

**THE FENLAND DISTRICT COUNCIL
MARCH OFF-STREET PARKING PLACES ORDER 2010**

Fenland District Council in exercise of their powers under Sections 32 and 35 (1) and (3) of the Road Traffic Regulations Act 1984 ("the Act") and of Part IV of Schedule 9 of the Act and of all other enabling powers, and subject to the consent of the Cambridgeshire County Council in accordance with Section 39(3) of the Act and subject also to consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:

PART I

GENERAL

1. This Order shall come into operation on **29TH OCTOBER** 2010 and may be cited as "The Fenland District Council March Off-Street Parking Places Order 2010".

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) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if, for the purposes of Section 23 of that Act, this Order were an Act of Parliament and the Orders revoked by Article 23 of this Order were Acts of Parliament thereby repealed

(3) In this Order, unless the context otherwise requires:

Authorised Officer means a person authorised by or on behalf of the Council to supervise any parking.

The Council means Fenland District Council.

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.

Disabled Person a disabled person of a description prescribed by Regulation 6 of the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1991

Disabled Person's Badge has the same meaning as the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 as amended by the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1992;

Disabled Person's Vehicle	A vehicle lawfully displaying a disabled person's badge
Hackney Carriage Vehicle	A vehicle licensed by Fenland District Council as a Hackney Carriage Vehicle under the Local Government (Miscellaneous Provisions) Act 1976.
Invalid Carriage	A mechanically propelled vehicle of which the weight unladen does not exceed 254 kilogrammes and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical default or disability and is used solely by such a person or a vehicle issued to a disabled person by the Department of Social Security in lieu of an invalid carriage.
Market Days	are Wednesdays and Saturdays, or such other days specified by the Council for occasional markets.
Market Permit	A permit issued by the Council on such terms and/or conditions as it shall decide permitting an authorised Market Trader to park in such a parking place, excluding private approach roads/access areas, as has been specified in the granting of the permit.
Market Vehicle	A mechanically propelled vehicle in use for the purpose of transporting goods for sale or display at Markets on Market Days displaying a valid Market Permit issued by Fenland District Council.
Motor Cycle	A mechanically propelled vehicle (not being an invalid carriage) with fewer than 4 wheels, of which the weight unladen does not exceed 410 kilogrammes
Motor Home	A mechanically propelled vehicle designed or adapted for human habitation, for the avoidance of doubt this excludes caravans, which is any structure designed or adapted for human habitation which is capable of being moved from one place to another whether by being towed or be being transported on a Motor Vehicle or Trailer.
Motor Vehicle	A mechanically propelled vehicle, intended or adapted for use on roads, provided that – a) It's length does not exceed 5.3 metres; b) it's height does not exceed 2.5 metres, including any roof rack or luggage box But excluding: a) Invalid Carriage, and b) Motor Cycle, and

c) Motor Home

Owner	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 Period	means any period specified in paragraph 3 of the Schedule.
Parking Place	means those parking places specified by name in Column 1 of the Schedule provided by the Council under Section 32(1) of the Act for use as a parking place
Penalty Charge	A charge payable to the Council applied in accordance with the provisions of this Order for the commission of an offence in the sum of £60.00
Reduced Penalty Charge	A charge payable to the Council applied in accordance with the provisions of this Order for the commission of an offence in the sum of £40.00
Vehicle	A mechanical means of conveyance, carriage or transport

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 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 so specified.
- (3) Where Parking Bays are provided then the driver of a vehicle shall park the vehicle properly within the marked Parking Bay so that every part of the Vehicle is within the limits of a particular Parking Bay and not in such a position as to cause an obstruction.

- (4) Only a driver of a Disabled Persons Vehicle shall park in a Parking Bay which is indicated by markings on the surface of the Parking Place as for use by a Disabled Persons Vehicle.
- (5) A Vehicle shall leave the parking place within the maximum waiting period allowed as specified in column 4 of the Schedule and may not return to that Parking Place within one hour of leaving.

