



BOROUGH OF DOUGLAS OFF-STREET PARKING PLACES ORDER 2021

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Statutory Document No. 2021/0263



Road Traffic Regulation Act 1985

BOROUGH OF DOUGLAS OFF-STREET PARKING PLACES ORDER 2021

Made: 25 October 2021

Coming into operation: in accordance with article 2.

Douglas Corporation, after complying with the requirements of paragraph 1 of Schedule 2 to the Road Traffic Regulation Act 1985, makes the following Order under section 11 and 13 of that Act.

1 Title

This Order is the Borough of Douglas Off-Street Parking Places 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 9;

“**additional parking charge notice**” has the meaning given in article 10;

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

“**charging hours**” means those hours specified in the tables in Schedules 2 and 4 in respect of which a charge is payable as specified in those schedules (other than a charge for a parking permit);

“**the Corporation**” or “**Corporation**” means Douglas Corporation;

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

“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;

“electric vehicle” means an all-electric vehicle or a plug-in hybrid electric vehicle;

“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 15;

“motor caravan” has the same meaning as in regulation 3 of the Road Vehicles (Maintenance and Use) Regulations 2012¹;

“non-electric vehicle” means an all-petroleum vehicle or a regular hybrid electric vehicle;

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

“parking permit” means a written authorisation issued by the Corporation for the purposes of article 4(3), following payment of a charge (if any) as specified in column 6 of Schedules 2 and 4 for the relevant parking place;

“parking place” means one of the car parks or any other area of land named in articles 8(1) and 13(1), column 1 of Schedules 2 and 4, and paragraph (1) of Schedule 3 and 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 a parking place by virtue of articles 8(1) and 13(1), column 2 of the tables in Schedules 2 and 4, and paragraph (2) of Schedule 3;

“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 paragraph (3) of Schedule 3 and in the tables in Schedules 2, and 4 when the parking bay is available for such sole use;

Note:

¹ SD 0323/12

The days and hours during which a parking bay may be used as a reserved parking bay are specified in paragraph (3) of Schedule 3 and in the tables in Schedules 2 and 4. Outside of these hours such parking bays are public parking bays.

“**vehicle**” means a mechanically propelled vehicle; and

“**vehicle registration number**” means a registration mark attached to a vehicle in accordance with Regulation 9 of the Licensing and Registration of Vehicles Regulations 2015².

- (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 Use of the parking place

- (1) Schedules 2, 3 and 4 have effect.
- (2) A person may use a parking place, for parking vehicles —
- (a) of such classes;
 - (b) subject to the display of the appropriate type of authorisation, if required;
 - (c) during such days and hours;
 - (d) for such maximum waiting period; and
 - (e) in connection with which such charges (if any) are payable,
- as are specified in Schedule 3 and in the tables in Schedules 2 and 4.
- (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) of such classes;
 - (b) during such days and hours; and
 - (c) for such maximum waiting periods,
- as are specified in Schedule 3 and in the tables in Schedules 2 and 4.
- (4) A parking permit may permit a person to whom it has been issued —
- (a) to park in a specified reserved parking bay in a specified parking place;
 - (b) to park in any reserved parking bay in a specified parking place or in any parking place; or
 - (c) to park in any public parking bay in a specified parking place or in any parking place.
- (5) The use of a parking place is subject to the provisions of this Order.

