

BOROUGH OF EASTLEIGH  
THE BOROUGH OF EASTLEIGH  
(ITCHEN VALLEY COUNTRY PARK)  
(PARKING PLACES) ORDER 1999

THE EASTLEIGH BOROUGH COUNCIL (hereinafter called "the Council") in exercise of its powers under sections 32, 35, 39, 45, 46, 49, 51 and 53(1)(b) of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers with the consent of the Hampshire County Council in accordance with Section 39(3) of the Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act hereby makes the following Order:-

PART I

GENERAL

1. COMMENCEMENT AND CITATION

The provisions of this Order shall come into operation on 18 August 1999 and the Order may be cited as "The Borough of Eastleigh (Itchen Valley Country Park) (Parking Places) Order 1999"

2. INTERPRETATION

In this Order except where the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them:-

"car park permit" means a ticket or card issued by the Council in respect of a particular vehicle which entitles the holder to leave that vehicle in a parking place at any time in accordance with the provisions of this Order up to and including the date of expiry as shown on the ticket

"charging hours" means the periods as specified in Column 4 of the Schedule to this Order during which a charge as specified in Column 5 of the Schedule to

this Order is payable for leaving a vehicle of a class as specified in Column 2 of the Schedule to this Order in a parking place

"disabled persons badge" has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1991 and The Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1992

"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

"motor cycle" means a two-wheeled mechanically propelled vehicle not having a sidecar or trailer attached thereto

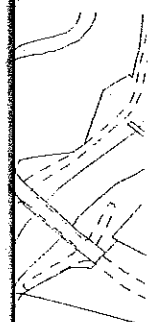
"parking place" means the area specified by name in Column 1 of the Schedule to this Order provided by the Council under section 32(1) of the Act for use as a parking place

"parking attendant" means a person authorised by or on behalf of the Council to supervise and control vehicles in any parking place

"ticket machine" means an apparatus of a type and design approved by the Secretary of State for the Environment for the purpose of this Order being an apparatus designed to issue parking tickets indicating the payment of a charge and the date and time at which the charge was paid

"Motor vehicles" means the classes of vehicles set out in Column 2 of the Schedule to this Order

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A. J. T.  
 HEAD OF LEGAL SERVICES

**STLEIGH**  
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 d, Asst C'side Manager

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 Date 10/02/1999



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## PART II

### USE OF PARKING PLACES

#### 3. USE OF AREAS AS PARKING PLACES

The area specified by name in Column 1 of the Schedule to this Order may be used subject to the following provisions of this Order as a parking place for such classes of vehicles in a manner specified in relation to the area in the said Schedule

#### 4. CLASS AND POSITION OF VEHICLES

Where in the Schedule to this Order a parking place is described as available for vehicles of a specified class the driver of a vehicle shall not permit it to wait in that parking place unless it is of the specified class

#### 5. TRAILERS

The driver of a vehicle drawing a trailer shall not permit the vehicle or the trailer to wait in a parking place unless they have been disconnected and for the purpose of this Order the vehicle and the 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

#### 6. USE OF VEHICLES IN PARKING PLACE

- (1) No person shall use a vehicle while it is in a parking place as a dwelling or for any domestic or sanitary purposes
- (2) No person shall use a vehicle while it is in a parking place in connection with the sale of 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 other than with the consent of the Council

#### 7. DRIVING OF VEHICLES IN PARKING PLACES

No person shall except with the permission of the Council drive any vehicles in parking places other than for 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

8. REPAIR OF VEHICLES IN PARKING PLACES

No person shall while a vehicle is in a parking place permit the carrying out of any work either of maintenance or repair thereto or of any other nature whatsoever except such as may be necessary to enable the vehicle to depart from the parking place

9. USE OF PARKING PLACES DURING PERMITTED HOURS WITHOUT PAYMENT

(1) Without prejudice to the foregoing provisions of this Order but subject to the provisions of Article 9(b) with respect to vehicles which are left in a parking place in accordance with those provisions any vehicle may wait during the permitted hours anywhere on the carriageway in a parking place other than a parking place or part thereof the use of which has been suspended if:

