# BOROUGH OF DOUGLAS OFF-STREET PARKING PLACES (NO.2) ORDER 2017

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1 Title

This Order is the Borough of Douglas Off-Street Parking Places (No.2) Order 2017.

2 Commencement

(1) This Order comes into operation on the day after it is made, subject to the following qualification.

(2) Article 7 and Schedule 2 come into operation —

(a) in respect of the Bottleneck car park on the 25 October 2017; and

(b) in respect of Shaw’s Brow car park on the 1 November 2017.

3 Interpretation

(1) In this Order —

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

“additional parking charge” means an additional charge payable in accordance with 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);

“Department” means Department of Infrastructure;

“disabled person’s badge” means a disabled person’s 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;

“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 motor 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 motor 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 12;

“motor caravan” has the same meaning as in regulation 3 of the Road Vehicles (Maintenance and Use) Regulations 2012;

“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 indicated 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 article 9(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”;

“pay and display ticket” means a ticket for recording the charge paid and the period in respect of which it has been paid;

“pay and display ticket machine” means any apparatus at the parking place designed to issue a pay and display ticket to indicate whether the charge due for using a parking place has been paid and when the period for which it has been paid elapses;

“permitted vehicle” means a vehicle permitted to use a parking place by virtue of article 9(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;

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1 SD 0323/12
“reserved parking bay” means a parking bay for use solely by a person who has been issued with a relevant 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:

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 2015.

(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 of such classes, for such periods, during such hours and for such charges 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 parking permit for parking vehicles of such classes, for such periods and during such hours 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.

5 Conditions of use of the parking place

(1) The driver of a vehicle must not cause it to wait in a 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 an appropriate 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) paying the appropriate charge (if any) specified in the tables in Schedules 2, 3, and 4; or
   (b) possessing and (if required) displaying an appropriate parking permit.

(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 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) The driver of the vehicle must stop the engine as soon as it is in position in a parking bay and must not restart it except when about to change the vehicle’s position in, or to depart from, the parking place.
(14) A person must not bring any vehicle into a parking place or use any vehicle in such a 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 any part of a parking place, including any wall or fence forming part of the enclosure of such parking place, nor to any vehicle parked in a 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.

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,
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, or in a direction, 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 Charges at Chester Street and Drumgold car parks

(1) This article applies in respect of public parking bays in a parking place listed in Schedule 4 (pay and display car parks).

(2) If a charge specified in column 6 of Schedule 4 applies, a person must not cause a vehicle to wait in a parking bay to which this article applies —
   (a) without having obtained, from a pay and display ticket machine, a pay and display ticket;
   (b) without having paid the charge specified in column 6 of Schedule 4; or
   (c) for longer than the period stated on the pay and display ticket.

(3) The ticket referred to in paragraph (2)(a) must be paid for by the insertion of either the appropriate coin or coins, or a credit or debit card, into a pay and display ticket machine.

(4) A pay and display ticket issued on payment of the charge referred to in column 6 of Schedule 4 must be displayed in a conspicuous position on the vehicle in respect of which it was issued so that the period for which the payment was made is legible from outside the vehicle.

(5) An indication on the pay and display ticket of—
   (a) the amount of any charge paid and
   (b) the period for which the payment was made
   is to be presumed to be correct unless the contrary is shown.

(6) This article does not limit the operation of article 5.

9 Amount of additional charge at the parking place

(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.

An additional parking charge is in addition to any charge payable in accordance with the tables in Schedules 2 and 4.

(2) The circumstances are that a vehicle —
   (a) is parked in a parking place listed in Schedule 4 during charging hours without a valid pay and display ticket being displayed in accordance with article 8(4);
   (b) is not removed by the driver from the parking place at or before the expiry of the period for which the parking charge was paid;
(c) is parked in a parking place for longer than the maximum stay for that parking place;

(d) is parked other than in a parking bay or 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 issued in accordance with section 28 of the Act;

(f) is parked within a reserved parking bay without displaying an appropriate parking permit in accordance with article 5(5); or

(g) is parked in a parking place reserved for a specific purpose where none of the occupants of the vehicle undertake such a purpose.

