



PROMENADE WALKWAY, DOUGLAS (STRATHALLAN) (PARKING PLACES) DESIGNATION ORDER 2019

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Statutory Document No. 2019/0193



Road Traffic Regulation Act 1985

PROMENADE WALKWAY, DOUGLAS (STRATHALLAN) (PARKING PLACES) DESIGNATION ORDER 2019

Made: 25 April 2019
Coming into Operation: 29 April 2019

The Department of Infrastructure after complying with the requirements of paragraph 1 of Schedule 2¹ to the Road Traffic Regulation Act 1985 and after consulting the Chief Constable², makes the following Order under sections 1, 14, 14A, 23 and 39(1) of that Act.

1 Title

This Order is the Promenade Walkway, Douglas (Strathallan) (Parking Places) Designation Order 2019.

2 Commencement

This Order comes into operation on 29 April 2019.

3 Interpretation

(1) In this Order –

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

“**additional parking charge**” means a charge payable in accordance with article 9;

“**authorised officer**” means a constable, a traffic warden, or a parking controller;

“**Department**” means Department of Infrastructure;

“**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 4A and 14D of the Act.

² As required by section 23(2) of the Act.

“**emergency services’ vehicles**” means an ambulance, fire brigade vehicle or police vehicle during such time as the vehicle is in actual use for any emergency purpose, or a vehicle or trailer during such time as it is in actual use by any 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 a vehicle or trailer during such time as it is in actual use for civil defence or bomb disposal purposes;

“**exempted vehicle**” means a vehicle exempted from the provisions of this Order by virtue of article 11;

“**5 minute period**” means any period of 5 minutes ending on a full hour or at 5 minutes, 10 minutes or so on past a full hour;

“**parking disc**” means a device which is issued by or with the authority of the Department and is capable of clearly showing the end of any 5-minute period;

“**parking place**” means the area of land named in article 4(1) and shown in orange on the Map in the Schedule; and

“**vehicle**” means a mechanically propelled vehicle and, for the sake of clarity, does not include an invalid carriage.

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

4 Promenade Walkway

(1) The area of land between a point opposite the Terminus Tavern and a point 132 metres in a southerly direction and shown in orange on the Map in the Schedule is deemed to be the parking place for the purpose of this Order.

(2) Any vehicle up to 1.9 metres in height is permitted to be parked within the parking place.

(3) A driver of a vehicle must not —

(a) wait in the parking place more than 2 hours; or

(b) for vehicles displaying a valid disabled persons badge wait in the designated parking place for more than 4 hours; and

(c) return within 4 hours.

(4) The use of the parking place is subject to the provisions of this Order.

5 Conditions of use of the parking place

(1) A driver of a vehicle must —

(a) have regard to the safety of other drivers, cyclists and pedestrians and their property in the parking place;

- (b) comply with directions, when using the parking place, given by an authorised officer and, if so required, must remove the vehicle from the parking place or move it from one waiting area to another; and
 - (c) stop the engine as soon as it is in position in a waiting area and must not restart it except when about to change the vehicle's position in, or to depart from, the parking place.
- (2) The driver of a vehicle must not —
- (a) cause it to wait in the parking place unless it is parked adjacent to the sea wall as indicated by signage;
 - (b) cause a vehicle to wait in the parking place for longer than the maximum period of waiting specified in article 4(3);
 - (c) cause a vehicle to return to the parking place between such departure and the no return period specified in article 4(3);
 - (d) bring a vehicle into the parking place that exceeds 1.9 metres in height; or
 - (e) bring any vehicle into the parking place or cause any vehicle to wait in the parking place, except a vehicle of a class specified article 4(2).
- (3) A person must not carry out or permit to be carried out on a vehicle in the parking place any maintenance or repair, unless it is necessary to enable the vehicle to be removed from the parking place.
- (4) A person must not carry out or permit to be carried out any cleaning of a vehicle in the parking place.
- (5) A person must not bring any vehicle into the parking place or use any vehicle in such a place for any purpose other than that of causing it to wait in that place.
- (6) Without limiting the generality of paragraph (5), 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; or
 - (v) 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;
 - (f) affix any notice or advertisement to any part of the parking place, including any wall or fence forming part of the enclosure of such parking place, nor to any vehicle parked in the parking place;
 - (g) unnecessarily sound the horn of any vehicle, nor 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;
 - (h) 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
 - (i) take into any parking place any dangerous, explosive or inflammable substance, other than fuel contained within the fuel tank of a vehicle.
- (7) A person must not abandon a vehicle in the parking place.

