

Statutory Document No. 2023/0247

*Road Traffic Regulation Act 1985***NOBLE'S PARK (PARKING PLACES) ORDER 2023¹***Made: 5 September 2023**Coming into operation: 19 September 2023*

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

PART 1 – PRELIMINARY**1 Title**

This Order is the Noble's Park (Parking Places) Order 2023.

2 Commencement

This Order comes into operation on 19 September 2023.

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 10;

“**additional parking charge notice**” has the meaning given in article 11;

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

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

“**disabled person's badge**” means a badge issued in accordance with section 28 of the Act;

“**disc parking area**” means any of the 3 areas (zones A to C) listed in Schedule 2 where a parking disc is required to be displayed;

¹ As required by section 14D of the Road Traffic Regulation Act 1985.

“**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, police vehicle or coastguard vehicle or trailer being used for an emergency purpose; or
- (b) 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 4;

“**motor caravan**” has the same meaning as in regulation 3 of the Road Vehicles (Maintenance and Use) Regulations 2012;²

“**Noble’s Park parking permit**” means a written authorisation issued by the Corporation for the purposes of article 6(3) to use the parking place;

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

“**parking disc**” means a disc to be used as a means to indicate the time at which a vehicle arrived at the parking place;

“**the parking place**” means the area shown in red on the map in Schedule 1 and marked “**THE PARKING PLACES**”;

“**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 the parking place has been paid and when the period for which it has been paid elapses;

“**permitted vehicle**” means a vehicle of a class entitled to use the parking place as specified in column 2 of the table in Schedules 2 and 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 Noble’s Park parking permit but only during the days and hours specified in Schedules 2 and 3;

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

“**waiting area**” means any of the 6 areas (zones A to F) where vehicles may wait within the parking place.

² SD 0323/12

- (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 Exempted vehicles

This Order does not apply to the use of the parking place by –

- (a) an emergency services' vehicle attending an incident within the parking place or using the parking place to gain access to an incident;
- (b) a vehicle being used for, or on, Corporation or Government business;
- (c) a vehicle being used by a contractor working for, or on behalf of, the Corporation, a Department or a Statutory Board.

5 Application of Order during licence period

- (1) This Order does not apply to any waiting area during any period (“**the licence period**”) in respect of which its occupation has been licenced to a third party (“**the licensee**”).
- (2) But this Order applies to any waiting area during the licence period if the Corporation wishes to take any action against a person in respect of any contravention of, or non-compliance with a provision of, this Order in respect of a vehicle that –
 - (a) was parked other than in accordance with this Order before the beginning of the licence period; or
 - (b) is left in the parking place following the expiry of the licence period in contravention of this Order.

PART 2 – USE OF PARKING PLACE

6 Use of the parking place

- (1) Schedules 2 and 3 have effect.
- (2) A person may use the parking place for parking vehicles –
 - (a) in such waiting areas;
 - (b) of such classes;
 - (c) subject to the display of the appropriate type of authorisation;
 - (d) during such days and hours;
 - (e) for such maximum waiting period; and
 - (f) in connection with which such charges (if any) are payable, as are specified in the tables in Schedules 2 and 3.

- (3) A person who has been issued with a Noble's Park parking permit may use such reserved parking bays or public parking bays as are specified in the permit for parking vehicles —
- (a) in such waiting areas;
 - (b) of such classes;
 - (c) during such days and hours; and
 - (f) for such maximum waiting periods,
- as are specified in the tables in Schedules 2 and 3 or otherwise specified in the permit.
- (4) The use of the parking place is subject to the rest of this Order.

