



## PROMENADE WALKWAY, DOUGLAS (PARKING PLACES) DESIGNATION ORDER 2016

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Statutory Document No. XX/20XX



*Road Traffic Regulation Act 1985*

## PROMENADE WALKWAY, DOUGLAS (PARKING PLACES) DESIGNATION ORDER 2016

*Made:*

*Coming into Operation:* 25 November 2016

The Department of Infrastructure makes the following Order under sections 1, 14, 14A, 23 and 39(1) of the Road Traffic Regulation Act 1985.

### 1 Title

This Order is the Promenade Walkway, Douglas (Parking Places) Designation Order 2016.

### 2 Commencement and expiry

This Order comes into operation on 25 November 2016 and expires on 16 January 2017.

### 3 Interpretation

(1) In this Order —

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

“**the all-purpose carriageway**” means the carriageway (used by all classes of vehicular traffic) that follows the line of the seashore, Douglas;

“**authorised vehicle**” means —

- (a) a public works vehicle within the meaning of the 2012 Regulations;
- (b) a vehicle being used for ambulance, coast guard, defence (including civil defence), fire brigade, lifeboat or police purposes;
- (c) a vehicle being used for the delivery of goods to businesses on the Promenade situated between the parking place and the all-purpose carriageway; or

- (d) a vehicle parked in accordance with an authorisation granted for that purpose by the Department, provided that such conditions as may be attached to the authorisation are complied with;

**“maximum gross weight”** has the same meaning as in Regulation 3 of the 2012 Regulations;

**“the Promenade”** means those areas of Loch Promenade, the Harris Promenade, the Central Promenade and the Queen’s Promenade, Douglas lying between the seashore and the all-purpose carriageway;

**“parking space”** means an area within the parking place where a single vehicle may wait;

**“the parking place”** means that part of the Promenade lying between the War Memorial and the Sea Terminal Car Park shown in red on the plan;

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

**“prescribed vehicle”** means —

- (a) a dual purpose vehicle, an invalid carriage, or a passenger car, as defined in Regulation 3 of the 2012 Regulations; or
- (b) a goods vehicle (as so defined) being a motor vehicle, which does not exceed a maximum gross weight of 2,000 kg or a length of 4.5 m;

none of which exceeds a height of 1.9 metres;

**“responsible officer”** means a constable, a traffic warden in uniform, or a parking controller in uniform;

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

**“the 2012 Regulations”** means the Road Vehicles (Maintenance and Use) Regulations 2012<sup>1</sup>.

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

#### 4 Disapplication of Order

The Promenade Walkway, Douglas (Regulation of Traffic) Order 2016 does not apply to the parking place for the period specified in Article 2 of this Order.

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<sup>1</sup> SD 0323/2012

## **5 Restrictions on the use of the parking place**

A person must not cause or permit any vehicle other than a prescribed vehicle or an authorised vehicle to use the parking place, and all other vehicles are prohibited at all times.

## **6 Conditions of use of the parking place**

- (1) A person must not bring or attempt to bring a vehicle into the parking place if a sign indicates, or a responsible officer informs him or her, that the parking place is suspended.
- (2) The driver of a vehicle, if so required by a responsible officer, must remove the vehicle from the parking place or move it from one parking space to another.
- (3) A person must not carry out or permit to be carried out on a vehicle waiting in the parking place any cleaning, maintenance or repair, unless necessary to enable the vehicle to be removed from the parking place.
- (4) A person must not, without the Department's consent use any vehicle, or anything towed by a vehicle, whilst it is in the parking place, for the purpose of or in connection with —
  - (a) selling, or offering to sell anything there; or
  - (b) otherwise touting or importuning; or
  - (c) sleeping or for habitation or any domestic purpose.
- (5) A person must not abandon a vehicle in the parking place.
- (6) A person may not cause or permit a vehicle to enter a parking space except by reversing into it.
- (7) Except as directed or permitted by a responsible officer, no person may cause an authorised vehicle or a prescribed vehicle to travel along the parking place except in a southerly direction and at a speed not exceeding 10 miles per hour.

## **7 Charges**

- (1) Except where otherwise provided in this Order, a driver must not cause a prescribed vehicle to wait in the parking place during any day unless he or she has —
  - (a) obtained by means of a ticket machine a pay and display ticket; and
  - (b) paid the charge specified in paragraph (2).
- (2) The charge payable is as shown in the table below —

Duration	Charge
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Up to 1 hour	£1.50
Up to 2 hours	£2.00
Up to 3 hours	£2.50
Up to 4 hours	£3.00
Up to 24 hours	£5.00

- (3) The ticket referred to in paragraph (1) (a) must be paid by the insertion of either the appropriate coin or coins, or a credit or debit card, into a ticket machine.
- (4) A pay and display ticket issued on payment of the charge referred to in paragraph (2) 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 the amount of any charge paid and of the period for which the payment was made must be presumed to be correct unless the contrary is shown.
- (6) In this Article “**ticket machine**” means any apparatus at the parking place which has been approved by the Department and is designed to issue a dated and timed ticket (a pay and display ticket) to indicate whether the charge due for using the parking place has been paid and when the period for which it has been paid elapses.

## 8 Special parking permit holders

- (1) The charges under Article 6 do not apply if a vehicle is parked in the parking place and is displaying, in accordance with paragraph (2), a special parking permit issued by the Department in respect of that vehicle.
- (2) A special parking permit issued by the Department must be displayed in a conspicuous position on the vehicle so that the particulars of the permit are readily visible from outside the vehicle.
- (3) In this Article, “special parking permit” means a permit issued under article 6 of the Douglas Promenades (Provision of Parking) (No1) Order 1994<sup>2</sup>.

## 9 Moving or removal of vehicle

The Department may alter the position in a parking place, or remove from a parking place, any vehicle left in the parking place in contravention of this Order.

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<sup>2</sup> SD 214/94

## **10 Suspension of parking place**

The Chief Constable may suspend the use of the parking place or any part of it in inclement weather.

## **11 Placing of traffic signs**

The traffic sign authorised in the Promenade Douglas (Parking Places) (Traffic Signs) Authorisation 2014<sup>3</sup>, must be placed at the entrance of the parking place.

## **12 Penalties and enforcement**

- (1) The Department may take proceedings against a driver for contravention of the Order's provisions and for that purpose may serve upon the vehicle's owner a notice requiring him or her to supply within 21 days the name and address of the vehicle driver at the time of the offence.
- (2) If the registered owner does not provide the vehicle driver's name within the stated time, then proceedings may be taken against the registered owner as if that person had been the vehicle driver at the time of the offence.
- (3) A person who contravenes any of the provisions of this Order is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

Signed by authority of the Minister for Infrastructure

**MADE**

**JEFFREY ROBINSON**  
*Director of Highway Services*

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<sup>3</sup> SD 2014/0355





SCHEDULE  
DESIGNATED CAR PARK

[Article 3]

