

Statutory Document No. 2021/0232



Road Traffic Regulation Act 1985

ONCHAN OFF-STREET PARKING PLACE ORDER 2021¹

Made: 2 July 2021

Coming into operation: in accordance with article 2

Onchan District Commissioners, after complying with the requirements of paragraph 1 of Schedule 2 to the Road Traffic Regulation Act 1985¹, makes the following Order under sections 11 and 13 of that Act.

1 Title

This Order is the Onchan Off-Street Parking Place Order 2021.

2 Commencement

This Order comes into operation on the day after it is made.

3 Interpretation

(1) In this Order —

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

“**additional parking charge**” means an additional charge payable under article 8;

“**additional parking charge notice**” has the meaning given in article 9;

“**authorised officer**” means an officer of the Commissioners authorised to carry out the functions specified in this Order;

“**charging hours**” means those days and hours specified in column 4 of the table in Schedule 2 in respect of which a charge specified in column 6 of that table is payable;

“**the Commissioners**” means Onchan District Commissioners;

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

“**driver**”, in relation to a vehicle waiting in the parking place, means the person driving or riding the vehicle when it was left in the parking place;

¹ As required by section 14D of the Road Traffic Regulation Act 1985.

“emergency services’ vehicle” means —

- (a) an ambulance, fire brigade vehicle or police vehicle being used for an emergency purpose;
- (b) a motor vehicle or trailer being used by a coastguard service provided by the Department for the purposes of giving aid to persons in danger or vessels in distress on or near the coast; or
- (c) a motor vehicle or trailer being used for civil defence or bomb disposal purposes;

“exempted vehicle” means a vehicle to which this Order does not apply under article 4;

“motor caravan” has the same meaning as in regulation 3 of the Road Vehicles (Maintenance and Use) Regulations 2012²;

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

“parking disc” means a disc to be used as a means to indicate the time at which a vehicle arrived at the parking place

“parking permit” means a written authorisation issued by the Commissioners for the purposes of article 5(3);

“the parking place” means jointly and severally the areas shown in red on the maps in Schedule 1 and marked “THE PARKING PLACE”;

“permitted vehicle” means a vehicle of a class entitled to use the parking place as specified in column 2 of the tables in Schedule 2;

“public parking bay” means a parking bay which is not a reserved parking bay;

“reserved parking bay” means a parking bay for use solely by a person who has been issued with a parking permit but only during the days and hours specified in Schedule 2;

“vehicle” means a mechanically propelled vehicle; and

- (2) Any reference in this Order to a class or description of vehicle other than a motor caravan is to be construed in accordance with the Road Traffic Act 1985.

4 Exempted vehicles

This Order does not apply to the use of the parking place by—

- (a) an emergency services’ vehicle attending an incident within the parking place or using the parking place to gain access to an incident;
- (b) a vehicle being used for, or on, Commissioners or Government business;

² SD 0323/12.

- (c) a vehicle being used by a contractor working for, or on behalf of, the Commissioners, a Department or a Statutory Board.

PART 2 – USE OF PARKING PLACE

5 Use of the parking place

- (1) Schedule 2 has effect.
- (2) A person may use the parking place for parking vehicles –
 - (a) in such parking places;
 - (b) of such classes;
 - (c) subject to the display of the appropriate type of authorisation;
 - (d) during such days and hours; and
 - (e) for such maximum waiting period,as are specified in the tables in Schedule 2.
- (3) A person who has been issued with a parking permit may use such reserved parking bays or public parking bays as are specified in the permit for parking vehicles –
 - (a) in such parking places;
 - (b) of such classes;
 - (c) during such days and hours; and
 - (d) for such maximum waiting periods,as are specified in the table in Schedule 2 or otherwise specified in the permit.
- (4) The use of the parking place is subject to the rest of this Order.

PART 3 – CONDITIONS ON USE OF PARKING PLACE

6 Conditions on use of parking place

- (1) In any parking place marked out with parking bays, the driver of a vehicle must not cause the vehicle to wait in the parking place unless it is parked wholly within a parking bay.
- (2) A driver of a vehicle must not bring, or attempt to bring, a vehicle into a parking place if a sign indicates that the area is full.
- (3) A driver of a vehicle using a parking place must comply with any directions given by an authorised officer and, if so required, must remove the vehicle from the parking place or move it from one parking bay to another.