PART 3 – CONDITIONS ON USE OF PARKING PLACE

7 Conditions on use of parking place

- (1) In any waiting area marked out with parking bays, 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 of a vehicle must not bring, or attempt to bring, a vehicle into a waiting area if a sign indicates that the area is full.
- (3) A driver of a vehicle using a waiting area must comply with any directions given by an authorised officer and, if so required, must remove the vehicle from the parking place or waiting area or move it from one parking bay to another.
- (4) A driver of a vehicle must not cause a vehicle to wait in a waiting area for longer than the maximum period of waiting specified in column 5 of the tables in Schedules 2 and 3 for that class of vehicle unless a Noble's Park parking permit is displayed in a conspicuous position on the vehicle that provides an exemption from the maximum period of waiting.
- (5) A driver of a vehicle must not cause a vehicle to wait in a reserved parking bay unless a Noble's Park parking permit is displayed in a conspicuous position on the vehicle.
- (6) A driver of a vehicle must not cause a vehicle to wait in a disc parking area without, —
- (a) a parking disc being displayed in a conspicuous place on the vehicle; or
 - (b) the driver possessing, and the vehicle displaying on it, a Noble's Park parking permit.
- (7) If a parking bay is shown by a sign or surface marking as for use by disabled persons only, the driver must not cause a vehicle to wait in that bay unless a disabled person's badge is displayed on the vehicle.

- (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 class of vehicle unless the vehicle is of that class.
- (9) A person must not bring any vehicle into a waiting area or cause any vehicle to wait in a parking bay, except a vehicle of a class specified in column 2 of the tables in Schedules 2 and 3 unless a Noble's Park parking permit is displayed in a conspicuous position on the vehicle exempting the vehicle from the vehicle class restriction in that waiting area.
- (10) A person must not carry out, or permit to be carried out, on a vehicle waiting in the parking place, any maintenance or repair, unless it is necessary to enable the vehicle to be removed from the parking place.
- (11) A person must not carry out, or permit to be carried out, any cleaning of a vehicle waiting in the parking place.
- (12) A driver of a vehicle 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.
- (13) A person must not bring any vehicle into, or use any vehicle in, the parking place, for any purpose other than that of causing it to wait in that place unless specifically authorised by the Corporation to do so or permitted under this Order.
- (14) Without limiting the generality of paragraph (13), a person must not —
 - (a) use any vehicle, or anything towed by a vehicle, whilst it is in the 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; or
 - (v) publicity for any trade or business;
 - (b) advertise for sale or hire any vehicle, while it is in the parking place;
 - (c) store any trailer, caravan or other similar vehicle in the parking place;
 - (d) erect or cause or permit to be erected any tent, awning (excluding a roll out, sideless awning permanently fixed to a motor caravan), booth, stand, building or other structure in the parking place;
 - (e) light or cause to be lit any fire in the 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, or make any loud noise by mechanical means or otherwise which may cause disturbance to other users of the parking place or to the occupiers of properties in the neighbourhood;
 - (i) wilfully or carelessly damage or interfere with the fabric or structure of the parking place or with any equipment, apparatus or device installed in the parking place; or
 - (j) take into the parking place any dangerous, explosive or inflammable substance, other than fuel contained within the fuel tank of a vehicle.
- (15) A person must not abandon a vehicle in the parking place.
- (16) A driver of a vehicle must have regard to the safety of other drivers and pedestrians and their property in the parking place.
- (17) With the exception of zones D and E, a driver of a vehicle must not bring into, or cause any vehicle to wait in the parking place except where the driver or passengers of the vehicle, —
- (a) are participating in leisure activities in Noble's Park;
 - (b) are using any of the park's facilities or attractions; or
- have business otherwise within the park.
- (18) With the exception of zone F, a person must not use any vehicle, or anything towed by a vehicle, whilst it is in the parking place, for the purpose of or in connection with sleeping or for habitation or any domestic purpose.

8 Traffic in the parking place

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

- (a) the entrance to, or exit from, the parking place or waiting area; or
- (b) the direction in which a vehicle using the parking place or waiting area must or must not proceed,

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 or waiting area otherwise than by the entrance or exit or in the direction indicated.

PART 4 – CHARGES TO BE PAID IN CONNECTION WITH USE OF PARKING PLACE

9 Charges for pay and display parking places

- (1) This article applies in respect of public parking bays in the parking place specified in Schedule 3 (parking places with pay and display).
- (2) If a charge specified in column 6 of Schedule 3 applies, a person must not cause a vehicle to wait in a parking bay to which this article applies –
 - (a) without having obtained a pay and display ticket from a pay and display ticket machine;
 - (b) without having paid the charge specified in column 6 of Schedule 3; and
 - (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 use of a credit or debit card or a similar method of contactless payment, at 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 3 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 presumed to be correct unless the contrary is shown.
- (6) This article does not limit the operation of article 7.

