

THE HART (OFF STREET PARKING PLACES) ORDER 2006

The Council of the District of Hart (hereinafter called "The Council") in exercise of its power under Sections 35 and 124 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act of 1984"), and all other enabling powers, with the consent of the County Council of Hampshire in accordance with Section 39 (3) of the Act of 1984, and after consulting the Chief of the Police in accordance with Paragraph 20 (1) of Schedule 9 to the Act of 1984, hereby makes the following Order:

PART I - GENERAL

1. This Order shall come into operation on the 1st April 2006 and may be cited as the HART (OFF STREET PARKING PLACES) ORDER 2006.

2. (1) Any reference in this Order to a numbered Article is a reference to the article bearing that number in this Order, and any reference in this Order to "the Schedule" is a reference to the Schedule to this Order.

(2) In this Order-

"Charging hours" means any period specified in Column 5 of the Schedule in respect of which a charge is specified in Article 4;

"Disabled Person's Badge" has the same meaning as in the Disabled Persons (Badge for Motor Vehicles) (Amendment) Regulations 1991;

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

"Parking Bay" means any area of a 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 land specified by name in column 1 of the Schedule provided by the Council under Section 32 (1) of the Act of 1984 for use as a parking place; and

"Parking Ticket" means a ticket issued by an apparatus of a type and design approved by the Secretary of State for the DTLR following the insertion of a parking device of a type approved by the Secretary of State, pursuant to Article 4 (3).

"The 1991 Act" means the Road Traffic Act 1991 and in the application of these regulations a reference to any provision of the Act is a reference to their provision of the Act as applied to the area by virtue of The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire)(District of Hart) Order 2002.

“The Parking Authority” means Hampshire County Council.

“The Special Parking Area” means the District of Hart apart from the M3 Motorway and its slip roads as defined by the appropriate signs.

PART II – USE OF PARKING PLACE

Use of Land and Parking Place

3. (1) Each area of land specified by name in Column 1 of the Schedule (parking places numbered 1 to 18 inclusive in the Schedule as delineated on the plans attached to this Order) may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such positions, on such days and during such hours as are specified in relation to that area in the Schedule.
- (2) Where in the Schedule a parking place is described 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 unless it is of the class and in the position specified.
- (3) Insofar as a vehicle is left in a parking place during the charging hours, the driver thereof shall pay such charge or charges as are specified in the following provisions of this Order.

Amount of Charge at Parking Places

4. (1) This Article applies to the parking places specified by name in column 1 of the Schedule and numbered 1 to 18 inclusive.
- (2) The charge for a vehicle left in a parking place during the charging hours shall be as specified from time to time in the public notices promulgated by the Council pursuant to Section 35 (c) of the Act of 1984.
- (3) The charge referred to in paragraph (2) of this Article shall, subject to paragraph (6) of this Article, be payable by the insertion of an appropriate coin or coins into the apparatus or device provided, being an apparatus or device approved in accordance with Section 35 of the Act of 1984, and the provisions of Section 47 of the Act of 1984 shall apply in respect of such apparatus.
- (4) Where any parking apparatus is defective, it shall be the responsibility of the driver of a vehicle to obtain a ticket of the appropriate denomination or kind from an alternative parking apparatus.

- (5) Any ticket issued on payment of the charge referred to in paragraph (2) of this Article or any season ticket issued in accordance with paragraph (6) of this Article may be used only in the car park for which it has been issued.
- (6) The keeper of a vehicle may on application to the Council purchase at a charge laid down by the Council either a five-day or seven-day season ticket for use in the parking place specified on the season ticket, provided that such season ticket shall not be valid for any part of the parking place shown by the signs and markings as being for "short-stay" parking.
- (7) Any parking ticket issued on payment of the charge referred to in paragraph (2) of this Article or any season ticket issued in accordance with paragraph (6) of this Article shall be displayed, within the vehicles front windscreen or on the dashboard so as to be visible from outside the vehicle in respect of which it was issued facing forwards and in such a position that it can easily be seen and read from the front of the vehicle.

