

**HAVANT BOROUGH COUNCIL**  
**THE BOROUGH OF HAVANT**  
**(HAYLING ISLAND: BEACHLANDS WEST CAR PARK)**  
**(EXPERIMENTAL PARKING PLACES) ORDER 2018**

The Council of the Borough of Havant (hereinafter called "the Council") in exercise (with the consent of Hampshire County Council pursuant to Section 39(3) of its powers under Sections 9, 10, 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and under 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 to the 1984 Act hereby makes the following Order:

**PART I**

**GENERAL**

**Citation**

1. This Order shall come into operation on the tenth day of August 2018 and may be cited as "The Borough of Havant (Hayling Island: Beachlands West Car Park) (Experimental Parking Places) Order 2018".
2. The part of Order specified in the First Schedule to this Order is hereby revoked.
3. This Order will cease to have effect after the tenth day of February 2020.
4. The Council may modify or suspend the operation of this Order or any provision contained in it in accordance with Section 10 of the Act.

**Interpretation**

5. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them:

**"Civil Enforcement Officer"** means a person (being a person appointed under Section 76 of the Traffic Management Act 2004 and/or under Section 63A of the 1984 Act) authorised by or on behalf of the Council to supervise any parking place and act as indicated by the use of the expression in any of the Articles in this Order;

**"Council"** means the Council of the Borough of Havant;

**"motorhome"** means any vehicle constructed or adapted for use as a mobile place of sleeping accommodation;

**"owner"** means the person by whom the vehicle is kept;

- (i) In determining who was the owner of a vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994, and
- (ii) in relation to a vehicle, the subject of a lease or hiring agreement means the person in possession of the vehicle under that agreement;

**"parking place"** means an area of land provided by the Council under Section 32 of the Road Traffic Regulation Act 1984 and described in the Second Schedule hereto;

**"penalty charge"** means a penalty charge which is payable by virtue of Part 6 of the Traffic Management Act 2004

**"penalty charge notice"** means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of Part 6 of the Traffic Management Act 2004;

6. Except where the context requires otherwise, any reference in this Order to an Article or Schedule shall be construed as a reference to that Article or Schedule in this Order.
7. No person shall cause or permit any motorhome to wait between the hours of 10.00pm and 6.00am Monday to Sunday in the Car Park specified in the Second Schedule to this Order.

### **PENALTY CHARGE AT PARKING PLACES**

**For the avoidance of any doubt the provisions of this Order and in particular (but without prejudice to the generality of the foregoing) the provisions of the following Articles 9 to 13 (inclusive) are without prejudice to the provisions of Part 6 of the Traffic Management Act 2004 ("the Act") and the regulations made thereunder ("the Regulations") and in the event of any conflict the provisions of the Act and of the Regulations shall prevail over the provisions of this Order.**

#### **Penalty charge**

9. If a vehicle is left in a parking place in contravention of or without complying with any Article of this Order a penalty charge shall be payable and/or the vehicle may be removed from that location or parking place.

#### **Penalty charge notice**

10. Where a penalty charge may have been incurred in respect of a vehicle it shall be the duty of a Civil Enforcement Officer to attach to the vehicle in a conspicuous position a penalty charge notice which shall include the following particulars;
  - (a) the grounds on which the Civil Enforcement Officer believes that a penalty charge is payable with respect to the vehicle;
  - (b) the amount of the penalty charge which is payable;
  - (c) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
  - (d) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the charge will be reduced by one half;
  - (e) that if the penalty charge is not paid before the end of the 28 day period a notice to owner may be served by the Council on the person appearing to them to be the owner of the vehicle;

- (f) the address to which payment of the penalty charge must be sent

**Payment of the penalty charge**

11. (a) The owner of a vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to the Council as indicated on the penalty charge notice.
- (b) If the penalty charge is paid before the end of the period of 14 days beginning with the date of the penalty charge notice the amount of the penalty charge will be reduced by one half.
- (c) If the period of 28 days for payment of the penalty charge has expired without that charge being paid the Council may serve a notice ("a notice to owner") on the person who appears to them to have been the owner of the vehicle when the alleged contravention occurred and the notice to owner so served shall state the matters required to be stated therein by or under the Traffic Management Act 2004.

**Indications as evidence**

12. The particulars given in the penalty charge notice attached to a vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

**Restriction on removal of a penalty charge notice**

13. When a penalty charge notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order, no person, not being the driver of the vehicle, a police constable in uniform, a Civil Enforcement Officer or some other person duly authorised by the Council shall remove the penalty charge notice from the vehicle unless authorised to do so by the driver.

**FIRST SCHEDULE**  
**(Part of Order to be revoked)**

**Order**

The Borough of Havant Off Street Parking Places Order 2017

**Extent of revocation**

Schedule 6 – Part 2 – Pay and Display Car Parks

**SECOND SCHEDULE**

**Beachlands West Car Park**

**Parking places (or parts thereof) where waiting is prohibited between the hours of 10.00pm to 6.00am, Monday to Sunday, (including Bank Holidays)**

**Parking Place**  
**Beachlands Car Parks Hayling Island**

West Car Park Parking Place to the west of Central Car Park situated to the south of the miniature golf links

THE COMMON SEAL OF THE  
COUNCIL OF THE BOROUGH  
OF HAVANT was hereunto  
affixed this  
twentieth day of July 2018

In the presence of

Authorised Signatory

File No: AS/TRO/375



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