

METROPOLITAN BOROUGH OF WIGAN

WIGAN BOROUGH (OFF STREET PARKING PLACES)
(RIVERWAY/WATER STREET CAR PARK, WIGAN) ORDER 1991

The Wigan Borough Council, in exercise of its powers under Section 35 of the Road Traffic Regulation Act 1984, hereby makes the following Order:-

PART 1

GENERAL

1. This Order may be cited as The Wigan Borough (Off Street Parking Places) (Riverway/Water Street Car Park, Wigan) Order 1991 and shall come into operation on 2 December 1991.

2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them

"Act of 1984" means the Road Traffic Regulation Act 1984;

"driver", in relation to a vehicle in the parking place, means the person driving the vehicle at the time it entered the parking place;

"parking place" means the building fronting to Riverway and Water Street Wigan provided by the Council under Section 32 (1) of the Act of 1984 for use as a parking place and the parking bays provided on the land adjacent to the store; and

"relevant position" means, in relation to Article 19 -

(a) in the case of a vehicle fitted with a front windscreen, displayed with the obverse side facing forwards on the near side immediately behind the windscreen;

(b) in the case of a vehicle not fitted with a front windscreen, displayed in a conspicuous position on the vehicle;

"specified" means specified in the Schedule;

"store" means the store which adjoins the parking place.

(2) Any reference in this Order to a numbered Article is a reference to the Article having that number in this Order.

(3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART 2

USE OF THE PARKING PLACE

3. The parking place may be used, subject to the provisions of this Order, as a place in which vehicles of the specified classes may wait.

4. The driver of a vehicle shall not permit it to wait in the parking place -

- (a) unless it is of a specified class; or
- (b) in a position other than the specified position, except as directed by an attendant; or
- (c) for longer than the specified maximum period.

5. When a vehicle leaves the parking place after waiting therein, the driver thereof shall not within one hour after the vehicle leaves the parking place permit it to wait again in the parking place.

6. (1) The time at which a vehicle arrives at the parking place may be indicated by means of the automatic ticket issuing machine.

(2) The driver of a vehicle shall on leaving the parking place pay the attendant the appropriate charge.

7. The driver of a motor vehicle using the parking place shall stop the engine as soon as the vehicle is in a specified position in the parking place, and shall not start the engine except for the purpose of changing the position of the vehicle or departing from the parking place.

8. The driver of a vehicle shall not permit the vehicle to wait in the parking place unless the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicles (Excise) Act 1971 and there is in force in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic

Act 1988.

9. No person shall use a vehicle in the parking place for the purpose of or in connection with the sale or offering for sale of goods to persons in or near the parking place or in connection with the sale or hire or offering for sale or hire of skill or services.

10. The driver of a motor vehicle in a parking place shall not sound the horn or other similar instrument except when the position of the vehicle in the parking place is being changed or the vehicle is leaving the parking place.

11. No person shall, except with the permission of a person duly authorised by the Council, drive a vehicle in the parking place otherwise than for the purpose of leaving the vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

12. No person shall in the parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place.

13. No person shall in the 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.

14. No person shall use any part of the parking place or any vehicle in the parking place -

(a) for sleeping or camping purposes; or

(b) for eating or cooking purposes,

and no person shall use any part of the parking place for the purpose of servicing or repairing or washing a vehicle or any part thereof otherwise than as may be reasonably necessary to enable the vehicle to depart from the parking place.

15. No person shall in the parking place -

- (a) erect or cause to be erected any tent, booth, stand or other structure without the written consent of the Council; or
- (b) light or cause to be lit any fire.

16. If signs are erected or marked in the parking place for the purpose of -

- (a) indicating the entrance to or exit from the parking place;

- (b) indicating the direction in which a vehicle may proceed, no person shall drive a vehicle -

- (i) so as to enter or attempt to enter the parking place otherwise than by the entrance so indicated;

- (ii) so as to leave or attempt to leave the parking place otherwise than by the exit so indicated; or

- (iii) otherwise than in accordance with the sign or marking indicating the direction in which the vehicle may proceed.

17. (1) The significance of any light signals in the parking place shall be as follows:-

- (a) the red signal shall indicate that vehicular traffic shall not proceed beyond the signal;

- (b) the green signal shall indicate that vehicular traffic may pass the signal and enter or leave the parking place as the case may be.

(2) The driver of a vehicle shall comply with the indication given by a light signal in the parking place.

18. (1) In the event of a contravention of any of the provisions of Article 4 or Article 8, a person authorised in that behalf by the Council may remove the vehicle or cause it to be removed from the parking place.

(2) In the event of a contravention of Article 4(b), a person authorised in that behalf by the Council may, instead of removing the vehicle or causing

the vehicle to be removed from the parking place, move the vehicle or cause it to be moved so that it is in a specified position.

(3) Any person removing or moving a vehicle by virtue of this Article may do so by towing or driving the vehicle or in such other manner as he may think necessary.

(4) A person who by virtue of this Article removes a vehicle or causes a vehicle to be removed from the parking place shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

19. The provisions of Articles 4(c) and 6 shall not apply with respect to -

- (i) an invalid carriage;
- (ii) a vehicle issued to a disabled person by the Department of Social Security in lieu of an invalid carriage;
- (iii) a vehicle used by a driver who is a person who on account of his severe physical disability has been given a notice in writing by the Council that he is exempt from such provisions if the notice is displayed on the vehicle in a conspicuous position; or
- (iv) a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 or a badge having effect under those Regulations as if it were a disabled person's badge.

GIVEN under the Common Seal of the Wigan Borough Council the 18 day
of November 1991.

THE COMMON SEAL of THE WIGAN BOROUGH
COUNCIL was hereunto affixed in)
the presence of:-)

Steve Dore

Borough Solicitor



1262/91

SCHEDULE

POSITION IN WHICH VEHICLE MAY WAIT	CLASSES OF VEHICLE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT
Wholly within a parking bay	Motor cars as defined in Section 136 (2) (a) of the Act of 1984, Motor cars as defined in Section 136 (2) (b) of the Act of 1984 but not exceeding 1525 kilograms unladen weight Motor cycles as defined in Section 136 (4) of the Act of 1984. Invalid carriages as defined in Section 136(5) of the Act of 1984.	24 hours.