² SD 2015/0355

5 Conditions of use of the parking place

- (1) 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 must not bring or attempt to bring a vehicle into a parking place if a sign indicates that the parking place is full.
- (3) A driver using a parking place must comply with 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 must not cause a vehicle to wait in a parking place for longer than the maximum period of waiting specified in paragraphs (3) and (4) of Schedule 3 and in column 5 of the tables in Schedules 2 and 4 for that class of vehicle.
- (5) A driver 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 must not cause a vehicle to wait in a public parking bay without—
 - (a) the driver paying the appropriate charge (if any) specified in the tables in Schedules 2, 3, and 4; or
 - (b) the driver possessing, and the vehicle displaying on it an appropriate parking permit (if required).
- (7) If a parking bay is shown by a sign or surface marking as for use by disabled persons, the driver must not cause a vehicle to wait in that bay unless it displays a disabled person's badge.
- (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 type of vehicle unless the vehicle is of that particular type.
- (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 paragraph (2) of Schedule 3 and in column 2 of the tables in Schedules 2 and 4.
- (10) A person must not cause a vehicle to wait in a parking place unless there is displayed on the vehicle a valid licence issued under the Licensing and Registration of Vehicles Act 1985, if such a licence is required.
- (11) A person must not carry out or permit to be carried out, on a vehicle waiting in a parking place, any maintenance or repair, unless it is necessary to enable the vehicle to be removed from the parking place.
- (12) A person must not carry out or permit to be carried out any cleaning of a vehicle in a parking place.
- (13) A driver 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.
- (14) A person must not bring any vehicle into, or use any vehicle in, a parking place, for any purpose other than that of causing it to wait in that place.
- (15) Without limiting the generality of paragraph (14), a person must not —
 - (a) use any vehicle, or anything towed by a vehicle, whilst it is in a 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 a parking place;
 - (c) store any trailer, caravan or other similar vehicle in a parking place;
 - (d) erect or cause or permit to be erected any tent, booth, stand, building or other structure in a parking place;
 - (e) light or cause to be lit any fire in a 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, nor make any loud noise by mechanical means or otherwise which may cause disturbance to other users of that parking place or to the occupiers of properties in the neighbourhood;
 - (i) wilfully or carelessly damage or interfere with the fabric or structure of any parking place or with any equipment, apparatus or device installed in a parking place; or
 - (j) take into any parking place any dangerous, explosive or inflammable substance, other than fuel contained within the fuel tank of a vehicle.
- (16) A person must not abandon a vehicle in a parking place.
- (17) A driver must have regard to the safety of other drivers and pedestrians and their property in a parking place.

- (18) A driver of an electric vehicle who parks their vehicle in a parking bay specifically designed for electric vehicles must park in such a manner as to ensure the charging point on the vehicle is as close as reasonably possible to the charging point in the parking place so as to minimise trailing cables.

6 Traffic in the parking place

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

- (a) the entrance to or exit from the parking place; or
- (b) the direction a vehicle using the parking place must or must not proceed;
- (c) the maximum speed of travel,

then 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 an entrance, exit, in a direction, or at a speed faster than, so indicated.

7 Charges at automatic number plate recognition – barrier controlled parking places

- (1) This article applies to a parking place listed in Schedule 2 (automatic number plate recognition – barrier controlled car parks).
- (2) If there is no parking bay available, the driver must leave the parking place as soon as possible.
- (3) A driver of a vehicle that has parked in the parking place incurring a charge must make payment before attempting to exit the parking place, unless they have purchased credit in advance.
- (4) A driver of a vehicle who is a contract holder will be permitted to enter into the contract area on Levels 5 and 6 of Shaw's Brow car park.
- (5) A driver of a vehicle who is a contract holder may park in any space reserved for use by that contract holder on displaying the appropriate permit and subject to one of those spaces being available.
- (6) If no reserved spaces are available the contract holder must leave the contract area and may park in a public space on level 3 or 4, if available.
- (7) A driver of a vehicle who parks in accordance with paragraph (6) will incur a charge in accordance with the charges set for those levels in column 6 of the table in Schedule 2.
- (8) If allocated a specific reserved parking bay, a contract holder must park in that bay if it is available.
- (9) A driver of a vehicle who has purchased credit in advance must ensure there is sufficient credit on their account in order for them able to exit the parking place.

- (10) A driver of a vehicle using a parking place with automatic number plate recognition must ensure that their vehicle registration number is clearly displayed on the front of the vehicle and that it is clean.
- (11) In circumstances where a vehicle is able to exit the parking place without the charge having been paid, the outstanding charge will be added to the charge incurred for any future period of parking and the driver of the vehicle must pay the charge before that vehicle will be permitted to leave the parking place following that future period of parking.
- (12) In circumstances where the charge has been avoided for three periods of parking or more, the driver of the vehicle will be prevented from exiting the parking place with their vehicle until the unpaid charges have been paid.
- (13) This article does not limit the operation of article 5.