6 Traffic in the parking place

A person must not drive or ride a vehicle, or cause or permit a vehicle to be driven or ridden, in the parking place —

- (a) otherwise than in a southerly direction; and
- (b) at a speed not exceeding 10 miles per hour.

7 Display of parking disc

- (1) A person must not cause a vehicle to wait in the parking place without showing, by means of a parking disc displayed in the relevant position, the time at which the vehicle arrived at the parking place.
- (2) A vehicle displays a parking disc in the relevant position if the parking disc is exhibited in a conspicuous position on the vehicle so that the 5 minute period during which the period of waiting began is legible from outside the vehicle.
- (3) A person must not —
 - (a) after a parking disc exhibited on a vehicle has been set in accordance with paragraph (2) alter the indications given by the parking disc whilst the vehicle remains in the parking place; or
 - (b) knowingly exhibit on a vehicle a parking disc which has been altered, defaced, mutilated or added to or upon in any way so that the figures have become distorted or illegible.

8 Evidence of fact

In proceedings for a contravention of article 7(3) the indication given by a parking disc set in accordance with article 7(2) is evidence of the time at which the vehicle in question began to wait in the parking place.

9 Amount of additional parking charge at the parking place

- (1) In any of the circumstances specified in paragraph (2), an additional parking charge of £60 must be paid to the Department by the driver of the vehicle within 21 days.
- (2) The circumstances are that a vehicle is parked in the parking place –
 - (a) without a parking disc being displayed in accordance with article 7(1);
 - (b) for longer than the maximum stay for the parking place in contravention of article 4(3) or (4);
 - (c) otherwise than in a place designated for parking as indicated by signage;
 - (d) but the vehicle is neither a vehicle specified in article 4(2) nor an exempted vehicle.
- (3) In the case of a vehicle in respect of which an additional parking charge may have been incurred, it is the duty of an authorised officer to affix to the vehicle in a conspicuous position a notice which must 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 plates carried by the vehicle;
 - (b) the grounds on which the additional parking charge has been incurred;
 - (c) a statement that the additional parking charge is required to be paid; and
 - (d) the manner in which and the time within which the additional parking charge must be paid.
- (4) No person other than an authorised officer, driver or a person authorised by the driver may remove a notice of an additional parking charge from a vehicle once it has been affixed.
- (5) If within 21 days of the issue of a notice of an additional parking charge, the driver or owner of the vehicle produces evidence that the vehicle was permitted to be parked in the parking place, the Department may cancel the additional parking charge.

10 Moving or removal of vehicle

- (1) The Department may –

- (a) alter the position of a vehicle in the parking place; or
 - (b) remove a vehicle from the parking place,
- which has been left in a parking place in contravention of this Order.

Note: by virtue of section 2 and 6(1) of the Local Government (Miscellaneous Provisions) Act 1984, the Department may recover the costs of removal and storage of a vehicle removed from the parking place from the owner of the vehicle³.

11 Exemptions

The provisions of this Order do not apply to —

- (a) emergency services' vehicles;
- (b) vehicles being used for or on Department business; and
- (c) vehicles waiting in accordance with an authorisation granted by the Department, provided that such conditions as may be attached to the authorisation are complied with.

