

## DRAFT ORDER

ROAD TRAFFIC REGULATION ACT 1984  
TRAFFIC MANAGEMENT ACT 2004

### **CEREDIGION COUNTY COUNCIL (PROHIBITION AND RESTRICTION OF WAITING AND LOADING AND UNLOADING) ORDER 2019 (ABERYSTWYTH SEAFRONT) (PARKING PLACES AND PARKING CHARGES) (AMENDMENT ORDER NO. 13) 202x**

Ceredigion County Council (hereinafter referred to as “the Council”) in exercise of its powers under Sections 1, 2, 3, 4, 19, 32, 35, 45, 46, 47,49, 53 and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 as amended, and the Traffic Management Act 2004 and of all other enabling powers, and after consultation with the Chief Officer of Police, in accordance with Part III of Schedule 9 of the 1984 Act, hereby makes the following Order.

#### **1. Commencement and Citation**

This Order may be cited as the “Ceredigion County Council (Prohibition And Restriction Of Waiting And Loading And Unloading) Order 2019 (Aberystwyth Seafront) (Parking Places and Parking Charges) (Amendment Order No. 13) 202x” and shall come into operation on XX/XX/2x.

#### **2. Effect of this Order**

The effect of this order shall be to amend the Ceredigion County Council (Prohibition and Restriction of Waiting and Loading and Unloading) Order 2019 as amended (hereinafter referred to as “the 2019 Consolidation Order”) by:

(a) the revocation of the plans specified in Column A and the insertion of the plans specified in Column B of Schedule 1 to this Order.

(b) the insertion of the following definitions into Article 3(a) of the 2019 Consolidation Order, which have the meanings ascribed to them here except where the context otherwise requires:

“Charging Hours” means the period specified in Schedule 2 of this Order, for which a Parking Charge applies as specified in Article 53 of this Order;

“Expiry Time” means the time indicated on the Ticket or Parking Session by which the Vehicle must leave the Parking Place;

“Invalid Carriage” has the same meaning as in Section 136(5) of the 1984 Act;

“Parking Charge” means the amount specified in Schedule 2 to this Order which is payable, subject to the provisions of this Order, by way of a Parking Ticket Machine or Pay by Phone Service;

“Parking Session” means a period of time for which parking has been paid for using a Pay by Phone Service;

"Parking Ticket Machine" means the apparatus provided by the Council at or near a Parking Place for which Parking Charges apply, for issuing Tickets indicating the payment of a Parking Charge, the date and time at which the Parking Charge was paid, and the Expiry Time;

"Pay by Phone Service" or "Pay by Phone" means a cashless system of paying for or purchasing a Parking Session by use of a phone, internet, or other electronic means, from the Service Provider appointed by the Council;

"Relevant Date" means the date upon which any Vehicle is or was parked in a Parking Place referred to in this Order or upon which any event occurs or occurred in breach of any of the provisions of this Order or to which this Order relates;

"Service Provider" means any contractor authorised by the Council to accept payment of the Parking Charge on its behalf and to keep a record of that Parking Charge and the Vehicle, Parking Place and Parking Session in respect of which that payment has been made by the electronic payment system;

"Ticket" means a ticket issued by a Parking Ticket Machine located at or near the Parking Place in which the Vehicle has been left, or issued by a person nominated by the Council on payment of a Parking Charge, and valid only for the Vehicles for which it was purchased, for the Parking Place for which it was purchased and until the Expiry Time shown on the ticket;

"Trailer" means a trailer within the meaning of section 136(1) of the 1984 Act and shall include a caravan;

"Vehicle" means a mechanically propelled Vehicle intended or adapted for use on roads for the purpose of transporting people or goods and, without prejudice to the generality of the foregoing shall include, but is not limited to, any motor car, motorcycle, motorhome, bus, coach, heavy vehicle or anything attached to, forming part of or being carried on the vehicle and shall also mean any caravan, trailer, boat trailer whether attached to another Vehicle or not.

c) Amend Article 12 of the 2019 Consolidation Order so that it reads as follows:

12. The parts of road identified as Limited Waiting, Parking Place, Pay and Display or Pay by Phone on the plans attached to this Order, are authorised to be used, subject to the following provisions of the Order by the class of Vehicle specified, if none specified then all classes of Vehicle, on such days and during such permitted hours as identified on the plans attached to the Order, and wholly within the limits of the Parking Place or bay and in such position as indicated by the appropriate road markings.

d) Amend Article 18 of the 2019 Consolidation Order so that it reads as follows:

18. The driver of a Vehicle displaying at its front or nearside a valid waiver (subject to Article 46) issued by the Council shall be exempt from any limitation of time or specified class restriction in the lengths of road or on any sides of road identified as Limited Waiting, Parking Place, Pay and Display or Pay by Phone identified on the plans attached to this Order when left in a Parking Place.

e) Insert the following Articles into the 2019 Consolidation Order:

**PART 12 - PROVISIONS RELATING TO THE USE OF PARKING PLACES FOR WHICH A PARKING CHARGE APPLIES**

53. Except where exempt by Article 65, the Driver of a Vehicle shall, on leaving it in a Parking Place identified as Pay and Display or Pay by Phone on the plans attached to this Order, pay an appropriate Parking Charge applicable to the Parking Place in accordance with the scale of Parking Charges set out in Schedule 2 to this Order.
54. Payment of the Parking Charge must be made immediately following the parking of the Vehicle in the Parking Place and it must be in respect of the period (not being a period exceeding the maximum period for waiting in that Parking Place) during which the Vehicle is intended to be parked in that Parking Place.
55. The Parking Charge referred to in Article 53 shall be payable by either obtaining a Ticket from a Parking Ticket Machine located at or near the Parking Place where provided, or, where advertised as being available at the Parking Place, by purchasing a Parking Session through a Pay by Phone Service.
56. Any Ticket issued on payment of the Parking Charge in accordance with Article 53 at a Parking Ticket Machine (or otherwise required to be displayed by any provision of this Order) shall be placed in a conspicuous position on the Vehicle in respect of which it was issued and, shall be so displayed throughout the whole period that the Vehicle is in the Parking Place. For the purposes of this Article "a conspicuous position" shall mean:
- a. in the case of a Vehicle fitted with a windscreen, a position on the inside of that windscreen on the dashboard or facia, with the front side of the Ticket facing up and fully legible from the outside or, where the Vehicle is not fitted with a dashboard or fascia, in a conspicuous position on the front or nearside of the Vehicle
  - b. or in the case of a Vehicle not fitted with a front windscreen, in an appropriate manner so that the ticket is clearly legible in a conspicuous position on the Vehicle.
57. Where the parking of a Vehicle in any Parking Place is authorised by the payment of the Parking Charge in accordance with Article 53 such Vehicle shall not be left in the Parking Place beyond the Expiry Time of the Ticket or Parking Session.
58. Any Ticket or Parking Session purchased in payment of the Parking Charge in accordance with Article 53 shall be valid only for the Parking Place for which it was purchased and for the Vehicle it was purchased for, and it is not transferable to any other Parking Place or Vehicle.
59. The Driver of a Vehicle left in a Parking Place identified as Pay and Display or Pay by Phone during the Charging Hours specified on the plans attached to this Order shall pay

such Parking Charges in accordance with the scale of Parking Charges set out in Schedule 2 of this Order for that Parking Place and / or part Parking Place occupied. A Parking Place partly occupied by the Driver's Vehicle shall incur a Parking Charge as if it were completely occupied.

60. When a Ticket(s) has been displayed on a Vehicle in accordance with Article 56, no person, not being the Driver of the Vehicle shall remove the Ticket(s) from the Vehicle unless authorised by the Driver to do so.
61. If at any time a Vehicle is left in a Parking Place either with no valid Ticket displayed or there is no record of a valid Parking Session it shall be deemed that the Parking Charge has not been paid.
62. If at any time when a Vehicle is left during the Charging Hours in a Parking Place, and the nearest Parking Ticket Machine at that Parking Place is out of order, a Ticket shall be obtained from another Parking Ticket Machine at or near the Parking Place (where provided) or, where advertised as being available at the Parking Place, by purchasing a Parking Session through a Pay by Phone Service.
63. If at any time when a Vehicle is left during the Charging Hours a Pay by Phone Service is out of order, a Ticket shall be obtained from a Parking Ticket Machine at or near the Parking Place.
64. Where at a Parking Place there is no Parking Ticket Machine or Pay by Phone Service in operation, the Parking Charge referred to in Article 53 shall be payable on demand to a Civil Enforcement Officer or any other person authorised by the Council.
65. The following Vehicles left in a Parking Place shall be exempt from the payment of any Parking Charge specified in Schedule 2 to this Order:
  - (i) A Vehicle displaying a valid Disabled Person's Badge.
  - (ii) An Invalid Carriage.
  - (iii) Liveried Council Vehicles and any other Vehicles expressly authorised by the Council, used in pursuance of Council duties.
  - (iv) Any Vehicle which is a vehicle used for fire brigade, ambulance or police purposes during an emergency.

The exemptions in 65(i) and 65(ii) above shall apply only if the following conditions are complied with:

- a) the Vehicle at the time of parking is either driven or occupied as a passenger by the holder of the Disabled Person's Badge; and
- b) the Disabled Person's Badge is displayed in the Relevant Position.

f) Insertion of Schedule 2 of this Order into the 2019 Consolidation Order

3. If a court, the Welsh Government, the Traffic Penalties Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable, such declaration shall not invalidate the remainder of this Order.

**GIVEN** under the Common Seal of Ceredigion County Council this **xx** day of **xxxx** Two Thousand and Twenty **xx**

The COMMON SEAL of )  
CEREDIGION COUNTY COUNCIL )  
was hereunto affixed in the presence of )

\_\_\_\_\_ Corporate Lead Officer: Legal & Governance Services

## SCHEDULE 1

Column A			Column B		
Plans to be revoked			Plans to be inserted		
CE ref	Sub-map	Date	CE ref	Sub-map	Date
CE36	J15	22/01/2024	CE36	J15	30/05/2024
CE36	J16	22/01/2024	CE36	J16	30/05/2024
CE36	K12	05/02/2019	CE36	K12	30/05/2024
CE36	K13	05/02/2019	CE36	K13	30/05/2024
CE36	K14	08/11/2023	CE36	K14	30/05/2024
CE36	K15	08/11/2023	CE36	K15	30/05/2024

## SCHEDULE 2

**Parking Charges applicable to the Parking Places identified as Pay and Display or Pay by Phone on the plans attached to this Order - Charging Hours as specified on the plans attached to this Order.**

Parking Session Duration	Parking Charge
<b>2 hours</b>	<b>£3.50</b>
<b>4 hours</b>	<b>£5.00</b>