



DRUMGOLD STREET, DOUGLAS (CAR PARK) ORDER 2013

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Statutory Document No. 0093/2013

*Road Traffic Regulation Act 1985*

DRUMGOLD STREET, DOUGLAS (CAR PARK) ORDER 2013

Made: 10 April 2013
Coming into Operation: 10 April 2013

The Department of Infrastructure makes the following Order under section 11 of the Road Traffic Regulation Act 1985.

1 Title

This Order is the Drumgold Street, Douglas (Car Park) Order 2013.

2 Commencement

This Order comes into operation on 10 April 2013.

3 Interpretation

“**the Act**” means the Road Traffic Regulation Act 1985;

“**approved apparatus**” shall be construed in accordance with article 4;

“**car park**” means the area of land specified in column 1 of the Schedule and known as Drumgold Street Car Park;

“**charges**” means the charges set out in column 7 of the Schedule to this Order;

“**charging hours**” means on any day and during those hours specified in column 5 of the Schedule;

“**contract ticket**” means an authorisation in writing issued by the Department for the purposes of article 9(1);

“**Department**” means the Department of Infrastructure;

“**disabled persons’ badge**” means a badge issued in accordance with regulations under section 28 of the Act;

“**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;

“**five minute period**” means a period of five minutes between 8.00 am and 7.00 pm beginning at a full hour or at 5 minutes, 10 minutes (and so on) past a full hour;

“**owner**” in relation to a vehicle waiting in a parking place, means the person by whom the vehicle is kept and used;

“**parking attendant**” means a person authorised to act on behalf of the Department in relation to the operation of the car park and to enforce the provisions of this Order;

“**parking bay**” means any area of the parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;

“**parking place**” 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;

“**parking disc**” means a disc issued by or with the authority of the Department, and capable of showing the five minute period at which the period of waiting begins;

“**permit**” means an authorisation in writing issued by the Department for the purposes of article 6(2);

“**private parking place**” means an area provided by the Department as a private or contract parking place or as reserved for a particular vehicle or a vehicle used by a particular person or persons;

“**public parking place**” means an area provided by the Department as a parking place, specified in column 1 of the Schedule;

“**ticket machines**” means apparatus at the parking place designed to issue a dated and timed ticket to indicate whether the charge referred to in article 4(1) has been paid and when the period for which it has been paid elapses.

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

4 **Approved apparatus**

- (1) In this Order “approved apparatus” means the apparatus at the public parking place consisting of devices, being apparatus approved by the Department for the purposes of this Order being one or more “ticket machines” designed to issue a dated and timed ticket to indicate whether the charge referred to in the Schedule has been paid and when the period for which it has been paid elapses.
- (2) An indication by the device referred to in paragraph (1) of the amount of any charge payable under this Order shall be presumed to be correct unless the contrary is shown.

5 Use of land and parking area

- (1) The area of land specified by name in column 1 of the Schedule will, subject to the provisions of this Order, be used only by a member of the public, or a person or a company authorised in writing by the Department for parking a vehicle used by him or the company, on such days and during such hours as are specified in relation to that area in the Schedule.
- (2) The driver of a vehicle shall, on the arrival of the vehicle in a parking place, exhibit a dated and timed ticket in the relevant position on the vehicle.
- (3) The driver of a vehicle must, on the arrival of the vehicle in a disabled parking place, exhibit a parking disc in the relevant position on the vehicle and set the disc so that it indicates the five minute period during which the vehicle arrived there.
- (4) No person must permit a vehicle to wait in the parking place during the hours of operation except on payment of a charge in accordance with the following provisions of this Order.
- (5) Where, in the parking place, signs are erected or surface markings laid indicating that particular places are to be used solely by disabled badge holders no person must park a vehicle in such parking place unless that vehicle is displaying a disabled persons' badge.
- (6) The driver of a vehicle, if so required by an officer of the Department must—
 - (a) remove the vehicle from the parking place; or
 - (b) move the vehicle from one position to another in the parking place.
- (7) The Department may close the parking places at any time for any other reasons at its sole discretion.

