

**THE MID SUSSEX DISTRICT COUNCIL
((OFF STREET PARKING PLACES) ORDER 2006)
(AMENDMENT NO. 1) ORDER 2018**

The Council of the District of Mid Sussex (hereinafter referred to as 'the Council') in exercise of their powers under Sections 32 and 35 of the Road Traffic Regulation Act 1984 ('The Act'), Regulation 21 of the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996, and the Traffic Management Act 2004 whether generally or in relation to the Council's area and of all other enabling powers, with the consent of the County Council of West Sussex given under Section 39(3) of the Act and after consultation with the Chief Officer of Police and the Freight Transport Association and the Road Haulage Association in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

PART I

GENERAL

Commencement & Citation

1. (1) This Order shall come into operation on _____ 2018 and may be cited as "The Mid Sussex District Council ((Off Street Parking Places) Order 2006) (Amendment No. 1) Order 2018"
- (2) The Mid Sussex District Council (Off Street Parking Places) Order 2006 is hereby amended by the addition of the Articles in the First Schedule to this Order and the substitution of Articles in the Second Schedule to this Order and the deletion of items in the Third Schedule to this Order and the addition and deletion of items in the Fourth Schedule to this Order.

Interpretation

2. (1) Any reference in this Order to 'the Schedule' is a reference to the Schedule in The Mid Sussex District Council (Off Street Parking Places) Order 2006

PART II

**FIRST SCHEDULE
(to be added)**

1. Interpretation

'appropriate payment' means payment by the insertion of coins into a parking apparatus or payment by credit or debit card via the parking apparatus.

'disabled persons vehicle' means a vehicle displaying a valid disabled persons badge.

'electric vehicle bay' means any area of a parking place which is provided for the use by a plug-in electric vehicle and/or a plug-in hybrid electric vehicle in order to recharge their supply by using the electric plug in points in the parking place.

'expiry time' means the time indicated on the pay and display ticket or as indicated by the confirmation given by the pay by phone technology scheme and is the time by which the vehicle must leave the parking place.

'last period of payment' means the last parking period purchased via the means of a ticket or a period of parking via the pay by phone technology scheme.

'parking period' means a period of time purchased which allows a vehicle to remain in a parking place and this shall be indicated by the means of either displaying a ticket or season ticket on the dashboard of the vehicle, purchasing a period of parking via the pay by phone technology scheme or purchasing a period of parking via the season ticket technology scheme.

'pay by phone technology scheme' means a park and pay by telephone scheme which allows a driver to make payments to park on a daily basis at designated parking places and requires the driver to pay by telephone, website, mobile phone or text in a specific parking place that has its own unique code that the driver must select for where the vehicle is parked and enter the registration number of the vehicle they are parking.

'penalty charge notice' means a notice issued by a Civil Enforcement Officer in accordance with Regulation 9 or 10 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 as amended.

'plug-in electric vehicle' means an electric drive vehicle using one or more electric motors for propulsion which may also contain a combustion engine either for the exclusive use of supplying energy to recharge the power source and/or supplying motive power that can be restored to full charge by connecting a plug to an external electric power source.

'plug-in hybrid electric vehicle' means a hybrid vehicle that utilises rechargeable batteries or another energy storage device that can be restored to full charge by connecting a plug to an external electric power source.

'ticket' means a ticket issued by a parking apparatus

'season ticket technology scheme' means a park and pay scheme that allows a driver to purchase in advance allowing parking for a period of either four, thirteen or fifty two weeks in selected parking places that have their own unique code that the driver must select and enter the registration number of the vehicle prior to parking

'vehicle' means a motor car, plug-in electric vehicle, plug-in hybrid electric vehicle, motor cycle, light goods vehicle or goods vehicle.

2. Article 3 (8)

If at the time when a vehicle is parked during the charging hours in a parking place and the nearest parking apparatus (where provided) is out of order then a ticket should be obtained from another parking apparatus within the same parking place (where provided) or as directed in the parking place.

3. Article 7 (11)

If a vehicle is left in a parking place for any longer than the maximum period specified in column 6 of the Schedule in relation to the relevant parking place then a penalty charge shall be payable.

4. Article 7 (12)

If a vehicle is left in a parking bay indicated for vehicles of a class specified in column 3 in the Schedule for that parking place and it is not of that specified class then a penalty charge shall be payable.

5. Article 7 (13)

If a vehicle is left in a parking place within a parking bay with a sign or surface marking indicating that it is available only for vehicle displaying a valid disabled persons badge and such vehicle is not displaying a valid disabled persons badge then a penalty charge shall be payable.

