



Jersey

ROAD TRAFFIC (SAND STREET CAR PARK) (JERSEY) ORDER 2012

Arrangement

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ROAD TRAFFIC (SAND STREET CAR PARK) (JERSEY) ORDER 2012

*Made**26th October 2012**Coming into force**12th November 2012*

THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES, in pursuance of Articles 56, 59 and 84 of the Road Traffic (Jersey) Law 1956¹, and with the concurrence of the Minister for Treasury and Resources, orders as follows –

1 Interpretation

(1) In this Order –

“ANPR camera” means a device that indicates the time at which a vehicle arrives at or leaves a place by recording –

- (a) an image of the vehicle and its registration mark; and
- (b) the time at which the image is recorded;

“car park” means Sand Street Car Park;

“excess charge notice” means a notice in a form authorized by the Minister stating that the excess charge specified in Article 8 is payable and the time and manner in which it is to be paid;

“PPP Order” means the Road Traffic (Public Parking Places) (Jersey) Order 2006²;

“register” means the register maintained under the Registration Law;

“registered owner” shall be construed in accordance with the Registration Law.

(2) Unless the context otherwise requires, other expressions used in this Order that are defined in the PPP Order have the same meaning as in that Order.

2 Use of the car park

- (1) A person may park a vehicle in the car park, subject to compliance with this Order.
- (2) Paragraph (1) does not authorize a person to park –
 - (a) a commercial vehicle with an overall length of 15 feet or more; or
 - (b) an agricultural tractor,in the car park without the prior permission of the Minister.
- (3) The Minister may in writing permit a person to park or place a trailer or boat or any other thing that is not a vehicle in the car park.
- (4) Permission for the purpose of paragraph (2) or (3) may be given subject to such terms and conditions as the Minister may determine, including conditions requiring the payment of a charge and the display of the permission.

3 Minister may control use of car park

The Minister may by notice displayed at the car park –

- (a) indicate the speed and route to be taken and other restrictions to be observed by a person driving a vehicle in the car park or by pedestrians;
- (b) restrict the size or mass of vehicles that may use the whole or any part of the car park;
- (c) close for any period and for any purpose the whole or any part of the car park;
- (d) set aside permanently or for any period the whole or any part of the car park for parking vehicles of a type specified in the notice; and
- (e) set aside permanently or for any period the whole or any part of the car park for parking vehicles on which a valid permit is displayed.

4 Restriction on parking

A person must not park a vehicle in the car park for more than a continuous period of 7 days.

5 Parking charges

- (1) If a vehicle is parked in the car park for a period that includes any part of a pay period, the vehicle must not be removed from the car park without the parking charge first being paid.
- (2) Paragraph (1) does not apply where a vehicle is removed from the car park under the Road Traffic (Removal of Vehicles) (Jersey) Order 1963³.
- (3) A pay period is a period between 8 a.m. and 5 p.m. on any day except Sunday.

- (4) The parking charge is the aggregate of the amounts payable for each pay period or part of a pay period that is included in the period for which the vehicle is parked in the car park.
- (5) The amount payable for each pay period or part of a pay period is, for each hour or part of an hour that the vehicle is parked in the car park during the pay period, the amount specified in the following table for the hour or part of an hour –

<i>Period for which vehicle is parked during a pay period</i>	<i>Parking units</i>
For each of the first 3 hours or part of such an hour that the vehicle is parked during the pay period	1 parking unit
For the 4th hour or part thereof that the vehicle is parked during the pay period	2 parking units
For the 5th hour or part thereof that the vehicle is parked during the pay period	3 parking units
For the 6th hour or part thereof that the vehicle is parked during the pay period	4 parking units
For the 7th hour or part thereof that the vehicle is parked during the pay period	5 parking units
For the 8th hour or part thereof that the vehicle is parked during the pay period	6 parking units
For the 9th hour or part thereof that the vehicle is parked during the pay period	7 parking units

- (6) For the purpose of paragraphs (4) and (5), a vehicle is parked in the car park for the period –
- subject to paragraph (7), commencing with the time when its arrival is recorded by the ANPR camera; and
 - ending with the time when the parking charge is paid at the parking charges payment terminal.
- (7) The commencement of the period determined in accordance with paragraph (6) shall be deferred by such time as the Minister may allow for a vehicle to be parked in a parking bay in the car park following its arrival.

- (8) Any time allowed under paragraph (7) shall be displayed at the entrance to the car park and adjacent to the parking charges payment terminal in the car park.
- (9) The first 3 hours for which a disabled person's vehicle is parked in the car park during a pay period shall be disregarded when determining, in accordance with paragraphs (6) and (7), the period for which the vehicle is parked in the car park during the pay period, provided that –
 - (a) a disabled person's badge is displayed on the vehicle whilst it is so parked; and
 - (b) if, by virtue of those hours being disregarded no parking charge is payable, a token or card that –
 - (i) has been supplied by the Minister to the person to whom the disabled person's badge is issued, and
 - (ii) authorizes the vehicle to be so parked on that day,is presented at the parking charges payment terminal in the car park.
- (10) No charge shall be payable –
 - (a) in the case of a vehicle that is parked in the car park in accordance with a valid permit that is displayed on the vehicle;
 - (b) in the case of a motor cycle that is parked in an area of the car park set aside for motor cycles by the Minister; or
 - (c) in the case of a cycle that is left in an area of the car park set aside for cycles by the Minister.

