

**Westport Town [Car-Park]
Bye-Laws 2018**

Adopted 22nd day of October 2018

Westport Town

[Car-Park] Bye-Laws 2018

The Members of the Municipal District of West Mayo (hereinafter referred to as "The Council") in exercise of the powers vested on them by Section 101 of the Road Traffic Act, 1961, (No. 24 of 1961) as amended by Section 6 of the Road Traffic Act, 1968 (No. 25 of 1968) and Section 49 and Section 4 of the Road Traffic Act 1994 (No. 7 of 1994) hereby make the following bye-laws as to the use of car parks provided by them as set out in the definition of 'car parks' in bye-law 3 of these bye laws:

Part 1

1. Short Title

These Bye-Laws may be cited as the Westport Town (Car Park) Bye Laws 2018.

2. Commencement Date

These Bye-Laws shall come into operation on the 22nd day of October 2018

3. Area of Application

These Bye-Laws shall apply to the Car Parks provided by the Council at:

- (A) Leisure Park
- (B) James Street
- (C) Mill Street
- (D) High Street

Any other Car Park under the control of the Municipal District of West Mayo.

These Bye-laws shall not operate so as to prohibit the use of the Car Park for access to, or egress from any premises adjacent to the car-park, where the proprietor has right of such access, or egress from the said premises by virtue of an agreement with the Council.

4. Interpretation

In these bye-laws:

“appropriate fee” means the fee, prescribed in these bye-laws, for the parking area in which the vehicle is parked,

“appropriate pay & display parking ticket machine” means a pay and display parking ticket machine located on the public road in which the vehicle is parked or on an adjacent public road, where indicated on an information sign, or

“authorised person” has the meaning assigned to it by Section 101B of the Road Traffic Act 1961 and / or Section 12 of the Road Traffic Act 1968.

“buffer area” means an area between two parking bays,

“Business hours” means the period from 8.30 a.m. to 6.30 p.m. (08.30 – 18.30) (and 11.00 am to 6.30pm for the James Street car park) from Monday to Saturday, except for public holidays and except where otherwise indicated on:

- (i) an information plate accompanying traffic sign number RUS 018 authorised by the Road Traffic (Signs) Regulations 1997-2017 in the ticket parking area where the vehicle is parked or
- (ii) the appropriate pay and display parking ticket machine located on the public road in which the vehicle is parked or on an adjacent public road, where indicated on an information sign,

“Business User’s Parking Disc” means a disc issued by the Council for the purposes of bye-laws

“Car Park” means a car park specified in bye-law 3 of these bye-laws.

“Council” means the Municipal District of West Mayo (established pursuant to the County of Mayo Local Electoral Areas and Municipal Districts Order 2014 (SI No.59/2014)

“Daily rate” means the rate specified in Table 1 and applies up to the end of Business Hours on the day that the rate is paid but does not extend to the following day

“Disabled Person’s Parking Bay” means a space intended for the parking of a mechanically propelled vehicle on which is displayed a Disabled Person’s Parking Permit granted in respect of such vehicle and has the meaning assigned to it by Article 4(1) of the Regulations of 1997

“Disabled Person’s Parking Permit” means a permit granted in accordance with Article 43 of the Regulations of 1997.

'Electrically powered vehicle' means a mechanically propelled vehicle that is powered— (a) solely by means of a re-chargeable battery, or (b) by means of a re-chargeable battery and an internal combustion engine where either power source may be used to propel the vehicle

'Electrically powered vehicle recharging bay' means a space intended for the parking of an electrically powered vehicle while the vehicle's battery is being re-charge.

"Holiday" means Good Friday or any other day that is a public holiday for the purpose of the Organisation of Working Time Act 1997 (no.20 of 1997).