- (4) A driver of a vehicle must not cause a vehicle to wait in a parking place for longer than the maximum period of waiting specified in column 5 of the table in Schedule 2 for that class of vehicle unless a parking permit is displayed in a conspicuous position on the vehicle that provides an exemption from the maximum period of waiting.
- (5) A driver of a vehicle must not cause a vehicle to wait in a reserved parking bay unless a parking permit is displayed in a conspicuous position on the vehicle.
- (6) A driver of a vehicle must not cause a vehicle to wait in a parking place without—
 - (a) a parking disc being displayed in a conspicuous place on the vehicle; or
 - (b) the driver possessing, and the vehicle displaying on it, a parking permit.
- (7) If a parking bay is shown by a sign or surface marking as for use by disabled persons only, the driver must not cause a vehicle to wait in that bay unless a disabled person's badge is displayed on the vehicle.
- (8) A driver of a vehicle must not cause it to wait in a parking bay which is shown by a sign or surface marking to be for use by a particular class of vehicle unless the vehicle is of that class.
- (9) A person must not bring any vehicle into a parking place or cause any vehicle to wait in a parking bay, except a vehicle of a class specified in column 2 of the table in Schedule 2 unless a parking permit is displayed in a conspicuous position on the vehicle exempting the vehicle from the vehicle class restriction in that parking permit.
- (10) A person must not carry out, or permit to be carried out, on a vehicle waiting in the parking place, any maintenance or repair, unless it is necessary to enable the vehicle to be removed from the parking place.
- (11) A person must not carry out, or permit to be carried out, any cleaning of a vehicle waiting in the parking place.
- (12) A driver of a vehicle must —
 - (a) stop the vehicle's engine as soon as the vehicle is in position in a parking bay; and
 - (b) not restart the vehicle's engine except when the driver is about to change the vehicle's position in, or the vehicle is about to depart from, the parking place.
- (13) A person must not bring any vehicle into, or use any vehicle in, the parking place, for any purpose other than that of causing it to wait in that place unless specifically authorised by the Commissioners to do so except under paragraph (18).
- (14) Without limiting the generality of paragraph (13), a person must not —

- (a) use any vehicle, or anything towed by a vehicle, whilst it is in the parking place, for the purpose of or in connection with —
 - (i) the sale or offer for sale of any article;
 - (ii) the offer of any service;
 - (iii) the hire or employment or offer for hire or employment of any person;
 - (iv) the display of any article;
 - (v) publicity for any trade or business; or
 - (vi) sleeping or for habitation or any domestic purpose;
 - (b) advertise for sale or hire any vehicle, while it is in the parking place;
 - (c) store any trailer, caravan or other similar vehicle in the parking place;
 - (d) erect or cause or permit to be erected any tent, booth, stand, building or other structure in the parking place
 - (e) light or cause to be lit any fire in the parking place;
 - (g) affix any notice or advertisement to —
 - (i) any part of the parking place, including any wall or fence forming part of the enclosure of such parking place; or
 - (ii) any vehicle parked in the parking place;
 - (h) unnecessarily sound the horn of any vehicle, or make any loud noise by mechanical means or otherwise which may cause disturbance to other users of the parking place or to the occupiers of properties in the neighbourhood;
 - (i) wilfully or carelessly damage or interfere with the fabric or structure of the parking place or with any equipment, apparatus or device installed in the parking place; or
 - (j) take into the parking place any dangerous, explosive or inflammable substance, other than fuel contained within the fuel tank of a vehicle.
- (15) A person must not abandon a vehicle in the parking place.
- (16) A driver of a vehicle must have regard to the safety of other drivers and pedestrians and their property in the parking place.
- (17) A driver of a vehicle must not bring into, or cause any vehicle to wait in the parking place except where the driver or passengers of the vehicle—
- (a) are participating in leisure activities in Onchan Park;
 - (b) are using any of the park's facilities or attractions; or
 - (c) have business otherwise within the park.

7 Traffic in the parking place

If the parking place has signs erected or surface markings indicating —

- (a) the entrance to, or exit from, the parking place; or
- (b) the direction in which a vehicle using the parking place must or must not proceed,

a person must not drive a vehicle, or cause or permit a vehicle, to be driven so that it enters, leaves, or proceeds within the parking place otherwise than by the entrance or exit or in the direction indicated.

PART 4 – CHARGES TO BE PAID IN CONNECTION WITH USE OF PARKING PLACE

8 Additional parking charge

- (1) If any of the circumstances specified in paragraphs (3) to (6) occur, an additional parking charge of £100 is payable to the Commissioners by the driver of the vehicle within 28 days of an additional parking charge notice being affixed to the vehicle in accordance with article 9.

But this article is subject to article 10.

- (2) An additional parking charge is payable in addition to any charge payable under Schedule 2.
- (3) The circumstances are that a vehicle —
 - (a) is parked in a parking place listed in Schedule 2 without clearly displaying a parking disc showing the time of arrival;
 - (b) is parked in a parking place listed in Schedule 2 for longer than the maximum waiting period;
 - (c) is parked in a parking place for longer than the maximum stay for that parking place;
 - (d) is parked in a parking place which is marked out with parking bays other than entirely within a parking bay;
 - (e) is parked within a parking bay reserved for disabled people without displaying a disabled person's badge;
 - (f) is parked within a reserved parking bay without displaying a parking place in accordance with article 6(5); or
 - (g) is parked in a parking bay reserved for a specific purpose where none of the occupants of the vehicle undertake such a purpose.
- (4) A vehicle, which is neither a permitted vehicle nor an exempted vehicle, is parked in the parking place.
- (5) A driver indicates the time of arrival at the parking place shown on a parking disc that is later than the actual time of arrival.

