

## **ROAD TRAFFIC REGULATION ACT 1985**

### **THE PORT ST MARY (PARKING PLACES) ORDER 2006**

In exercise of the powers conferred on the Commissioners of the Village District of Port St Mary by section 11 and 13 of the Road Traffic Regulation Act 1985<sup>1</sup>, and all other enabling powers, and after complying with the requirements of Schedule 2 to that Act, the following Order is hereby made:-

#### Citation, Commencement and Interpretation

1. (1) This Order may be cited as the Port St Mary (Parking Places) Order 2006 and shall come into operation on the 17th May 2006.

(2) Any order, byelaw or other public document regulating the waiting of vehicles at any parking place to which this Order applies is revoked to the extent that it applies to such parking place.

(3) In this Order:-

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

“the Local Authority” means the Commissioners of the Village District of Port St Mary ;

“disabled person’s badge” means a badge issued in accordance with regulations under section 28 of the Act;

“driver”, in relation to a vehicle waiting in the parking place, means the person driving the vehicle at the time it was left in the parking place;

“owner”, in relation to a vehicle waiting in the parking place, means the person by whom the vehicle is kept and used;

“parking bay” means any area of the parking place which is clearly shown by a sign or surface marking as a place within which a single vehicle may wait;

“the parking place” means an area provided by the Local Authority as a parking place and specified in column 1 of the Schedule;

“permit” means an authorisation in writing issued by the Local Authority for the purposes of article 2(2);

“private parking bay” means a parking bay shown by a sign or surface marking as a private parking bay or as reserved for a particular vehicle or a vehicle used by a particular person or a person of a particular description.

“sale” includes transfers of property, goods or services for a monetary consideration or any other form of transfer, whether free of charge or not.

“barter” means transfers of property, goods or services in return for some other property, goods or services based on a mutually agreed valuation of such at the time of transfer.

(3) Any reference in this Order to a class or description of vehicles shall be construed in accordance with the Road Traffic Act 1985<sup>2</sup>.

#### Penalties

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<sup>1</sup> 1985 c.20

<sup>2</sup> 1985 c.23

2. Any person contravening any provision of this Order shall be liable on summary conviction to a fine not exceeding £500.

#### Use of Parking Places

3. (1) The parking places (except any private parking bay) may, subject to the following provisions of this Order, be used by members of the public for parking vehicles of such classes, in such positions, on such days and during such hours as are specified in the Schedule.  
  
(2) A private parking bay may, subject to the following provisions of this Order, be used by a person authorised in writing by the Local Authority for parking a vehicle used by him or her.

#### Conditions of use of parking places

4. (1) Where in the Schedule the parking place is described as available for vehicles of a specified class or in a specified position, no person shall permit a vehicle to wait in the parking place unless it is of that class or in that position.  
  
(2) No person shall bring or attempt to bring a vehicle into the parking place if a sign indicates, or an officer or servant of the Local Authority informs him or her, that the parking place is full.  
  
(3) The driver of a vehicle, if so required by an officer or servant of the Local Authority, shall –  
(a) remove the vehicle from the parking place; or  
(b) move the vehicle from one position to another in the parking place  
  
(4) No person shall, without a permit from the Local Authority allow a vehicle to wait in the parking place for longer than the maximum period of waiting specified in the Schedule.  
  
(5) No person shall permit a vehicle to wait in a private parking bay unless –  
(a) it displays a current permit indicating that the vehicle, or a vehicle of the same class or description as the vehicle, is permitted to wait there at the material time and  
(b) where the permit indicates that a particular parking bay is to be used, the vehicle is in that parking bay.  
  
(6) The Local Authority does not accept any liability for the security or safety of the condition or contents of any vehicle whilst parked in any parking place or parking bay, private or otherwise so designated in column 1 of the Schedule.

#### Traffic in parking places

5. (1) This article applies where in the parking place signs are erected or surface markings are laid indicating –  
(a) the entrance to or exit from the parking place; or  
(b) that a vehicle using the parking place shall or shall not proceed in a specified direction within the parking place.  
  
(2) No person shall, without the consent of the Local Authority, drive a vehicle, or cause or permit a vehicle to be driven –  
(a) so that it enters the parking place otherwise than by an entrance so indicated, or  
(b) so that it leaves the parking place otherwise than by an exit so indicated, or  
(c) in, or otherwise than in, a direction so indicated, as the case may be.

#### Further conditions as to use of parking places

6. (1) No person shall, without the consent in writing of the Local Authority, bring any vehicle into the parking place or permit a vehicle to wait there, except a vehicle of a class specified in column 3 of the Schedule.