6 Use of parking place

- (1) The public parking place (except any private parking place) may, subject to the following provisions of this Order, be used by members of the public for parking vehicles of such classes, in such positions on such days and during such hours as are specified in the Schedule.
- (2) A private parking place may, subject to the following provisions of this Order be used by a person authorised in writing by the Department for parking a vehicle.
- (3) No vehicles greater than 4.5 metres in length, 1.825 metres in height or 2 metres in width may use the car park.

7 Conditions of use of parking place

- (1) No person must without the consent in writing of the Department bring any vehicle into the car park or permit any vehicle to wait there, except a vehicle of a class specified in column 3 of the Schedule.
- (2) The driver of any vehicle using the car park shall have regard to the safety of other drivers and pedestrians and their property and shall drive with care, observing and complying with all signage and speed restriction indicators.
- (3) No person must carry out or permit to be carried out on a vehicle waiting in the car park any maintenance or repair, unless such 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 car park after it is in position there, except in order to change its position or to remove it from that parking place.
- (5) No person must without the consent in writing of the Department bring any vehicle into a car park or use any vehicle in the public or private 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 must without the consent in writing of the Department—
 - (a) use any vehicle, or anything towed by a vehicle while it is in the car park for the purpose of or in connection with—
 - (i) the sale or offer for sale of any article;
 - (ii) the selling or offering of any services;
 - (iii) the hire or employment or offer for hire or employment of any person or services;
 - (iv) the display of any article;
 - (v) publicity for any trade or business; or
 - (vi) any cleaning;
 - (b) advertise for sale or hire any vehicle, while it is in the car park; or
 - (c) use a vehicle or anything towed by a vehicle, while it is in the car park, for sleeping or for habitation or any domestic purpose.
- (7) No person shall abandon a vehicle in the car park.
- (8) No person shall park a vehicle other than in a marked parking place.
- (9) No person shall bring any trailer or caravan into a car park except with the consent in writing of the Department.
- (10) The driver of a vehicle must not permit that vehicle to wait in car park unless the vehicle is registered and licensed in pursuance of the provisions of the Licensing and Registration of Vehicles Act 1985 and unless there is in relation to the use of the vehicle by the driver such a

policy of insurance as complies with the requirements of Schedule 5 of the Act of 1985.

- (11) No person shall in a car park shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or occupiers of premises in the neighbourhood.
- (12) Any person who wilfully or carelessly damages in any way or interferes with the fabric, signage, structure, equipment contained in or on the car park or any apparatus or device provided therein will be guilty of an offence under this Order and will also be liable for the costs incurred in making good the damage.
- (13) No person shall except with the permission of a parking attendant drive any vehicle in the car park 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.
- (14) No person shall in any part of the car park use any threatening, abusive or insulting language, gesture or conduct, occasion a breach of the peace or act in a way whereby a breach of peace is likely to be occasioned.
- (15) In the car park no person must—
 - (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Department;
 - (b) light or cause or permit to be lit any fire.
- (16) No inflammable or other dangerous substances or explosive (other than in the fuel tank of a vehicle) shall be brought into the car park.
- (17) The driver of a vehicle must not take or attempt to take it into the car park if either a sign indicates or a parking attendant states that the car park is full.
- (18) The driver of a vehicle using or about to use the car park must comply with directions given by a parking attendant and shall, if so required, remove the vehicle from the parking place or move it from one parking place to another.
- (19) No person must sound a horn or other audible warning instrument in the car park.
- (20) Where—
 - (a) a motor vehicle having broken down in the car park appears to have been abandoned, or
 - (b) has been permitted to remain at rest in the car park in such a position and in such condition and in such circumstances as to appear to have been abandoned,

the Department may remove the vehicle or arrange for it to be removed from the parking place and recover the costs of the removal and storage from the owner.

- (21) The abandonment of a motor vehicle will be an offence within the meaning of this Order.
- (22) Any person removing or altering the position of a vehicle under the Department's instruction by virtue of the provisions of this Order may do so by towing or driving the vehicle or in such other manner as he may consider necessary taking all reasonable precautions for the safety of other vehicles and persons in or about the car park and having due regard for the safe custody of vehicle.
- (23) No person shall, without the consent in writing of the Department, permit a vehicle to wait in the car park for longer than the maximum period of waiting specified in the Schedule.
- (24) No person shall permit a vehicle to wait in a private 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; or
 - (b) where the permit indicates that a particular parking place is to be used the vehicle is in that parking place.