"information plate" means a plate accompanying a traffic sign which indicates the period during which the restrictions or prohibition indicated by such traffic sign applies

"Mechanically propelled vehicle" has the meaning given to it within section 3 of the Road Traffic Act 1961 and means a vehicle intended or adapted for propulsion by mechanical means, including— (a) a bicycle or tricycle with an attachment for propelling it by mechanical power, whether or not the attachment is being used, (b) a vehicle the means of propulsion of which is electrical or partly electrical and partly mechanical,

"Parking Bay" means a space in a car park intended for the parking of one mechanically propelled vehicle (including an electrically powered vehicle) or where the space is intended for the parking of motorcycles, of more than one such vehicle, and so indicated by surface or other signs or markings of the type referred to in Article 2 of the Regulations of 1997 and Article 18 of the Road Traffic (Signs) Regulations 1997-2017.

"Parking disc" means a document or apparatus or a combination of both, having marks or symbols capable of vindicating the year, date and time when the document or apparatus or combination becomes a valid parking disc

"Parking fee" means a fee payable in accordance with these bye-laws for the parking of a vehicle

"Parking tag" is the Council's pay by phone option for the payment of car parking

"Pay and display parking ticket" means a parking ticket which is issued by the Council by means of a pay and display parking ticket machine or sold by authorised distributors who have been approved by the Council hereinafter referred to in these bye-laws as a payment disc and which contains the following particulars:

- (a) the words "Westport Parking Ticket",
- (b) the fee paid in respect of the ticket
- (c) the date and time of issue of the ticket

(d) the time of expiry of the ticket

“Pay and display parking ticket machine” means a machine capable of automatically delivering a pay and display parking ticket when the appropriate parking fee prescribed by these bye-laws is paid

“Payment card” means a card, acceptable to the Council or its agents, which can be used for the payment of goods and services whether by means of credit, direct debit or charging the card holder’s account

“Regulations of 1997” mean the Road Traffic (Traffic and Parking) Regulations 1997 (S.I. No.182 of 1997)

“ticket parking area” means an area in the car parks where traffic sign No. RUS 018 authorised by the Road Traffic (Signs) Regulations 1997-2017 together with an accompanying information sign indicates that parking of vehicles is subject to the exhibition of a pay and display parking ticket

“ticket parking place” means a place in the car park where the parking of vehicles is subject to the exhibition of a valid pay and display parking ticket

“traffic warden” has the meaning assigned to it by Section 2 of the Local Authorities (Traffic Wardens) Act 1975 (No 14 of 1975)

“Valid Business User’s Parking Disc” means a business user parking disc, which relates to a period, which has not expired, and which is issued by the Council in whose car parks the vehicle on which the disc is displayed is parked.

“Valid coins” means the coins indicated on the appropriate pay and display parking ticket machine

“Valid parking disc” means a parking disc which:-

- (a) has been approved for issue and use by the Municipal District of West Mayo
- (b) has marks or symbols as appropriate to the particular type of parking disc as to indicate clearly the year, month, day and the month, hour and the day and (to the nearest following five minutes period) minute of the hour of the commencement of a period of parking of the vehicle in which the parking disc is exhibited in accordance with these bye-laws
- (c) indicate no other year, month, day, hour or minute and

(d) indicate that the ticket is so parked for a period not exceeding the period for which it may be parked in a ticket parking bay

“Valid parking tag” means that a registered user of a parking tag has paid the parking fee and that the period paid for has not expired

“valid pay and display parking ticket” means a pay and display parking ticket which was purchased at an appropriate pay and display parking ticket machine or from an approved distributor and has not expired,

Part 2

Obligation to Display a Valid Parking Ticket

5. A person shall not use a car park for any other purpose other than for the parking of a mechanically propelled vehicle.
6. Where a mechanically propelled vehicle other than a motorcycle is parked in a car park during business hours a parking ticket issued in respect of the vehicle shall be so exhibited in the interior of the vehicle that a person outside the vehicle can ascertain by reference to the parking ticket/parking disc when the parking ticket/parking disc ceases to be valid. The parking ticket/parking disc shall be so exhibited for so long as the vehicle is parked in the car-park.. A valid parking tag does not require a ticket to be displayed.