9 Additional parking charge notice

- (1) If an additional parking charge is payable in respect of a vehicle, an authorised officer must affix to the vehicle in a conspicuous position a notice in respect of that charge (“**an additional parking charge notice**”).
- (2) An additional parking charge notice must include —
 - (a) the registration mark of the vehicle, or where the vehicle is being used under a trade licence, the number of the trade plates carried by the vehicle;
 - (b) (if relevant) the time at which the officer first observed that the period of time for which payment of the charge had been made had expired;
 - (c) the grounds on which the additional parking charge is payable;
 - (d) a statement that the additional parking charge of £100 is payable; and
 - (e) the manner in which, and the time within which, the additional parking charge is payable.
- (3) No person other than an authorised officer, the driver or a person authorised to do so by the driver may remove an additional parking charge notice from a vehicle.

10 Reduction and cancellation of additional parking charge

- (1) If an additional parking charge is paid within 14 days of an additional parking charge notice being affixed to a vehicle in accordance with article 9 the charge is reduced to £50.
- (2) If within 14 days of an additional parking charge notice being affixed to a vehicle in accordance with article 9, the driver or the owner of the vehicle (as the case requires) —
 - (a) produces a valid ticket showing that the appropriate parking charge had been paid; or
 - (b) produces evidence that the vehicle was permitted to be parked in the relevant parking bay,the Commissioners may cancel the additional parking charge.

PART 5 - MODIFIED APPLICATION OF SECTION 14B(4) OF THE ACT

11 Modified application of section 14B(4) of the Act

Section 14B(4) of the Act (court to order payment of unpaid charge) applies in respect of any proceedings for an offence of failing duly to pay any charge payable under this Order as it applies in respect of any proceedings for an offence

of failing duly to pay any charge payable under section 14A of the Act with the substitution of **“Onchan District Commissioners”** for “the Department”.