Payment of Penalty Charge at Parking Places

- 5 If a vehicle is left in a parking place during the charging hours;
 - (1) without payment;
 - (2) or for longer than the period for which payment is made; or
 - (3) without displaying a parking ticket in the manner described in Article 4 (7); or
 - (4) not parked in a position in accordance with column 2 of the Schedule to this Order; or
 - (5) in a parking bay designated as being reserved for drivers of vehicles displaying a disabled person's badge or for any other class of driver, unless the vehicle displays in the relevant position a disabled person badge or the driver belongs to the class of driver specified, as the case may be; or
 - (6) parked contrary to the provision in article 4 (6); or
 - (7) without displaying a special permit and the vehicle is left in a parking place which is notified for use only by permit holders; or
 - (8) for a longer period than that for which parking is permitted in that parking bay, notwithstanding that a ticket has been purchased for a longer period; or
 - (9) having returned to that parking place during a period in which return is prohibited.

An additional sum (which amount is hereinafter referred to as the "penalty charge" shall be payable)

Amount of Penalty Charge at Parking Places

6. For the purpose of Article 5 the amount of the Penalty Charge shall be that published by the Council in accordance with Section 74 of the 1991 Act.

Duty of the Parking Attendant-Penalty Charges

- 7.1. In the case of a vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position a notice which shall include the following particulars;

- (1) 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;
- (2) the time at which he or she first observed that a penalty charge was payable;
- (3) the grounds on which the parking attendant believes that a penalty charge is payable with respect to the vehicle;
- (4) the amount of the penalty charge which is payable;
- (5) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
- (6) 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 one half;
- (7) 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 parking authority on the person appearing to them to be the owner of the vehicle;
- (8) the address to which payment of the penalty charge must be sent.

- 7.2. The provision of Sections 63-67 and 73-82 and of Schedule 6 and 7 of the Act of 1991 shall apply to the above restrictions imposed by this Order.

Expiry of the Penalty Charge Period

8. (1) The period for which a vehicle may be left in a parking place

during the charging hours after the penalty charge has been incurred shall not exceed twelve hours.

- (2) If a vehicle is left in a parking place during the charging hours for more than twelve hours after the penalty charge has been incurred, it shall be the duty of a 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 the trade plate carried by the vehicle;
 - (b) the time at which he first observed that the vehicle had been left in the parking place for more than the twelve hours after the penalty charge had been incurred; and
 - (c) a statement that it is an offence under Section 35A(1) of the Act of 1984 for a driver of a vehicle who has left the vehicle in a parking place to leave the vehicle therein for longer than twelve hours after the penalty charge has been incurred.

Restriction on Removal of Notices

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

Other Provisions

10. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in a position in the parking place, and shall not start the engine except when about to change the position of the vehicle in, or about to depart from, the parking place.
11.
 - (1) No person shall use a vehicle, whilst 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 without the consent of the Council in writing first being obtained.
 - (2) No person shall use any part of a parking space, or any vehicle left in a parking place-
 - (a) for sleeping or camping; or
 - (b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

- 12 The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in, or to depart from, the parking place.
- 13 (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 3 of the Order, a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.
- (2) If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order, a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal, and that reasonable costs of the removal and storage of that vehicle incurred by the Council shall be paid by the driver of the vehicle and may be recovered from the driver as a civil debt.
- (3) For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council, or a police constable in uniform, may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.
- (4) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (1) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraphs (2) or (3) of this Article, may do so by towing or driving the vehicle or moving it in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed. Neither such person nor the Council shall be responsible for loss of, or damage to, the vehicle or of or to anything contained therein and thereon arising from, or in consequence of, the powers contained in this Article.
14. Where in a parking place signs are erected or surface markings are laid for the purpose of;
- (a) indicating the entrance to or exit from the parking place, or
- (b) indicating that a vehicle using the parking place shall proceed in a specific direction within the parking place,

No person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leave the parking place otherwise than by an exit, so indicated, or (ii) in a direction other than so specified.

15. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place for any purpose other than 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.
16. No person shall in a parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or occupants of premises in the neighbourhood.
17. No driver shall use the parking place as a means of passage from one road to another road.
18. The driver of a vehicle shall not cause it to be driven onto or over any kerb or verge within the parking place.
19. No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct with intent 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.

PART III - EXEMPTION

20. (1) The driver of a vehicle-
 - (i) which displays in the relevant position a disabled person's badge; or
 - (ii) which is being used for a purpose for which specified parking bays are reserved and the vehicle is parked in a parking bay specified as being reserved for that purpose,shall be exempt from any limitation of time specified in Article 3 and any payment specified in Articles 4 and 5.
21. For the purpose of this Order, a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when;
 - (a) In the case of a vehicle fitted with a front windscreen, it is exhibited on the dashboard in such a way that the details of date of issue, issuing authority, and serial number may be read easily by car park attendants;
 - (b) in the case of a vehicle not fitted with a front windscreen, it is exhibited in a conspicuous position on the front or near side of the vehicle.
22. A Vehicle of which the driver has been given a permit in writing by or on behalf of the Council, subject to such conditions as the Council think fit, shall be exempt from any limitation on the time specified in column 6

of the Schedule to this Order and from any charge referred to in paragraph (2) of Article 4 of this Order.

23. Nothing in this Order shall restrict the powers of the Council to close to the public the whole, or any part, of a parking place whether temporarily or permanently or restrict the power of the Council to vary temporarily or permanently the classes of vehicles that may use specified parking places.

PART IV - REVOCATION

24. THE HART (OFF-STREET PARKING PLACES) ORDER 2005 (AS AMENDED) IS HEREBY REVOKED.

THE COMMON SEAL of the
HART DISTRICT COUNCIL
Was hereby affixed
The day of
Two Thousand and Six
In the presence of:

Member of the Council

Chief Executive

NOTE

Contravention of or non-compliance with the provision of this Order insofar as the use of a parking place is concerned renders the person responsible liable, on summary conviction, to a fine not exceeding £1,000. Any person who, with intent to defraud, interferes with the parking apparatus or operates or attempts to operate it by insertion of objects other than current coins of appropriate denomination, shall be liable, on summary conviction, to a fine not exceeding £1,000. Any person who parks a vehicle (not being a disabled person's vehicle) in a parking place reserved for a disabled person's vehicle shall be liable, on summary conviction, to a fine not exceeding £1,000.

Name of parking Place	Position in which Vehicle may wait	Classes of Vehicle	Days of Operation of Parking Place	Hours of Operation of Parking Place	Maximum period Which vehicle may wait
1	2	3	4	5	6
1. Gurkha Square, Fleet	Wholly within a parking bay or in any unmarked position in accordance with instructions given by any car park attendant.	<p>(i) Motor cars within the provisions of Section 136(2)(a) of the Act of 1984.</p> <p>(ii) Motor cycles as defined in Section 136(4) of the Act of 1984.</p> <p>(iii) Motor vehicles constructed or adapted for the conveyance of goods or burden, the unladen weight of which does not exceed 3.5 tonnes.</p> <p>(iv) Invalid Carriages.</p>	All Days Except Saturdays	All Hours Except between 5am and 6pm on Saturdays	In that part of the parking place shown by signs and markings as being "short Stay" parking: no longer than 30 minutes with no return within 1 hour. In the remainder of the car park (Day charges) 8am to 8pm Maximum of 2 hours with no return within 1 hour. (Evening Charges) 8pm to 8am 12 hours, except between 5am and 6pm on Saturdays.
2. Victoria Road, Fleet	As specified for Gurkha Square car park.	As specified for Gurkha Square car park together with motor coaches used to transport members of the public to and from functions at the Harlington Centre, Parish Church or Church Hall and the Views Meadow, Fleet.	All Days Except Sundays	All Hours Except between 5am and 6pm on Sundays	In that part of the parking place shown by signs and marking as being "short-stay" parking: no longer than 30 minutes with no return within 1 hour. In the remainder of the car park 24 Hours except in the case of motor coaches which shall be limited to the duration of the function specified in column 3