Parking Period

7. Where a ticket is exhibited on a mechanically propelled vehicle other than a motorcycle parked in a car park during business hours the vehicle shall not be so parked for longer than the period between the time the ticket is issued and the time it ceases to be valid.
8. Where a mechanically propelled vehicle is parked in a car park during business hours and a parking ticket/parking disc is exhibited then no further parking ticket/parking disc shall be exhibited in that vehicle.
9. A mechanically propelled vehicle other than a motor cycle parked in a car park at a time which is not during business hours shall be removed from the car park when a period of business hours commences unless at such commencement, and during the remainder of the period of parking, a parking ticket or tickets or parking disc or discs or are exhibited in the interior of the vehicle in accordance with bye-law 6 of these bye-laws.

Interference with Parking Tickets

10. Where a mechanically propelled vehicle is parked in a car park during business hours a person shall not interfere with, alter or deface a parking ticket/parking disc exhibited in the vehicle which at all times must be visible. A person shall not interfere with or damage a parking ticket machine or post any advertising or other materials on them. No person shall insert any coin, article, or object, other than the coins specified or a payment card for the purchase of a pay and display parking ticket, in a pay and display parking ticket machine, or interfere in any other way with a pay and display parking ticket machine in a paid parking area.
11. No person other than an agent of the Council, a member of An Garda Síochána, an authorised person, or a traffic warden shall interfere in any way with a hood, sign or other device placed on a pay and display parking ticket machine in a paid parking area

Fees for Parking

12. In all the car parks referred to in bye-law No. 3, the fee shall be paid, as set out hereunder;

Table 1- Proposed Carpark Charges Westport						
Car Parks	Cost/hour	Daily Rate	Permit			
			Business Allowed Cost/month		Residential Allowed Cost/year	
James Street	70cent	€3	YES	€350/year or €35/Month*	YES	No Charge
Mill Street	70cent	€3	YES	€350/year or €35/Month*	YES	No Charge
High Street	60cent	€2	YES	€240/year or €25/Month*	YES	No Charge
Leisure Park	70cent per hour	€3	NO	N/A	NO	N/A

* Minimum of 3 months.

- (1) The fees for parking may be revised from time to time and either increased or reduced or waived by the Council at its discretion.
- (2) The fees for use of an electrically powered vehicle recharging bay shall be nil although the Council reserves the right to revise its position.

A person shall not insert into a parking ticket machine any coin or object, other than a coin required to pay the fee prescribed by bye-law 11 of these bye-laws. Where applicable, payment by payment card shall be made by inserting the card in to the pay and display parking machine and following the instructions on the pay and display parking ticket machine. Where applicable, payment by mobile phone shall be made by connecting to a pre-registered site and following the instructions on the phone or the pay and display parking ticket machine.

13. Bye-laws 6 to 11 of these bye-laws shall not apply to the parking of a vehicle in a car park if there is displayed, in accordance with bye-law 14 of these bye-laws, in the vehicle when it is so parked, a valid business user user's parking disc.

Prosecution

14. In any prosecution for an offence under these bye-laws, a parking ticket machine relied on in such prosecution shall be presumed, until the contrary is shown by the defendant, to have been duly placed there under these bye-laws and to have been accurate and in good working order.

Business User Parking Disc

15. A Business User's parking disc shall contain the following particulars:-
 - (a) The registration number of the vehicle in respect of which it is issued.
 - (b) The date of issue
 - (c) The period to which it relates, including the date of expiry.
 - (d) A copy of the signature, and the description, of an officer of Mayo County Council.
16. The display, in accordance with bye-law 15 of these bye-laws of a valid Business user's parking disc on the vehicle in respect of which the disc was issued shall permit the owner of the vehicle (or any person using it with

consent) to park it without limitation as to time in the car parks specified herein.

17. A valid Business User's parking disc shall be so displayed on the dashboard of the vehicle in respect of which it is issued that it can be read from outside the vehicle.

18. Where a vehicle displaying a Business User's parking disc is parked in a car park, a person shall not interfere with the said disc.

19. A Business User's parking disc may be issued by the Council in respect of any car park under the control of the Council.

(1) The fee for a Business User's parking disc is as set out in the table at bye-law 12 shall be payable in advance in respect of the car parks.

(2) A Business User's parking disc shall be issued by the Council in respect of the vehicle of which the user is the owner and shall be valid for a period of one calendar month or one year beginning on the first day of the said month in respect of that vehicle, for the car park indicated on the Business User's parking disc.