PART 6 – REMOVAL OF VEHICLE FROM THE PARKING PLACE IN CONTRAVENTION OF ORDER

12 Removal of vehicle from the parking place left there in contravention of Order

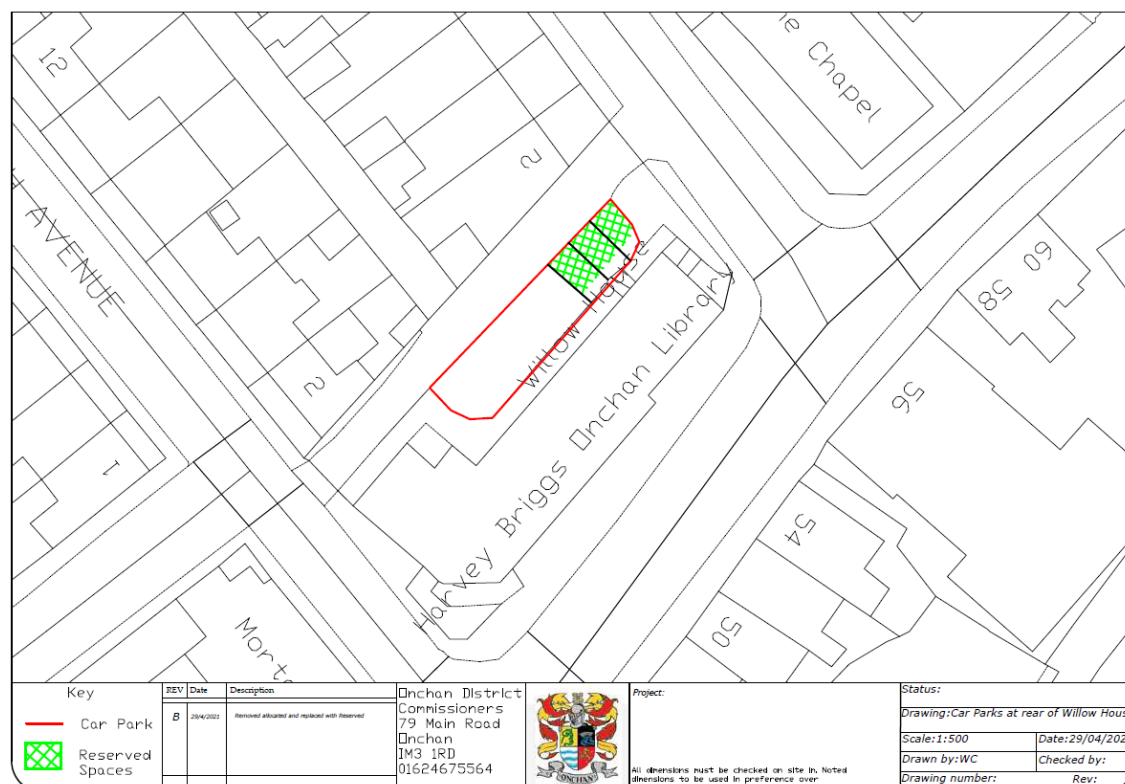
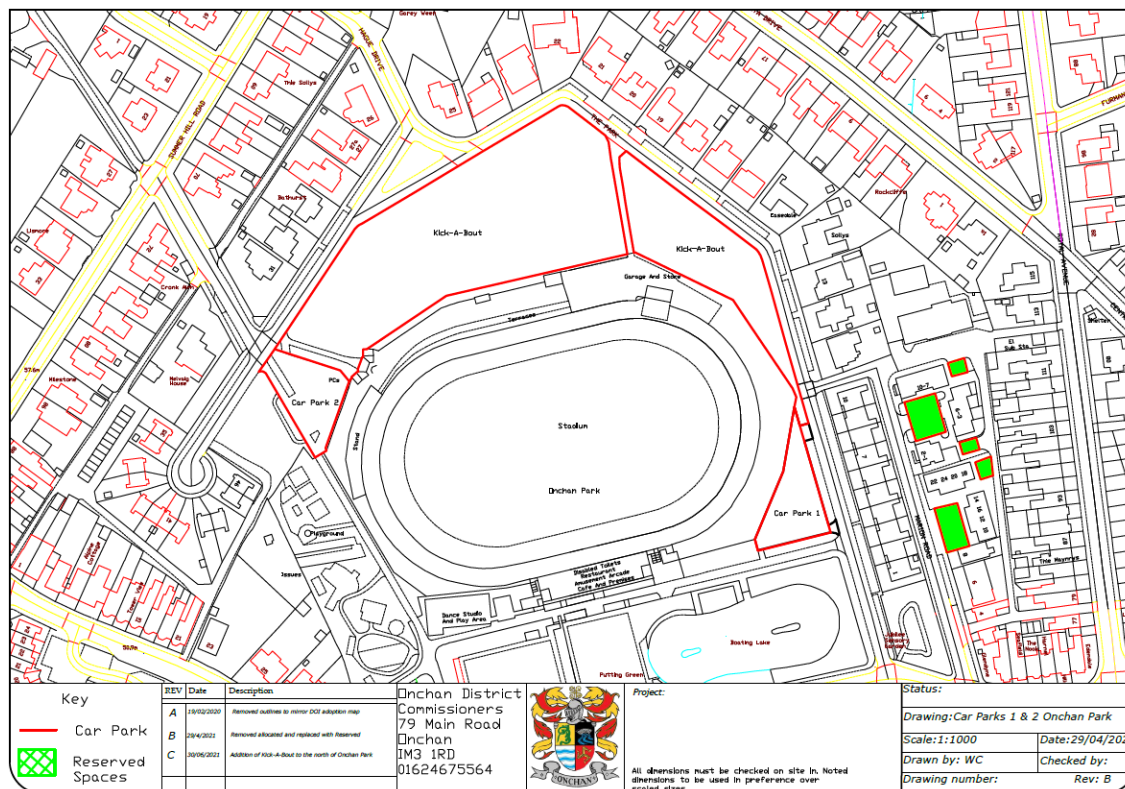
- (1) The Commissioners may remove a vehicle from the parking place which has been left there in contravention of this Order.
- (2) The Commissioners may recover the costs of removal and storage of vehicles removed from the parking place from the owner of the vehicle.

