

THE NORFOLK COUNTY COUNCIL (NORWICH)
(BUS STATION) ORDER 2014

The Norwich City Council, in exercise of their powers under Section 32, 35 and 38 of the Road Traffic Regulation Act, 1984 (hereinafter referred to as "the 1984 Act"), and the Traffic Management Act 2004 (hereinafter referred to as "the 2004 Act") and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Parts I to III of Schedule 9 to the Act, hereby make the following Order.

1. This Order shall come into operation on the 2nd day of May 2014 and may be cited as The Norfolk County Council (Norwich)(Bus Station) Order 2014.
2. In this Order –

Any reference to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment. Where the context otherwise requires the following expressions have the meaning hereby respectively assigned to them.

“Agent” means an organisation appointed by the Enforcement Authority to enforce the Parking Place;

“bus” has the same meaning as Regulation 22 of the General Directions;

“Civil Enforcement Officer” has the same meaning as in section 76 of the 2004 Act;

"Council" means Norfolk County Council;

“cycle” has the same meaning as in section 192 of the Road Traffic Act 1988;

“Driver” in relation to a vehicle waiting in contravention of an Order, means the person driving the vehicle at the time it was left at that contravention or the person deemed to be the driver;

“Enforcement Authority” means the Council, the Bus Station Manager or the Council’s appointed agent;

“General Directions” shall mean The Traffic Signs Regulations and General Directions 2002”

“General Regulations 2007” shall mean The Civil Enforcement of Parking Contraventions (England) General Regulations 2007”;

“Heavy Commercial Vehicle” has the same meaning as in section 138 of the 1984 Act;

“local service” has the same meaning as in section 2 of the Transport Act 1985;

“Motor Car”, Motor Cycle” and Invalid Carriage” have the same meaning as in section 136 of the 1984 Act;

“national bus service” means a service operated as part of a quality contracts scheme or ticketing scheme under section 162 Transport Act 2000

“Parking Place” in this Order means the Norwich Bus Station situated between Surrey Street and Queens Road, Norwich and provided by the Council for use as a bus station;

“Penalty Charge” has the same meaning as in Regulation 2 of the General Regulations 2007;

“Penalty Charge Notice” has the same meaning as in Regulation 8 of the General Regulations 2007;

“Parking Bay” means:-

- (i) an area of the parking place indicated by markings on the surface of the parking place as an area where a vehicle, in accordance with the provisions of this Order, may be stationed; or
- (ii) an area of the parking place adjacent to a designated lettered shelter (stand) and operating safety gate where passengers may board and alight the vehicle;

PART 1 PARKING PROVISIONS

- 3(1) The off-street parking place specified in the Schedule to this Order is hereby appointed as a bus station pursuant to section 38 of the 1984 Act.
- (2) The parking place may be used subject to the provisions of this Order at all times as an off-street parking place for:-
 - (i) those buses operating a local service or a national bus service and authorised in writing to wait in the parking bays specified in Schedule 1 to this Order;
 - (ii) a cycle to wait in the parking bay specified in Schedule 2 to this Order.
- 4. Save as provided in Article 5 of this Order no person shall cause or permit any other motor vehicle to enter, proceed or wait in the parking place at any time.
- 5. Nothing in Article 4 shall prevent a person to cause or permit a vehicle to enter or wait in the parking place provided that vehicle is:-
 - (i) a vehicle appearing to a civil enforcement officer or police constable in uniform to be present in the parking place for the purposes of maintaining or servicing a vehicle authorised to use the parking place in accordance with Article 3(2) of this Order;
 - (ii) a vehicle making deliveries, loading or unloading, or providing services to any business or undertaking lawfully within or adjacent to the parking place for such period as the civil enforcement officer or agent shall determine.

- (iii) being used for fire brigade, police or ambulance purposes;
 - (iv) a vehicle accessing or leaving the private car park to Property No 15 Surrey Street but such vehicle may not wait within the parking place specified within this Order;
 - (v) an unriden cycle being pushed through the pedestrian area of the bus station;
6. Where in the parking place a parking bay is designated by surface or other markings, as available for vehicles of a specified class, the driver/rider of a vehicle shall not permit it to wait in the parking place, or parking bay, unless it is of that specified class.
7. No vehicle shall be left in the parking place other than wholly within a parking bay and in particular no vehicle shall be left or allowed to stand in the parking place in such a position as to obstruct the entrance thereto or the exit therefrom nor in such a position as to prevent the driving away of any vehicle already standing in the parking place or in such a position as to cause an obstruction to other vehicles.