(3) Where, during the period to which a Business User's parking disc relates, the user to whom it is issued ceases to be the owner of the vehicle to which the disc relates, he shall return it forthwith to the Council.

(4) If the holder of a business users parking disc for a vehicle replaces that vehicle with another the Council or its agents may, following the surrender of the original disc, issue a business users parking disc in respect of the new vehicle which shall be valid for the remainder of the period specified on the original disc.

Conditions for Parking

20. A person shall not park or cause to be parked in a car park a vehicle in such a position or in such condition likely to cause danger to other persons using the car park or to obstruct the entrance to or exit from the car park or to obstruct the free flow of traffic within the car park.

21. A person shall not park or cause to be parked a vehicle, in any place in a car park:-

- a. Other than in a parking bay, or electrically powered vehicle recharging bay (in the case of an electrically powered vehicle) or
 - b. In such a position that the vehicle or electrically powered vehicle or any portion of it extends from one parking bay to another.
22. A person shall not park a vehicle in a Disabled Driver's Parking Bay without having displayed thereon a Disabled Person's Parking Permit.
23. A person shall not overhaul or carry out repairs to a vehicle while it is parked in a car park save where it is necessary to do so to enable the vehicle to be removed from the car park.
24. A vehicle while parked in a car park shall not be used for the sale of goods, tickets, or any service in or from the vehicle or as an office, nor shall any such vehicle be offered or displayed for sale or for hire or as a prize, without the written consent of the Council.
25. A person shall not make any unnecessary noise by means of or in relation to a vehicle while it is parked in a car park or by means of any equipment, fitting or instruments fitted to or carried on the vehicle or any loudspeaker or radio in or on in any way connected with the vehicle.
26. A person shall not throw, place or leave any bottle, or any broken glass, nail, litter or other substances on or in a car park, and a person shall not at any time play any ball or other game in a car park.
27. A person shall not skateboard in a car park.
28. No caravan, mobile home, dormobile or other similar vehicle which is used or capable of being used for habitation shall park or remain in a car park.

Compliance with Directions

29. A person using a car park shall comply with any lawful direction, in
- (1) relation to the parking of a vehicle in, or its removal from, a car park
 - or
 - (2) in relation to any of these bye-laws, given by a member of the Garda Síochána or by an officer or employee of the Council authorised for the purposes of these bye-laws by the Council.
30. Where a person is directed, in accordance with bye-law 29 (1) of these Bye-laws, to leave a car park specified in Bye-law 3 he or she shall comply with such direction forthwith.

31. A person in a car park shall give on demand to an officer or employee of the Council, authorised for the purposes of these bye-laws by the Council his or her name and address and a person shall not in any car park resist, obstruct or aid or incite any person to resist or obstruct any of the persons referred to in bye-law 29 in the execution of his or her duty or lawful exercise of his or her authority.
32. An officer or employee of the Council shall produce, if requested to do so, evidence of his identity and employment by the Council to any person alleged by him to be in breach of these bye-laws or who has been requested to leave a car park under bye-law 29.

Parking Disc for Residents

33. In this part of these bye-laws -

“acceptable evidence” means the following

- (i) A current insurance certificate confirming that the vehicle is normally kept by the resident at the resident’s address in the ticket parking place to which the disc will relate
- (ii) (a) A vehicle licensing certificate or a registration book confirming that the resident applying for a resident’s parking disc is the registered owner of the vehicle in respect of which the application for a resident’s parking disc is being made and that the vehicle is registered at the resident’s address in the ticket parking place to which the disc will relate or
- (b) Where the applicant is not the registered owner of the vehicle in respect of which the application for a resident’s parking disc is being made, the vehicle licensing certificate or a registration book for the vehicle, satisfactory documentary evidence from the registered owner that the vehicle is normally kept by the applicant at the resident’s address in the ticket parking place to which the disc will relate and evidence from the Revenue Commissioners that a

vehicle owned by the registered owner is normally kept by the applicant and

- (iii) A driving or provisional licence in the name of the resident applying for the resident's parking disc and
- (iv) Utility bills, bank statements or other documentation, acceptable to Municipal District of West Mayo addressed to the applicant at his/her address in the ticket parking place to which the resident's parking disc will relate to and
- (v) Any other information which may be requested by Municipal District of West Mayo