Signed on behalf of the Minister for Infrastructure

MADE 25 APRIL 2019

J F ROBINSON
Director of Highway Services

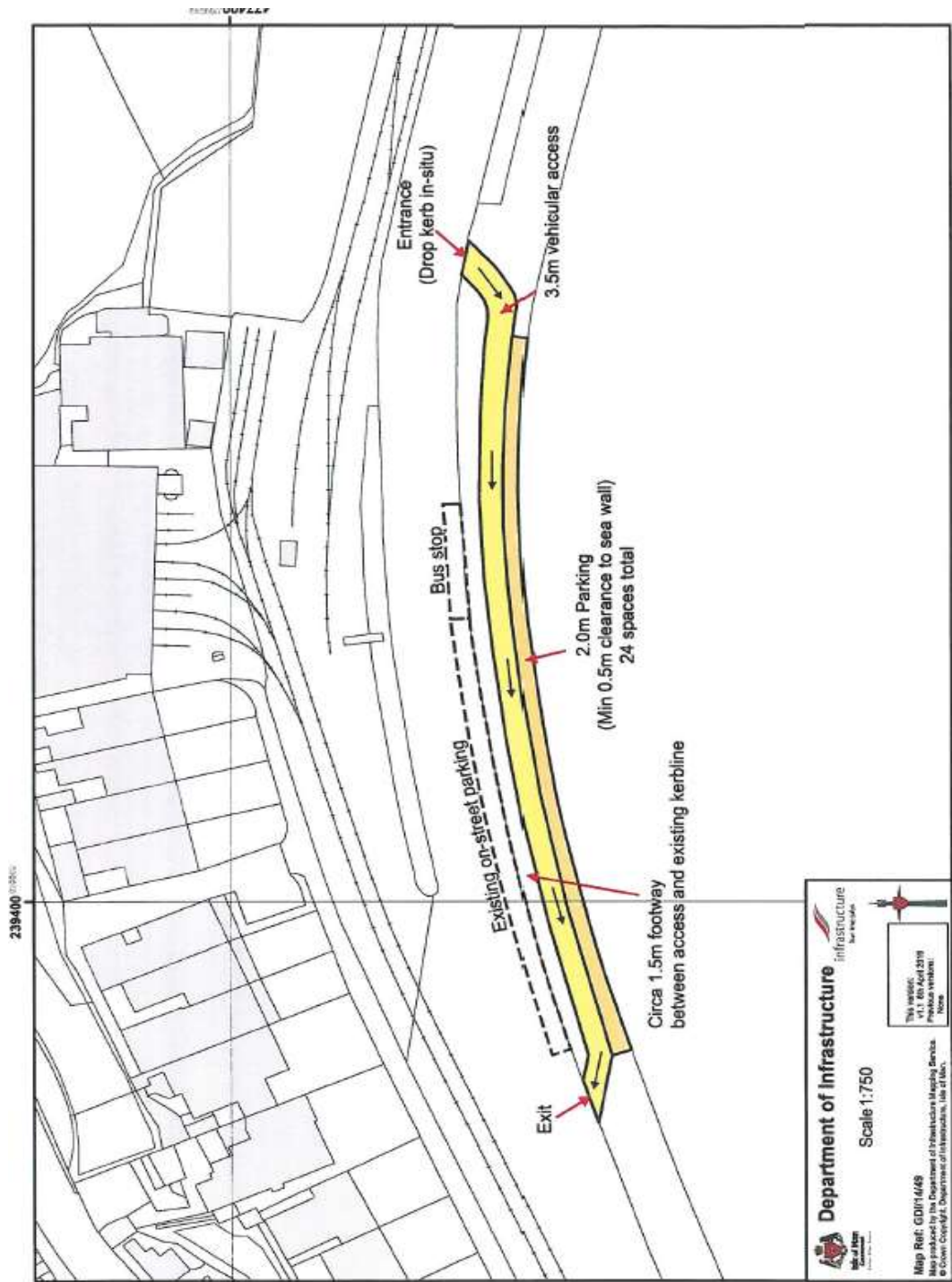
³ Charges for removal and storage of a vehicle are currently prescribed by SD 375/04

SCHEDULE

MAP

[Article 3]

THE PARKING PLACE



EXPLANATORY NOTE

(This note is not part of the Order)

This Order regulates parking on the Promenade Walkway between a point opposite the Terminus Tavern and a point 132 metres in a southerly direction as shown in orange on the map in the Schedule.

Articles 4, 5, 6 and 7 of the Order specify the conditions that users of the parking place have to comply with.

The Order further provides, in article 10, that the Department may remove a vehicle from the parking place that is parked in contravention of any of its provisions. The owner of a vehicle removed in accordance with the Order shall be liable to pay any charges for removal and safe custody of the vehicle.