

**THE HAMBLETON DISTRICT COUNCIL**  
**(THIRSK AND SOWERBY LEISURE CENTRE)**  
**(OFF-STREET PARKING PLACES) ORDER 2022**

The Hambleton District Council (“the Council”) in exercise of its powers under Section 35 of the Road Traffic Regulation Act 1984 (“the 1984 Act”) and the Traffic Management Act 2004 (“the 2004 Act”) and all Regulations and Orders made in exercise of the powers conferred by the 2004 Act and of all other powers hereby makes the following Order:-

**PART 1**

**GENERAL**

1. The Order shall come into operation on \_\_\_\_\_ 2022 and may be cited as The Hambleton District Council (Thirsk and Sowerby Leisure Centre) (Off-Street Parking Places) Order 2022.
2. In the Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

“caravan” means a trailer which is constructed for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer);

“civil enforcement officer” means a duly authorised employee or agent of the Council who is authorised to supervise and control motor vehicles in the parking place and enforce the provisions of this Order pursuant to Section 76 of the 2004 Act and Section 63A of the 1984 Act;

“disabled person” means a disabled person of a description prescribed by Regulation 4 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“disabled person’s badge” means a disabled person’s badge in the prescribed form required by The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“disabled person’s parking bay” means a parking bay identified in Schedule One to this Order as being only for vehicles displaying a valid disabled person’s badge;

“disabled person’s vehicle” has the same meaning as in Section 142 of the 1984 Act;

“driver” in relation to a motor vehicle waiting in a parking place, means the person driving the motor vehicle at the time it was left in a parking place;

“electric vehicle” means a vehicle which is solely fuelled by charged batteries on board for propulsion and which needs to be charged from an electric power source;

“electric vehicle charging point bay” means a parking bay identified in Schedule One to this Order as being only for electric vehicles whilst using the electric power source to recharge the vehicles battery;

“electronic parking system” means a system using electronic communication methods (for example mobile phone, internet, or electronic personal device) to obtain a parking session which indicates the time and date by which the vehicle must leave the car park;

“immobilisation device” has the same meaning as in Section 104(9) of the 1984 Act;

“motor cycle” means a two wheeled motor vehicle;

“motor cycle parking bay” means a parking bay identified in Schedule One to this Order as being for motor cycles without side cars attached;

“motor vehicle” includes a motor cycle with sidecar, motorhome and excludes caravans and trailers;

“owner” has the same meaning as in Section 142 of the 1984 Act;

“parking bay” means that area of a parking place in which a motor vehicle shall park and indicated on the surface of the parking place;

“parking place” means an area of land and shown edged red on the plan and provided by the Council under Section 32 of the 1984 Act for use as a parking place;

“permit” means an instrument or device issued by the Council which allows parking in a parking place

“plan” means the plan attached to this Order;

“prescribed hours” means the period or periods specified in Column 7 of Schedule One to this Order;

“season ticket” means an instrument or device issued by the Council which allows parking in a parking place;

“ticket machine” means any apparatus that when operated issues parking tickets indicating the date and time by which the vehicle must leave the car park;

“Thirsk and Sowerby Leisure Centre Car Park” means the parking place at Chapel Street Thirsk and shown on the plan

“trailer” means a vehicle constructed or adapted to be drawn by another vehicle and for the purposes of this order shall include a boat;

3. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
4. The Interpretation Act 1978 as amended shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament as if this Order were an Act of Parliament.
5. Nothing in this Order shall apply:-
  - (a) so as to prevent the delivery or collection of goods or merchandise by any motor vehicle or of loading or unloading the motor vehicle at the Thirsk and Sowerby

Leisure Centre car park provided always that such delivery, collection, loading or unloading shall not occur over an unreasonably long period of time;

- (b) so as to prevent or restrict the Council or its duly authorised proper officer acting in the execution of his duty from suspending any part or the whole of this Order at any time and for any purpose and for any period it or he may think fit in respect of any parking place or part of a parking place;
- (c) so as to prevent or restrict a Police Constable acting in the execution of his duty from suspending the use of a parking place or any part thereof for no longer than twenty-four hours where he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety;
- (d) to any motor vehicle used by the fire brigade, ambulance service or other public service or in the service of a local authority or police force whilst being used in pursuance of statutory powers or duties.

