



BRADDAN (OFF STREET) (PARKING PLACES) ORDER 2019

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Statutory Document No. 2019/0324



Road Traffic Regulation Act 1985

BRADDAN (OFF STREET) (PARKING PLACES) ORDER 2019

Made:

Coming into operation: in accordance with article 2

Braddan Parish Commissioners, after complying with the requirements of paragraph 1 of Schedule 2¹ to the Road Traffic Regulation Act 1985, makes the following Order under sections 11 and 13 of that Act.

1 Title

This Order is the Braddan (Off Street) (Parking Places) Order 2019.

2 Commencement

This Order comes into operation on the day after it is made.

3 Interpretation

(1) In this Order —

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

“**authorised officer**” means an officer of the Commissioners authorised to enforce the provisions of this Order;

“**the Commissioners**” means Braddan Parish Commissioners;

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

“**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;

“**emergency services’ vehicle**” means—

- (a) an ambulance, fire brigade vehicle or police vehicle during such time as the vehicle is in actual use for any emergency purpose;
- (b) a motor vehicle or trailer during such time as it is in actual use by any coastguard service provided by the Department of

¹ As required by section 14D of the Act.

Infrastructure for the purposes of giving aid to persons in danger or vessels in distress on or near the coast; or

- (c) a motor vehicle or trailer during such time as it is in actual use for civil defence or bomb disposal purposes;

“parking bay” means an area of a parking place that 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 or approved by the Department;

“parking permit” means a written authorisation issued by the Commissioners for the purposes of article 4(3), following payment of a charge (if any) as indicated in column 6 of Schedule 1 for the relevant parking place;

“parking place” means one of the areas named in column 1 of Schedule 1 and marked “THE PARKING PLACES” shown in red on the maps in the Schedule 2;

“permitted vehicle” means a vehicle permitted to use a parking place by virtue of column 2 of the table in Schedule 1;

“vehicle” means a mechanically propelled vehicle.

- (2) Any reference in this Order to a class or description of a vehicle is to be construed in accordance with the Road Traffic Act 1985.

4 Use of the parking place

- (1) Schedule 1 has effect.
- (2) A person may use a parking place for parking vehicles of such classes, for such periods, during such hours and upon such conditions and payment of such charges as are specified in the table in Schedule 1.
- (3) A person who has been issued with a parking permit may use a parking place as specified in the parking permit for parking a vehicle of such classes, for such periods and during such hours as are specified in the table in Schedule 1.
- (4) A parking permit may permit a person to whom it has been issued to park in any parking bay in a specified parking place.
- (5) The use of a parking place is subject to the following provisions of this Order.

5 Conditions as to the use of a parking place

- (1) A driver of a vehicle must not cause it to wait in a parking place unless it is parked wholly within a parking bay.
- (2) A driver using a parking place must comply with directions given by an authorised officer and, if so required, must remove the vehicle from the parking place or move it from one parking bay to another.



- (3) A driver must not cause a vehicle to wait in a parking place for longer than the maximum period of waiting specified in column 5 of the table in Schedule 1.
- (4) If a parking bay is shown by a sign or surface marking as being for use by disabled persons, a driver must not cause a vehicle to wait in that bay unless the vehicle displays a disabled person's badge issued in accordance with section 28 of the Act.
- (5) A driver must not cause a vehicle to wait in a reserved parking bay unless an appropriate parking permit is displayed in a conspicuous position on the vehicle.
- (6) A person must not bring any vehicle into a parking place or cause any vehicle to wait in a parking bay, except a permitted vehicle.
- (7) A person must not carry out or permit to be carried out on a vehicle in a parking place any maintenance or repair, unless it is necessary to enable the vehicle to be removed from the parking place.
- (8) A driver of a vehicle must stop the engine as soon as it is in position in a parking bay and must not restart it except when about to change the vehicle's position in, or to depart from, the parking place.
- (9) A person must not bring any vehicle into a parking place or use any vehicle in such a place for any purpose other than that of causing it to wait in that place.
- (10) Without limiting the generality of paragraph (9), a person must not—
 - (a) use any vehicle, or anything towed by a vehicle, whilst it is in the parking place, for the purpose of or in connection with —
 - (i) the sale or offer for sale of any article;
 - (ii) the offer of any service;
 - (iii) the hire or employment or offer for hire or employment of any person;
 - (iv) the display of any article;
 - (v) publicity for any trade or business; or
 - (vi) sleeping or for habitation or any domestic purpose;
 - (b) store any trailer, caravan, boat or other similar vehicle in a parking place;
 - (c) take into a parking place any inflammable, dangerous or explosive substance, other than fuel contained within a vehicle's fuel tank;
 - (d) leave a vehicle parked or broken down in a parking place in such a position, in such a condition or in such circumstances as to cause an obstruction to person using the parking place or to be likely to cause danger to such persons.

