PERRANZABULOE COUNCIL

PERRANZABULOE PARISH COUNCIL (OFF STREET PARKING PLACES) ORDER 2026

Perranzabuloe Parish Council (The Council) in exercise of its powers under Sections 35, 57 and 59 (and Part IV of Schedule 9) 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 all other enabling powers and after consultation with the Chief Officer of Police in accordance with Schedule 9 of the 1984 Act, and with the consent of the Cornwall Council under Section 59 of the 1984 Act,

HEREBY MAKES THE FOLLOWING ORDER

PART I

GENERAL

Commencement and Citation

1.1 This Order shall come into operation on the 1st April 2026 and may be cited as "Perranzabuloe Parish Council (Off Street Parking Places) Order 2026"

Definitions and Interpretation

2.1 In this Order except where the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them:

"Approved Device"	means a device used for statutory purposes in accordance with The Civil Enforcement of Parking Contraventions (Approved Devices)(England) Order 2007
"Blue Badge"	means a disabled persons badge, including time clock, issued by any local authority in accordance with the provisions of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended from time to time) or a badge having effect under those Regulations as if it were a disabled persons badge
"Civil Enforcement Officer"	has the same meaning as Section 76 of the 2004 Act
"The Council"	means Perranzabuloe Parish Council and any statutory successor
"Driver"	in relation to a Vehicle in a Parking Place means the person driving the Vehicle at the time it was driven into and/or left in the Parking Place and for the purposes of the Order and any legal proceedings taken thereunder if on the date a Vehicle is driven into and/or left

	in a Parking Place a person is shown to have been the Registered Owner or keeper thereof by notification from the appropriate Registration Authority that person shall be deemed to have been the Driver of the Vehicle on that date unless the contrary is shown
"Dinghy"	means dinghies or small craft up to a maximum length of 4.8m (16 feet) including trailer
"Electric Vehicle"	means any Vehicle that uses one or more electric or traction motors for propulsion
"Mobile Telephone Payment"	means the purchase of a period of parking by using a remote electronic device to facilitate a cashless and ticketless parking transaction
"Motor home/ Camper"	means any vehicle constructed or adapted for use as a mobile place of sleeping accommodation
"Owner"	has the same meaning as in Section 92 of the 2004 Act

"Parking Place"	means any area of land or building specified in Schedule 1 to this Order provided by The Council under Section 32 of the 1984 Act for use as a Parking Place
"Parking Space"	means any part of the Parking Place intended for use by a Vehicle indicated by means of signs and or lines or as shown by a person authorised on that behalf by The Council
"Permit"	means any document issued or approved by The Council that allows a Vehicle to be parked in specified Parking Places, and shall include: Disabled Permits, season tickets, rover tickets, reserved permits and residents permits
"The Regulations"	means the regulations made from time to time by the Secretary of State pursuant to the 2004 Act
"Vehicle"	means (unless the context otherwise provides) any class or description of Vehicle and without prejudice to the above shall include a caravan or trailer "heavy motor car", "motor car", "motor cycle", "motor tractor", "heavy locomotive" and "light locomotive" have the same meaning as in

Section 136 of the 1984 Act and "public service vehicle" has the same meaning as in the Public Passenger Vehicles Act 1981 and for the purposed of this Order "public service vehicles" and vehicles with 16 seats or more shall be referred to as "coaches" and "heavy motor cars", "motor tractor", "heavy locomotive" and "light locomotive" shall be referred to as "commercial vehicles"

2.2 The Interpretation Act 1978 as amended shall apply for the interpretation of this Order as it applies to the interpretation on an Act of Parliament as if this Order was an Act of Parliament

2.3 Unless expressly stated to the contrary any references to a specific statute or regulation includes any statutory extension or modification, amendment or re-enactment of that statute or regulation and any general reference to a statute includes any regulations or orders made under that statute.

