

THE ROAD TRAFFIC REGULATION ACT, 1984

THE WIGAN BOROUGH (MARKET STREET AND NEW MARKET STREET, WIGAN)
(OFF STREET PARKING PLACES) ORDER 1998

MADE BY THE COUNCIL UNDER SECTIONS 32, 33 35,
OF THE ROAD TRAFFIC REGULATION ACT 1984 ON THE
21st DAY OF MAY 1998

S.D. LOWE
BOROUGH SOLICITOR

THE WIGAN BOROUGH COUNCIL (MARKET STREET AND NEW MARKET STREET, WIGAN) (OFF STREET PARKING PLACES) ORDER 1998

The Wigan Borough Council ("the Council") in exercise of its powers under Sections 32, 33, 35 of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers, and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

1. This Order shall come into operation on 1st July 1998 and may be cited as "The Wigan Borough (Market Street and New Market Street, Wigan) (Off Street Parking Places) Order 1998".

PART 1 - INTERPRETATION

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:-
 - "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;
 - "owner" in relation to a vehicle, means the person by whom such vehicle is kept and used;
 - "parking place" means the area of land in the Metropolitan Borough of Wigan at the rear of 64/80 Market Street and 1/90 New Market Street, Wigan;
 - "parking attendant" means a person authorised by or on behalf of the Council to supervise any parking place;
 - "permit" means a permit issued under the provision of Article 6 of this Order;
 - "permit holder" means a person to whom a permit has been issued under the provisions of Article 6 of this Order;
 - "permitted hours" in relation to a parking place referred to in part III of this Order means at all times.
 - "relevant position" means in relation to Article 13
 - (a) in the case of a vehicle fitted with a front windscreen, displayed with the obverse side facing forwards on the nearside 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 to this order.
 - "1984 Act" means the Road Traffic Regulation Act 1984

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

3. **Vehicles for which Parking Place is Designated**

The parking place may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as are passenger vehicles, dual purpose vehicles, light goods vehicles, motor cycles or invalid carriages.

4. **Manner of Standing in Parking Place**

The driver of a vehicle shall not permit it to wait in a parking place :-

- (a) unless it is of a specified class; or
- (b) in a position other than a specified position unless directed by a parking attendant

5. **Restriction of Use of Vehicles at the Parking Place**

Unless prior written consent has been granted by the Council no person shall:-

- (a) use a vehicle while it is in the parking place in connection with the sale or advertisement of any thing to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services or the skill or services of any other person; nor
- (b) use any part of the parking place or any building structure mechanical device or other physical feature therein or any vehicle left therein to display advertising material nor to place upon or attach to any vehicle in the parking place any advertising material to induce the public to participate in or frequent any place function or gathering for the purpose of demonstration or entertainment or to buy or hire or otherwise obtain any thing or skill or services of any person and nothing shall be displayed to induce the public to engage for gain in any lottery, sweepstake, raffle or competition.

Application for and Issue of Permits

- 6. Any owner of or person employed at business premises adjoining any parking place who is the owner of a passenger vehicle, a dual purpose vehicle, a light goods vehicle, an invalid carriage or a motor cycle, may apply to the Council for the issue of a permit for the parking of that vehicle in a parking place and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information as required by such form.
- 7. The Council may require an applicant for a permit to produce to an officer of the Council such evidence in respect of the application as he may reasonably require to verify any particulars or information given to him and without prejudice to the generality of the foregoing the Council may require an applicant to produce to an officer of the Council evidence that the applicant has insured the vehicle for at least the minimum risks required to use the vehicle on a highway.

8. The Council, upon being satisfied that an applicant is the owner of or a person employed at business premises adjoining any parking place and is the owner of a vehicle of a class specified in Article 6 may issue to that applicant one permit for the parking during the permitted hours in a parking place of the vehicle to which such permit relates by the owner or by any person using such vehicle with the consent of the owner (other than a person to whom such vehicle has been let for hire or reward): Provided that, subject to the provisions of Article 11 of this Order, the Council shall not issue a permit to any employee or owner which would be valid for any period to which any other permit issued to that employee or owner extends;
9. Notwithstanding any of the other provisions contained in this Article the Council may also issue a permit to any other person, provided that the Council is satisfied that the person is visiting adjoining business premises and there are exceptional circumstances requiring that person to leave a vehicle under his control in a designated parking place for the duration of the visit.