- (11) A driver must, in a parking place, have regard to the safety of other drivers and pedestrians and their property and must drive with care, observing and complying with all signage.
- (12) A person must not abandon a vehicle in a parking place.
- (13) A person must not play football or any other ball game in a parking place, so as to cause danger, obstruction or give reasonable ground for annoyance to any person.
- (14) A person must not wilfully or carelessly damage or interfere with the fabric or structure of a parking place or with any equipment, apparatus or device installed in a parking place.

6 Disc parking

- (1) In the case where a parking disc is to be displayed, a person must not cause a vehicle, other than one issued with a parking permit, to wait in a parking place —
 - (a) without showing, by means of a parking disc displayed in the relevant position, the time at which the vehicle arrived at the parking place; or
 - (b) for a period exceeding the maximum period of waiting specified in column 5 of the table in Schedule 1.
- (2) A vehicle displays a parking disc in the relevant position if the parking disc is exhibited in a conspicuous position on the vehicle so that the 5 minute period during which the period of waiting began is legible from outside the vehicle.
- (3) A person must not —
 - (a) after a parking disc exhibited on a vehicle has been set in accordance with paragraph (2), alter the indications given by the parking disc whilst the vehicle remains in the parking place; or
 - (b) knowingly exhibit on a vehicle a 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.

7 Traffic in the parking place

If a parking place has signs erected or surface markings indicating —

- (a) the entrance to or exit from the parking place; or
- (b) the direction in which a vehicle using the parking place must or must not proceed,

then a person must not drive a vehicle, or cause or permit a vehicle to be driven so that it enters, leaves or proceeds within the parking place otherwise than by an entrance, or exit, or direction so indicated.

8 Amount of additional parking charge at the parking place

- (1) If any of the circumstances specified in paragraph (2) or (3) occur, an additional parking charge of £100 must be paid to the Commissioners by the driver of the vehicle within 28 days.
- (2) The circumstances are that a vehicle —
 - (a) is parked in a parking place for longer than the maximum stay for that parking place;
 - (b) is parked other than in a parking bay or other than entirely within a parking bay;
 - (c) is parked within a parking bay reserved for disabled people without displaying a disabled person's badge issued in accordance with section 28 of the Act;
 - (d) is parked within a reserved parking bay without displaying an appropriate parking permit in accordance with article 5(5); or
 - (e) is parked in a parking place reserved for a specific purpose where none of the occupants of the vehicle undertake such a purpose; or
 - (f) is parked in a parking bay without displaying a parking disc displaying the vehicles time of arrival, if such a parking disc is required.
- (3) The circumstances are that a vehicle, which is neither a permitted vehicle nor an exempted vehicle, is parked in the parking place.
- (4) Section 14B(4) of the Act (court to order payment of unpaid charge) applies in respect of any proceedings for an offence of failing to pay a charge under this Order as it applies in respect of any proceedings for an offence of failing to pay a charge under section 14A of the Act with the substitution of "the Commissioners" for the reference to "the Department".
- (5) In the case of a vehicle in respect of which an additional parking charge may have been incurred, it is the duty of the authorised officer to affix to the vehicle in a conspicuous position a notice which must 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 plates carried by the vehicle;
 - (b) (if relevant) the time at which the officer first observed that the period of time for which payment of the charge had been made had expired;
 - (c) the grounds on which the additional parking charge has been incurred;
 - (d) a statement that the additional parking charge of £100 is required to be paid; and

- (e) the manner in which and the time within which the additional parking charge must be paid.
- (6) Despite paragraphs (1) to (3), if the additional parking charge is paid within 14 days of the notice of the additional parking charge the charge is reduced to £50.
- (7) No person other than an authorised officer, driver or a person authorised by the driver may remove a notice of an additional parking charge from a vehicle once it has been attached.
- (8) The Commissioner may cancel the additional parking charge within 14 days of the issue of a notice of an additional parking charge, if the driver or owner of the vehicle produces evidence that the vehicle was permitted to be parked in the relevant parking bay (as the case maybe).