PART II

USE OF A PARKING PLACE

General

3.1 Each Parking Place specified by name in Schedule 1 may be used subject to the following provisions of this Order as a Parking Place for such classes of Vehicle, for such use, in such positions and on such days and during such hours and on payment of such charges as are specified in relation to that Parking Place in Schedule 1 and shall include variation thereto by virtue of a Notice made pursuant to Section 35C of the 1984 Act

3.2 The Council reserves the right to permanently close or temporarily suspend the use of the whole or part of any of its Parking Places, or enlarge or otherwise alter any of its Parking Places, in Schedule 1 and any associated facilities without prior notice as it deems appropriate. Any remaining Vehicles left in a Parking Place after the notified closing time, and before the stated opening time, may be released on demand by a person authorised by the Council, subject to a release fee being paid by the Driver of the Vehicle

Conditions of Use

Class and Position of Vehicle

4.1 Where in Schedule 1 the Parking Place is described as available for Vehicles of a specified class or in a specified position, the Driver of a Vehicle shall not permit it to wait or be left in that Parking Place unless it is:-

(a) of the specified class; and

(b) in a specified position being one where Parking Spaces are defined by markings on the ground or otherwise

4.2 Where in Schedule 1 the Parking Place is described as available for Vehicles of a specified class (but no positions have been specified by means of markings upon the ground defining Parking Spaces) the Driver of a Vehicle:-

(a) shall not permit it to wait or be left in a Parking Place unless it is of the specified class and;

(b) if of the specified class shall permit it to wait or be left only in such position or positions as may be required by a Civil Enforcement Officer or other authorised officer of The Council

4.3 The Driver of a Vehicle shall not use a Parking Place which is subject to limitation or restriction on use as specified on the Schedule 1 to this Order otherwise than in accordance with such limitation or restriction.

4.4 The Driver of a Vehicle shall not permit that Vehicle to wait in any Parking Place listed in Schedule 1:-

(a) in a designated loading area during restricted hours unless the Vehicle is parked for the purpose of loading or unloading

(b) in a Parking Space where notice/markings are indicating reserved or permit holders without being the holder of a valid Permit for the Vehicle and Parking Place in question

(c) in a designated restricted area

(d) beyond the markings of any Parking Space

(e) in a disabled persons Parking Space without clearly displaying a valid Blue Badge

(f) in a designated pick-up area unless the Vehicle is waiting for the purpose of persons boarding and alighting.

(g) in a designated electric vehicle charging bay without charging that vehicle with electricity using the apparatus provided for that purpose

Obstruction

5 The Driver of a Vehicle shall not, unless authorised by The Council:-

(a) use a Parking Place so as to unreasonably prevent other persons from obtaining access thereto or therefrom or otherwise cause an obstruction in the Parking Place or Parking Space

(b) park over or beyond the Parking Space markings or otherwise use a Parking Space so as to prevent other Vehicles from using adjoining Parking Spaces

(c) park the Vehicle where cross hatching or yellow lines have been marked on the surface of the Parking Place

Payment for Use and Tickets

6.1 The Driver of the Vehicle shall immediately upon first parking, unless otherwise instructed by a person duly authorised by The Council, in any of the Parking Places referred to in Schedule 1 pay the appropriate charge in accordance with the scale of charges specified in Schedule 1

6.2 The charges referred to in Article 6.1 and specified in Schedule 1 shall be payable:-

(a) by the insertion of an appropriate coin or coins into the apparatus or device provided; or

(b) where provision is made by Mobile Telephone Payment; or

(c) by payment to an authorised person upon entry to the Parking Place, or

(d) where provision is made for use of a credit or debit card

6.3 Any parking ticket issued on payment of the charge referred to in Article 6.1 will indicate either payment of the charge and the date of issue or the date and time of issue and the period running from that time during which parking is permitted. The payment indicated

upon any such ticket shall be regarded as conclusive evidence as to the coinage accepted by the apparatus or device. Where a ticket indicates a Vehicle registration number and/or Parking Place the details indicated upon any such ticket shall be regarded as conclusive evidence as to the Vehicle and/or Parking Place for which the ticket was purchased

6.4 If during charging hours a Vehicle is left in a Parking Place and has displayed on it a parking ticket or tickets issued by a ticket issuing machine the time indicated by the ticket issuing machine clock on the ticket or tickets shall be evidence as to whether the period has expired for which the initial charge shown on such ticket or tickets was paid and in any proceedings for failing to pay the penalty charge shall also be evidence that a penalty charge was incurred, where payment has been made by Mobile Telephone Payment evidence shall be provided by the Mobile Telephone Payment provider.

