



Statutory Document No.101/95

THE ROAD TRAFFIC REGULATION ACT 1985

THE DOUGLAS BUS STATION (CAR PARK) ORDER 1995

In exercise of the powers conferred on the Department of Local Government and the Environment by sections 11 and 13 of the Road Traffic Regulation Act 1985(a), and of all other enabling powers, and after complying with the requirements of paragraph 1 of Schedule 2 to that Act, the following Order is hereby made:-

Citation, commencement and interpretation

1. (1) This Order may be cited as the Douglas Bus Station (Car Park) Order 1995 and shall come into operation on 1st October 1995.

(2) In this Order -

"the Act" means the Road Traffic Regulation Act 1985;

"charging hours" means, on any day specified in column 4 of the Schedule, the hours specified in column 5 of the Schedule;

"the Department" means the Department of Local Government and the Environment;

"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" in relation to a vehicle waiting in the parking place means the person by whom such vehicle is kept and used;

"parking bay" means any area of the parking place which is clearly shown by a sign or surface marking as a place within which a single vehicle may wait;

"the parking place" means the area of land specified by name in column 1 of the Schedule;

"permit" means an authorisation in writing issued by the Department for the purposes of article 2(2);

"private parking bay" means a parking bay shown by a sign or surface marking as a private parking bay or as a reserved parking bay for a particular vehicle or a vehicle used by a particular person or a person of a particular description.

"ticket machine" means apparatus at the parking place designed to issue a dated and timed ticket to indicate whether the charge referred to in article 5(1) has been paid and when the period for which it has been paid elapses;

(3) Any reference in this Order to a class or description of vehicles shall be construed in accordance with the Road Traffic Act 1985(b).

(a) 1985 c.20 (b) 1985 c.23

Use of Parking Place

2. (1) The parking place (except any private parking bay) may, subject to the following provisions of this Order, be used by members of the public at any time for parking vehicles of such classes and in such position as are specified in the Schedule.
- (2) A private parking bay in the parking place may, subject to the following provisions of this Order, be used by a person authorised in writing by the Department at any time for parking a vehicle used by him.

Conditions of Use of Parking Place

3. (1) No person shall permit a vehicle to wait in the parking place during the charging hours (except a private parking bay) except on payment of a charge in accordance with article 5.
- (2) Where in the Schedule the parking place is described as available for vehicles of a specified class or in a specified position, no person shall permit a vehicle to wait in the parking place unless it is of that class or in that position.
- (3) The driver of a vehicle, if so required by an officer or servant of, or person authorised by, the Department shall -
 - (a) remove the vehicle from the parking place; or
 - (b) move the vehicle from one position to another in the parking place.

Private Parking Bay

4. No person shall permit a vehicle to wait in a private parking bay in the parking place unless -
 - (a) it displays a current permit indicating that the vehicle, or a vehicle of the same class or description as the vehicle, is permitted to wait there at the material time; and
 - (b) where the permit indicates that a particular parking bay is to be used, the vehicle is in that parking bay.

Amount of Charge at Parking Place

5. (1) Except where otherwise provided in this Order, on payment during the charging hours of the appropriate charge as specified in the Schedule, a driver shall be entitled to park a vehicle on any available parking bay in the parking place for such period as may be stated on the ticket issued by the ticket machine on payment of the charge.
- (2) The charge referred to in paragraph (1) shall be payable by the insertion of an appropriate coin or coins into the ticket machine.
- (3) Any ticket issued on payment of the charge referred to in paragraph (1) shall be attached in a conspicuous position to the vehicle in respect of which it was issued.