8 Additional parking charge

- (1) If any of the circumstances specified in paragraph (2), (3), (4) or (5) occur, an additional parking charge of £100, must be paid to the Corporation by the driver of the vehicle within 28 days of an additional parking charge notice being affixed to the vehicle in accordance with article 10.

But this article is subject to article 11

- (2) An additional parking charge is in addition to any charge payable in accordance with the tables in Schedules 2 and 4.
- (3) The circumstances are that a vehicle —
 - (a) is not removed from the parking place at or before the expiry of the period for which the parking charge was paid;
 - (b) is parked in a parking place for longer than the maximum stay for that parking place;
 - (c) is parked other than in a parking bay or other than entirely within a parking bay;
 - (d) is parked within a parking bay reserved for disabled people without displaying a disabled person's badge issued in accordance with section 28 of the Act;
 - (e) is parked within a reserved parking bay without displaying an appropriate parking permit in accordance with article 5(5); or
 - (f) is parked in a parking place 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 non-electric vehicle is parked within a parking bay specially designed for an electric vehicle.

- (6) An electric vehicle is parked in a parking bay specifically designed for an electric vehicle in such a manner that the charging point on the vehicle is not as close as reasonably possible to the charging point in the parking place.
- (7) The circumstances are that a vehicle is parked within a parking place without displaying a valid licence issued under the Licensing and Registration of Vehicles Act 1985, if such a licence is required.

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 Corporation may cancel the additional parking charge.

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 **“the Douglas Corporation”** for “the Department”.

12 Pulrose Golf Club

- (1) The area of land at Pulrose Golf Club and shown red on map 5 of Schedule 1 is deemed to be a parking place for the purpose of this Order.
- (2) A person must not bring into or cause any vehicle to wait in the parking place as described in paragraph (1), except where at least one of the occupants has business at the golf course or Meadow Pavilions.
- (3) The vehicles that are permitted to be parked within the parking place as described in paragraph (1) are cars, light vans and motorcycles.
- (4) This article does not limit the operation of article 5.

13 Moving or removal of vehicle from a parking place in contravention of Order

The Corporation may remove a vehicle from a parking place, which has been left in a parking place in contravention of this Order.

14 Exemptions

The provisions of this Order do not apply to —

- (a) emergency services’ vehicles attending an incident within a parking place or using a parking place to gain access to an incident;
- (b) vehicles being used for or on Corporation business.

15 Revocations

The Borough of Douglas Off-Street Parking Places (No.2) Order 2017³ is revoked.

³ SD 2017/0312 as amended by SD 2019/0180.