6.5 (1) Any Permit or parking ticket referred to in Article 6.1 shall be displayed on the Vehicle in respect of which it was issued being:-

(a) in the case of a Motor cycle, in a conspicuous position on the Vehicle in front of the driving seat; and

(b) in the case of all other Vehicles:-

(i) where the Vehicle is fitted with a transparent windscreen, facing forward on the dashboard

or fascia, unless authorised differently by The Council, and

(ii) where the Vehicle is not fitted with a transparent windscreen, on the Vehicle in a conspicuous position

so that in each case, full details printed on the face of the ticket issued or Permit are at all times visible and can clearly be read.

6.6 Where a charge is specified for a period, the whole of that charge shall be due and payable whether the Parking Place is used for all or part of that period

6.7 The Driver of a Vehicle shall remove the Vehicle from the Parking Place before or upon the expiry of the time paid for

6.8 The Driver of a Vehicle shall pay the appropriate fee for each Parking Space used or part thereof by the Vehicle

6.9 The Driver of a Vehicle shall not use a Parking Place which is subject to a maximum period for parking therein for longer than such period. At the expiration of such maximum period the Driver shall remove the Vehicle from the Parking Place and shall not return thereto within the specified period

6.10 When a Permit, ticket or Blue Badge has been exhibited on a Vehicle in accordance with the provisions of Article 6.6 of this Order

no person shall remove the relevant ticket, Permit or badge from the Vehicle until the Vehicle has been removed from the Parking Place.

6.11 The Owner of a Vehicle may on prior application to The Council purchase a season ticket for a charge ascertained by reference to the said scale of charges in Schedule 1 or Schedule 2 and such a ticket shall be valid in such Parking Places as specified during the period for which it was issued. Any amendments by The Council to such tickets may be subject to an administration charge as ascertained by reference to the said scale of charges in Schedule 1

6.12 Tickets purchased are not transferable between Vehicles and/or Parking Places (unless specified). Where a ticket indicates a Vehicle registration number and/or Parking Place the details indicated upon any such ticket shall be regarded as conclusive evidence as to the Vehicle and/or Parking Place for which the ticket was purchased

Miscellaneous Provisions

7 The Driver of a Vehicle may not enter upon, use or attempt to use a Parking Place when The Council have closed that Parking Place or have placed restrictions on use of that Parking Place and exhibited notice of such closing or restrictions on or near the Parking Place

8 Whilst using a Parking Place a Trailer or Caravan shall, without the prior consent of The Council, remain connected to the towing Vehicle, and payment shall be made for each Parking Space occupied

9 The Driver of a Vehicle using a Parking Place shall stop the engine as soon as the Vehicle is in position in the Parking Place and shall not start the engine except when about to change the position of the Vehicle in or to depart from the Parking Place

10 No person shall without the prior written consent of The Council use a Vehicle while it is in a Parking Place in connection with the sale of or offering for sale any article to any person or persons in or near the Parking Place or in connection with the selling or offering for hire of any skill or service

11 No person shall place or attach to or cause to be placed or attached to any Vehicle in a Parking Place any leaflet or advertising material whatsoever

12 No person shall place or attach to or cause to be placed without prior authorisation from The Council in a Parking Place any leaflet or advertising material whatsoever

13 The Driver of a Vehicle shall not permit that Vehicle to be left in a Parking Place unless the Vehicle is licensed in accordance with the provisions of Section 1 of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the Vehicle by the Driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988

14 The Driver of a Vehicle using a Parking Place shall not sound any horn or similar instrument except when about to change the position of the Vehicle in or to depart from the Parking Place and only then when circumstances demand an audible warning

15 No person shall, except with the permission of a person duly authorised by The Council drive any Vehicle in a Parking Place other than for the purpose of leaving that Vehicle in that Parking Place in accordance with the provisions of this Order or for the purpose of departing from that Parking Place

16 No person shall without the authority of The Council use any part of a Parking Place or any Vehicle left in that Parking Place for the purposes of:-