- (a) the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle
- (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid accident
- (c) the vehicle is a vehicle used for fire brigade purposes or an ambulance or a vehicle (other than a passenger vehicle) in service of a local authority or water authority for a vehicle in the service of a police force in either case being used in pursuance of statutory powers or duties

- (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic
  - (e) the vehicle is being used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953 or in connection with the servicing of telephone kiosks adjacent to the parking place
  - (f) the vehicle not being a passenger vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for the purpose of facilitating the movement of traffic or promoting its safety
  - (g) the vehicle not being a passenger vehicle is in actual use in connection with the delivery collection loading or unloading of goods to premises adjacent to the parking place
  - (h) the vehicle is waiting otherwise than in a parking place if goods are being sold or offered for sale from the vehicle by a person who is licensed by the Council to sell goods from a stationary pitch situated in the parking place
  - (i) the vehicle is waiting only for so long as is necessary to enable it to be used in connection with posting or removing advertising material in the form of posters on or from premises adjacent to the parking place in which the vehicle is waiting
- (2) No charge specified in the foregoing provisions of this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the provisions of Article 9(a)

(3) Except as provided in the foregoing provisions of this Order the driver of a vehicle shall not cause or permit a vehicle to wait in a parking place during the permitted hours

(4) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act

#### 10. AMOUNT OF CHARGE AT PARKING PLACES

The charge for a vehicle left in a parking place for any period during the charging hours shall be as specified in Column 5 of the Schedule to this Order

#### 11. PARKING TICKETS

(1) The charge specified in Article 10 of this Order shall be paid on the leaving of a vehicle in a parking place during the charging hours by the insertion into the ticket machine of a coin or coins making up the amount of the charge for the period for which payment is being made

(2) Upon payment of the charge for a vehicle left in a parking place during the charging hours the driver thereof shall exhibit the ticket in a conspicuous position to the vehicle in respect of which it was issued

#### 12. RESTRICTION OF REMOVAL OF TICKETS

When a ticket has been exhibited on a vehicle in accordance with the provisions of Article 11 of this Order no person shall remove the ticket from the vehicle until the vehicle is removed from the parking place

### 13. EXCESS CHARGES

(1) Where in relation to a vehicle left in a parking place specified in Column 1 of the Schedule a driver

- (a) has left the vehicle for more than the permitted time in that parking place or
- (b) contravened any other provision of this Order

an Excess Charge of £40.00 shall be incurred by the driver of that vehicle

(2) In the case of a vehicle in respect of which an excess charge has been incurred it shall be the duty of a car park patrol officer 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 it was noticed that the excess charge had been incurred
- (c) a statement that an excess charge of £40.00 is required to be paid
- (d) the manner in which and the time within which the excess charge should be paid and
- (e) a statement that it is an offence under Section 35(4) of the Act for the driver of a vehicle who has left the vehicle in a parking place to fail to pay the excess charge

### 14. MANNER OF PAYMENT OF EXCESS CHARGE

The driver of a vehicle in respect of which an excess charge has been incurred shall pay the excess charge to the Council either by cheque or postal order which shall be delivered or sent by post so as to reach the Head of Financial Services of the



Council not later than 10.00 am on the tenth day following the day on which the excess charge was incurred or in cash in person at the Eastleigh Borough Council Area Office not later than aforesaid

PROVIDED THAT if the 10th day falls upon a day on which the said Department is closed the period shall be extended to the next full day that the said Department is open

PROVIDED THAT if payment is made no later than the fifth day following the day on which the excess charge was incurred the sum of £20.00 shall be received in full settlement of the excess charge

PROVIDED THAT in the event that the fifth day falls upon a day on which the Financial Services Department is closed the period shall be extended to the next full day that the Department is open

#### 15. RESTRICTION ON REMOVAL OF NOTICES

Where a notice has been attached to a vehicle in accordance with the provisions of Article 13 of this Order no person not being a car park patrol officer shall remove the notice from the vehicle until the vehicle is removed from the parking place