MADE 25 OCTOBER 2021

R. CHATEL

Mayor

K. J. RICE

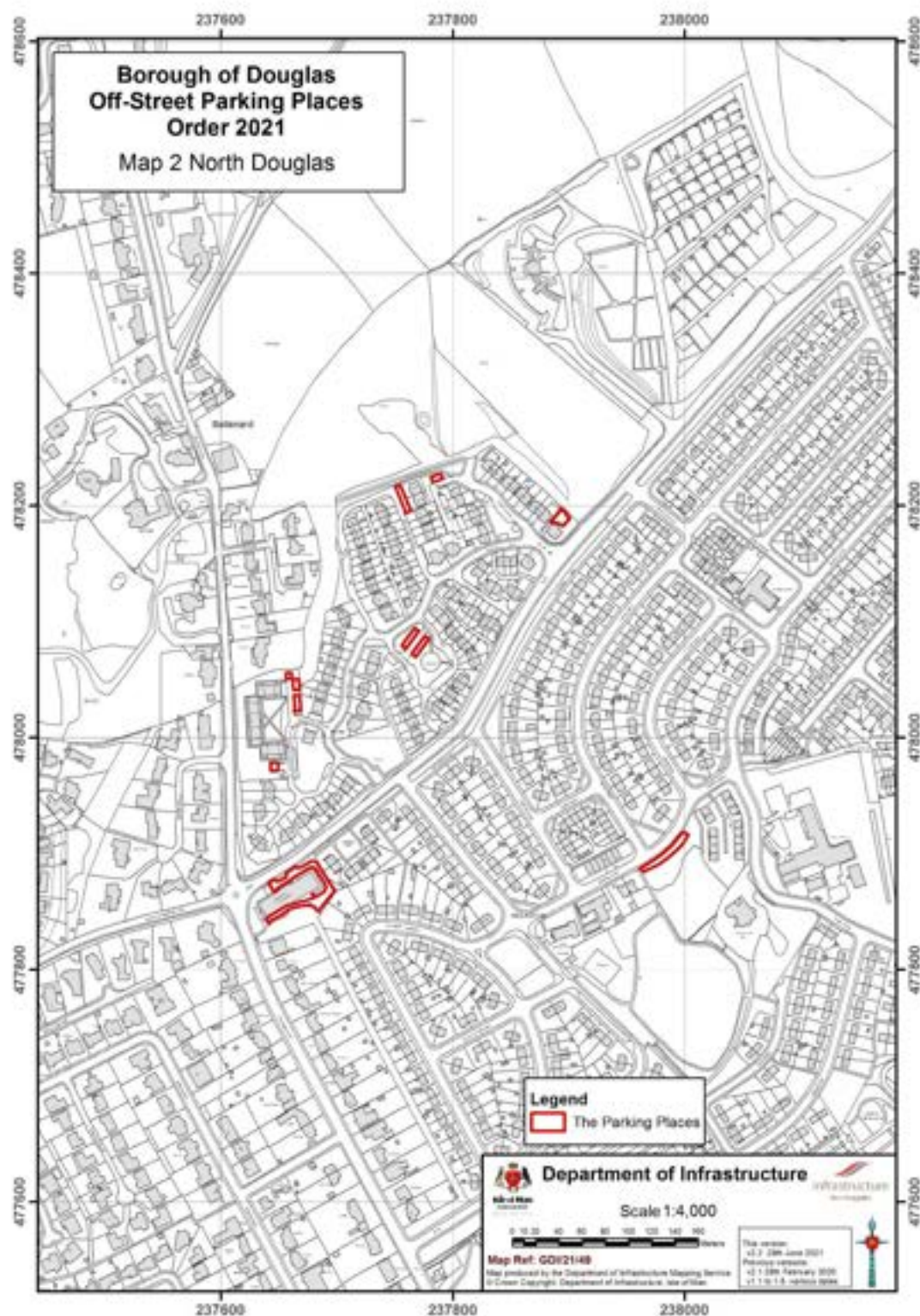
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