(a) sleeping or camping purposes

(b) eating or cooking purposes

(c) the purpose of servicing, washing, or painting or otherwise tending any Vehicle or part thereof other than is reasonably necessary to enable that Vehicle to depart from the Parking Place

(d) selling any object or food or drink or other comestible matter

17 No person shall without the consent of a person duly authorised by The Council erect or cause or permit to be erected any tent, booth, stand, building or other structure on a Parking Place

18 No person shall use a Parking Place as a means of passage proceeding from one road to another or to a property not owned by The Council without the express consent in writing of The Council

19 Where in a Parking Place signs are erected or surface markings are laid for the purpose of:

(a) indicating the entrance to or exit from that Parking Place or

(b) indicating that a Vehicle using that Parking Place shall proceed in a specified direction within the Parking Place

(c) indicating the maximum speed limit within the Parking Place

no person shall drive or cause or permit to be driven any Vehicle:

(i) so that it enters that Parking Place otherwise than by an entrance or leave that Parking Place otherwise than by an exit so indicated

(ii) in a direction other than specified

(iii) at a speed in excess of that specified

20 No person without the consent of The Council shall light or cause to permit to be lit any fire

21 No person shall, in a Parking Place engage in pedal cycling, skateboarding, roller-skating, ball games, or games of any description unless authorised by The Council or do anything which is or may be a nuisance or annoyance to any person or to users of the Parking Place or residents of premises in the neighbourhood

22 No person shall in a Parking Place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned

23 A person using the Parking Place shall not cause or suffer any animal belonging to him or in his charge to enter or remain in the Parking Place unless such animal continues to be under proper control and effectively restrained from causing annoyance to any person and from worrying or disturbing any other animal, continues to be under proper control and effectively confined within a Vehicle,

such Vehicle is to be sufficiently ventilated as to cause no harm or distress to the animal

24 The storage of fishing pots and/or nets shall be prohibited except in the location or locations agreed in writing by The Council

25 Dinghies parked in Parking Spaces, where permitted, must be on trailers

26 No person shall leave or cause to be left a shopping trolley in any Parking Place or any part thereof except in a place designated for that purpose by The Council

27 Any person who contravenes any of the provisions of Articles 8, 11, 12, 13, 14, 15, 16, 17, 18, 19,20, 21, 22, 23, 24, 25, and 26 of this Order shall be liable, on summary conviction, to a fine

PART III

PENALTY CHARGES

Notice and Application of Penalty Charges

28.1 Where a contravention of Articles 4.1, 4.2, 4.3, 4.4(a), 4.4(b), 4.4(c), 4.4(e), 4.4(f), 4.4(g), 5(a), 5(c), 6.7(2), and 10 of the Order occurs a penalty charge at the higher level specified in

column 1 of Schedule 2 shall become due and payable in respect of an offence

28.2 Where a contravention of Articles 4.4(d), 5(b), 6.1, 6.7(1), 6.8, 6.9, 6.10, 6.11, 7, 9, and 16 of the Order occurs a penalty charge at the lower level specified in column 2 of Schedule 2 shall become due and payable in respect of an offence

28.3 Where a penalty charge is due a Penalty Charge Notice ("PCN") shall either;-

(a) be fixed to the Vehicle, or

(b) given to the person appearing to the Civil Enforcement Officer to be in charge of the Vehicle, or

(c) served by post on the person appearing to be the Owner of the Vehicle where the Civil Enforcement Officer attempted to serve the PCN but was prevented from doing so, or had begun to prepare a PCN but the Vehicle had been driven away, or where a contravention is recorded on an Approved Device

28.4 Where a Vehicle remains in a position so as to attract a PCN a further PCN may be issued on each calendar day thereafter

Restriction on Removal of Penalty Charge Notice

29.1 Where a PCN has been attached to a Vehicle in accordance with the provisions of Article 28.3 of this Order no person other than a Civil Enforcement Officer or some other person duly authorised by Cornwall Council or the Driver shall remove the PCN from the Vehicle

29.2 A person contravening Article 29.1 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale

Manner of Payment of Penalty Charge

30.1 The Owner of a Vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to Cornwall Council in the manner specified in the PCN not later than by the end of the twenty eighth day beginning on the date on which the PCN was served

