

LOCAL GOVERNMENT ORDINANCE, 1961

(Ordinance No. 11 of 1961)

LOCAL AUTHORITY (ASSIGNMENT OF FUNCTIONS – THE PROVISIONS OF PARKING PLACES AND STANDS AND THE LICENSING OF PRIVATE PARKING PLACES) ORDER, 1973

(G.N.S. 11 of 1973)

Whereas under paragraphs (69) and (73) of subsection (1) of section 49 of Local Government Ordinance, 1961 the Yang di Pertua Negeri may authorise any Local Authority to carry on any works or undertaking and that the Yang di Pertua Negeri may determine that in carrying out such works or undertakings, all things done for the authority of its powers and duties under the provisions of the Ordinance,

Add G.NS
41/83]

And Whereas the Yang di Pertua Negeri deems it necessary to order local authorities to undertake the responsibility of providing parking places and stands in their respective areas;

Ord. No 11 of
1961

Now Therefore, the Yang di Pertua Negeri Hereby authorises local authorities to carry out such undertaking and to exercise such powers incidental thereto and for such purposes hereby makes the following Order;

[Sub G.N.S
51/82]

1. (1) This Order may be cited as the Local Authority (Assignment of Functions – the Provisions of Parking Places and Stands and the Licensing of Private Parking Places) Order 1973.

Citation
and
effect.

(2) The doing of all things necessary for carrying out of the purposes of this Order shall deemed to be a purpose incidental to the exercise by such local authority of its powers and duties the provisions of the Ordinance.

[Add G.N.S
41/83]

2. Any local authority may make by-laws for the purpose of providing suitable parking places for vehicles or for stands for public service vehicles or goods vehicles in accordance with this Order and for that purpose may-
- Local authority may provide parking places or stands
- (a) utilize any lands which may lawfully be acquired or appropriated for appropriated for the purpose or
 - (b) by such by-laws authorize the use as a parking place any part of a road.
3. A local authority may take all such steps as may be necessary to adapt for use as a parking place any any land not being part of a road which may be conveniently utilized for that purpose.
- Any land may be used as parking place
4. By-laws made under this Order may prescribe -
- Provisions in by-laws.
- (a) the vehicles or class of vehicles which may use such parking place and the period during which and the conditions subject to which parking place or stand may be used;
 - (b) the licensing of private parking places and
 - (c) the fee if any to be made for the use of such parking place or for such licence.
5. Where any charge for use such parking place is to be made or intended to be made pursuant to any by-laws made under this Order such by-law shall specify -
- Imposition of charge for use of parking place or stand
- (i) the parking place designated for leaving of vehicles and
 - (ii) the times (whether at all times or between such hours) during which vehicles may be parked in a parking place
- and may further make provision in a parking in a parking place for any of the matters following :
- (a) the number and dimensions of the spaces to be provided
 - (b) the positions in which such vehicles shall be driven in or taken out
 - (c) the manner in which such vehicles shall be driven in or take out
 - (d) the prohibition or restriction of waiting therein whether in the positions aforesaid or elsewhere of other vehicles,
 - (e) the positions in which other vehicles permitted by the by-laws to wait therein or for any purpose specified in the by-laws shall wait,
 - (f) the charges to be levied in respect of the use thereof and the manner of its collection,
 - (g) the removal thereof, detention or the safe custody of any motor vehicle, material or object as the case may be and the charges
- [Am G.N.S 51/82]

to be levied in respect thereof where there has been a contravention of or non-compliance with the provisions of the by-laws,

- (gg) the disposal off and the doing of all other things incidental to or in connection with the disposal thereof of any such motor vehicle, material or object so removed or detained aforesaid,
- (h) the compounding of any offence where there has been a contravention of or non-compliance with the provisions of the by-laws,
- (i) the erection and installation of any apparatus of a type or design either generally or specifically approved by the minister (which shall be described as a “parking meter”),
- (j) the prohibition of the driver of any vehicle or any person employed in connection therewith to ply for hire or accept passengers for hire or reward while any vehicle is within a parking place other than a stand for public service vehicles,
- (k) the prohibition or the driver of any vehicle or any person employed in connection therewith to ply for hire or accept passengers for hire or reward while any vehicle is within a parking place other than a stand public service vehicles,
- (l) the indication of such parking place by means of traffic sings in accordance with the provisions of the Road Vehicles Ordinance 1963 Ord. No 10 of 1963.
- (m) in the case of a private parking place, the provisions for lighting security safety and other things which are necessary and incidental hereto [Add. G.N.S 41/83]

Provided that nothing in this paragraph shall be construed as requiring spaces to be provided in any parking place of sufficient size to accommodate any particular vehicle.

6. A notice stating the by-laws and the charges prescribed thereby shall be erected and maintained by the local authority at or near such parking place or stand. Notice to be erected at parking place or stand

7. The local authority may provide in the by-laws made by virtue of this Order that if any person without lawful excuse contravene or fails to comply with any provisions made thereunder he shall be guilty of an offence and shall be liable to a fine Contravention of any by-law

Provided that no such fine shall exceed five hundred dollars. [Sub G.N.S 51/82]

8. The local authority shall not incur any liability in respect of loss or damage to any vehicle or the fittings or contents of any vehicles parked in any parking place provided by virtue of this Order. No liability for loss or damage

9. The provisions of the Ordinance in relation to the power of a local authority to make by-laws shall apply to to any by-law made by virtue of this Order.

Application of
the Ordinance
to by-laws
made under
this order

Made at Kota Kinabalu this 20th day of March 1973

By His Excellency's Command

SALLEH HAJI SULONG

Minister for Local Governmet