8 Traffic in the parking place

- (1) This article applies where in the public or private parking place signs are erected or surface markings are laid indicating—
 - (a) the entrance or exit from the car park; or
 - (b) that the vehicle using the car park 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 car park otherwise than by an entrance or manner so indicated;
 - (b) so that it leaves the car park otherwise than by an exit or manner so indicated; or
 - (c) in, or otherwise than in, a direction so indicated, as the case may be.

9 Amount of charge at parking place

- (1) An individual or company may on application to the Department purchase a contract ticket for a private parking bay in the area of land specified in column 1 of the Schedule and that contract ticket must be

valid when displayed on a vehicle in the private parking place during the period for which it is issued.

- (2) On payment of the appropriate charge for a contract ticket, a driver will be entitled to park a vehicle on a specified private parking bay in the parking place, for such period as may be stated on the contract ticket.
- (3) Any contract ticket issued on payment of the charge referred to in paragraph (2) of this article must be exhibited on the vehicle so that the particulars on the contract ticket are readily visible from the front or near side of the vehicle.
- (4) If, at any time, while a vehicle is left in a private parking place during the charging hours no contract ticket is exhibited, it will be presumed, unless the contrary is proved, that the charge has not been duly paid or that the driver has no authority to park the vehicle on that place.
- (5) Except where otherwise provided in this Order on payment during the charging hours of the appropriate charge as specified in column 7 of the Schedule, a driver will be entitled to park a vehicle on any available public parking place in the car park, other than a place reserved for a disabled persons' vehicle, for such period as may be stated on the ticket issued by the ticket machine or parking attendant on payment of the charge.
- (6) The charge referred to in paragraph (5) of this article shall be payable by the insertion of an appropriate coin or coins into the ticket machine.
- (7) Any ticket issued on payment of the charge referred to in paragraph (5) of this article must be displayed in a conspicuous position to the vehicle in respect of which it was issued.
- (8) 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 will be presumed to be correct unless the contrary is shown.

10 Amount of excess charge at parking place

- (1) In any of the circumstances specified in this paragraph an excess charge of £40.00 shall be paid to the Department within 21 days in addition to any charge payable by virtue of article 9(1)—
 - (a) where a vehicle is parked in the public parking place during the charging hours without the parking charge being paid or without a valid ticket being attached in accordance with article 9(3);
 - (b) where a vehicle is parked in the public 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 public parking place at or before the expiry of the period for which the parking charge was paid;

- (d) where a vehicle is parked other than in a marked parking place.
- (2) 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.
- (3) In the case of a vehicle in respect of which an excess charge may have been incurred, it will be the duty of the 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 trade plates carried by the vehicle;
 - (b) the time at which he first observed that the period of time for which payment of the charge had been made had expired, and specifying the provisions of this Order which have been contravened or not complied with;
 - (c) a statement that the excess charge of £40.00 is required to be paid; and
 - (d) the manner in which and the time within which the excess charge should be paid.

11 Responsibility for Contravention

The following persons shall be responsible for any contravention of article 5(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.

12 Restriction on removal of notices

When a notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person other than the person authorised by the Department in that behalf or the driver or a person authorised by the driver in that behalf shall remove the notice from the vehicle.

13 Disclaimer

Vehicles and their contents are parked at the owner's risk and no liability is accepted by the Department for loss or damage to goods, vehicles or persons howsoever caused.

14 Removal of vehicle

The Department may remove from a parking place any vehicle left in that parking place in contravention of this Order.

15 Designation of disc parking

- (1) The areas within the car park and marked as a disabled parking place by way of appropriate traffic signs and road markings, shall be used solely for vehicles in accordance with column 3 of the Schedule.
- (2) During the first 4 hour period for which a disabled persons' vehicle is caused or permitted to remain in a disabled parking place to which the Schedule applies, there shall be exhibited on the vehicle a parking disc and a disabled person's badge in accordance with article 17.