## **PART II**

### **AUTHORISATION AND USE OF PARKING PLACES**

- 6. Subject to Articles 5 and 20 of this Order only those areas of land specified by name in Column 1 of Schedule One to this Order and described by the red line boundary on the plan annexed hereto shall be used, subject to the provisions of this Order, for parking and they shall only be used for such classes of motor vehicles, in such positions, on such days, during such hours and for no more than such maximum periods as are specified in relation to that area in Schedule One to this Order.
- 7. Where in Schedule One to this Order a parking place is described as available for motor vehicles of a specified class or in a specified position the driver of the motor vehicle shall not permit it to wait in that parking place:-
  - (a) unless it is of a specified class; or
  - (b) in a position other than that specified.
- 8. A driver of a motor vehicle shall not use any part of a parking place during any period of time during which the terms of this Order have been suspended by the Council, a civil enforcement officer or a Police Constable and a notice of such suspension has been exhibited on or near the parking place nor shall a driver of a motor vehicle use any part of a parking place outside the hours and days specified in Columns 4 and 5 of Schedule One to this Order for that part of the parking place.
- 9. The driver of a motor vehicle using a parking place shall stop the engine as soon as the motor vehicle is in position in the parking place and shall not start the engine except when about to change the position of the motor vehicle or to depart from the parking place.
- 10. No person shall without the prior written authority of the Council use any part of a parking place or any motor vehicle left in a parking place to:-
  - (a) sell any goods, services, merchandise or equipment;

- (b) display any goods, merchandise or equipment intended for sale;
  - (c) advertise for sale any goods, services, merchandise or equipment;
  - (d) display any goods merchandise or equipment intended to indicate the nature of business carried on in any premises adjacent to a parking place;
  - (e) advertise any forthcoming events
11. The driver of a motor vehicle shall not permit that motor vehicle to wait in a parking place unless the motor vehicle is licensed in accordance with the provisions of the Vehicles Excise and Registration Act 1994 and unless there is in relation to the use of the motor vehicle by the driver such policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.
12. (a) subject to Article 20 of this Order the driver of a motor vehicle shall not permit that motor vehicle to wait in any part of a parking bay for longer than the maximum period permitted for waiting specified in Column 6 of Schedule One to this Order in relation to that part of the parking place;
- (b) where signs are displayed within a parking place or described in Schedule One to this Order and when a motor vehicle has left any parking bay after its waiting thereon the driver thereof shall not within two hours of the expiry time on the ticket or expiry time of a parking session obtained under Article 17 of this Order permit it to wait again upon that or any other parking bay within that parking place.
13. The driver of a motor vehicle using a parking place shall not sound any horn or other similar instrument except when reasonably necessary to do so.
14. No person shall, in any parking place:-
- (a) except with the permission of any civil enforcement officer or Police Constable drive any motor vehicle other than for the purpose of leaving it in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place;
  - (b) wantonly shout or otherwise make any loud noise or use any threatening abusive or insulting language gesture or behaviour so as to disturb or annoy any person or to put any person in fear so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned;
  - (c) use it or any part of it for sleeping or camping purposes, consuming alcohol, cooking purposes, servicing any motor vehicle other than as may be necessary to enable that motor vehicle to depart or for stationing a motorhome thereon for human habitation;
  - (d) erect or cause to be erected a tent booth stand table building or other structure without the prior consent of the Council in writing;
  - (e) light or cause or permit to be lit any fire;
  - (f) use the same as a means of passage proceeding from one road to another road or to the same road.