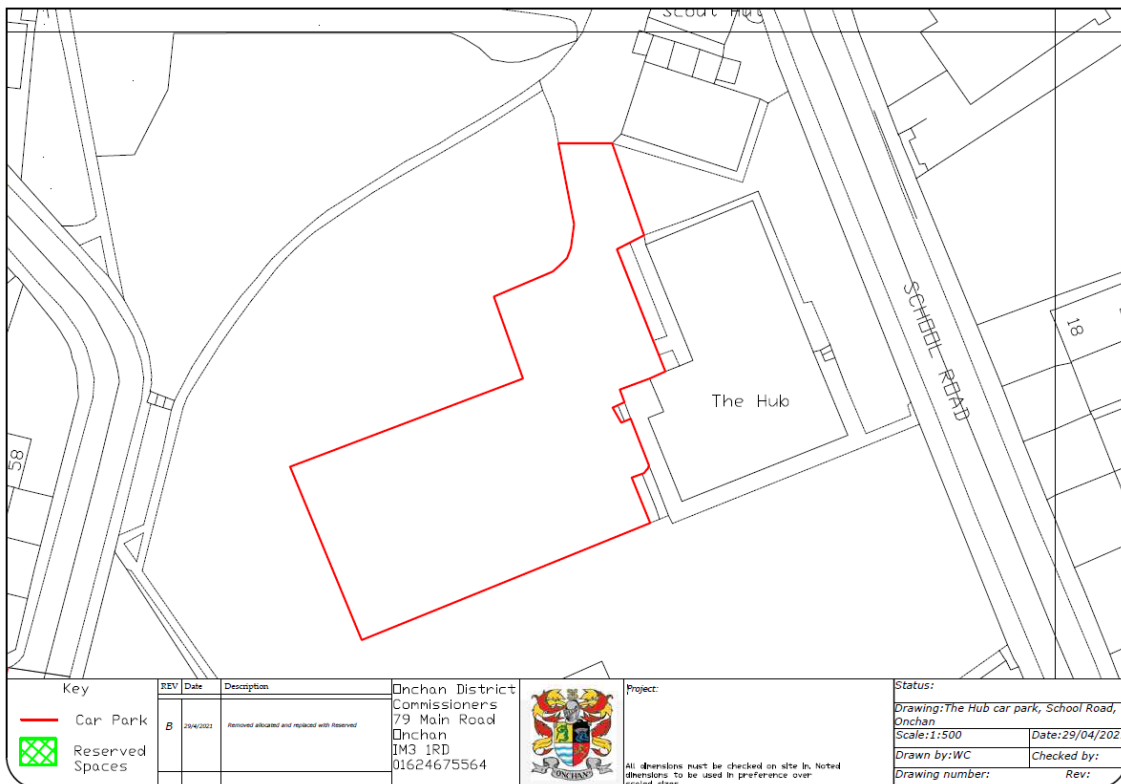
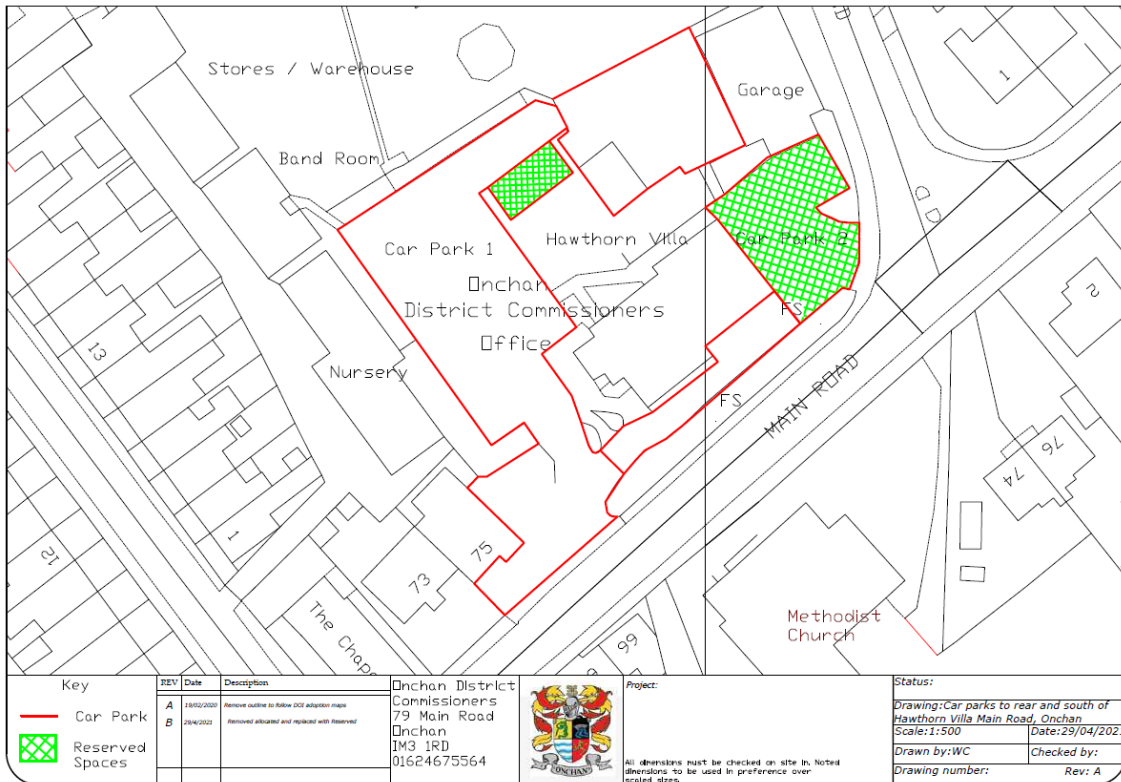
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