(3) The circumstances are that a vehicle, which is neither a permitted vehicle nor an exempted vehicle, is parked in the parking place.

(4) The circumstances are that a non-electric vehicle is parked within a parking bay specifically designed for an electric vehicle.

(5) 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.

(6) Section 14B(4) of the Act (court to order payment of unpaid charge) applies in respect of any proceedings for an offence of failing to pay a charge under this Order as it applies in respect of any proceedings for an offence of failing to pay a charge under section 14A of the Act with the substitution of “the Corporation” for the reference to “the Department”.

(7) In the case of a vehicle in respect of which an additional parking charge may have been incurred, it is the duty of the 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) (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 has been incurred;

(d) a statement that the additional parking charge of £100 is required to be paid; and

(e) the manner in which and the time within which the additional parking charge must be paid.
(8) Despite paragraphs (1) to (5), if the additional parking charge is paid within 14 days of the notice of the additional parking charge the charge is reduced to £50.

(9) 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 attached.

(10) If within 14 days of the issue of a notice of an additional parking charge, the driver or owner of the vehicle —

(a) produces a valid ticket showing that the appropriate parking charge had been paid;

(b) produces evidence that the vehicle was permitted to be parked in the relevant parking bay; or

(c) produces evidence that the vehicle was taxed,

(as the case requires) the Corporation may cancel the additional parking charge.

10 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.

11 Moving or removal of vehicle

(1) The Corporation may —

(a) alter the position of a vehicle in a parking place; or

(b) remove a vehicle from a parking place,

which has been left in a parking place in contravention of this Order.

(2) The Corporation may recover the costs of removal and storage of vehicles removed from a parking place from the owner of the vehicle.

12 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;
13 **Application of Order**

(1) From Monday to Friday (excluding Bank Holidays) this Order does not apply to any parking bays in Chester Street car park in respect of which the Department has issued a written permit authorising a person to park in that parking bay as notified in writing by the Department to the Corporation.

(2) At all other times this Order applies to such parking bays.

14 **Transitional provision**

Despite the revocation of the Borough of Douglas Off-Street Parking Places Order 2017\(^3\) and the Borough of Douglas Off-Street Parking Places (Amendment) Order 2017\(^4\) in article 15 of this Order, the Orders shall remain operationally in respect of the Bottleneck car park until 2359 hours of the 24 October 2017 and in respect of Shaw’s Brow car park until 2359 hours of the 31 October 2017.

15 **Revocations**

The following Orders are revoked:

- (a) Borough of Douglas Off-Street Parking Places Order 2017; and

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\(^3\) SD 2017/0088
\(^4\) SD 2017/0141
SCHEDULE 1

MAPS

[Article 3]
Borough of Douglas Off-Street Parking Places (No.2) Order 2017

Map 2 North Douglas
Borough of Douglas Off-Street Parking Places (No.2) Order 2017
Map 4 Anagh Coar
### SCHEDULE 2

**PAY ON FOOT – BARRIER CONTROLLED CAR PARKS**

[Article 4(1)]