- (4) An indication by the ticket machine and shown on the ticket issued by it of the amount of any charge paid and of the period for which payment was made shall be presumed to be correct unless the contrary is shown.
- (5) In any of the circumstances specified in this paragraph a charge of £15.00 shall be paid to the Department within 7 days in addition to any charge payable by virtue of paragraph (1) (the "initial charge") -
 - (a) where a vehicle is parked in the parking place during the charging hours without the initial charge being paid or without a ticket being attached in accordance with paragraph (3);
 - (b) where a vehicle is parked in the parking place outside the charging hours and is not removed before the commencement of the charging hours;
 - (c) where a vehicle is not removed from the parking place at or before the expiry of the period for which the initial charge was paid.
- (6) Section 14B (4) of the Act (Court to order payment of unpaid charge) applies to a charge payable by virtue of this article as it applies to a charge payable under section 14A of the Act.

Responsibility for Contravention

- 6. The following persons shall be responsible for any contravention of article 3(1) or (4) -
 - (a) the driver of the vehicle in question;
 - (b) where the identity of the driver is not ascertained, the person in whose name the vehicle was registered under the Licensing and Registration of Vehicles Act 1985 (c).

Traffic in Parking Place

- 7. (1) this article applies where in the parking place signs are erected or surface markings are laid indicating -
 - (a) the entrance to or exit from the parking place; or
 - (b) that a vehicle using the parking place shall or shall not proceed in a specified direction within the parking place.
- (2) No person shall, without the consent of the Department, drive a vehicle, or cause or permit a vehicle to be driven -
 - (a) so that it enters the parking place otherwise than by an entrance so indicated, or

- (b) so that it leaves the parking place otherwise than by an exit, so indicated, or
- (c) in, or otherwise than in, a direction so indicated, as the case may be.

Further conditions as to use of parking place

- 8.
- (1) No person shall, without the consent in writing of the Department, bring any vehicle into the parking place or permit any vehicle to wait there, except a vehicle of a class specified in the Schedule.
 - (2) No person shall permit a vehicle to wait in the parking place unless there is at all times in force in relation to the vehicle a vehicle licence under the Licensing and Registration of Vehicles Act 1985.
 - (3) No person shall carry out or permit to be carried out on a vehicle waiting in the parking place any cleaning, maintenance or repair, except such as is necessary to enable the vehicle to be removed from the parking place.
 - (4) No person shall cause the engine of a vehicle to be run in the parking place after it is in position there, except in order to change its position or to remove it from the parking place.
 - (5) No person shall, without the consent in writing of the Department, bring any vehicle into the parking place for any purpose other than that of permitting it to wait in, or removing it from the parking place.
 - (6) Without prejudice to the generality of paragraph (5), no person shall, without the consent in writing of the Department -
 - (a) use any vehicle, or anything towed by a vehicle, while it is in the parking place, for the purpose of or in connection with -
 - (i) the sale or offer for sale of any article; or
 - (ii) the offer of any service, or
 - (iii) the hire or employment or offer for hire or employment of any person; or
 - (iv) the display of any article; or
 - (v) publicity of any trade or business; or
 - (b) advertise for sale or hire any vehicle, while it is in the parking place; or
 - (c) use a vehicle or anything towed by a vehicle, while it is in the parking place for sleeping or for habitation or any domestic purpose.
 - (7) No person shall abandon a vehicle in the parking place.

Removal of Vehicle

9. (1) The Department may remove from the parking place any vehicle left in the parking place in contravention of this Order.
- (2) The Department may move any vehicle from one position to another in the parking place.

Made this 21st day of August 1995



Minister for
Local Government and the Environment

Laid before Tynwald 17.10.95

SCHEDULE

Parking place 1	Position in which vehicles may wait 2	Permitted classes of vehicles 3	Days of operation 4	Hours of operation 5	Scale of charges 6
Car park adjoining North Quay and Parade Street at the Douglas Bus Station	Wholly within a parking bay	Motor cars Invalid carriages (within the meaning of section 69 of the Road Traffic Act 1985)	Monday to Saturday excluding Christmas Day, Boxing Day and New Years Day	8 am to 5 pm	Up to 1 hr - £0.40 2 hrs - £0.60 3 hrs - £1.20 9 hrs - £5.00 excess charge £15.00