10 Additional parking charge

- (1) If any of the circumstances specified in paragraph (2) occur, an additional parking charge of £150 is payable 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 11.

But this article is subject to article 12.

- (2) The circumstances are that –
 - (a) a vehicle is parked in a waiting area listed in Schedule 2 as requiring the display of a parking disc without clearly displaying a parking disc showing the time of arrival;
 - (b) a vehicle is parked in a waiting area listed in Schedule 2 for longer than the maximum waiting period;

- (c) a vehicle is parked in a waiting area for longer than the maximum stay for that waiting area;
- (d) a vehicle is parked in a waiting area which is marked out with parking bays other than entirely within a parking bay;
- (e) a vehicle is parked within a parking bay reserved for disabled people without displaying a disabled person's badge;
- (f) a vehicle is parked within a reserved parking bay without displaying a Noble's Park parking permit in accordance with article 7(5);
- (g) a vehicle is parked in a waiting area reserved for a specific purpose where none of the occupants of the vehicle undertake such a purpose;
- (h) a vehicle is parked in a waiting area listed in Schedule 3 without displaying a pay and display ticket 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;
or
- (i) a vehicle is parked for longer than the period stated on the pay and display ticket.
- (j) a vehicle, which is neither a permitted vehicle nor an exempted vehicle, is parked in the parking place;
- (k) a driver indicates the time of arrival at the parking place shown on a parking disc that is later than the actual time of arrival;
- (l) a non-electric vehicle is parked within a parking bay specifically designated for an electric vehicle.

11 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) the grounds on which the additional parking charge is payable;
 - (c) a statement that the additional parking charge of £150 is payable;
and
 - (d) 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.

12 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 11 the charge is reduced to £75.
- (2) If within 14 days of an additional parking charge notice being affixed to a vehicle in accordance with article 11, the driver or the owner of the vehicle (as the case requires) produces evidence that the vehicle was permitted to be parked in the relevant parking bay, the Corporation may cancel the additional parking charge.

PART 5 – MISCELLANEOUS

13 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”.

14 Removal of vehicle from the parking place left there in contravention of Order

- (1) The Corporation may remove a vehicle from the parking place which has been left there in contravention of this Order.
- (2) The Corporation may recover the costs of removal and storage of vehicles removed from the parking place from the owner of the vehicle.

15 Revocation

The Noble's Park (Parking Places) Order 2022 is revoked.