#### 16. EXEMPTION FROM CHARGES

(1) If at a time when a vehicle is left in a parking place during the charging hours 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

(2) Any vehicle left in a parking place during the charging hours shall be exempt from the payment of any charges specified in Column 5 of the Schedule to this order if a current disabled person's badge is being displayed on the vehicle

(3) (i) Any vehicle left in a parking place shall be exempt from the payment of any charges specified in Column 5 of the Schedule to this Order if a current car park season permit at a charge of £20.00 (or £15.00 for pensioners or the unemployed) valid for one year commencing from the date of issue has been obtained and is being displayed on the vehicle

(ii) Car park permits shall be displayed in the same manner as that prescribed in Article 11 for the display of parking tickets purchased from the ticket machine

#### 17. REMOVAL OF VEHICLES FROM PARKING PLACES

When a vehicle is left in a parking place in contravention of any of the provisions of Articles 4 or 11 of this Order a person authorised by or on behalf of the Council may remove the vehicle or arrange for it to be removed from that parking place

#### 18. MOVEMENT OF VEHICLES IN A PARKING PLACE IN EMERGENCIES

Any person authorised by or on behalf of the Council may move or cause to be moved in case of emergency to any place he thinks fit vehicles left in a parking place

#### 19. MANNER OF MOVING VEHICLES

Any person removing or altering the position of a vehicle by virtue of Article 18 of this Order may do so by towing or driving the vehicle or any 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

#### 20. SAFE CUSTODY OF VEHICLES

When a person authorised by or on behalf of the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 18

of this Order he shall make such arrangements as may be necessary for the safe custody of the vehicle

#### 21. ENTRY AND EXIT

Where in a parking place signs are erected or surface markings are laid for the purpose of -

- (1) indicating the entrance to or exit from the parking place or
- (2) 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

- (a) 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
- (b) in a direction other than that specified

#### 22. LOCATION OF TICKET MACHINES

The Council may -

- (1) install in such positions on or in the vicinity of a parking place as they may think fit such ticket machines as are required by this Order for the purposes of that parking place and
- (2) carry out such other work as is authorised by this Order or is reasonably required for the purposes of the satisfactory operation of a parking place

THE SCHEDULE

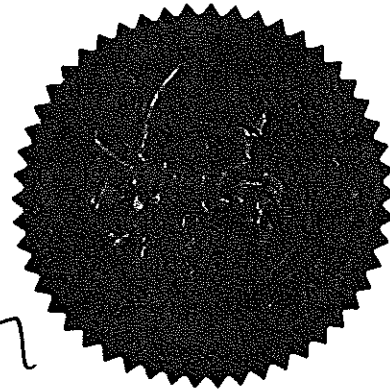
<u>Column 1</u> <u>Description of</u> <u>Parking Place</u>	<u>Column 2</u> <u>Classes of</u> <u>Vehicle</u>	<u>Column 3</u> <u>Days of</u> <u>Operation</u> <u>of Parking</u> <u>Place</u>	<u>Column 4</u> <u>Hours of</u> <u>Operation</u> <u>of Parking</u> <u>Place</u>	<u>Column 5</u> <u>Scale of</u> <u>Charges</u>	<u>Column 6</u> <u>Period for which</u> <u>Vehicles may</u> <u>wait during hours</u> <u>of operation</u>
Eleven car park areas and main access road at Lichen Valley Country Park as shown on the attached plan	All motor vehicles except those with a gross weight in excess of 3.5 tonnes (other than for deliveries)	Monday to Saturday inclusive	7.00 am to 9.00 pm	£1.00	No maximum period
		Sundays and Bank Holidays	7.00 am to 9.00 pm	£1.50	No maximum period
	Coaches	Monday to Sunday inclusive and Bank Holidays	7.00 am to 9.00 pm	£10.00	No maximum period

DATED this *9th* day of *August* 1999

THE COMMON SEAL of EASTLEIGH )

BOROUGH COUNCIL was hereunto )

affixed in the presence of:- )



*AS*

Head of Legal Services