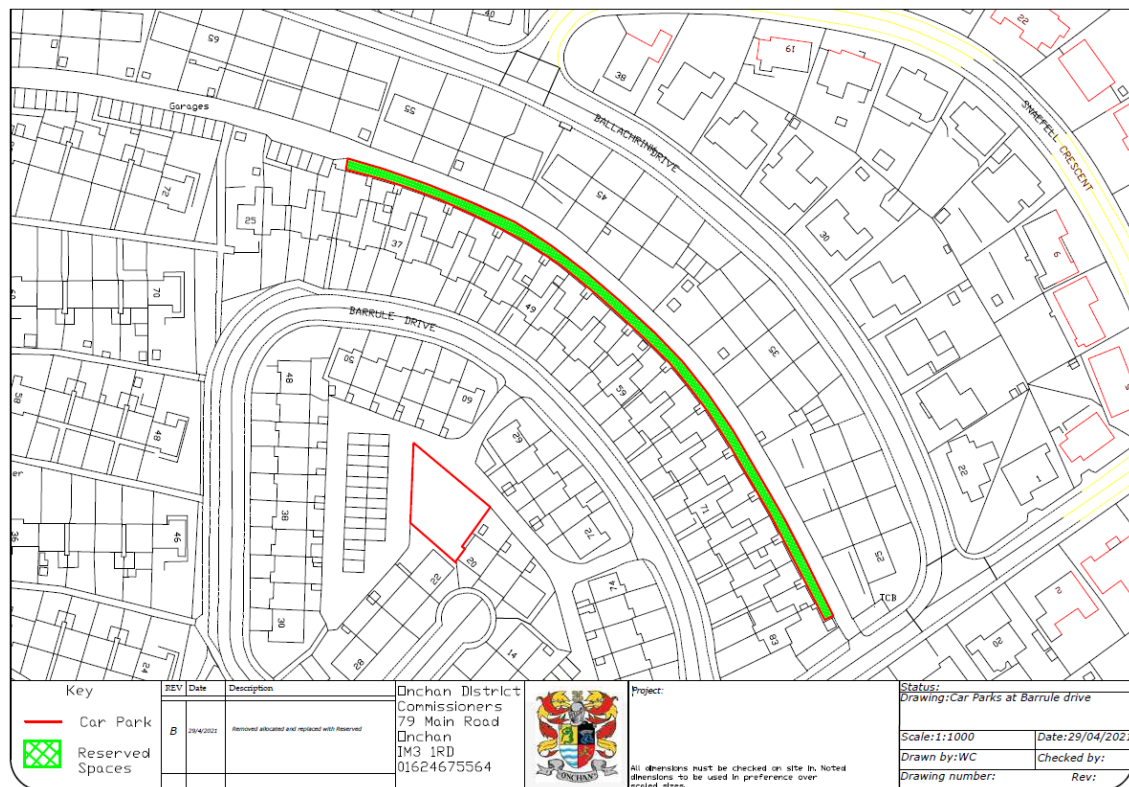
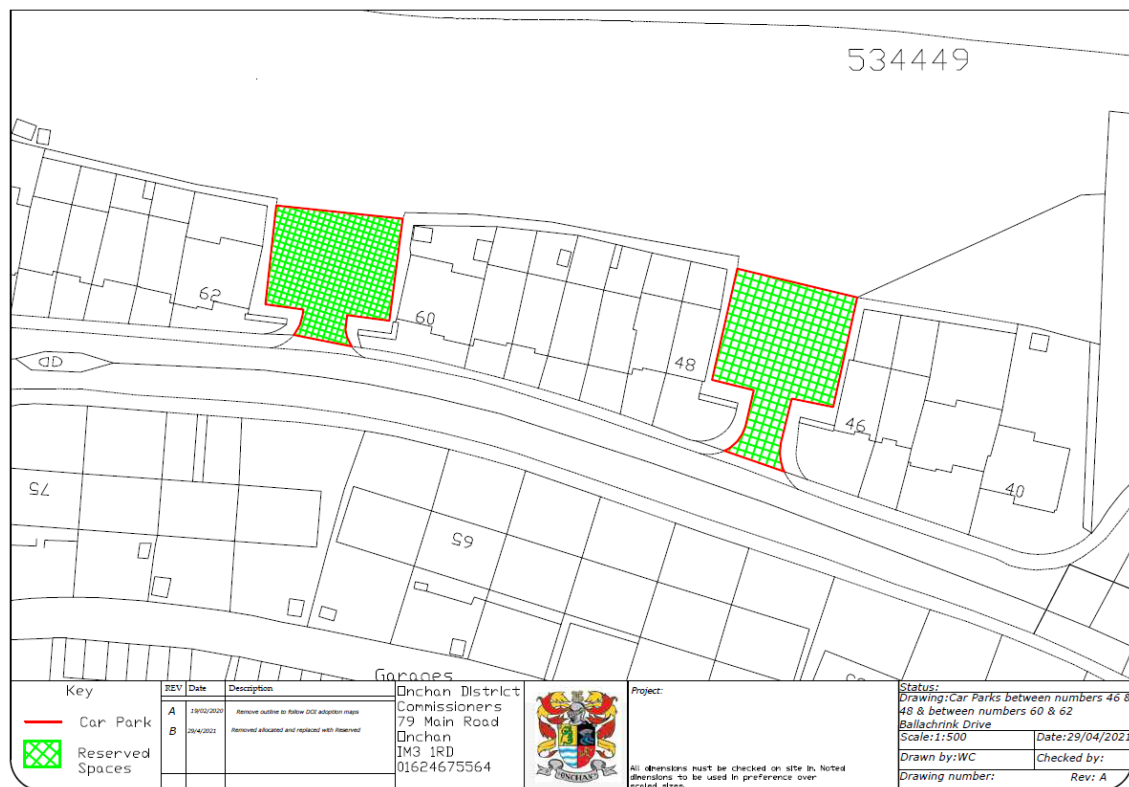
SCHEDULE 1