MADE 5 SEPTEMBER 2023

N. A. BYRON-TEARE

Mayor

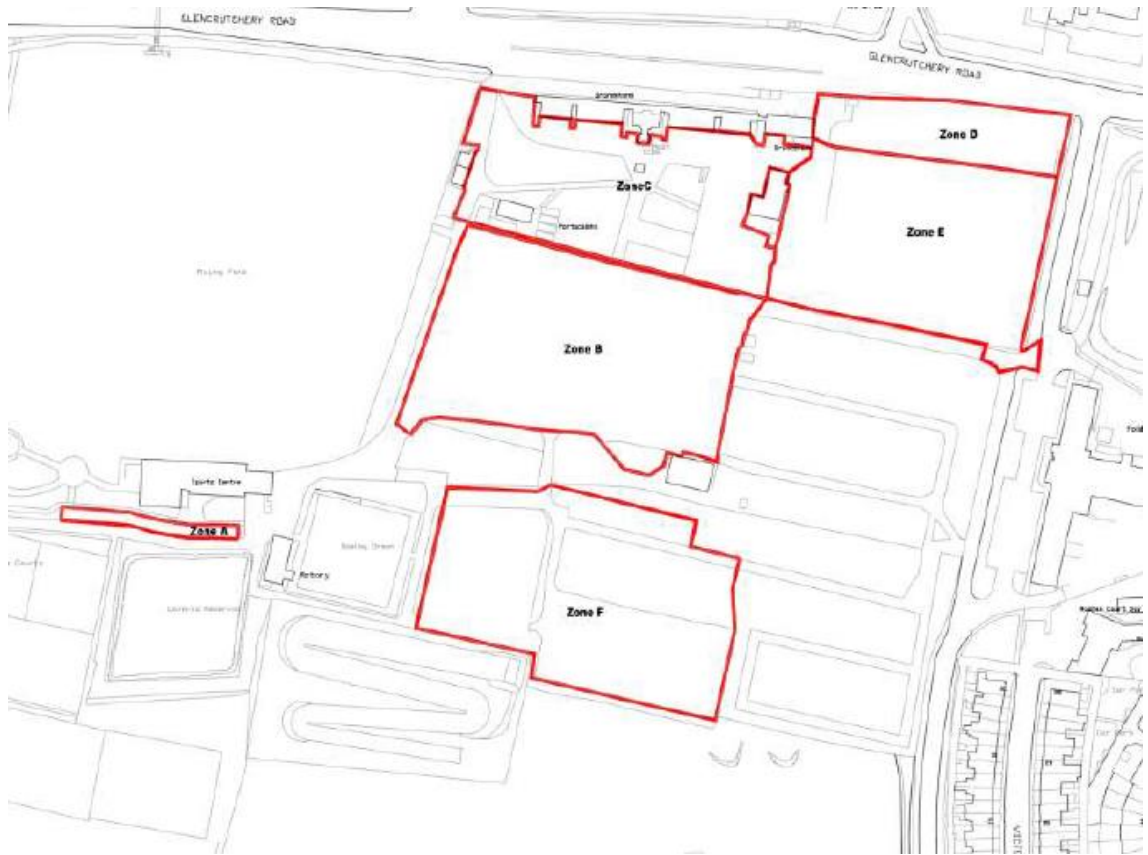
K. J. RICE
Chief Executive



SCHEDULE 1

MAP

[Article 3]



 THE PARKING PLACES

SCHEDULE 2

DISC OR PERMIT WAITING AREAS

[Article 6(1)]

1	2	3	4	5
Waiting Areas	Class of vehicle entitled to use parking place	Type of authorisation to be displayed on vehicle waiting in parking place	Days and hours for use of parking place	Maximum period of waiting in parking place
Zone A – Pavilion	Motor cars except motor caravans and motor cycles.	Parking Disc	Monday to Sunday (except during periods when the area is licenced to an occupier)	6 hours no return to Noble's Park within 6 hours
	Any vehicle	Noble's Park Parking Permit		The period ending on the expiry of the permit
Zone B – Main Car Park	Motor cars except motor caravans and motor cycles.	Parking Disc	Monday to Sunday (except during periods when the area is licenced to an occupier)	6 hours no return to Noble's Park within 6 hours
	Any vehicle	Noble's Park Parking Permit		The period ending on the expiry of the permit
Zone C – Grandstand	Motor cars, except motor caravans and motor cycles.	Parking Disc	Monday to Sunday (except during periods when the area is licenced to an occupier)	6 hours no return to Noble's Park within 6 hours
	Any vehicle	Noble's Park Parking Permit		The period ending on the expiry of the permit

Zone D - Paddock	Motor cars, except motor caravans and motor cycles.		Monday to Sunday (except during periods when the area is licenced to an occupier)	24 hours no return to Noble's Park within 6 hours
	Any vehicle	Noble's Park Parking Permit		The period ending on the expiry of the permit
Zone E - Paddock	Motor cars, except motor caravans and motor cycle.		Monday to Sunday (except during periods when the area is licenced to an occupier)	24 hours no return to Noble's Park within 6 hours
	Any vehicle	Noble's Park Parking Permit		The period ending on the expiry of the permit

SCHEDULE 3

PARKING PLACES WITH PAY AND DISPLAY

[Article 6(1)]

1	2	3	4	5	6
Waiting Areas	Class of vehicle entitled to use parking place	Type of authorisation to be displayed on vehicle waiting in parking place	Days and hours for use of parking place	Maximum period of waiting in parking place	Scale of Charge
Zone F	Motor caravans	Valid Pay and Display Ticket	All year	Maximum stay of 4 consecutive 24 hour periods	£10 per 24 hour period

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.