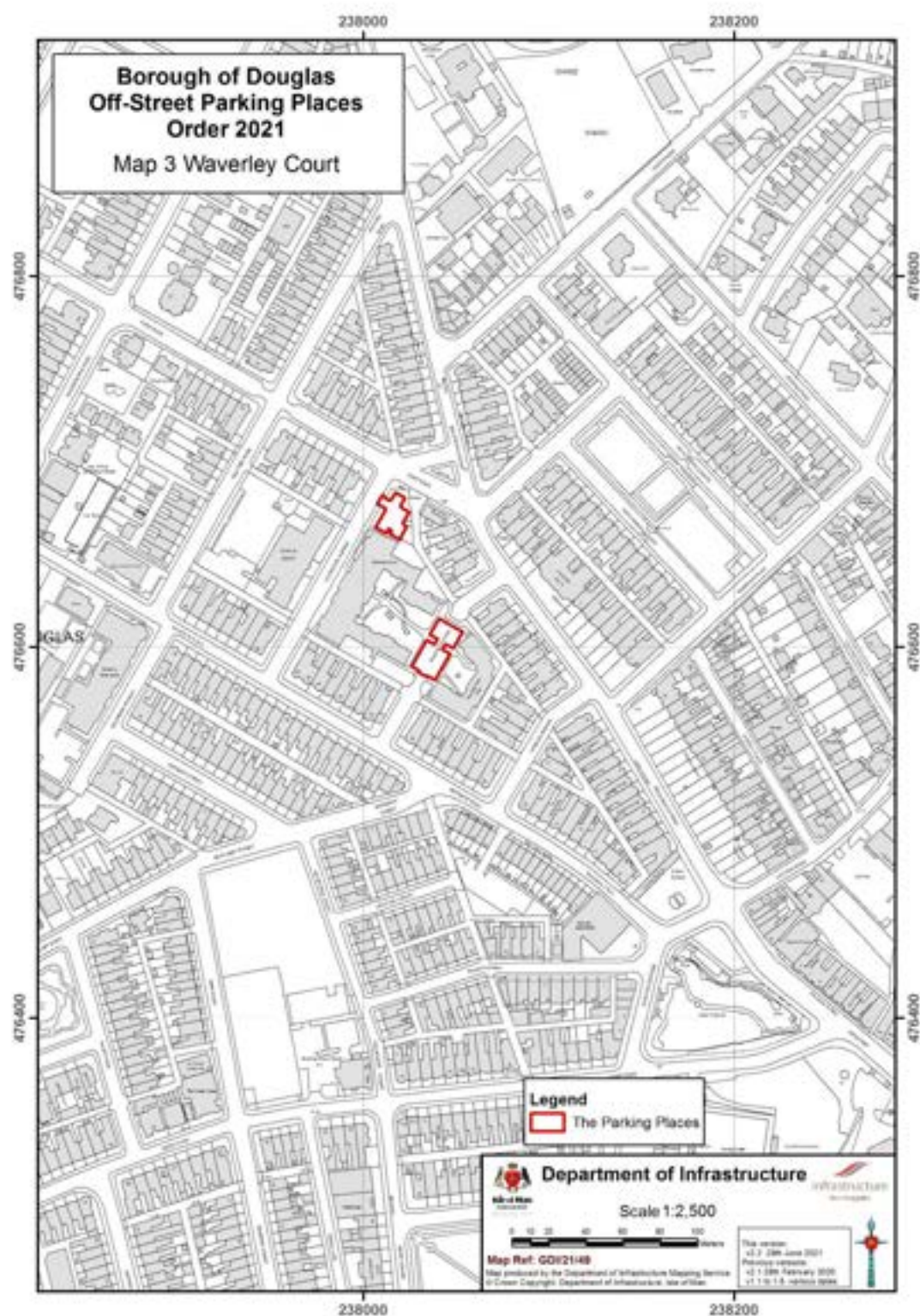
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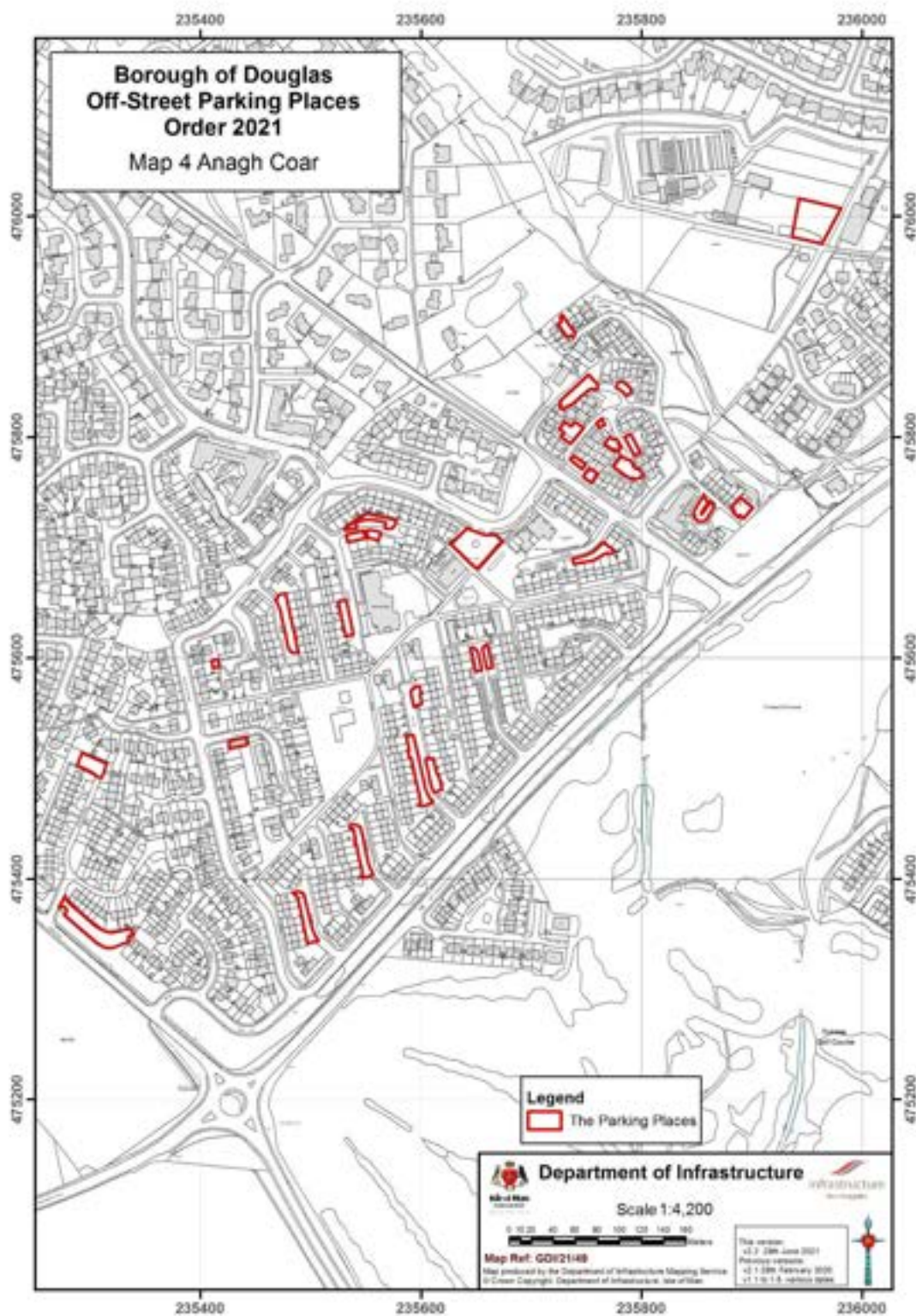