"carer" means a person attending upon a resident who produces written evidence to Municipal District of West Mayo that the carer is providing services to a resident;

"owner" means a resident by whom a vehicle is habitually kept and used;

"resident" means a person, other than the occupant of a purpose built apartment block or a premises which has more than 4 residential units, who satisfies the Council that his/her normal dwelling place is at premises situated in a street in a ticket parking place;

"resident's parking disc" means a document issued by the Council or its agents for the purposes of bye-laws 33 to 43 and containing the particulars specified in bye-law 35;

"valid resident's parking disc" means a resident's parking disc issued in respect of the vehicle on which the resident's parking disc is displayed which relates to the ticket parking place in which the vehicle is parked and to a period which has not expired and which is issued by the Council or its agents.

"vehicle" means

- (a) a passenger vehicle with passenger accommodation for not more than eight persons excluding the driver and not drawing a trailer or other vehicle

- (b) a goods vehicle whose unladen weight does not exceed 3 tonnes and not drawing a trailer or other vehicle
34. Bye-laws 5 to 28 of these bye-laws shall not apply to the parking of a vehicle in a ticket park place if there is displayed in the vehicle when it is so parked, a valid resident's parking disc
35. A resident's parking disc shall contain the following particulars -
- (a) the registration number of the vehicle in respect of which it is issued,
 - (b) the ticket parking place to which it relates,
 - (c) the date of expiry of the resident's parking disc,
 - (d) the signature of an officer of the Council
36. The display of a valid resident's parking disc on the vehicle in respect of which the disc was issued, shall permit the vehicle to be parked without limitation as to time in a parking place in the ticket parking place to which the disc relates.
37. A valid resident's parking disc shall be so displayed in the interior of the vehicle in respect of which it is issued that it can be read from outside the vehicle.
38. Where a vehicle displaying a resident's parking disc is parked in a parking place a person shall not interfere with the resident's parking disc
39. (1) A resident's parking disc may be issued by the Council or its agents in respect of the parking of a vehicle in a ticket parking place.
- (2) A resident's parking disc may be issued by the Council or its agents subject to the provisions of subsection 3 of this bye-law in respect of one vehicle of which the resident is the owner where the Council are satisfied, following production of acceptable evidence, that the applicant is resident in a street in the ticket parking place to which the disc will relate and that the vehicle is normally kept at the resident's

normal dwelling place in that street. The resident's parking disc shall be granted for a period of one year from the date of issue, in respect of that vehicle and for the ticket parking place to which the disc relates.

(3) (i) Where the premises is a single housing unit, the maximum number of residents in that premises who may concurrently hold a resident's parking disc shall be 4.

(ii) Where the premises consists of not less than 2 and not more than 4 residential units the maximum number of residents in each unit who may concurrently hold a resident's parking disc shall be 1

(iii) Where the premises consists of more than four residential units maximum number of residential discs which shall issue in respect of this development shall be four discs

(4) There shall be no charge for residential parking discs.

40. Where the Council is satisfied that a valid resident's parking disc has been lost, destroyed or stolen the Council or its agents shall issue a replacement to the owner.
There will be no fee for issuing replacement discs

41. Where, during the period to which a resident's parking disc relates, the holder ceases to reside at the address notified at the time of issue of the disc or ceases to be an owner by disposing of the vehicle to which the disc relates, he or she shall return the resident's parking disc to the Council or its agents.

42. If the holder of a resident's parking disc for a vehicle replaces that vehicle with another the Council or its agents may, following the surrender of the original disc, issue a resident's parking disc in respect of the new vehicle which shall be valid for the remainder of the period specified on the original disc.

43. (a) It shall be an offence to display a void or invalid resident's parking disc.
(b) Only holders of a valid resident's parking permit shall park in an estate parking place.