30.2 If the penalty charge is paid before the expiry of the fourteenth day (or twenty first day where the PCN is served by post on the basis of evidence from an approved device) beginning on the date the PCN was issued the penalty charge in respect of contraventions of Articles 4.1, 4.2, 4.3, 4.4(a), 4.4(b), 4.4(c), 4.4(e), 4.4(f), 5(a), 5(c), 6.7(2), and 10 shall be reduced to the sum specified in column 3 of Schedule 2 and for contraventions of Articles 4.4(d), 5(b), 6.1,

6.7(1), 6.8, 6.9, 6.10, 6.11, 7, 9 and 16 shall be reduced to the sum specified in column 4 of schedule 2

30.3 If the penalty charge is not paid within 28 days of the PCN being served a Notice to Owner may be served on the person appearing to to be the Owner of the Vehicle at the time of the contravention

30.4 If the penalty charge is not paid:-

(1) within 28 days beginning with the date of either:

(a) service of the Notice to Owner where no representations are made against such a notice, or

(b) service of a notice of rejection by Cornwall Council of representations by the Owner and no appeal against the notice of rejection has been made, or

(c) notification by Cornwall Council to the appellant that it does not accept a recommendation of the appeals adjudicator to cancel the Notice to Owner, or

(d) service of a notice by the appeals adjudicator of his decision relating to an unsuccessful appeal,

OR

(2) within 14 days of the Owner withdrawing his appeal to an adjudicator against a notice of rejection before the adjudicator serves notice of his decision

Cornwall Council may serve a Charge Certificate on the Owner to the effect that the penalty charge is increased in respect of contravention of Articles 4.1, 4.2, 4.3, 4.4(a), 4.4(b), 4.4(c),

4.4(e), 4.4(f), 5(a), 5(c), 6.5(2), and 10 by the amount specified in column 5 of Schedule 2 and in respect of contravention of Articles 4.4(d), 5(b), 6.1, 6.7(1), 6.8, 6.9, 6.10, 6.11, 7, 9 and 16 by the amount specified in column 6 of Schedule 2

Representations and Appeals

31 The Regulations shall apply in relation to this Order in respect of the making and determination of representations and appeals

PART IV

REMOVAL AND DISPOSAL OF VEHICLES

Removing or Altering the Position of a Vehicle

32.1 A Civil Enforcement Officer or a Police Officer in uniform may alter or cause to be altered the position of a Vehicle in a Parking Place or remove or arrange for the removal of a Vehicle from a Parking Place:

(a) for the purpose of meeting the requirement of an emergency, or

(b) where the Vehicle is not licenced in accordance with the provisions of Section 1 of the Vehicle Excise and Registration Act 1994, or

(c) the same Vehicle is subject of three or more contraventions of this Order and the PCN's remain unpaid, or

(d) the Vehicle is creating a hazard or an obstruction

32.2 Any person removing or altering the position of a Vehicle by virtue of Article 32.1 of this Order may do so by towing or driving the Vehicle or in such other manner as he/she may think necessary and may take such measure or measures in relation to the Vehicle as he/she may deem necessary to enable him to remove it or alter its position as the case may be

32.3 When a person authorised by The Council removes or makes arrangements for the removal of a Vehicle from a Parking Place by virtue of Article 32.1 of this Order he/she shall make such arrangements as may be reasonably necessary for the safe custody of the Vehicle

32.4 Neither the Council nor any person authorised on its behalf shall be liable for any damage caused or inflicted or any costs, damages, expenses or disbursements? incurred by any person in respect of their property as a result of any action that may be taken in accordance with Articles 32.1 and 32.2 of this Order

32.5 Any costs associated with the removal and storage of Vehicles shall be payable by the Owner within 28 days of demand

Given under the Common Seal of Perranzabuloe Parish Council the

_____ day of _____ 2026

THE COMMON SEAL of

Perranzabuloe Parish Council

was hereunto affixed in the

presence of

ROAD TRAFFIC REGULATION ACT 1984

PERRANZABULOE PARISH COUNCIL

(OFF STREET PARKING PLACES)

ORDER 2026