Surrender, Withdrawal and Validity of Permits

10. (1) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any of the events set out in paragraph (3) of this Article.
 - (2) The Council may, by notice in writing served on the permit holder at the address shown by that person on the application for the permit or any other address believed to be that person's residence, withdraw a permit if it appears to the Council that any of the events set out in paragraph (3) of this Article has occurred and the permit holder shall surrender the permit to the Council within 72 hours of the receipt of the said Notice.
 - (3) The events referred to in the foregoing provisions of this Article are:-
 - (a) the permit holder ceasing to be an employee or owner of business premises adjoining any parking place;
 - (b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
 - (c) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of a class specified in Article 6 of this Order;
 - (d) the issue of a duplicate permit by the Council under the provisions of Article 11 of this Order; or
 - (e) the expiry of the period for which the permit was issued.
 - (4) A permit shall cease to be valid on the occurrence of any one of the events set out in paragraph (3) of this Article.

Application for and Issue of Duplicate Permits

11. (1) If a permit is mutilated or defaced or the figures or particulars on it have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and may then apply to the Council for the issue to him of a duplicate permit.

- (2) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue to him of a duplicate permit.
- (3) The provisions of this Order shall apply to a duplicate permit and an application for such a permit as if it were a permit or, as the case may be, an application for a permit.
- (4) Any permit issued by virtue of the provisions of paragraph (1) or (2) of this Article shall be marked as a duplicate, and, upon the issue of a duplicate permit, the permit which it duplicates shall become invalid.

Form of Permits

12. A permit shall be in writing and shall include the following particulars:-
 - (a) the registration mark of the vehicle in respect of which the permit has been issued;
 - (b) the period during which, subject to the provisions of Article 10(4) of this Order, the permit shall remain valid; and
 - (c) an authentication that the permit has been issued by the Council.

Display of Permits

13. At all times during which a vehicle is left in a parking place during the permitted hours there shall be displayed in the relevant position of the vehicle a valid permit issued in respect of that vehicle so that all the particulars referred to in Article 12 of this Order are readily visible from outside the vehicle.

Restriction on Removal of Permits

14. When a permit has been displayed on a vehicle in accordance with the provisions of Article 13 of this Order, no person shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.

Charge for Permits

15. The Council may make such charge as it thinks fit for the issue of any permit referred to in this Order.

Movement of Vehicles in Parking Places

16.
 - (1) In the event of a contravention of Article 4 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 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

Amount and Manner of Payment of Penalty Charge

17. (1) If the driver of any vehicle fails to comply with any of the provisions of this Order he shall incur a penalty charge of twenty five pounds.
- (2) In the case of a vehicle in respect of which a penalty charge may have been incurred under paragraph (1) of this Article a parking attendant shall 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 being carried by the vehicle
 - (b) a statement that the penalty charge is required to be paid; and
 - (c) the manner in which a penalty charge which is due should be paid.
18. Where under this Order a charge or additional amount whether referred to as a penalty charge has become payable the requirement to pay the said charge or amount shall be treated as fully discharged if fifteen pounds of the said charge or amount is paid within 14 days after the day on which a notice was attached to the vehicle whether pursuant to this Order or otherwise.
19. **Derogation and Precedence Over Other Orders**
- (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 the provisions of any Order made or having effect as if made under the Act of 1984 which imposes any prohibition or restriction on waiting by vehicles or grant any exemption from such prohibition or restriction relate to a length of road designated as a parking place in this Order the provisions of the parking place in this Order shall prevail.

Dated this

21st

day of

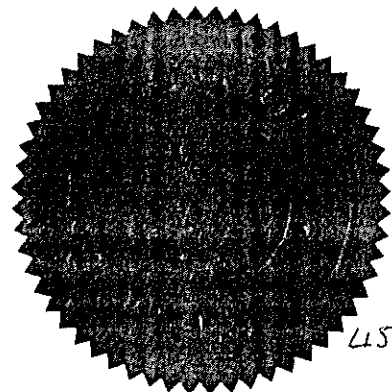
May

1998

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

~~Borough Solicitor~~

[Signature]
PRINCIPAL SOLICITOR



454/98

SCHEDULE ONE

Position in Which Vehicle May Wait	Classes of Vehicle	Maximum Period for Which Vehicle May Wait
Wholly within a parking bay	<p>Motor cars as defined in Section 136(2)(a) of the 1984 Act but not exceeding 1525 kilograms unladen weight.</p> <p>Motor cycles as defined in Section 136(4) of the 1984 Act.</p> <p>Invalid carriages as defined in Section 136(5) of the 1984 Act.</p> <p>Motor vehicles not exceeding 30 cwts unladen weight constructed or adapted solely for the purpose of carrying goods</p>	24 hours