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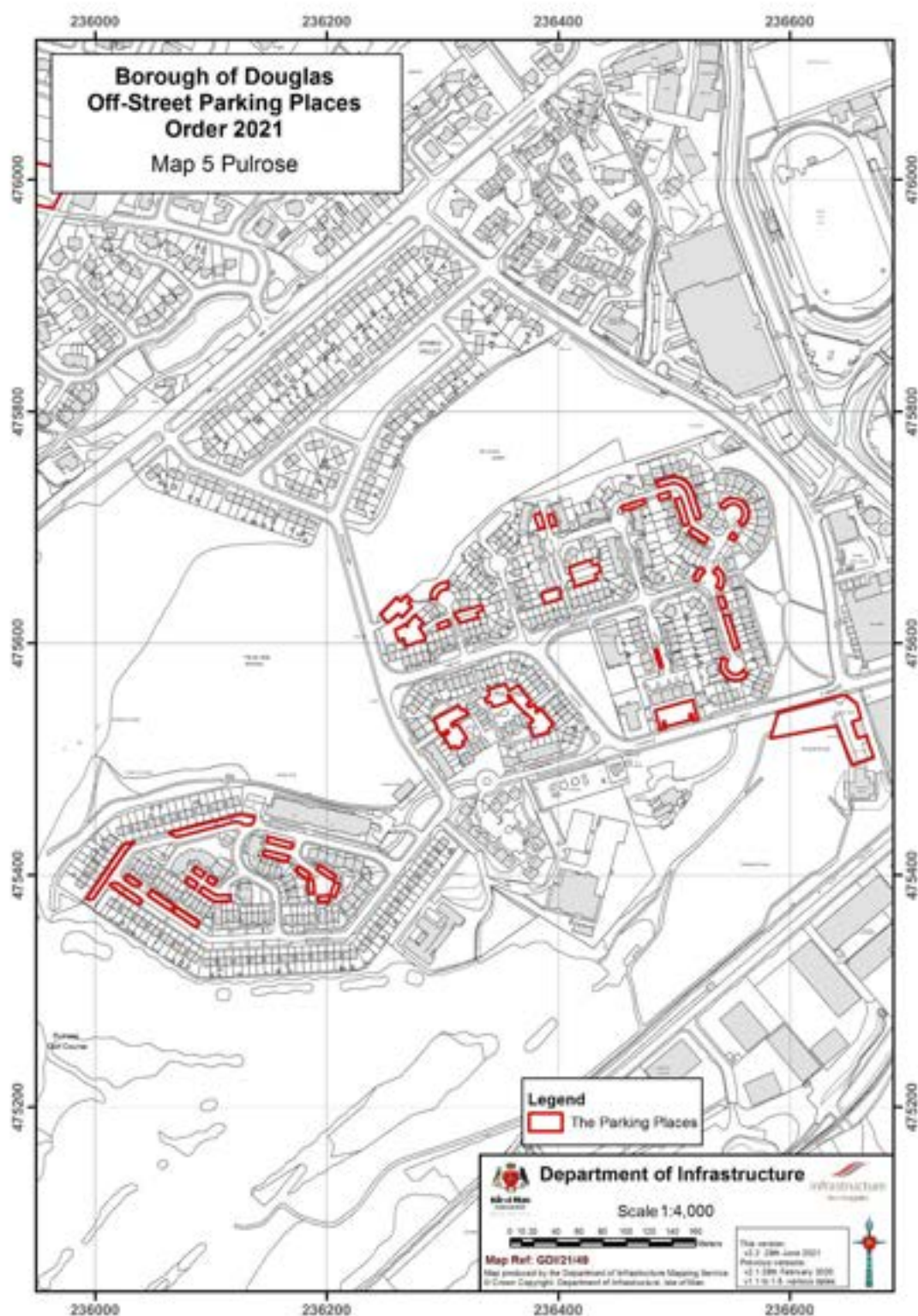
[Article 3]