Other Provisions

4. The driver of a Vehicle shall not permit that Vehicle to wait in a parking place unless the Vehicle is licensed in pursuance of the provisions of the Vehicle (Excise) Act 1971 and unless there is 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.
5. The Driver of a vehicle using a Parking Place shall not obstruct access to the Parking Place or to any premises adjoining the Parking Place or obstruct the access roads within the Parking Place.
6. The Driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
7. The Driver of a Vehicle using a Parking Place shall not sound or permit any other person to sound any horn or any similar instrument except when necessary while parking his Vehicle in the Parking Place or when about to change the position of the Vehicle in or to depart from the Parking Place.
8. Causing or permitting to cause a disturbance or annoyance or nuisance to users of the Parking Place or residents of premises in the neighbourhood is prohibited.
9. Littering of a Parking Place is prohibited.
10. It is prohibited without the written consent of Fenland District Council for anyone to use a Parking Place or to use or allow to be so used any vehicle left in a Parking Place:
 - (1) to undertake (or allow to be undertaken) any cleaning, maintenance or repair of a vehicle except such as may be necessary to enable the Vehicle to be removed from the Parking Place;
 - (2) for or in connection with any advertising of goods or services;
 - (3) for or in connection with the sale of any goods or services to anyone in or near the Parking Place;
 - (4) for sleeping or accommodation or camping purposes;
 - (5) for eating or cooking purposes; or

- (6) to use a vehicle or allowing it to be used for any purpose other than the temporary leaving of the Vehicle.
11. In any Parking Place no person shall:
 - (1) erect or cause to be erected any tent stand building or other structure without the written consent of the Council; or
 - (2) light or cause or permit to be lit any fire.
12.
 - (1) If a Vehicle is left in a Parking Place in a position other than in accordance with the provisions of Article 3, 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 provisions of this Order a person authorised by the Council may remove the vehicle from that Parking Place or arrange for such removal. This shall include the removal of any non Market Vehicle during Market Days during such times as Market Vehicles are the only authorised class of Vehicles permitted.
 - (3) For the purpose of meeting the requirements of an emergency, a person authorised 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 12(1) of this Article, or removing, or causing the removal of, a Vehicle by virtue of paragraphs 12(2) or 12(3) of this Article, may do so by towing or driving the Vehicle or 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.
 - (5) Any person removing or arranging for the removal of a Vehicle by virtue of paragraphs 12(2) and 12(3) of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the Vehicle in the place to which it is removed.
13.
 - (1) The driver of any Vehicle in a parking place shall comply with any reasonable instructions given by an Authorised Officer.
 - (2) 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 specified 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 leaves the Parking Place otherwise than by an exit, so indicated; or
 - (ii) in a direction other than so specified.
14. Use of any threatening abusive or insulting language gesture or conduct in a Parking Place intended to or likely to cause offence or fear to any person including Authorised Officers or so as to occasion a breach of the peace is prohibited.
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. Any person who wilfully or carelessly damages in any way or interferes with the fabric or structure or equipment of any parking place, shall be guilty of an offence under this Order, and in addition to the penalty provided by the Act shall be liable for the cost of repair of the damage.
17. No person shall use any parking place for the playing of any game, skateboarding or roller-skating nor shall any pedal cycles be taken or ridden therein, except where specific provision is made for the storage of pedal cycles, without the express written consent of Fenland District Council.
18. Notwithstanding the provisions of this Order the Council may by notice displayed on or near a Parking Place:
 - (1) close that Parking Place or any part thereof for any period; or
 - (2) designate any day a Market Day; or
 - (3) prohibit the entry of Vehicles on to the Parking Place for any period either generally or in respect of a particular class or classes of Vehicle and the driver of any vehicle or of a particular class or classes of Vehicle shall not enter the parking place when entry has been so prohibited.
19. No person shall cause or take part without written authority of the Council in any gathering or demonstration within a Parking Place, or cause any unreasonable or unnecessary noise.
20. The Council shall not be responsible for any loss or damage to any Vehicle or to anything therein or thereon from any cause whatsoever, whilst entering, within or leaving a Parking Place.

Hackney Carriage Marked Bays

21. Where in any Parking Place a Parking Bay is marked as being for use by a Hackney Carriage Vehicle, any Hackney Carriage Vehicle may use that Parking Bay during the times specified in the relevant table of the Schedule as a Hackney Carriage Stand within the meaning of section 63 of the Local Government (Miscellaneous Provisions) Act 1976

PART III

PENALTIES

Penalty Charges at Parking Places and Payment

22. (1) If a Vehicle is left in a Parking Place for a continuous period in excess of the hours specified in column 4 of the Schedule, then the Penalty Charge shall be payable.
- (2) If an offence is carried out as detailed in Articles 3(2), 3(3), 3(4), 4, 5, 6, 10 or 13 a Penalty Charge shall be payable.
- (3) In the case of a vehicle in respect of which a Penalty Charge may have been incurred, it shall be the duty of an Authorised Officer 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) details of the Parking Place, date and time of issue;
 - (c) a description of the contravention
 - (d) the manner in which, and the time within which, the Penalty Charge should be paid; and
 - (e) a statement that it is an offence under Section 35(A) of the Act for the Driver of a Vehicle who has left the vehicle in a Parking Place to fail to pay the Penalty Charge.
23. Any Penalty Charge shall be paid to Fenland District Council, Fenland Hall, County Road, March, PE15 8NQ.
24. If a Penalty Charge is paid so as to reach Fenland District Council not later than 4.30 pm on the 14th day following the day on which the Penalty Charge was incurred, the amount of the Penalty Charge shall be reduced to the Reduced Penalty Charge.