16 Waiting restriction

No person shall cause or permit a disabled persons' vehicle, to remain on the sections of car park specified as disabled parking places for a longer period than 4 hours free of charge in any 24 hour period.

17 Exhibit of parking disc

- (1) The driver of a vehicle shall on arriving at a disabled parking place as specified in column 2 of the Schedule during the hours prescribed in article 16, exhibit a parking disc in the relevant position.
- (2) A vehicle displays a parking disc in the relevant position if—
 - (a) in the case of a vehicle fitted with a dashboard or facia panel, the parking disc is exhibited thereon so that the five minute period during which the period of waiting began is legible from outside the vehicle; or
 - (b) in the case of a vehicle not so fitted, the parking disc is exhibited in a conspicuous position on the vehicle so that the five minute period during which the period of waiting began is legible from outside the vehicle.

18 Evidence of fact

- (1) A vehicle shall not wait on any section of the car park to which an entry referred to in column 2 of the Schedule applies for longer than the maximum period specified in column 6, such period being calculated as commencing from the later time indicated on the parking disc displayed in accordance with the provisions of article 17.
- (2) When a parking disc is exhibited in accordance with article 17, on a vehicle waiting on a section of car park specified in the Schedule is showing a five minute period, the later time within the 5 minute period

indicated by the parking disc showing the end of that period shall be treated as evidence that the vehicle has been left in the parking place since the later time in any proceedings for a contravention of paragraph (1).

19 Offences relating to discs

- (1) No person shall—
 - (a) after a parking disc exhibited on a vehicle has been set in accordance with article 17, alter the indications given by the parking disc whilst the vehicle remains in the parking place; or
 - (b) knowingly exhibit on any vehicle any parking disc which has been altered, defaced, mutilated or added to or upon in any way so that the figures have become distorted or illegible.
- (2) Where any proceedings for a contravention of article 17(1) is not proved that the offence had been committed, but it is proved that the parking disc had not been set in accordance with article 17, the driver may be convicted of an offence consisting of a contravention of that article.

20 Penalties and enforcement

- (1) The Department may take proceedings against any driver for contravention of the provisions of this Order or for the recovery of any unpaid excess parking charge.
- (2) If the registered owner does not provide the name and address of the driver, then such proceedings may be taken against the registered owner as if the registered owner had been the driver of the vehicle at the time of the offence.
- (3) If any information provided by a registered owner is false or defective in any material particular, the registered owner shall be guilty of an offence.
- (4) Any person acting in contravention of, or failing to comply with, the provisions of this Order, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500. But no proceedings shall be taken for any such offence or failure if an excess charge issued in respect thereof has been settled.

21 Revocation

The following Orders are hereby revoked—

The Drumgold Street (Off-Street Car Park) Order 2008

Drumgold Street (Off-Street Car Park) (Amendment) Order 2010

Signed by authority of the Minister for Infrastructure

MADE 10 APRIL 2013

R D PEARSON
Director of Highways

SCHEDULE

(Article 5)

Parking Place 1	Position in which vehicle may wait 2	Permitted classes of vehicles 3	Type of authorisation to be displayed in the windscreen 4	Months Days and Hours of operation 5	Maximum Period of waiting 6	Scale of charges 7
Drumgold Street Multi- Storey Car Park, Douglas	Wholly within a parking bay	Motor cars Motor cycles Goods vehicles	Pay and Display ticket	All year Every day All hours	3 hours in any 24 hour period	<u>Levels 1, 2 and 3</u> Up to 1 hour £1.00 Up to 2 hours £1.50 Up to 3 hours £2.00
	Disabled parking bay only		Parking Disc for disabled badge holders only	All year Every day All hours	4 hours in any 24 hour period	Up to 4 hours Free

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and removes the existing Order to allow the Department to make amendments to the conditions and restrictions and introduces disc parking to allow disabled persons' vehicles displaying a valid disabled persons' badge to park in disabled persons' parking bay free of charge for the first 4 hours.