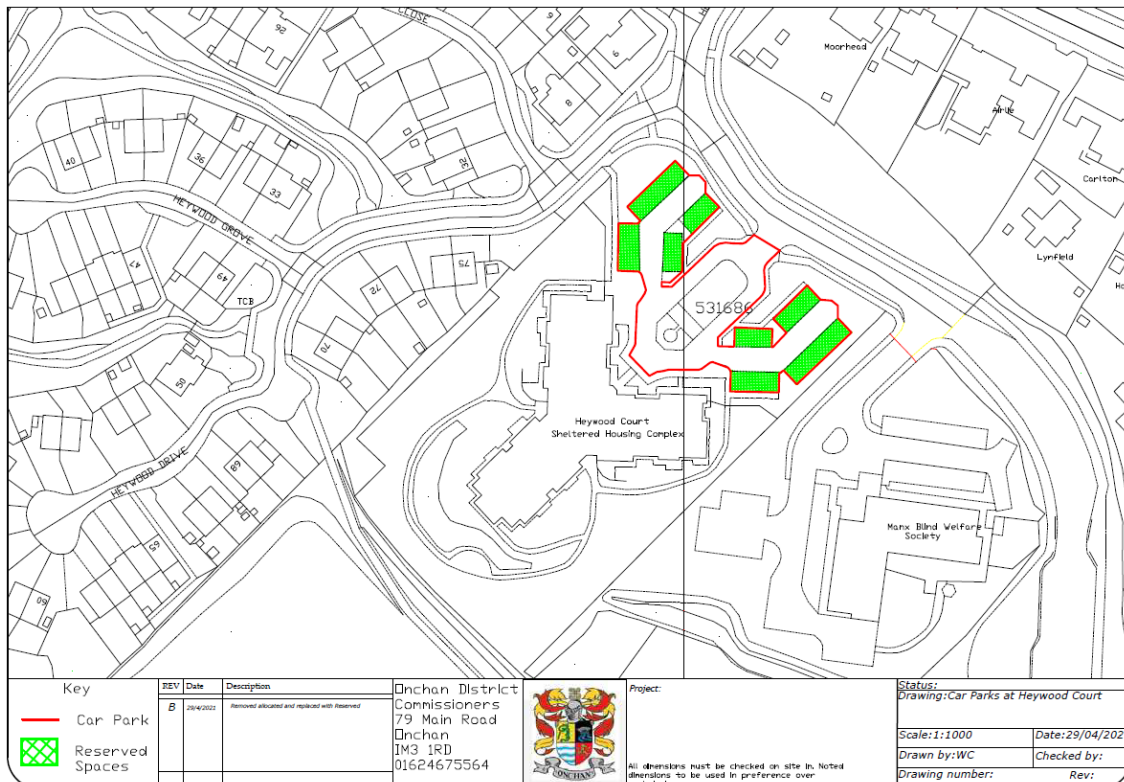
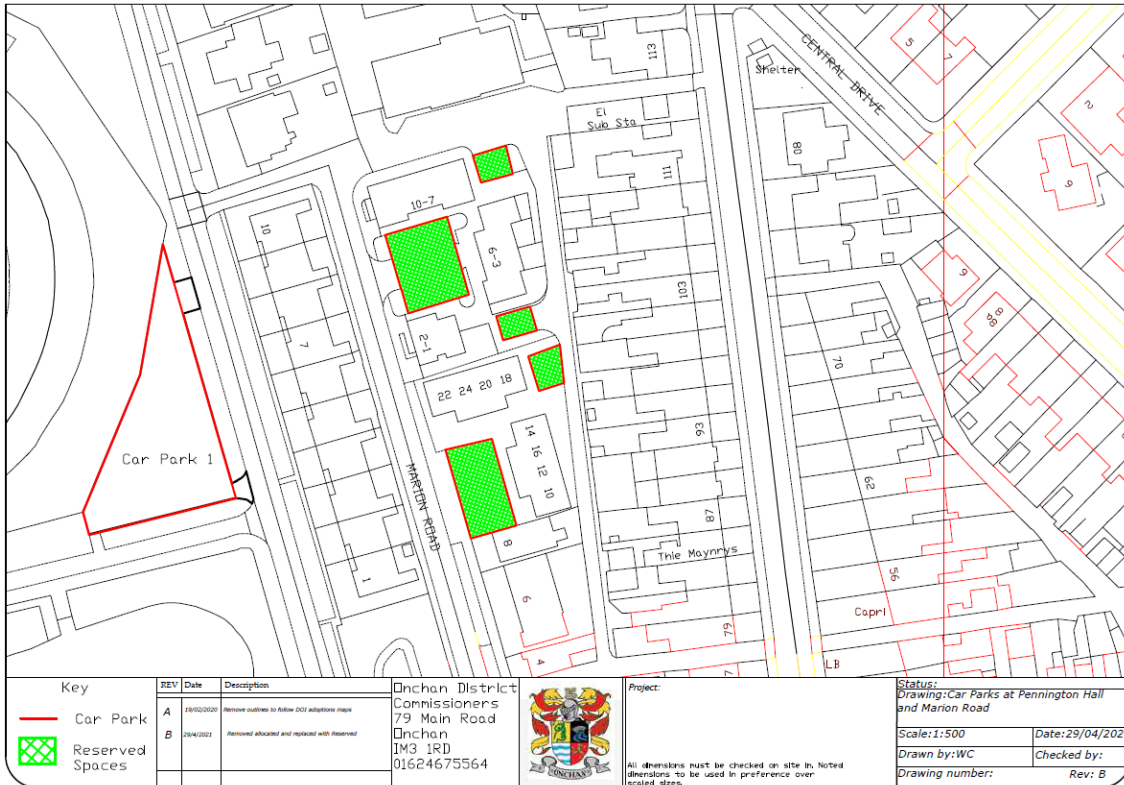
MAPS