**SECOND SCHEDULE
(to be substituted)**

1. **Interpretation**

'charging hours' in relation to a parking place where charges are levied means the period specified such in Schedule to this Order for which a charge will be made for the parking of the vehicle therein.

'Civil Enforcement Officer' has the same meaning assigned to it by Part 6 of the Traffic Management Act 2004 and who is authorised by or on behalf of the Council to supervise the parking places and enforce the restrictions imposed by this Order.

'Council' means Mid Sussex District Council and includes any parking services contractors or authorised agent appointed by or acting on behalf of Mid Sussex District Council.

'doctors vehicles' shall mean vehicles used by doctors practising at the 'Tollgate Surgery'

'invalid carriage' means a mechanically propelled vehicle 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.

'light goods vehicle' means a vehicle constructed or adapted for use for the carriage of goods, the unladen weight of which does not exceed 7.5 tonnes.

'motor cycle' means a mechanically propelled vehicle (not being an invalid carriage) with fewer than 4 wheels.

'parking apparatus' means the ticket issuing machines approved in accordance with Section 35(3A) of the 1984 Act which issue a ticket indicating the payment of a

charge and the date and time at which the ticket expires in relation to 'pay and display' parking places.

'parking place' means an area of land specified by name in Column 1 of the Schedule to this Order provided by the Council under Section 32(1) of the 1984 Act for use as a parking place and includes any access or service roads.

'penalty charge' has the same meaning assigned to it by the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and shall be for the amount advertised by the Council and at the higher or lower rate as specified in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) General Regulations 2007 as amended.

'season ticket' means a permit issued by the Council to a person whereby a vehicle owned, kept, driven or controlled by that person may be left in parking places at dates and times specified by the Council.

2. Article 3 (1)

Each area of land specified by name in column 1 of the Schedule to this Order and more particularly described in the maps annexed to this Order may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such positions and on such days and during such hours as are specified in relation to that area in the said Schedule. Reference in Part II to 'the Schedule' shall be construed as reference to the Schedule to this Order.

3. Article 3 (2)

Where in the Schedule a parking place is described as available for vehicles of a specified class or in specified position, the driver of a vehicle shall not permit such vehicle to wait in that parking place unless it is of the specified class and in the position so specified

4. Article 3 (3)

- (a) the driver of a vehicle shall not permit it to wait in a parking place except on such days and during such hours as are specified in relation to that area in the Schedule.
- (b) the driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in the Schedule in relation to that parking place.
- (c) a parking period may be extended in the same parking place by purchase of any additional ticket or a further parking period via the pay by phone technology.
- (d) upon the expiry time of the last period of payment the vehicle shall leave the parking place.
- (e) a parking period may not be extended further than the maximum period for waiting specified in the Schedule in relation to that parking place.

- (f) upon leaving the parking place the vehicle shall not return to the parking place during within the no return period specified in the Schedule in relation to that parking place.
- (g) Where parking bays are provided the driver of a vehicle shall ensure that it is positioned wholly within a parking bay and shall not permit a vehicle to wait in the parking place unless it is in the specified position.
- (h) The driver shall not permit a vehicle to wait in a parking place in such a position as to obstruct or prevent any other vehicle from entering or departing from the parking place.

5. Article 3 (4)

Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled persons vehicle, the driver of a vehicle shall not permit it to wait in that parking bay unless the vehicle is displaying a valid disabled persons badge.

6. Article 3 (5)

Insofar as a vehicle is left in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in the following provisions of this Order, except if the vehicle is displaying a valid disabled persons badge, for which see Article 7 below.

7. Article 3 (6)

Without prejudice to the foregoing paragraph where a driver, pursuant to Article (5) below, purchases a season ticket this will permit the driver to use the parking place, or another of similar status, without the purchase of a ticket.

8. Article 3 (7)

In relation to Article (5) and (6) above, the payment of any such charge or possession of a valid disabled persons badge does not guarantee the availability of a parking bay in any particular parking place.

9. Article 4 (1)

This Article applies to the parking places specified in column 1 of the Schedule, where charging hours apply as specified in column 5 of the Schedule.

10. Article 4 (2)

The charges for a vehicle left in a parking place during the charging hours shall be those specified against the parking place in column 7 of the Schedule.

11. Article 4 (3)

The charge referred to in Article 4 (2) shall be payable by the following methods:

(a) the insertion of the appropriate payment into the appropriate parking apparatus installed in the parking place.

(b) the driver making the payment of the relevant level of charge for the vehicle in that parking place for the relevant parking period using the pay by phone technology scheme.