Provided that if the 14th day falls upon a day on which the Offices of Fenland District Council are closed, the period within which payment of the Penalty

Charge shall be made to the Council shall be extended until 4.30 pm on the next full day on which the offices of Fenland District Council are open.

25. Where, in any proceedings for an offence under this Order of failing to pay the Penalty Charge, it is proved that the amount which has become due, or any part of that amount, has not been duly paid, a Court may order the payment of the sum not paid, and any sum ordered to be paid by virtue of this Article shall be recoverable as a penalty.

Duty to Provide Information

26. (1) Where the Driver of a Vehicle is alleged to be guilty of an offence to which this Order applies, the owner of the Vehicle shall give such information as to the identity of the Driver as he may be required to give by or on behalf of the Council; and
- (2) Any other person shall, if required as aforesaid, give any information which it is in his power to give that may lead to the identification of the Driver.

Restriction on removal of notices or tickets

27. (1) When a notice has been attached to a Vehicle in accordance with any of the provisions of this Order no person other than the person authorised by the Council in that behalf or the driver or a person authorised by the Driver in that behalf shall remove the notice from the Vehicle.
- (2) When a ticket or permit has been exhibited on a Vehicle in accordance with the provisions of this Order no person, not being the Driver of the vehicle shall remove the ticket or tickets from the Vehicle unless authorised to do so by the Driver.

Disposal of Vehicles abandoned in a Parking Place

28. The Council may as respects a Vehicle which has been removed from a Parking Place in pursuance of Article 12, if it appears to them to have been abandoned, sell or otherwise dispose of the Vehicle after having made reasonable enquiry to ascertain the name and address of the owner of the Vehicle **provided that** the Council shall be deemed to have made reasonable enquiry to ascertain the name and address of the owner of any Vehicle to which this Article applies if they have taken in relation to that Vehicle such steps as may be prescribed by any regulations for the time being in force by virtue of the Road Traffic Regulation Act 1984 for authorising the Council to sell or otherwise dispose of the Vehicle if it had been left on a road and if it appears to the Council that it had been abandoned.

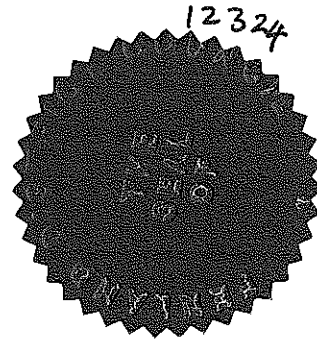
PART IV

Revocation

29. The following Orders are hereby revoked:-

The Fenland District Council, March Market Place (Off Street Parking Places) Order 2000.

IN WITNESS whereof the Common Seal of the Council was hereunto affixed this
25TH day of *OCTOBER* 2010



Authorised Signatory *JP Medd.*

The Schedule

(1) Parking Place	(2) Times of operation	(3) Permitted Class of Vehicle	(4) Maximum Parking Period	(5) Charges for Use
March Market Place	Monday, Tuesday, Thursday and Friday: 09:00 to 18:00 Unless a Market Day	Motor Vehicle Motor Cycle Disabled Person's Vehicle Invalid Carriage	2 Hours Unlimited	Free Free
	Monday, Tuesday, Thursday and Friday: 00:00 to 08:59 and 18:00 to 23:59 Unless a Market Day	Motor Vehicle Motor Cycle Disabled Person's Vehicle Invalid Carriage	Unlimited	Free
	Market Days 04:00 to 19:00	Market Vehicles	Unlimited	As specified in Market Permit
	Market Days 00:00 to 03:59 and 19:01 to 23:59	Motor Vehicle Motor Cycle Disabled Person's Vehicle Invalid Carriage	Unlimited	Free
	Sunday 00:00 to 23:59 Unless a Market Day	Motor Vehicle Motor Cycle Disabled Person's Vehicle Invalid Carriage	Unlimited	Free

Hackney Carriage Marked Bays

Parking Place	Times of Operation
March Market Place	Monday, Tuesday, Thursday and Friday - Unless a Market Day 00:00 to 04:00 and 18:00 to 23:59 Market Days 00:00 to 04:00 and 19:00 to 23:59 Sunday - Unless a Market Day 00:00 to 23:59