(2) No person shall permit a vehicle to wait in the parking place unless there is at all times in force in relation to the vehicle a vehicle licence under the Licensing and Registration of Vehicles Act 1985<sup>3</sup>

(3) Where a parking bay is shown by a sign or surface marking as for use by disabled persons, no person shall permit a vehicle to wait in that parking bay unless it displays a disabled person's badge.

(4) No person shall carry out or permit to be carried out on a vehicle waiting in the parking place any maintenance or repair, unless such as is necessary to enable the vehicle to be removed from the parking place.

(5) No person shall cause the engine of a vehicle to be run in the parking place after it is in position there, except in order to change its position or to remove it from the parking place.

(6) No person shall, without the consent in writing of the Local Authority, bring any vehicle into the parking place or use any vehicle in the parking place for any purpose other than that of permitting it to wait in, or removing it from, the parking place.

(7) Without prejudice to the generality of paragraph (4), no person shall, without the consent in writing of the Local Authority –

(a) use any vehicle, or anything towed by a vehicle, while it is in the parking place, for the purpose of or in connection with –

(i) the sale or offer for sale or barter or offer for barter of any goods, food or other articles; or

(ii) the sale or offer or barter or offer for barter for sale of any service; or

(iii) the hire or employment or offer for hire or employment of any person; or

(iv) publicity for any trade or business unless it is incidental to the trade or business of the owners / operators of the vehicle; or

(b) advertise for sale or hire any vehicle, while it is in the parking place; or

(c) use a vehicle, or anything towed by a vehicle, while it is in the parking place for sleeping or for habitation or any domestic purpose.

(8) No person shall abandon a vehicle in the parking place.

#### Removal of Vehicles

7. (1) The Local Authority or Agent thereof, may remove from the parking place any vehicle left in the parking place in contravention of this Order.

(2) The Local Authority or Agent thereof, may move any vehicle from one position to another in the parking place.

#### Suspension of use of parking place

8. (1) Subject to paragraph (2), the Local Authority may by notice exhibited at a parking place suspend the use of the parking place for a temporary period specified in the notice.

(2) Except in case of emergency the Local Authority shall not suspend the use of a parking place unless it has, not less than 7 days before suspension takes effect, given public notice of its intention to do so in one or more newspapers published and circulating in the Island.

#### Exemptions

9. Vehicles of the Fire Brigade, Ambulance Service, Coastguard, Civil Defence or Police Constabulary are exempt from the provisions of this Order providing that they are responding to an emergency.

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<sup>3</sup> 1985 C.21

**MADE this day the 16th May 2006**

**THE COMMON SEAL of the Commissioners**

**CHAIRMAN**

**CLERK**

## SCHEDULE

In this Schedule the permitted classes of vehicle refers to the classes as defined in section 65 of the Road Traffic Act 1985.

<b>Parking Place</b>	<b>Classes of vehicle permitted to park</b>	<b>Days parking permitted</b>	<b>Hours of parking permitted in any 24 hour period</b>	<b>Maximum period of parking in any 24 hour period</b>	<b>Position in which vehicle may park</b>
Directly opposite the Town Hall, The Promenade, Port St Mary	Motor Cars; Motor cycles; Invalid Carriages <sup>4</sup> ; Goods vehicles not exceeding 3000 kg maximum laden weight	Every day	All hours	18	Any
Off Bay View Road	Motor Cars; Motor cycles; Invalid Carriages Goods <sup>4</sup> ; vehicles not exceeding 3000 kg maximum laden weight	Every day	All hours	18	Any
The Paddocks	Motor Cars; Motor cycles; Invalid Carriages <sup>4</sup> ; Goods vehicles not exceeding 3000 kg maximum laden weight	Every day	All hours	18	Any
Kallow Point & Clifton Road South	Motor Cars; Motor cycles; Invalid Carriages <sup>4</sup> ; Goods vehicles not exceeding 3000 kg maximum laden weight	Every day	All hours	18	Any
Gansey Point Turning area	Motor Cars; Motor cycles; Invalid Carriages <sup>4</sup> ; Goods vehicles not exceeding 3000 kg maximum laden weight	Every day	All hours	18	Any
Golf Pavillon , Kallow Point Road	Motor Cars; Motor cycles; Invalid Carriages <sup>4</sup> ; Goods vehicles not exceeding 3000 kg maximum laden weight	Every day	All hours	18	Any

<sup>4</sup> Within the meaning of S69 of the Road Traffic Act 1985