PART II

PENALTY CHARGE AND PENALTY CHARGE NOTICE

- 8(1) Where a driver has left a vehicle in the Parking Place in contravention of this Order a Penalty Charge shall become payable. A Penalty Charge Notice to that effect will be attached to the vehicle or handed to the driver by a Civil Enforcement Officer, in accordance with Article 8(4) of this Order.
- 8(2) A Penalty Charge shall be payable to the Enforcement Authority.
- 8(3) In the event of payment of the Penalty Charge being received by the Enforcement Authority within 14 days of the day in which it was incurred the amount of penalty charge will be discounted in accordance with Regulation 5 of the General Regulations 2007.
- 8(4). A Penalty Charge Notice referred to in Article 8(1) and issued by a Civil Enforcement Officer shall include the following particulars:
- (a) the enforcement authority,
 - (b) the parking place at which the contravention occurred (which may be identified on the Penalty Charge Notice by an abbreviation or code),
 - (c) the registration mark of the vehicle or when the vehicle is being used under a trade licence, the registration mark of that trade licence,
 - (d) the date, time at which the Penalty Charge was seen to be payable,
 - (e) the grounds on which the Civil Enforcement Officer serving the Penalty Charge Notice believes that a Penalty Charge is payable,

- (f) the amount of the Penalty Charge,
- (g) the manner in which and time within which the Penalty Charge shall be payable,
- (h) a statement that a reduced charge may be payable if payment is made within fourteen days of the Penalty Charge Notice being incurred,
- (i) a statement to the effect that if the Penalty Charge is not paid before the end of the period of 28 days a notice to owner may be served by the Enforcement Authority on the owner of the vehicle.

9(1) Where a driver has left a vehicle in a Parking Place in contravention of this Order and a Penalty Charge Notice could not be issued as specified in Article 8(1) of this Order a Penalty Charge Notice may be issued by post by the enforcement authority in accordance with section 10 of the General Regulations 2007.

9(2) Any Penalty Charge Notice issued in accordance with Article 9(1) of this Order shall, in addition to the particulars specified in 8(4)(a), (b), (c), (e) and (f) of this Order, include the particulars specified in paragraph 2 of the Schedule to the General Regulations 2007.

10(1) The Penalty Charge referred to in Article 8(1) shall be paid to the Enforcement Authority or an agent acting on behalf of the Enforcement Authority in accordance with the instructions on the reverse of the Penalty Charge Notice.

10(2) The driver of a vehicle in respect of which a Penalty Charge has been incurred shall pay the Penalty Charge or provide proof of payment of the Penalty Charge to the Enforcement Authority as detailed on the reverse of the Notice within 28 days of the date on which the notice is served. If payment is received within a period of 14 days beginning with the date on which the notice is served the amount of the said charge shall be reduced by 50% (provided that if the fourteenth day falls upon a day on which the Enforcement Authority's offices are closed the period within which payment of the said charge is due shall be extended to 1.00 p.m. on the next full day on which the office is open).

10(3) Where a driver of a vehicle fails to pay the Penalty Charge as specified in Articles 10(1) and 10(2) of this Order the Enforcement Authority may follow the procedures set out in the General Regulations 2007 to recover the Penalty Charge.

10(4) A driver who desires to make representation to or appeal against a Penalty Charge Notice issued to him may make representation or appeal to the Enforcement Authority pursuant to the procedures set out in the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.

PART III

USE OF PARKING PLACES

11. The driver of a vehicle using the parking place shall stop the engine as soon as the vehicle is in position in a designated parking bay and shall not start the engine except when about to change the position of the vehicle in the parking bay, or to depart from the parking place.

12. Except with the authority of the Council or person authorised on behalf of the Council, no person shall use a vehicle, whilst it is in the parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services other than to enable the operation of a local service or national bus service.
13. Except with the authority of the Council or person authorised on behalf of the Council, no person shall distribute any advertising material or affix or cause to be affixed any advertising material to any vehicle left in the parking place.
14. Subject to the proviso hereto, when a vehicle is left in the parking place in contravention of any of the provisions of Articles 3, 4, 5, 6 and 7 of this Order, or it is necessary to meet the requirements of an emergency, a person authorised on behalf of the Council or a Civil Enforcement Officer may remove the vehicle or arrange for it to be removed from the parking place, or may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.
15. Any person removing or altering the position of a vehicle by virtue of Article 14 of this Order may do so by towing or driving the vehicle or in such other manner as that person may think necessary and may take such measures in relation to the vehicle as that person may think necessary to enable that person to remove or alter its position.
16. When a person authorised by the Council or a Civil Enforcement Officer removes or makes arrangements for the removal of a vehicle from the parking place by virtue of Articles 14 and 15 of this Order, that person shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
17. Where a vehicle has been removed in accordance with Articles 14, 15 and 16 of this Order the charges as specified in section 3 of the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges)(England) Order 2007 shall become payable.
18. Neither such person nor the Council shall be responsible for any loss or damage to the vehicle or to anything contained therein or attached thereto arising from or in consequence of the exercise of the powers in Articles 14, 15, 16 and 17.
19. The driver of a motor vehicle using the Parking Place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the Parking Place.
20. No person shall, in the Parking Place, wantonly shout or otherwise make a loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.
21. No person shall in the Parking Place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.