SCHEDULE 2

AUTOMATIC NUMBER PLATE RECOGNITION – BARRIER CONTROLLED CAR PARKS

[Article 4(1)]

1	2	3	4	5	6
Parking Place	Permitted class of vehicle	Type of authorisation to be displayed	Days and hours of operation	Maximum period of waiting	Scale of charges
Shaw's Brow car park	Motor cars, motor cycles, and light vans less than 2m in height.	Parking permit on levels 5 and 6	All year	No limit	£1562.44 plus VAT per annum.
		Nothing to be displayed on levels 3 and 4	All year	No limit	£240.00 plus VAT per annum for Corporation staff.
		Nothing to be displayed on levels 3 and 4	Monday to Saturday (excluding Bank Holidays) 08.00 -18.00	24 hours	Levels 3 and 4 Up to 1 hour £2.20; Up to 2 hours £2.90; Up to 3 hours £4.00; Up to 4 hours £4.30; Up to 5 hours £4.50 Up to 6 hours £4.70; Up to 7 hours £5.80; Up to 8 hours £6.30 Up to 9 hours £6.50 Up to 10 hours £6.80; Over 10 hours £6.90;

			Monday to Sunday (excluding Bank Holidays) 1800-08.00	24 Hours	Levels 3 and 4 90p per hour (Maximum £2.70)
			Sunday 08.00 - 18.00	24 Hours	Levels 3 and 4 £2.00
			Bank Holidays	24 Hours	Levels 3 and 4 No charge
	Motor cars, motor cycles, and light vans less than 2m in height.	Disabled person's badge on levels 3 and 4	Monday to Saturday (excluding Bank Holidays) 08.00 -18.00	24 Hours	Up to 1 hour no charge; Up to 2 hours £2.20; Up to 3 hours £2.90; Up to 4 hours £4.00 Up to 5 hours £4.30 Up to 6 hours £4.50 Up to 7 hours £4.70; Up to 8 hours £5.80; Up to 9 hours £6.30 Up to 10 hours £6.50 Over 10 hours £6.80
			Monday to Sunday (excluding Bank Holidays) 1800-08.00	24 Hours	90p per hour (Maximum £2.70)
			Sunday 08.00 – 18.00	24 Hours	£2.00
			Bank Holidays	24 Hours	No charge