12. Article 4 (4)

The driver of a vehicle when leaving it in a parking place shall on entering the parking place obtain a numbered ticket showing the date and time it was issued except where the driver has paid for the relevant parking period using the pay by phone technology scheme.

13. Article 4 (5)

Any ticket issued on payment of the charge obtained under Article 4 (3) (a) shall at all times whilst the vehicle is in the parking place be displayed on the dashboard of the vehicle in such a manner that the time and date shown on the front of the said ticket are clearly visible.

14. Article 5 (1)

This Article 5 applies only to parking places numbered 14, 15, 16 (parking bays indicated by white lines), 19 (parking bays in the long stay area), 20, 23, 27, 28 (parking bays indicated by white lines), 31, 42, 43 and 44 in column 1 of the Schedule.

15. Article 5 (2)

As an alternative to the method of payment referred to in Article 4(3) a driver may purchase in advance a season ticket allowing the use of the parking bays mentioned in the parking places referred to in Article 5 (1) above.

16. Article 5 (3)

The season ticket referred to in Article 5 (2) shall be issued on payment of the relevant level of charge shown in the scale of charges specified in the Schedule and shall either:

(a) be displayed on the windscreen or on the dashboard of the vehicle in respect of which it was issued at all times whilst the vehicle is in the parking place in such a manner as the date and vehicle registration number are clearly visible; or.

(b) the driver making the payment of the relevant level of charge for the vehicle in that parking place for the relevant parking period using the season ticket technology scheme.

17. Article 5 (4)

A season ticket will be valid for parking only in each of the parking places referred to in Article 5(1) above and pursuant to Article 3(7) above.

18. Article 6 (1)

Payment of the charge specified in Articles 4 and 5 shall be indicated by

- (i) the issue by a parking apparatus of a ticket indicating the payment of that charge and the date and time in respect of which the charge has been paid and displayed in accordance with 4(5) above, or
- (ii) payment made via the pay by phone technology scheme to cover that parking place and to cover the entire parking period that the vehicle is parked in the parking place, or
- (iii) the issue by a season ticket (in cases where this is permitted pursuant to Article 5 above) valid for the parking bays identified in the places referred to in Article 5(1) above for the relevant parking period by the display of that season ticket in the vehicle in accordance with Article 5(3)(a), or
- (iv) payment made via the season ticket technology scheme (in cases where this is permitted pursuant to Article 5 above) valid for the parking bays identified in the parking places referred to in Article 5(1) above for the relevant parking period in accordance with Article 5(3)(b).

19. Article 6 (3)

If at any time whilst a vehicle is left in a parking place no ticket or season ticket is displayed in that vehicle or no record of payment under the pay by phone technology scheme or the season ticket technology scheme has been made for that vehicle in accordance with Articles 4(5) and 5(3)(a) it shall unless the contrary be proved be presumed that the charge specified in Articles 4 and 5 have not been paid.

20. Article 6 (4)

A parking period purchased by way of pay by phone technology scheme, season ticket technology scheme, a ticket or a season ticket will only be valid for one vehicle (being the vehicle of issue) and shall not be valid if used in conjunction with or displayed on any vehicle other than that for which they are first purchased.

21. Article 6 (5)

A parking period purchased by way of pay by phone technology scheme or a ticket will only be valid in the relevant parking place of issue.

22. Article 7 (3)

If a vehicle which is not displaying a disabled person's badge is left in a parking place during the charging hours where no initial payment has been made in accordance with Article 4 (3) or Article 5(2) then a penalty charge shall be payable.

23. Article 7 (4)

If a vehicle which is not displaying a disabled person's badge is left in a parking place

during the charging hours without displaying a valid ticket or season ticket or no record of payment under the pay by phone technology scheme or the season ticket technology scheme has been made for that vehicle in accordance with Article 6(1) then a penalty charge shall be payable.

24. Article 7 (5)

If a vehicle is left in a parking place but not wholly within one of the parking bays therein defined then a penalty charge shall be payable.

25. Article 7 (6)

Tickets or season tickets are only valid for one vehicle (the vehicle of issue) and shall not be valid if displayed on any vehicle other than that on which they are first displayed. Use of a ticket issued for one vehicle on another vehicle will result in a penalty charge being payable on each of the vehicles involved.

26. Article 7 (7)

Tickets (as opposed to season tickets) are only valid in the parking place of issue. Anyone attempting to use a ticket in a parking place where it has not been issued or a season ticket in a parking place where it is not valid shall be responsible for the payment of a 'penalty charge'.

