

NORTHUMBERLAND COUNTY COUNCIL

Traffic Regulation Order

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Northumberland County Council

North Northumberland (Central) Area (Parking Places) Composite Order 2011

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Coming into operation: 01 August 2011

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Northumberland County Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1, 2, 4, 35, 32, 45 and 46 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act of 1984"), and after consulting with the Chief of Police in accordance with Part III of Schedule 9 to the Act of 1984 and of all other enabling powers hereby make the following Order:

## PART I – PRELIMINARY

### 1. Commencement and Citation

This Order shall come into operation on the 01 August 2011 and may be cited as the "Northumberland County Council North Northumberland (Central) Area (Parking Places) Composite Order 2011".

### 2. Interpretation

In this order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

**"The 2000 Regulations"** means the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

**"The 2002 Regulations"** means the Traffic Signs Regulations and General Directions 2002;

**"ambulance"** has the same meaning as Schedule 2 of the Vehicle Excise and Registration Act 1994;

**"Council"** means Northumberland County Council;

**"disabled person's badge"** has the same meaning as in the 2000 Regulations;

**"disabled person's parking place"** means a parking place specified in Schedule 4

**"disabled persons vehicle"** has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

**"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 vehicle"** means a vehicle as defined by regulation 3 of the Road Vehicles Lighting Regulations 1989 (SI 1989/1796);

**"goods"** means goods of any kind whether animate or inanimate and includes postal packets of any description and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

**"goods vehicle"** means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

**"invalid carriage"** has the same meanings as in Section 136 of the Act of 1984;

**"Limited Waiting Parking Place"** means a parking place specified in Schedule 2

**"maximum permitted stay"** means the maximum time that a vehicle may be left in a parking place as defined in column 9 of Schedule 2 or 3;

**"motorcycle"** has the same meaning as in Section 136 of the Act of 1984;

**"Northumberland County Wide permit"** means a Permit issued by the Council in accordance with Article 11;

- “owner”** in relation to a vehicle, means the person by whom such a vehicle is kept and used;
- “parking bay”** means a marked area in a parking place referred to in Schedules 1, 2, 3, 4 or 8 for the leaving of a vehicle;
- “parking device”** has the same meanings as in Section 51 of the Act of 1984;
- “parking dispensation”** means a dispensation issued by the Council in accordance with Article 19;
- “parking place”** means any area on a highway referred to in Schedules 1, 2, 3, 4 or 8;
- “parking space”** means an unmarked area in a parking place referred to in Schedules 1, 2, 3, 4 or 8;
- “pay and display parking place”** means parking place specified in Schedule 3
- “passenger vehicle”** means a motor vehicle (other than a motorcycle or invalid carriage) constructed or adapted solely for the carriage of not more than eight passengers (exclusive of the driver) and their effects and not drawing a trailer;
- “permit”** means a residents permit, visitor's permit, Northumberland County Wide permit or a weekly tourist permit issued under the conditions of Article 11;
- “permit holder”** means a residents permit holder, visitor's permit holder, Northumberland County Wide permit or a weekly tourist permit to whom a permit has been issued under the provisions of Article 11;
- “permit holder parking place”** means a parking place specified in Schedules 1, 2 or 3;
- “permitted hours”** in relation to a parking place, means the times of operation specified in Schedule 6 as represented by the corresponding time code in column 6 of Schedules 1, 2, 3, 4 or 8 of this order relating to that parking place;
- “police vehicle”** has the same meaning as in Section 1 of the 2002 Regulations;
- “provision of a universal postal service”, “universal service provider”** and **“postal packet”** have the same meanings as in the Postal Services Act 2000;
- “relevant position”** in respect of a disabled persons badge means the badge is exhibited in a conspicuous position clearly visible in the front or near side of the vehicle;
- “resident”** means a person whose usual place of abode is at premises the postal address of which is in any street or part of a street in Northumberland;
- “resident's permit”** means a Permit issued by the Council in accordance with Article 11;
- “road marking”** has the same meaning as in Regulation 25 of the Traffic Signs Regulations and General Directions 2002;
- “street”** includes any part of a street;

**“telecommunication system”** has the same meaning as in the Telecommunications Act 1984;

**“ticket”** means a ticket issued by a ticket machine relating to a parking place referred to in Schedule 3;

**“ticket machine”** means an apparatus of a type and design approved by the Secretary of State for Transport, for the purposes of this Order being an apparatus designed to issue a ticket indicating the payment of the parking charge referred to in Article 13 and to indicate the time by which the parking period for which payment was made by the parking charge will expire;

**“traffic sign”** means a sign of any size, type and colour prescribed and authorised under, or as having effect as though prescribed or authorised under Section 64 of the Act of 1984;

**“vehicle”** has the same meaning as that assigned to “motor vehicle” in section 136(1) of the Act of 1984;

**“visitor”** means a person who is visiting a resident and who has obtained a visitors permit from and with the permission of that resident;

**“visitor’s permit”** means a Permit issued by the Council in accordance with Article 11;

**“weekly tourist permit”** means a Permit issued by the Council in accordance with Article 11;

**“zone”** means the parking zone within which a permit is valid.

### 3. General

- (1) The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any Regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.
- (2) Where an Act of Parliament referred to in this Order or any Regulation Direction or Order made under it is repealed and new provisions enacted (with or without modifications) then the new provisions shall be substituted in this Order where relevant.
- (3) The Interpretation Act 1978 shall apply to this Order as it applies to an Act of Parliament.