Bottleneck Car Park	Motor cars, motor cycles, and light vans.	Nothing to be displayed.	Monday to Saturday (excluding Bank Holidays) 08.00 -18.00	120 Hours	£224.20 plus VAT per annum for parking permits for Corporation staff. Up to 1 hour £2.20; Up to 2 hours £2.90; Up to 3 hours £4.00; Up to 4 hours £4.30; Up to 5 hours £4.50 Up to 6 hours £4.70; Up to 7 hours £5.80; Up to 8 hours £6.30 Up to 9 hours 6.50 Up to 10 hours £6.80; Over 10 hours £6.90;
	Motor cars, motor cycles, and light vans.	Nothing to be displayed.	Monday to Sunday (excluding Bank Holidays) 1800-08.00	120 Hours	90p per hour (Maximum £2.70)
	Motor cars, motor cycles, and light vans.	Nothing to be displayed.	Sunday 08.00 – 18.00	120 Hours	£2.00
			Bank Holidays	120 Hours	No charge
	Motor cars, motor cycles, and light vans.	Disabled person's badge	Monday to Saturday (excluding Bank Holidays) 08.00 -18.00	120 Hours	Up to 1 hour no charge; Up to 2 hours £2.20; Up to 3 hours £2.90; Up to 4 hours £4.00 Up to 5 hours £4.30 Up to 6 hours

					£4.50 Up to 7 hours £4.70; Up to 8 hours £5.80; Up to 9 hours £6.30 Up to 10 hours £6.50 Over 10 hours £6.80
	Motor cars, motor cycles, and light vans.	Disabled person's badge	Monday to Sunday (excluding Bank Holidays) 18.00-08.00	120 Hours	90p per hour (Maximum £2.70)
	Motor cars, motor cycles, and light vans.	Disabled person's badge	Sunday 08.00 – 18.00	120 Hours	£2.00
			Bank Holidays	120 Hours	No charge

SCHEDULE 3**OTHER PARKING AREAS**

[Article 4(1)]

- (1) The parking places are —
 - (a) Ballanard Court;
 - (b) Waverley Court;
 - (c) Tynwald Court;
 - (d) Levels 1 and 2 of Hanover House, Lord Street;
 - (e) Snaefell Road, Willaston;
 - (f) Close Moore, Close Fletcher, Ballavagher
 - (g) Lheannag Park;
 - (h) Edmund Chadwick Grove, Rearyt-y-Sheear;
 - (i) Tramman, Farvane, Cullyn, Urley, Koinney, Darragh, Hibbin, Cushag Close, Anagh Coar Close, Anagh Coar;
 - (j) Alder Road, Alder Grove, Cedar Grove, Cypress Grove, Elm Avenue, Hazel Close, Hazel Court, Hazel Crescent, Heather Close, Heather Crescent, Oak Avenue, Oak Close, Springfield Road and off Springfield Road;
 - (k) Anagh Coar Shops Car Park;
 - (l) Pulrose Shops Car Park;
 - (m) Ballaughton Park Car Park.
 - (n) Westmoreland Court
- (2) The vehicles that are permitted to be parked within the parking places as described in paragraph (1) are cars, light vans and motorcycles.
- (3) A driver of a vehicle must not wait in a public parking bay in the parking places listed in paragraph (1)(l) and (m) more than 2 hours between 0700 hours and 2300 hours.
- (4) A driver of a vehicle must not wait in a reserved parking bay in the parking places listed in paragraph (1)(l) and (m) for more than 24 hours.
- (5) Permitted vehicles must not wait in a parking place listed in paragraphs (1)(a), (b), (c), (e), (f), (g), (h), (i), (j), (k) and (n) for longer than a maximum period of 3 months

The vehicles that are permitted to be parked in the parking places listed in paragraphs (1)(a), (b), (c) and (o) are those displaying valid resident or visitor permits. The maximum duration of stay between the hours of 0900 and 1700 for those vehicles displaying visitor permits is 4 hours.

SCHEDULE 4
CONTRACT CAR PARKS

[Article 4(1)]

1	2	3	4	5	6
Parking Place	Permitted class of vehicle	Type of authorisation to be displayed	Days and hours of operation	Maximum period of waiting	Scale of charges
Fancy Street Car Park	Motor cars, motor cycles, and light vans	Parking permit, issued by the Corporation.	Monday to Friday (excluding Bank Holidays)	24 hours	£5500 plus VAT per annum.
Orry Street	Motor cars, motor cycles, and light vans	Parking permit, issued by the Corporation.	Monday to Friday	24 hours	£800 per space VAT per annum.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and re-enacts, with modifications, the Borough of Douglas Off-Street Parking Places (No.2) Order 2017⁴ (SD 2017/0312).

⁴ SD 2017/0312