6 Requirement to remove vehicle from car park after paying parking charge

- (1) Subject to this Article, a vehicle must be removed from the car park no later than 15 minutes, or such longer time as the Minister allows, after the end of the period described in Article 5(6).
- (2) The Minister may, at any time, allow a longer period for removal of a vehicle from the car park after payment of the parking charge, having regard to the amount of traffic in the car park at that time.
- (3) Any time allowed under paragraph (1) shall be displayed at the entrance to the car park and adjacent to the parking charges payment terminal in the car park.
- (4) For the purposes of this Article, a vehicle is removed from the car park at the time when its departure is recorded by the ANPR camera.

7 Liability for excess charge

- (1) An excess charge is payable if a person –
 - (a) has failed to comply with Article 4 in respect of a vehicle parked in the car park;
 - (b) has parked a vehicle in the car park, whether within or partly within a parking bay, or otherwise, in a manner that obstructs or is likely to obstruct other vehicles using the car park;

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- (c) has parked a vehicle in a part of the car park that is neither a parking bay where the vehicle is authorized to be parked nor an area set aside for parking vehicles of that type;
 - (d) otherwise than in accordance with the permission of the Minister, has parked or placed a trailer, boat or other thing in the car park;
 - (e) has parked an unregistered vehicle anywhere in the car park; or
 - (f) otherwise than in accordance with the permission required by Article 2(3), has parked a commercial vehicle with an overall length of more than 15 feet, or an agricultural tractor, in the car park; or
 - (g) has parked a vehicle, trailer, boat or other thing in the car park contrary to the terms of a notice displayed under Article 3.
- (2) An excess charge is payable if a person –
- (a) has failed to comply with Article 5 in respect of a vehicle parked in the car park; or
 - (b) has failed to comply with Article 6 in respect of the removal of a vehicle from the car park.
- (3) An excess charge described in paragraph (1) becomes payable when a car park official has attached an excess charge notice to a conspicuous part of the vehicle, trailer, boat or other thing.
- (4) If –
- (a) a car park official has attached an excess charge notice to a vehicle, trailer, boat or other thing by virtue of paragraph (1); and
 - (b) the vehicle, trailer, boat or other thing has not been moved within 2 hours of the time specified in the notice,
- a further excess charge notice may be attached to the vehicle, boat, trailer or other thing so that a further excess charge become payable in respect of the vehicle, trailer boat or other thing.
- (5) If a car park official has attached an excess charge notice to a vehicle by virtue of paragraph (1)(a) the vehicle may remain parked in the parking place for 2 hours from the time specified in the notice.
- (6) A vehicle shall be taken to be unregistered for the purpose of paragraph (1)(e) if it does not have displayed on it anything required to be displayed on it to show that it is registered.
- (7) An excess charge described in paragraph (2) becomes payable upon an excess charge notice being sent to the registered owner of the vehicle at the address recorded in the register for that person.
- (8) An excess charge notice referred to in paragraph (7) may be sent by post.

8 Amount of excess charge

- (1) The excess charge shall be –
- (a) £40 if payment of the charge is received at the address specified in paragraph (2) not later than the time specified in paragraph (3); or

- (b) £60 in any other case.
- (2) For the purpose of paragraph (1)(a) the address is the Parking Control Office, Sand Street Car Park, St. Helier, JE2 3QF.
- (3) The time referred to in paragraph (1)(a) is –
 - (a) in the case of an excess charge payable pursuant to a notice described in Article 7(3), not later than 4 p.m. of the third day after the day on which the notice was attached to the vehicle, trailer, boat or other thing (excluding any Saturday, Sunday or public holiday);
 - (b) in the case of an excess charge payable pursuant to a notice described in Article 7(7), not later than 4 p.m. of the sixth day after the day on which the notice is sent to the registered owner (excluding any Saturday, Sunday or public holiday).

9 Offences

- (1) A person must not fail to comply with the terms of a notice displayed in accordance with Article 3.
- (2) A person must not fail to pay an excess charge in accordance with the terms of the excess charge notice described in Article 7(3) or (7).
- (3) A person must not, with intent to defraud, interfere with a parking charges payment terminal located in the car park.
- (4) A person must not obscure a registration mark on a vehicle or, by any other means, prevent an ANPR camera from recording an image of the vehicle and its registration mark from which the registration mark may be read.
- (5) A person must not with intent to deceive –
 - (a) make, copy, alter, deface or mutilate a disabled person's badge or permit;
 - (b) display on a vehicle in the car park anything intended to appear to be a disabled person's badge or permit; or
 - (c) display on a vehicle in the car park a disabled person's badge or permit that has been altered, defaced or mutilated.
- (6) A person must not, except with the written permission of the Minister, do or cause or knowingly permit another person to do any of the following things –
 - (a) attach advertising material to any part of the car park or a vehicle in the car park;
 - (b) display advertising material in the car park;
 - (c) carry on a trade or business in the car park;
 - (d) use a vehicle in connection with a trade or business while it is parked in the car park; or
 - (e) solicit or collect alms, contributions, donations or subscriptions in the car park.
- (7) A person must not –

