

Parking Regulations

The following parking regulations (“the Regulations”) were initially introduced as a regulation of POSOL Residents Management Company Limited (“POSOL”) at a duly convened board meeting on 19th December 2014.

Introduction

1. Following a number of complaints regarding the storage of various items in or around the garage courtyard areas the landscaped areas and all other common parts and common facilities of or on the estate (“the Estate Facilities”), POSOL has decided to introduce the Regulations limiting the use of those areas.
2. The Company has introduced the Regulations for the benefit of the Shareholders as a whole, who share a right to park. It is a common feature of regulations of this nature that a regulation which is intended to operate for the benefit of members of a group as a whole may have the effect of restricting the way in which each member of the group is able to enjoy his rights. The restriction of each individual in the exercise of the common right operates for the benefit of all individuals in the group.
3. Property owners on the estate, all of whom are also shareholders of POSOL (“Shareholders”) are obliged to follow these reasonable Regulations introduced by the Company, pursuant to clause 3(a) of the covenants to which each Shareholder has agreed (“the Covenants”). Shareholders are also obliged to ensure that all agents, guests, visitors, tenants, sub-tenants or other members of their household living at the property (“Permitted Visitors”) comply with the same. Shareholders may be held liable for any breach of this regulation by their Permitted Visitors.
4. These Regulations are supplemental to the Shareholders obligations under Schedule IV of the Covenants which provide, inter alia:
 - IV (4) Not to obstruct any of the estate roads or any of the estate facilities in any manner whatsoever nor to permit the same to be obstructed.
 - IV(9)(a) Not to park or place on the premises or on any other part of the estate any caravan or lorry provided always that this shall not preclude the Purchaser from keeping a caravan inside the garage of the premises or the temporary parking of lorries for loading or unloading purposes
 - IV (9)(b) Not to park or place any boat on the premises (except in the car port or garage of the premises) or any other part of the estate
5. The Regulations affect the Estate Facilities and are effective from 19th January 2014

Definitions

The following definitions shall apply to these Regulations:

“Authorised Vehicle” means a mechanically propelled vehicle, either being:

- i. A motor car or small van, which is constructed itself to carry a load or passengers and the weight of which unladen —

- a. if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than seven passengers exclusive of the driver and does not exceed 3050 kilograms;
 - b. if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3050 kilograms, or 3500 kilograms if the vehicle carries a container or containers for holding for the purpose of its propulsion any fuel which is wholly gaseous at 17.5 degrees Celsius under a pressure of 1.13 bar or plant and materials for producing such fuel; or
- ii. a motor cycle not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms
- and in any event that has all necessary vehicle excise duty paid and is not subject to a statutory off road notification (SORN).

“Boat” means any vessel designed, intended or adapted for use on water, regardless of operational condition.

“Caravan” means any structure designed or adapted for human habitation which is capable of being moved from one place to another, whether by being towed, or by being transported on a motor vehicle or trailer, and any motor vehicle so designed or adapted.

“Commercial Vehicle” means any lorry, van or other vehicle adapted for commercial use and exceeding 4.8 metres in length or any other Motor Vehicle which exceeds the unladen weight of an Authorised Vehicle and is not a Motor Home, including, but not limited to, cherry pickers, cranes and cabled horseboxes.

“Estate Facilities” means the garage courtyard areas the landscaped areas (including the landscaped area lying between the Northern boundary of the estate and the main road known as the Perimeter Road) and all other common parts and common facilities.

“Motor Home” includes any vehicle intended or adapted for use as a motor home or campervan or otherwise designed or used to provide sleeping and/or living accommodation for human habitation and which exceeds 4.8 metres in length and 2.4 metres in width.

“Motor Vehicle” means any mechanically propelled vehicle intended or adapted for use on roads.

“Trailer” shall mean any vehicle intended to be drawn by a Motor Vehicle including but not limited to trailers, boat trailers, trailer tents, horseboxes and Caravans.

Regulations

- A. No Shareholder shall cause permit or allow any Motor Vehicle, Trailer or Boat to be parked or left on any grassed or landscaped areas of the Estate Facilities and in any event in accordance with the existing covenants.

- B. No Shareholder shall cause permit or allow any Motor Vehicle, Trailer or Boat to be parked or left on the Estate Facilities save for Authorised Vehicles, provided that:
 - (i) No Authorised Vehicle shall be parked or left in the same position for a period in excess of 21 days.
 - (ii) No Authorised Vehicle shall exceed 4.8 metres in length by 2.4 metres in width.
 - (iii) No maintenance or repair (except mechanical repair in cases of breakdown or other emergency) of an Authorised Vehicle or refilling of the fuel tank of an Authorised Vehicle shall take place on the Estate Facilities.
 - (iv) No Motor Vehicle sale, auction or advertisement for sale shall take place on the Estate Facilities.

- C. These Regulations shall not prevent the parking on the Estate Facilities of any Motor Vehicle, Commercial Vehicle or Trailer, including a Motor Home, for a period not exceeding 24 hours for the purpose of loading/unloading only.

- D. For the avoidance of doubt, the above Regulations prevent the parking and leaving of Motor Homes, Trailers, Caravans, Boats and/or Commercial Vehicles on the Estate Facilities at any time, save for a period not exceeding 24 hours for the purpose of loading/unloading only.

- E. Any breach of these Regulations will be deemed an obstruction of the Estate Facilities.

- F. The Company may levy a charge or remove any item which is parked or left on Estate Facilities in breach of these Regulations.

Any Shareholder in breach of these Regulations shall be liable for the Company's reasonably incurred costs of enforcing the Regulations; including but not limited to the managing agent's fees, legal fees and Court Costs.

Approved by the Board 18 October 2019