Name of parking Place	Position in which Vehicle may wait	Classes of Vehicle	Days of Operation of Parking Place	Hours of Operation of Parking Place	Maximum period Which vehicle may wait
1	2	3	4	5	6
3. Civic Offices Courtyard, Fleet	As specified for Gurkha Square car park	As specified for Gurkha Square car park	All Days	All Hours	Monday to Friday: 8am to 8pm 30 minutes No return within 1 hour or permit holders. 8pm to 8 am 12 hours Saturdays 24 Hours
4. Civic Offices Staff Car Park, Fleet	As specified for Gurkha Square car park	As specified for Gurkha Square car park	All Days	All Hours	Monday to Friday: 8am to 6pm permit holders only. 6pm to 8 am 14 hours Saturdays 24 hours
5. Birchayes, Fleet	As specified for Gurkha Square car park	As specified for Gurkha Square car park	All Days	All Hours	Monday to Saturday: As specified for Victoria Road for the 30 minutes only bays 8am to 8pm Max duration 1 hour No return within 1 hour.

Name of parking Place	Position in which Vehicle may wait	Classes of Vehicle	Days of Operation of Parking Place	Hours of Operation of Parking Place	Maximum period Which vehicle may wait
1	2	3	4	5	6
6. Church Road, Fleet	As specified for Gurkha Square car park	As specified for Victoria Road car park	All Days	All Hours	As specified for Victoria Road for the 30 minutes only bays and In that part of the parking place shown by signs and marking as being “short-stay” parking: no longer than 2hrs with no return within 1 hour. Remainder of the car park 18 hrs
7. Monachus Lane, Hartley Wintney	As specified for Gurkha Square car park	As specified for Gurkha Square car park	All Days	All Hours	In that part of the parking place shown by signs and marking as being “short-stay” parking: no longer than 2hrs with no return within 1 hour. Remainder of the car park 18hrs
8. Station Road, Hook	As specified for Gurkha Square car park	As specified for Gurkha Square car park	All Days	All Hours	A maximum of 2 hours at any one time, with return prohibited within 1 hour
9. Crossways Manor, Hook	As specified for Gurkha Square car park	As specified for Gurkha Square car park	All Days	All Hours	18 Hours
10. Monks Pound, Odiham	As specified for Gurkha Square car park	As specified for Gurkha Square car park	All Days	All Hours	18 Hours
11. Palace Gate, Odiham	As specified for Gurkha Square car park	As specified for Gurkha Square car park	All Days	All Hours	18 Hours

Name of parking Place	Position in which Vehicle may wait	Classes of Vehicle	Days of Operation of Parking Place	Hours of Operation of Parking Place	Maximum period Which vehicle may wait
1	2	3	4	5	6
12. Flagship House, Fleet	As specified for Gurkha Square car park	As specified for Gurkha Square car park	Saturdays Only	All Hours	18 Hours
13. Admiral House, Fleet	As specified for Gurkha Square car park	As specified for Gurkha Square car park	Saturdays Only	All Hours	18 Hours
14. Hart Leisure Centre, Fleet	As specified for Gurkha Square car park	As specified for Victoria Road car park, provided drivers are visitors to the leisure Centre	All Days	All Hours	18 Hours
15. Community Centre, Blackwater	As specified for Gurkha Square car park	As specified for Gurkha Square car park	All Days	All Hours	18 Hours
16. Station Approach, Blackwater	As specified for Gurkha Square car park	As specified for Gurkha Square car park	All Days	All Hours	In that part of the parking place shown by signs and marking as being "short-stay" parking: no longer than 30 minutes with no return within 1 hour. In the remainder of the car park 24 Hours
17. Frogmore Leisure Centre, Yateley	As specified for Gurkha Square car park	As specified for Victoria Road car park, provided drivers are visitors to the leisure Centre	All Days	All Hours	18 Hours
18. Elvetham Heath Leisure Centre, Elvetham Heath, Fleet	As specified for Gurkha Square car park	As specified for Victoria Road car park, provided drivers are visitors to the leisure Centre	All Days	All Hours	18 Hours