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<tr>
<td>Parking Place</td>
<td>Permitted class of vehicle</td>
<td>Type of authorisation to be displayed</td>
<td>Days and hours of operation</td>
<td>Maximum period of waiting</td>
<td>Scale of charges</td>
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<td>Shaw’s Brow car park</td>
<td>Motor cars, motor cycles, and light vans less than 2m in height.</td>
<td>Parking permit on levels 5 and 6</td>
<td>All year</td>
<td>No limit</td>
<td>£1410.67 plus VAT per annum.</td>
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<td>Nothing to be displayed on levels 3 and 4</td>
<td>All year</td>
<td>No limit</td>
<td>£208.40 plus VAT per annum for Corporation staff.</td>
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<td>24 hours</td>
<td>Levels 3 and 4</td>
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<td><strong>Motor cars, motor cycles, and light vans less than 2m in height.</strong></td>
<td><strong>Disabled person’s badge on levels 3 and 4</strong></td>
<td><strong>Monday to Saturday (excluding Bank Holidays) 08.00 -18.00</strong></td>
<td><strong>24 Hours</strong></td>
<td><strong>Up to 1 hour no charge; Up to 2 hours £1.80; Up to 3 hours £2.50; Up to 4 hours £3.50 Up to 5 hours £3.70 Up to 7 hours £4.00; Up to 8 hours £5.30; Up to 10 hours £5.50 Over 10 hours £6.00</strong></td>
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<td><strong>Bottleneck Car Park</strong></td>
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<td><strong>Nothing to be displayed.</strong></td>
<td><strong>Monday to Saturday (excluding Bank Holidays) 08.00 -18.00</strong></td>
<td><strong>120 Hours</strong></td>
<td><strong>£208.40 plus VAT per annum for parking permits for Corporation staff. Up to 1 hour £1.80; Up to 2 hours £2.50; Up to 3 hours £3.50; Up to 4 hours £3.70; Up to 6 hours £4.00; Up to 7 hours £5.30; Up to 10 hours £5.50; Over 10 hours £6.00;</strong></td>
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<td><strong>Monday to Saturday (excluding Bank Holidays) 1800-08.00</strong></td>
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<td>Disabled person’s badge</td>
<td>Sunday and Bank Holidays</td>
<td>120 hours</td>
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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) Orry Street;
(j) Tramman, Farvane, Cullyn, Urley, Koinney, Darragh, Hibbin, Cushag Close, Anagh Coar Close, Anagh Coar;
(k) 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;
(l) Anagh Coar Shops Car Park;
(m) Pulrose Shops Car Park.

(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.
SCHEDULE 4

PAY AND DISPLAY CAR PARKS

[Article 4(1)]

<table>
<thead>
<tr>
<th>1</th>
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<th>6</th>
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</thead>
<tbody>
<tr>
<td>Parking Place</td>
<td>Permitted class of vehicle</td>
<td>Type of authorisation to be displayed</td>
<td>Days and hours of operation</td>
<td>Maximum period of waiting</td>
<td>Scale of charges</td>
</tr>
<tr>
<td>Chester Street Car Park</td>
<td>Motor cars, motor cycles, and light vans</td>
<td>Parking permit, issued by the Corporation, on levels 7, 8 &amp; 9</td>
<td>Monday to Friday (excluding Bank Holidays)</td>
<td>24 hours</td>
<td>£1092.00 plus VAT per annum.</td>
</tr>
</tbody>
</table>

Pay and display ticket on levels 1, 2, 3, 4, 5 & 6 Monday to Saturday

Monday to Friday (excluding Bank Holidays) 08.00 - 15.00

Levels 4, 5 & 6 24 hours

Up to 1 hour £1.80; Up to 2 hours £2.40; Up to 3 hours £3.50; Up to 4 hours £3.60 Up to 6 hours £4.00; Up to 10 hours £5.00 Over 10 hours £5.50

Vehicles displaying a disabled person’s badge and parked within a disabled space: one extra hour free parking is allowed after the permitted time.
<table>
<thead>
<tr>
<th>Borough of Douglas Off-Street Parking Places (No.2) Order 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pay and display ticket on levels 1, 2, 3, 4, 5, 6, 7, 8 &amp; 9 on Saturdays</td>
</tr>
<tr>
<td>None</td>
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<tr>
<td>Drumgold Street Car park</td>
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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 Place Order 2017 (as amended). The modifications will introduce automatic number plate recognition barrier controlled parking places to replace the pay-on-foot barrier controlled parking places.

At automatic number plate recognition barrier controlled parking places, payments may be made in one of the following ways by—

(a) entering the vehicle registration number into a payment machine and paying by one of the means available at that machine. Payment may be made for the period of parking already incurred. Once registered with the Corporation, drivers will also be able to purchase credit in advance. Payment may then be made automatically every time the registered vehicle uses the parking place;

(b) downloading the ‘Glide’ payment application to a compatible mobile telephone, tablet or other similar device and entering the vehicle registration number and a valid method of payment into the application;

(c) registering as a contract holder or an employee of the Corporation.