27. Article 7 (8)

The penalty charge shall be for the amount advertised by the Council and at the higher or lower rate as specified in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) General Regulations 2007 as amended.

28. Article 7 (9)

If a vehicle returns to a parking place within the no return period as set out in Article 3 (f) and 32 (1) then a penalty charge shall be payable.

29. Article 7 (10)

If a driver or any other person shall remove, add to or substitute a ticket with any other parking ticket as set out in Article 6 (4) then a penalty charge shall be payable.

30. Article 8

In the case of a vehicle in respect of which a penalty charge may have been incurred, the Civil Enforcement Officer shall serve a penalty charge notice in accordance with the Traffic Management Act 2004 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) the grounds on which the Civil Enforcement Officer believes that a penalty charge is payable with respect to the vehicle and the date and

time at which the Civil Enforcement Officer observed that the contravention occurred;

- (c) the amount of the penalty charge which is payable and that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the penalty charge notice;
- (d) that if the penalty charge is paid before the end of a period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the proportion of 50%;
- (e)
 - i) in the event that a penalty charge notice has been served under Regulation 9 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 as amended, that if the penalty charge is not paid within the period referred to in Article 8 (c) a notice to the owner may be served by the Council on the person appearing to them to be the owner of the vehicle;
 - ii) in the event that a penalty charge notice has been served under Regulation 10 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 as amended, that if the penalty charge is not paid within the period referred to in Article 8 (c) an enhanced charge certificate may be served by the Council on the person appearing to them to be the owner of the vehicle;
- (f) the address to which payment of the penalty charge must be sent.

31. Article 9

The penalty charge shall be paid to the Council only as specified on the penalty charge notice. Failure to pay the penalty charge as defined in the Order within a period of 28 days from the date of the issue of the penalty charge notice shall be a contravention of the Order.

32. Article 10

During charging hours vehicles, except those displaying a disabled persons badge or those who have purchased a parking period via the pay by phone technology in accordance with Article 4 (3) (b) or purchased a season ticket via the season ticket technology in accordance with Article 5 (3) (b), in the relevant parking places must in all circumstances prominently display a valid parking ticket, daily or season, from the time of parking until and including actually exiting the parking place, as inspection of parking tickets and potential issue of penalty charge notices can be carried out during charging hours up to and including the exit from the parking place by the vehicle.

33. Article 11

When a penalty charge notice has been attached to a vehicle in accordance with any of the foregoing provision of this Order no person other than a person authorised by the Council in that behalf or the driver or a person authorised by the driver in that behalf shall remove the penalty charge notice from the vehicle.

34. Article 12

Vehicles which have been issued with a penalty charge notice and which have not been moved from the parking place within 24 hours after the expiry of the validity of the initial parking charge ticket (or in the case of a season ticket within 24 hours of end of the maximum period for which the vehicle was permitted to wait in the parking place in the session in which the penalty charge notice was issued) will be subject to removal or immobilisation by the Council and recovery of such vehicles will be subject to a charge as prescribed in the Traffic Management Act (in addition to the penalty charge already incurred) plus any additional costs incurred by the Council.

25. Article 13

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.

26. Article 14

The driver of a vehicle using a parking place shall not drive the said vehicle or operate the engine thereof in such a manner as to cause the disturbance or annoyance of another person.

27. Article 17

The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.

28. Article 20

- (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 3, a Civil Enforcement Officer or 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 provision.
- (2) If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order a Civil Enforcement Officer or a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal.
- (3) For the purpose of meeting the requirements of an emergency a Civil Enforcement Officer or a person authorised in that behalf by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle from a parking place or remove or arrange 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 Article 20(1), or removing, or causing the removal of a vehicle by virtue of Article 20(2) or 20(3) may do so in such 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 Article 20(2) or 20(3) shall make such arrangements as he considers to be reasonably necessary for the safe custody of the vehicle in the place to which it is removed.
- (6) Where a vehicle is removed in accordance with Article 20(2), (4) above recovery will be subject to a charge as prescribed in the Traffic Management Act plus any additional costs incurred by the Council.

29. Article 22

No person shall except with the permission of a Civil Enforcement Officer or 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.

30. Article 23

No person shall except with prior written consent of the Council or where permitted under Article 25 drive a vehicle within or through a parking place as a means of gaining passage to or from premises abutting the parking place.

31. Article 24

The Council is not holding itself out as providing an attended or secure place and shall in no way be responsible for the loss of or damage to any articles or possessions contained in the vehicle or the loss of or damage to the vehicle itself.

32. Article 25

Nothing in this Order shall affect the proper and lawful exercise of any right of way, licence or consent to pass or repass with or without vehicles of any description that has been granted or shall be granted along or over any part of any parking place referred to in the Schedule.