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- (a) drive a vehicle in the car park except with the intention of parking the vehicle or to remove it afterwards;
 - (b) injure or deface the car park, an ANPR camera in the car park, a parking charges payment terminal or a notice in the car park;
 - (c) deposit refuse in the car park except in a receptacle provided for the purpose;
 - (d) discharge a firearm, throw a missile or light a fire or firework in the car park;
 - (e) wash a vehicle, trailer or boat in the car park;
 - (f) carry out work on a vehicle, trailer, boat or other thing in the car park except, in the case of a vehicle or trailer, to any extent necessary to be able to remove it from the car park;
 - (g) sleep in a vehicle or trailer in the car park or otherwise use a vehicle or trailer in the car park for a residential or domestic purpose; or
 - (h) place on a vehicle in the car park, other than a motor cycle, a cover of the type normally used to protect the exterior of a vehicle from the weather during storage in the open air.
- (8) A person, other than the driver of the vehicle, or a person acting with the driver's permission, must not remove from a vehicle a disabled person's badge displayed on a vehicle.
- (9) A person must not consume alcohol in the car park or be in possession of an open container containing alcohol.
- (10) The driver of a vehicle in the car park must comply with any reasonable instructions given to the driver by a car park official –
- (a) as to how the vehicle should be parked; or
 - (b) to remove the vehicle from the car park.
- (11) A person who is in the car park other than to park or collect a motor vehicle –
- (a) must leave the car park if requested to do so by a police officer or a car park official; or
 - (b) must not –
 - (i) refuse or fail to give his or her name and address, or
 - (ii) give a false name and address,if on reasonable grounds the person is requested to give his or her name and address by a police officer or a car park official.
- (12) A person who contravenes a provision of this Article shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.

10 Condition

A vehicle parked in the car park or a thing permitted to be placed in the car park by the Minister, is parked or placed in the car park subject to the condition that no claim shall lie against the Minister or any car park official in respect of the

loss of or damage to the vehicle or thing, or a fitting or the contents of the vehicle or thing.

11 Additional enforcement arrangements

- (1) Where an excess charge payable in respect of a vehicle under Article 7(2) has not been paid within the time stated by the Minister in the excess charge notice, the Minister may prohibit the parking of the vehicle in the car park.
- (2) A prohibition imposed under paragraph (1) must be in writing and may be –
 - (a) sent to the registered owner of the vehicle; or
 - (b) affixed to the vehicle by a car park official when the vehicle is in the car park.
- (3) A notice sent under paragraph (2)(a) may be sent by post to the address in the register for the registered owner.
- (4) A notice sent under paragraph (2)(a) has effect from the day that it is received by the registered owner until all excess charges due in respect of the vehicle under this Order have been paid.
- (5) A notice given under paragraph (2)(b) has effect from the time when the vehicle is removed from the car park until all excess charges due in respect of the vehicle under this Order have been paid.
- (6) A vehicle in respect of which a prohibition imposed under paragraph (1) has effect is not authorized to be in the car park.

12 Evidence

- (1) A record made by an ANPR camera of the arrival at or departure from the car park of a vehicle displaying a registration mark shall be, for all the purposes of this Order and any proceedings under it, prima facie evidence that the vehicle assigned that registration mark arrived or departed, as the case requires, at the time recorded.
- (2) A record made by a parking charges payment terminal of the time when a parking charge is paid shall be, for all the purposes of this Order and any proceedings under it, prima facie evidence that the parking charge was paid at the time recorded.

13 Road Traffic (Public Parking Places) (Jersey) Order 2006 amended

In the PPP Order⁴ –

- (a) in Article 7(6) –
 - (i) after sub-paragraph (g) there shall be inserted the word “or”,
 - (ii) sub-paragraph (h) and the word “or” following it shall be deleted;
- (b) in Part 3 of Schedule 1 the words “Sand Street Car Park STH23” shall be deleted;

- (c) in Part 3 of Schedule 2 the expression “STH23” shall be deleted;
- (d) in Part 1 of Schedule 3 the expression “STH23” shall be deleted.

14 Citation and commencement

This Order may be cited as the Road Traffic (Sand Street Car Park) (Jersey) Order 2012 and shall come into force on 12th November 2012.

DEPUTY K.C. LEWIS OF ST. SAVIOUR

Minister for Transport and Technical Services

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- ¹ *chapter 25.550*
 - ² *chapter 25.550.36*
 - ³ *chapter 25.550.40*
 - ⁴ *chapter 25.550.36*