## PART II –PARKING PLACES

### **4. Designation of parking places**

Any length of road specified in Schedules 1, 2, 3, 4 or 8 of this Order as a parking place is hereby designated as a parking place.

### **5. Use of a Parking Place**

No person shall use a Parking Place other than as specified in this Order

### **6. Vehicles for which parking places are designated**

Each parking place specified in Schedules 1, 2, 3, 4 or 8 of this Order may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as are Passenger Vehicles, Goods Vehicles, Motorcycles or Invalid Carriages provided that the use of that Parking Place or part of the Parking Place in which the Vehicle is left has not been suspended.

In the case of a parking place as defined in Column 8 of Schedule 8 of this Order as police, a police vehicle.

### **7. Tickets, permits and vouchers, to be displayed on vehicles left in certain parking places**

#### **(1) Residents' Parking Places**

Save as provided in articles 17&19, at all times during which a Vehicle is left in a residents parking place as specified in Schedules 1, 2 or 3, during the Permitted Hours, there shall be displayed on the said Vehicle:

- (i) a valid Residents Permit;
- (ii) a valid Visitors Permit; or
- (iii) a valid Parking Dispensation.

displayed so that all the particulars of the Permit or Dispensation are readily visible from the front or near side of the Vehicle.

#### **(2) Permit Holder Parking Places**

Save as provided in article 17&19, at all times during which a Vehicle is left in a Permit Holder Parking Place as specified in Schedules 1, 2 or 3, during the permitted hours, there shall be displayed on the said Vehicle:

- (i) a valid Residents Permit;
- (ii) a valid Visitors Permit; or
- (iii) a valid Parking Dispensation.

displayed so that all the particulars of the Permit or Dispensation are readily visible from the front or near side of the Vehicle.

(3) Limited Waiting Parking Places

Save as provided in article 17&19, at all times during which a Vehicle is left in a Limited Waiting Parking Place as specified in Schedule 2, during the Permitted Hours and for more than the Maximum Permitted Stay, there shall be displayed on the said Vehicle:

- (i) a valid Residents' Permit;
- (ii) a valid Visitor's Permit;
- (iii) a valid Disabled Person's Badge; or
- (iv) a valid Parking Dispensation.

displayed so that all the particulars of the Permit or Dispensation are readily visible from the front or near side of the Vehicle.

(4) Pay and Display Parking Places

Save as provided in Article 17&19 at all times during which a Vehicle is left in a Pay and Display Parking Place as specified in Schedule 3, during the Permitted Hours, there shall be displayed on the said Vehicle a valid Ticket or

- (a) a valid Northumberland County Wide Parking Permit; or
- (b) a valid Weekly Tourist Permit

Or for more than the Permitted Hours:

- (i) a valid Resident's Permit;
- (ii) a valid Visitor's Permit;
- (iii) a valid Disabled Person's Badge; or
- (iv) a valid Parking Dispensation

displayed so that all the particulars of the Permit or Dispensation are readily visible from the front or near side of the Vehicle.

(5) Disabled Person's Parking Places

Save as provided in Articles 17&19 at all times during which a Vehicle is left in a Disabled Person's Parking Place, as specified in Schedule 4, there shall be displayed on the said Vehicle a valid Disabled Person's Badge so that all the particulars are readily visible from the front or nearside of that Vehicle.

## PART III – SUPPLEMENTARY PROVISIONS

### Section 1 – Use of a Parking Place

#### 8. Manner of standing and waiting in a parking place

Every Vehicle left in a Parking Place in accordance with the provisions of this Order shall so stand:

- (i) in the case of a Parking Place in relation to which special provisions as to the manner of standing of a Vehicle in that parking place are specified in column 5 of Schedules 1, 2, 3, 4 or 8 as to be in accordance with those provisions;
- (ii) for a Parking Place specified in Schedules 1, 2, 3, 4 or 8 so that every part of the Vehicle is within the limits of a parking bay or parking space;

#### 9. Restriction on the use of a parking place

No person shall use a Vehicle while it is in the Parking Place in connection with the sale of any article

### Section 2 – Permits

#### 10. Application for permits

##### (1) Residents' Parking Permits

Any Resident who is the Owner of a Vehicle of a class specified in Article 6 may apply to the Council for the issue of a Residents Parking Permit to facilitate the leaving of that Vehicle in a Parking Place.

##### (2) Visitors' Parking Permits

Any Resident may apply to the Council for the issue of a Visitors Parking Permit to facilitate the leaving of a Vehicle of a class specified in Article 6 in a Residents Parking Place by a Visitor to premises occupied by such Resident.