33. Article 27

“Loading bays” referred to in the Schedule shall only be used by goods vehicles for the purpose of enabling such a vehicle to be loaded and unloaded whilst it is in actual use in connection with the delivery or collection of goods to and from premises adjoining the parking place for a period not exceeding one hour and provided that a period of not less than thirty minutes had elapsed since the termination of the last period of waiting at that loading bay.

34. Article 28 (1)

This Article and Articles 29 and 30 apply only to the parking bays identified in the Schedule in Trinity Road Car Park, Hurstpierpoint; Orion Car Park, Hassocks; Broad Street Car Park, Cuckfield; The Dolphin, Haywards Heath; The Triangle, Burgess Hill and Kings Centre, East Grinstead.

35. Article 28 (2)

The driver of a vehicle shall on arrival at a parking place and at all times when the vehicle is in the parking place during the hours of operation, exhibit in the vehicle, a parking disc, in a conspicuous position in such a manner that the time of arrival is clearly visible.

36. Article 29 (1)

The driver shall upon exhibiting the parking disc set the time on the parking disc so that it indicates the time of arrival, but where the vehicle arrived neither on the hour, or the half hour, the parking disc must be set to the nearest preceding quarter hour. The time displayed on the parking disc will be treated as evidence that the vehicle has been waiting in the parking place for longer than the permitted period.

37. Article 29 (3)

The driver shall not permit a vehicle to wait in a parking place for longer than the maximum time permitted.

38. Article 30 (2)

A penalty charge shall be payable if during the operating hours the time set on the parking disc in a vehicle, and exhibited at the time of arrival, is altered to allow the vehicle to remain in the parking place longer than the time permitted.

39. Article 31 (1)

This Article and Articles 32 and 33 apply only to the parking bays identified in the Schedule in Clair Hall, Haywards Heath.

40. Article 31 (2)

The driver of a vehicle shall on arrival at a parking place and at all times when the vehicle is in the parking place during the hours of operation, exhibit in the vehicle, a parking permit, on the windscreen or dashboard of the vehicle in such a manner that the date is clearly visible.

41. Article 32 (2)

The driver shall not permit a vehicle to wait in a parking place for longer than the maximum time permitted.

**THIRD SCHEDULE
(to be deleted)**

1. **Interpretation**

The following definitions to be deleted:

'authorised officer'

'car park'

'civil enforcement area'

'motor vehicle'

'parking attendant'

'parking device'

'registered keeper'

2. The following words to be deleted between Articles 8 and 9:

Manner of payment of penalty charge

**FOURTH SCHEDULE
(to be added/deleted)**

- 1) The addition of an areas of land, shown edged and hatched in red on the relevant plans hereto, to the car parks numbered in the Schedule as 9 (Trinity Road, Hurstpierpoint), 18 (Imberhorne Lane, East Grinstead), 19 (Cyprus Road, Burgess Hill), 24 (Church Road, Burgess Hill), 25 (Church Road (The Orchards), Haywards Heath) and 30 (Haywards Road East/Gower Road, Haywards Heath).
- 2) The deletion of an area of land. shown edged and hatched in red on the relevant plan hereto, to the car park numbered 15 (Norton House, East Grinstead) in the Schedule.
- 3) The addition of the wording 'Wholly within a parking bay marked Electric Vehicles' in column 2 in the Schedule and references to 'plug-in electric vehicles or plug-in hybrid electric vehicles only' in column 3 in the Schedule in relation to car parks numbered in the Schedule as 17 (Chequer Mead, East Grinstead), 19 (Cyprus Road, Burgess Hill) and 26 (Hazelgrove Road, Haywards Heath)
- 4) The addition of a column 8 to the Schedule to confirm the no return period for the car parks being 2 (two) hours no return period for the car parks numbered in the Schedule as 34 (The Dolpin, Haywards Heath), 35 (The Triangle, Burgess Hill), 36 (Kings Centre, East Grinstead), 37 (Clair Hall, Haywards Heath), 38 Beech Hurst Gardens, Haywards Heath), 39 (St John's Park, Burgess Hill), 40 (Mount Noddy Recreation Ground, East Grinstead), 43 (Oaklands Road, Haywards Heath), 44 (Boltro Road, Haywards Heath) and 45 (Mid Sussex District Council Offices, Haywards Heath) and 1 (one) hour no return period for all other car parks.

GIVEN under the COMMON SEAL
Of the MID SUSSEX DISTRICT COUNCIL
this day of 2018

Authorised Officer