[Article 3]









SCHEDULE 2
PARKING PLACES

[Article 4(1)]

1	2	3	4	5
Parking Place	Permitted class of vehicle	Type of authorisation to be displayed	Days and hours of operation	Maximum period of waiting
Car parks 1 and 2, and Kick-A-Bout area, Onchan Park	Motor cars, motor cycles, and motor caravan	Parking disc	Monday to Sunday 08.00 -20.00	12 hours in any 24 hour period with no return for 12 hours
		Nothing to be displayed.	Monday to Sunday 20.00 – 08.00	No restrictions
Parking bay at rear of Willow House, Elm Tree Road	Motor cars and motor cycles	Parking Permit	Monday to Saturday (excluding bank holidays) 08.00 – 18.00	30 minutes in any 2 hour period with no return for 2 hours
		Nothing to be displayed.	Monday to Saturday (excluding bank holidays) 18.00 – 08.00	No restrictions
Car parks at the Commissioners' Offices, Main Road (excluding reserved spaces)	Motor cars, motor cycles, and motor caravan	Parking disc	Monday to Saturday (excluding bank holidays) 08.00 – 20.00	2 hours in any 4 hour period with no return for 2 hours
		Nothing to be displayed.	Monday to Saturday (excluding bank holidays) 20.00 – 08.00	No restrictions

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Reserved spaces within the car parks at the Commissioners' Offices, Main Road	Motor cars and motor cycles	Parking permit	Monday to Sunday All hours	N/A
Car park adjacent to Youth and Community Centre, School Road	Motor cars, motor cycles, and motor caravan	Parking disc	Monday to Sunday 09.00 – 23.00	4 hours in any 8 hour period with no return for 4 hours
		Nothing to be displayed.	Monday to Sunday 23.00 – 09.00	No restrictions
2 Car parks between numbers 46 and 48 and 60 and 62 Ballachrink Drive	Motor cars, motor cycles, and motor caravan	Parking permit	Monday to Sunday All hours	N/A
Parking bays to the rear of even numbered houses, Barrule Drive	Motor cars, motor cycles, and motor caravan	Parking permit	As specified in the parking permit	N/A
Parking bays at Marion Court Housing Complex, Marion Road	Motor cars, and motor cycles	Parking disc	Monday to Sunday All hours	4 hours in any 8 hour period with no return for 4 hours
		Parking permit	As specified in the parking permit	N/A
Parking bays at Heywood Court off Hillberry Road	Motor cars, and motor cycles	Parking disc	Monday to Sunday All hours	4 hours in any 8 hour period with no return for 4 hours
		Parking permit	As specified in the parking permit	N/A

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.