15. (1) Where in a parking place signs are erected or surface markings are laid for the purposes of:-
    - (a) indicating the entrance to or exit from the parking place or that such area is to be used for access;
    - (b) indicating that a motor vehicle using a parking place shall proceed in a specified direction within a parking place;
    - (c) indicating the position that a motor vehicle should park;
    - (d) indicating the position and extent of a parking bay;
    - (e) indicating that the area is reserved for commercial motor vehicles for loading and unloading:
 

no person shall drive or park or cause or permit to be driven or parked any motor vehicle

      - (i) so that it enters the parking place otherwise than by an entrance or leaves the parking place otherwise than by an exit so indicated;
      - (ii) in a direction or position other than that specified as the case may be;
      - (iii) so that it or any part of it is placed over a line indicating the extent of any parking bay;
      - (iv) which with regard to 15(1)(e) above is not loading or unloading during the course of making deliveries to any premises.
  - (2) Subject to Article 5(a) a motor vehicle left in a parking place shall be positioned within a parking bay.
16. No motor vehicles shall be parked on any area of land in a parking place unless it is indicated by reference to Article 6 and Schedule One to this Order and to the plan annexed hereto that it is to be used for the parking of motor vehicles.
17. (1) Subject to Articles 5 and 21 of this Order the driver of a motor vehicle shall on arrival in the parking place during the prescribed hours exhibit on the motor vehicle in accordance with the following provisions of this Article a parking ticket or permit or season ticket or have obtained a valid parking session as the case may be;
  - (2) A parking ticket shall be obtained from the ticket machines located in the parking place;
  - (3) A parking ticket or permit or season ticket shall be exhibited on the motor vehicle:-
    - (a) in the case of a motor cycle having a sidecar attached thereto, in a conspicuous position on the sidecar and in the case of all other vehicles;

- (b) (i) where the motor vehicle is fitted with a front glass windscreen facing forwards on the near side of the glass of such windscreen behind the glass; or
    - (ii) where the motor vehicle is not fitted with a front glass windscreen in a conspicuous position on the motor vehicle.
- (4) The parking ticket or permit or season ticket shall be exhibited on the motor vehicle so that the expiry date and time on the front of the said ticket or permit or season ticket are clearly visible.
- (5) A parking session may be obtained via an electronic parking system for a motor vehicle left in the parking place and the driver thereof shall have a valid parking session for the whole period during which the motor vehicle is left in the parking place.
- 18. (1) Subject to Article 20 the driver of a motor vehicle shall not permit it to wait in the parking place for longer than the maximum period specified in Column 6 of Schedule One to this Order in relation to that part of the parking place such period being calculated where a parking ticket has been displayed as commencing from the time and date indicated on the ticket or the time and date at the start of a valid parking session obtained via the electronic parking system.
- (2) When a parking ticket exhibited in pursuance of this Order on a motor vehicle waiting in a parking place is showing a time and date or the start time and date of a valid parking session obtained via an electronic parking system it shall be treated as evidence that the motor vehicle has been waiting in that parking place since that time and date in any proceedings for an offence under paragraph (1) of this Article 18.
- (3) Where in any proceedings for an offence under paragraph (1) of this Article 18 it is not proved that the offence had been committed but it is proved that the parking ticket had not been displayed or does not have a valid parking session obtained from an electronic parking system in accordance with Article 17 the defendant may be convicted of an offence under that Article 18.
- 19. Subject to Article 20 no person shall knowingly exhibit on any motor vehicle any parking ticket which has been altered defaced mutilated or added to or upon which the figures or particulars have become illegible.
- 20. (1) The driver of:-
  - (a) a motor vehicle left in a disabled person's parking bay which displays in the relevant position a disabled person's badge or a badge having effect as if it were a disabled person's badge.
  - (b) a motor cycle not having a sidecar attached left in a motor cycle parking bay.shall be exempt from compliance with the provisions of Articles 17, 18 and 19 to this Order
- 21. (1) Subject to the proviso hereto when a motor vehicle trailer or caravan are left in a parking place in contravention of any of the provisions of this Order a civil