##### (3) Northumberland County Wide Parking Permits

Any person may apply to the Council for the issue of a County Wide Parking Permit to facilitate the leaving of a Vehicle of a class specified in Article 6 in a On-Street Pay and Display Parking Place, during the permitted hours.

##### (4) Weekly Tourist Parking Permits

Any person may apply to the Council for the issue of a Weekly Tourist Parking Permit to facilitate the leaving of a Vehicle of a class specified in Article 6 in a On-Street Pay and Display Parking Place, during the permitted hours.



All applications made in accordance with the provisions of paragraphs (1), (2), (3) or (4) of this Article shall be made on a form issued by and obtainable from the Council and shall include the particulars information and evidence required by such form.

#### **11. Issue of permits**

- (1) On receipt of an application made for a Residents Parking Permit under the foregoing provisions of Article 10 and upon being satisfied that the applicant is a Resident, the Council may issue to the applicant a Parking Permit of the requisite type for that Zone.
- (2) The annual charge of a Permit is:
  - (i) for a Residents Parking Permit is as specified in Schedule 7 to this Order.
  - (ii) for a Visitors Parking Permit is as specified in Schedule 7 to this Order.
  - (iii) for a Northumberland County Wide Parking Permit is as specified in Schedule 7 to this Order.

Weekly Tourist Parking Permit

- (3) The weekly charge of a Permit is:
  - (i) for a Weekly Tourist Parking Permit is as specified in Schedule 7 to this Order.
- (4) The issue of any Permit shall be solely at the discretion of the Council.

#### **12. Restriction on the removal of permits**

Where a Permit has been displayed on a Vehicle in accordance with the provisions of Article 5 of this Order no person not being the Driver of the Vehicle shall remove the Permit from the Vehicle unless authorised to do so by the Driver of the Vehicle.

### **Section 3 – Pay and Display Operation**

#### **13. Amount of parking charge, maximum stay and return time**

- (1) The charge for a Vehicle left in a Parking Place specified in Schedule 3 to this Order shall be as defined for the corresponding tariff code as set out in Column 2 of Schedule 5 to this Order.
- (2) The maximum length of time for the purposes of paragraph (1) of this Article shall be the maximum duration of stay for the Parking Place specified in Column 9 of Schedule 3 of this Order.
- (3) When a Vehicle has left a Parking Place after waiting thereon, the Driver thereof shall not within such a time as is defined in Column 9 of Schedule 3 to this Order after its leaving permit the said Vehicle to wait again in the same Parking Place.

#### **14. Payment of the Parking Charge**

- (1) The charge payable in Article 13(1) shall be payable on the leaving of the Vehicle in the Parking Place by the insertion in the Ticket Machine relating to that Parking Place in which the Vehicle is left of coins or other means of payment as the Ticket Machine may accept, to the requisite amount.
- (2) Upon payment of the charge for the Vehicle the Driver thereof shall exhibit on the Vehicle that Ticket so that the time shown on the front of the said Ticket is clearly visible to a person standing at the near side of the Vehicle.

#### **15. Indications by ticket machine tickets**

- (1) Subject to Article 7(4), payment of the parking charge specified in Article 14(1) shall be indicated by the issue of a Ticket indicating the payment of that Parking Charge has been paid, and the day and time by which the parking period for which payment was made by the Parking Charge will expire, and by the display of that Ticket on the Vehicle in accordance with the provisions of Article 14(2).
- (2) Subject to Article 7(4), the expiry of the parking period for which the Parking Charge has been paid shall be indicated when there is displayed on the Vehicle a Ticket showing the day and time by which the parking period for which payment was made will expire, and the day so shown on the clock of the said Ticket Machine is later than the time shown on the ticket.
- (3) The Ticket referred to in paragraph (1) of this Article shall be so exhibited on the Vehicle that the time shown on the front of the said Ticket is clearly visible to a person standing at the near side of the Vehicle.
- (4) Payment of the Parking Charge for a Vehicle left in a Parking Place shall be indicated by the issue of a numbered Ticket indicating that the charge has been paid in respect of the day and expiry time of the period of parking and by exhibition of that Ticket on the Vehicle in the manner specified in paragraph (3) of this Article.
  - (a) If, at any time while a Vehicle is left in a Parking Place during the Permitted Hours, no Ticket is exhibited on that Vehicle in accordance with the provisions of the last preceding Article, it shall be presumed unless the contrary is proved, that the charge has not been duly paid.
  - (b) If at any time while a Vehicle is left in a Parking Place during the Permitted Hours, the expiry of the period of parking shown on the Ticket is earlier than the time shown on the Ticket Machine, relating to the Parking Place in which the Vehicle is left, it shall be presumed unless the contrary is proved, that the charge has been duly paid and that the period for which payment was made by the charge has already expired.

#### **16. Location**

- (1) Every Vehicle left in a Parking Place in respect of which a charge has been incurred, shall so stand that every part of the vehicle is within the limits of a