9 Moving or removal of vehicle

The Commissioners may –

- (a) alter the position of any vehicle in a parking place; or
- (b) remove a vehicle from a parking place,

which has been left in a parking place in contravention of this Order.

10 Exemptions

The provisions of this Order do not apply to –

- (a) emergency services' vehicles attending an incident (whether in the parking place or elsewhere); or
- (b) vehicles being used on or for the purposes of the business of the Commissioners.

Signed by authority of the Chairman of Braddan Parish Commissioners

MADE

15th August 2019



J C WHITEWAY

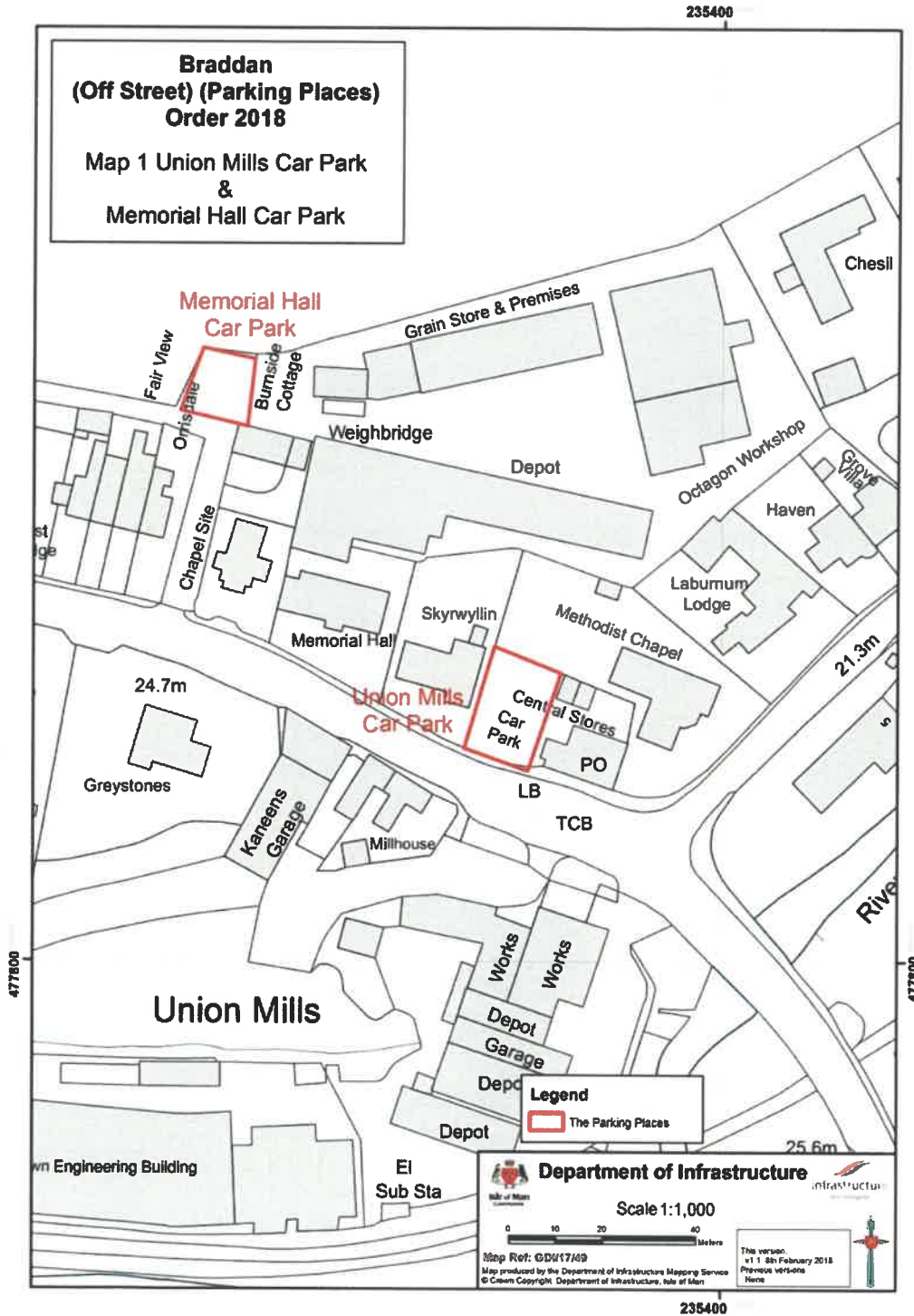
Clerk to Braddan Parish Commissioners

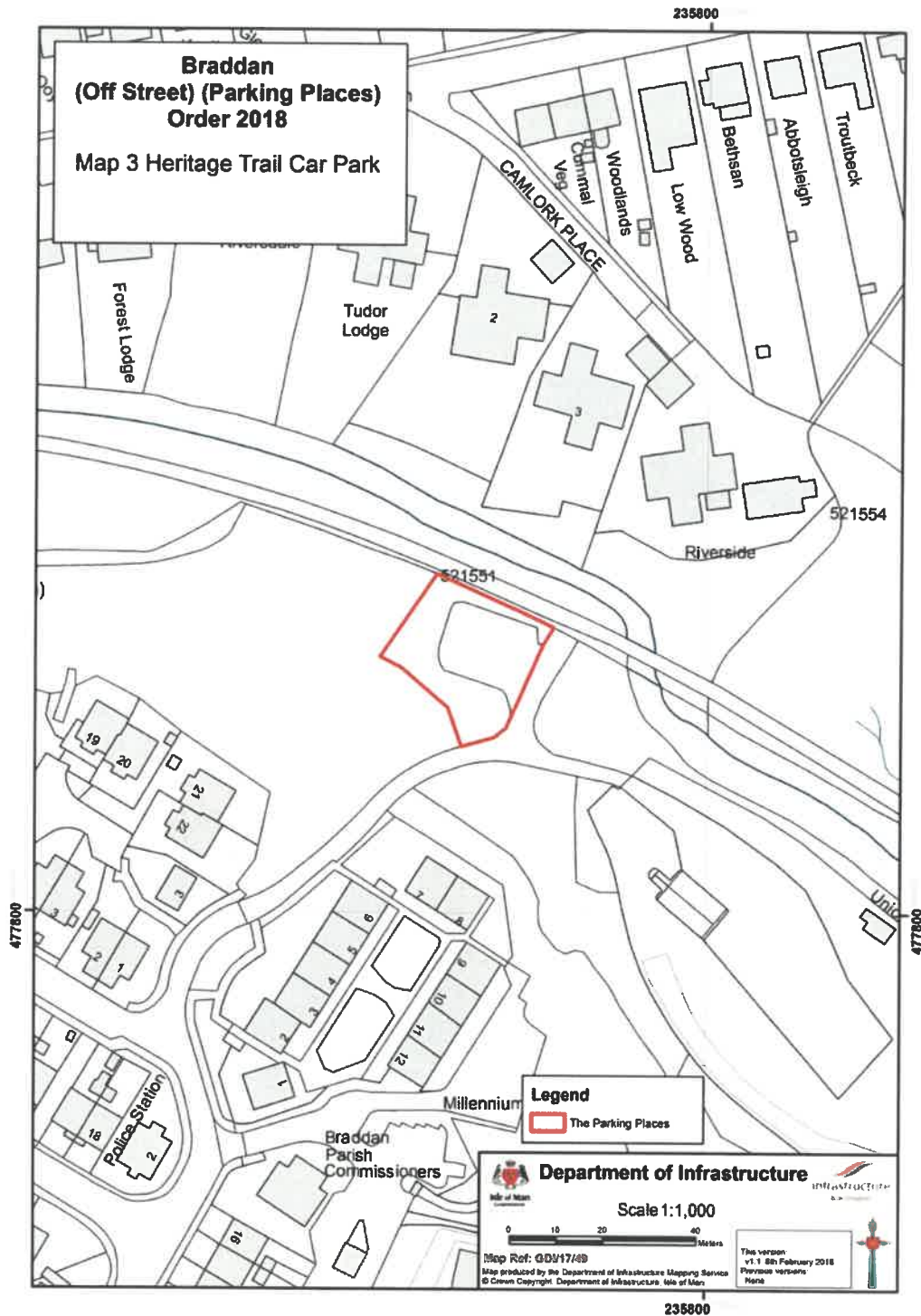
SCHEDULE 1
PUBLIC PARKING PLACES

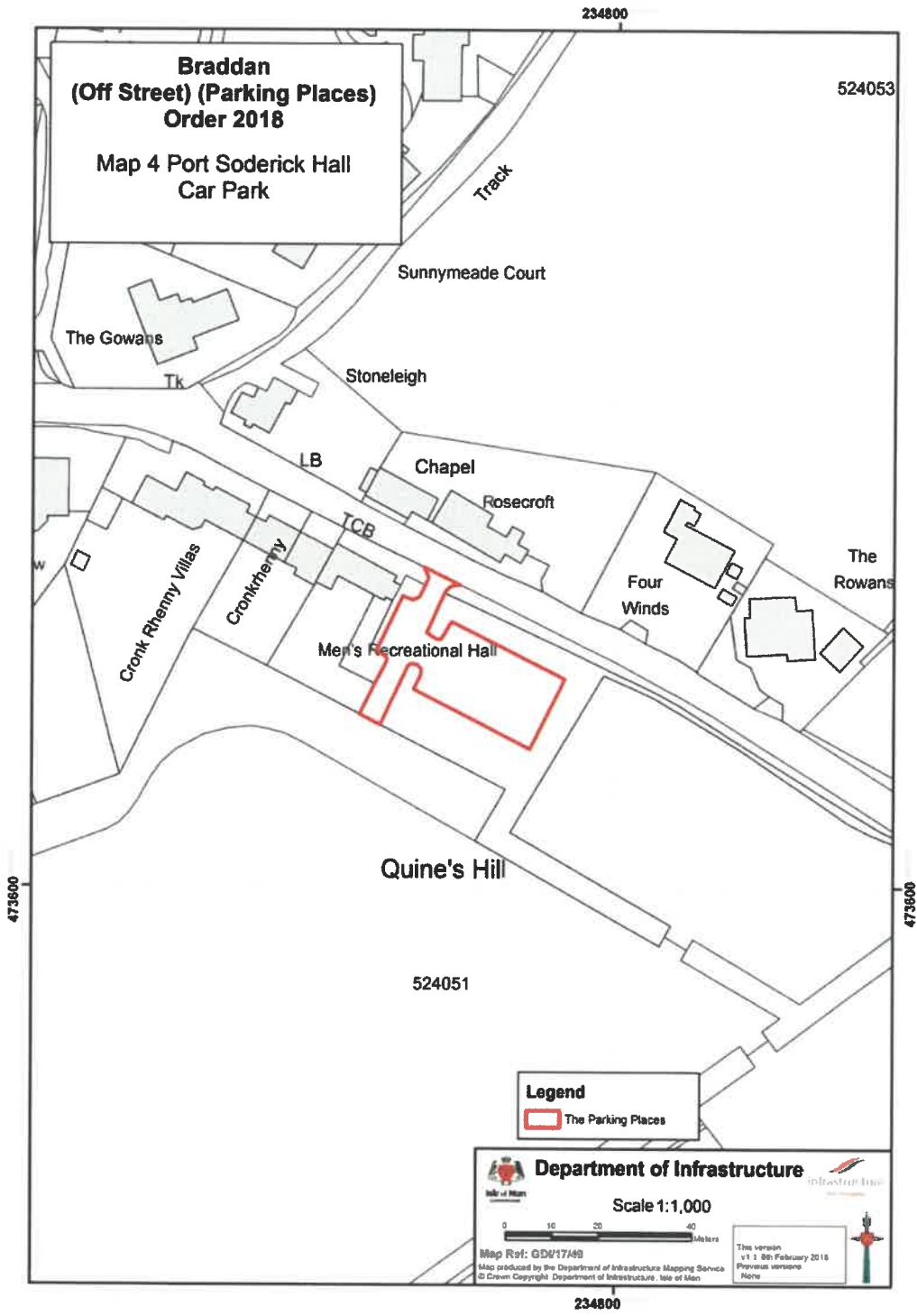
1	2	3	4	5	6
Parking Place	Permitted class of vehicle	Type of authorisation to be displayed	Days and hours of operation	Maximum period of waiting	Scale of charges
Heritage Trail	Vehicles not exceeding 2540kg unladen weight	N/A	All year every day	Any period between the hours of 5am and 12am	None
Memorial Hall		Parking permit	All year every day	4hrs	None
Port Soderick Hall		N/A	All year every day	Any period between the hours of 5am and 12am	None
Union Mills		Parking disc	All year every day	4hrs, no return within 2hrs	None

SCHEDULE 2

MAPS







EXPLANATORY NOTE

(This note is not part of the Order)

This Order regulates parking within four parking places owned by Braddan Parish Commissioners.

Articles 4 to 7 of the Order specify the conditions applying to the use of the parking places.

The Order further provides, in article 8, that the Commissioners may remove a vehicle from the car park that is parked in contravention of any of its provisions.

Article 9 confers exemptions from the provisions of this Order.