formed part of a vehicle or trailer, or any rubbish, litter or other thing within a parking place so as to give rise to a concern that it may be abandoned there
- (c) Roller skate, skateboard, cycle or play with any mechanical contrivances or at any game or sport

21. No person shall use a vehicle, or trailer while it is in a parking place, in connection with the sale or any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services or for sleeping, camping, eating or cooking purposes. Except with the approval of the Council and subject to such conditions as the Council may from time to time decide, no person shall carry out in any parking place any commercial activities, or the cleaning, washing, servicing or repair of vehicles or trailers (except such minimum emergency repairs as may be necessary to remove a vehicle or trailer from a parking place)

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

23. In a 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;
- (c) leave or cause or permit to be left any wheeled shopping trolley except in the trolley bays provided or with the written permission of the Council

24. When a vehicle or trailer is left or used in a parking place in contravention of any of the provisions contained in the Articles of this Order, a person authorised in that behalf by the Council may remove the vehicle or trailer or arrange for the aforesaid vehicle or trailer to be removed from the parking place.

25. Any person removing a vehicle or trailer by virtue of the last preceding Article 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 or trailer as he may think necessary to enable him to remove it as aforesaid.

26. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle or trailer from a parking place, he or she shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle, or trailer.

27. Neither the Council nor the person authorised to remove or make arrangements to remove vehicles or trailers shall be responsible for any loss or damage to the vehicle or trailer or to

anything contained therein arising from, or in consequence of, the exercise of the powers contained in the Articles of this order. Any expenses incurred by the Council in removing a vehicle or trailer within any parking place shall be recoverable by the Council from the driver of the vehicle or vehicle to which the trailer was attached, as the case may be, summarily as a civil debt.

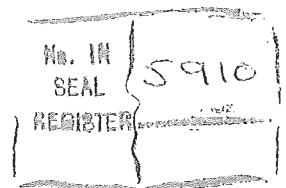
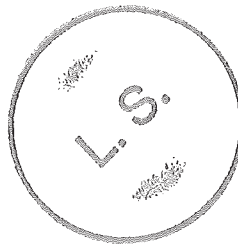
28. The Council accepts no liability either at common law or under the Occupiers Liability Act 1957, or otherwise, for loss of or damage to vehicles or other property left in any of the Council's parking places to which this order applies.

29. Given under the Common Seal of the Council this 5th day of NOVEMBER 2003

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



Assistant City Secretary (Legal)



THE SCHEDULE

COLUMN 1 Name of Parking Place	COLUMN 2 Position in which vehicles may wait	COLUMN 3 Class of Vehicles	COLUMN 4 Days when parking available	COLUMN 5 Prescribed Charging Hours	COLUMN 6 Maximum Period for which vehicles may wait	COLUMN 7 Charges
<p><u>1. Barfield</u> The surface park and ride car park situated to the west of Bar End Road, Winchester</p>	Wholly within a marked parking bay	Passenger vehicles and goods vehicles, excluding trailers, of an unladen weight not exceeding 2 tonnes and any other vehicle for which express consent of the Council has been given.	Monday to Saturday	8.00am-6.00pm Mondays - Saturdays inclusive	24 Hours	£1.50.
<p><u>2. St Catherine's View</u> The surface park and ride car park situated west of Bar End Bridge Road and north of Garnier Road, Winchester.</p>	"	"	"	"	24 hours	"