22. No person shall, except with the authority of the Council or enforcement authority, use any part of the Parking Place or any vehicle left in the Parking Place:
- (a) for sleeping or camping purposes;
 - (b) for eating or cooking purposes;
 - (c) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the Parking Place;
 - (d) for skateboarding, roller skating or wheeled activities which may be hazardous to pedestrians;
 - (e) for the instruction of pupils whilst undertaking driving lessons.
23. No person shall play or take part in any game in the Parking Place.
24. No person shall use the Parking Place as a means of passing or proceeding from one road to another road.
25. Where in the Parking Place signs are erected or surface markings are laid for the purpose of:
- (a) indicating the entrance to or exit from the Parking Place; or
 - (b) indicating that a vehicle using the Parking Place shall proceed in a specified direction within the Parking Place
- no person shall drive or cause or permit to be driven any vehicle so that it
- (i) enters the Parking Place otherwise than by an entrance or leave the Parking Place otherwise than by an exit so indicated or
 - (ii) proceeds in a direction other than that specified
- as the case may be.
26. In the Parking Place no person shall, except with the authority of the Council or person authorised on behalf of the Council:
- (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure;
 - (b) light or cause or permit to be lit any fire.

27. No person shall enter the Parking Place whilst towing any vehicle except:
- (i) where the towed vehicle is required in order that a vehicle may be removed in accordance with Article 15 of this Order,
 - (ii) where the towed vehicle is carrying equipment required by the driver for maintenance at the Parking Place,
 - (iii) where the towed vehicle is required for remedial works at or to the Parking Place by Statutory Utilities Staff,
 - (iv) where permission has been granted by the Council or an agent acting on behalf of the Council or a Police Constable in uniform.
28. When a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 6 no person, not being the driver of the vehicle or a person duly authorised by the Council shall remove the Notice from the vehicle unless authorised to do so by the driver.
29. By conspicuous notices to the effect the Council may suspend Parking on the Parking Place or part thereof and failure to observe such notices shall be a contravention of this Order.
30. In the Parking Place no person shall leave a vehicle stationed overnight, except upon the direction or with the permission of the Council or an agent acting on behalf the Council or a Civil Enforcement Officer.

PART IV

REVOCATION

31. The following Order will become revoked on the date of commencement of this Order as follows:-
- “The Norfolk County Council (Norwich Bus Station)(Off-Street Parking Places) Order 2005” – in its entirety.
32. Insofar as any provision of this Order conflicts with any provision of any previous Order, that provision of this Order shall prevail.

SCHEDULE
IN THE CITY OF NORWICH (NORWICH BUS STATION)

1	2	3	4
Name of Parking Place	Classes of Vehicles	Days of Operation of Parking Place	Hours of Operation of Parking Place
Norwich Bus Station Stands Lettered A-M	Buses used as part of a local service and national bus service	At All Times	Waiting limited to 5 minutes
Emergency Parking Bays Lettered N, and P	Buses used as part of local service and national bus service	At All times	Waiting limited to 30 minutes with no return within 2 hours
Layover Bays Numbered 1, 2 and 3	Buses used as part of a local service and national bus service	At All Times	Waiting limited to 30 minutes with no return within 2 hours

SCHEDULE 2
IN THE CITY OF NORWICH (NORWICH BUS STATION)

1 Name of Parking Place	2 Classes of Vehicles and position in which they may wait	3 Days of Operation of Parking Place	4 Hours of Operation of Parking Place
Norwich Bus Station Cycle parking area	Cycle Waiting within and adjacent to the cycle stands provided	At All Times	Unlimited waiting

Dated this 23rd day of April 2014

THE COMMON SEAL of)
THE NORFOLK COUNTY)
COUNCIL was hereunto)
affixed in the presence of)

Head of Law

LP/JR/Orders/NorwichBusStation2013