Visitors Parking Disc

44. In this Part -

"visitor's parking disc" means a disc or document, or a combination of both, having marks or symbols capable of indicating the year, date and time when the disc, document or combination becomes a valid parking disc and containing inter alia the following particulars;

- (a) the words visitor's parking disc and
- (b) the ticket parking place to which it relates

"valid visitor's parking disc" means a visitor's parking disc which -

- (a) has been issued by the Council or its agents
- (b) has been perforated or otherwise marked as appropriate to the particular type of parking disc so as to indicate clearly the year, month, day in the month, hour of the day and (to the nearest following five-minute period) minute of the hour of the commencement of a period of parking of the vehicle in which the parking disc is exhibited in accordance with these bye-laws and
- (c) indicates no other year, month, day, hour or minute, and
- (d) indicates that the vehicle is so parked for a period, not exceeding a continuous period of 24 hours from the time parking commenced,
- (e) has been issued in respect of the ticket parking place in which the vehicle is parked,
- (f) is being displayed by a visitor.

"resident" means a person other than the occupant of a purpose built apartment block or a premises which has more than 4 residential units who satisfies Municipal District

of West Mayo that his/her normal dwelling place is at premises situated in a street in a ticket parking place.

"vehicle" means

- (a) a passenger vehicle with passenger accommodation for not more than eight persons excluding the driver and not drawing a trailer or other vehicle
- (b) a goods vehicle whose unladen weight does not exceed 3 tonnes and not drawing a trailer or other vehicle

- 45. Bye-laws 5 to 28 of these bye-laws shall not apply to the parking of a vehicle in a ticket parking place if there is displayed in the vehicle when it is so parked, a valid visitor's parking disc
- 46. (1) A visitor's parking disc shall be displayed in the following manner
 - (a) separate distinct perforations or markings as appropriate to the particular type of parking disc indicating the year, month, day in the month, hour of the day and (to the nearest following five-minute period) minute of the hour when the parking commences shall be made on a parking disc at the commencement of the parking;
 - (b) the valid visitor's parking disc shall be so exhibited in the interior of the vehicle that a person outside the vehicle can ascertain by reference to the perforations or markings when the parking commenced,
 - (c) the valid visitor's parking disc shall be exhibited in accordance with paragraph (b) of this bye-law so long as the vehicle is parked in that disc parking place
- 47. The display of a valid visitor's parking disc on a vehicle, shall permit the vehicle to be parked not in excess of 24 hours from commencement of parking in a parking place in the ticket parking place to which it relates.
- 48. Where a vehicle displaying a visitor's parking disc is parked in a parking place a person shall not interfere with the visitor's parking disc

49. (1) Visitor's parking discs may be issued by the Council for visitors or its agents to each resident, residing adjacent to a ticket parking place in respect of the parking of vehicles which are not normally kept in that place and which require to be parked temporarily in a ticket parking place for a purpose which is ancillary to the use of the resident's dwelling.
- (2) A visitor's parking disc shall only be valid for use in the ticket parking place to which the disc relates.
50. (a) It shall be an offence for a resident
- (i) to sell a visitor's disc to any person or
 - (ii) to sell or otherwise dispose of a visitor's disc to a person other than a visitor.
- (b) It shall be an offence to display an invalid visitor's parking disc.

Miscellaneous

51. Bye-laws 5 to 28 of these bye-laws shall not apply to –
- (a) a vehicle being used in connection with the removal of an obstruction to traffic, the removal of a vehicle pursuant to section 97 of the Road Traffic Act 1961 as amended, the immobilisation and release of vehicles, the maintenance, improvement or reconstruction of a public road, the provision, alteration or repair of a main drain, pipe or apparatus for the supply of gas, oil, water or electricity or of a telephone line or the provision of a traffic sign,
 - (b) a fire brigade vehicle, an ambulance or a vehicle being used by a traffic warden, as authorised by the Council, or a member of the Garda Síochána or the Defence Forces in the performance of his/her duties as such member.
 - (c) a vehicle in which a valid disabled persons permit is displayed and which is parked for the convenience of

the person to whom that permit was granted if the permit is prominently displayed on the vehicle when that vehicle is parked in a ticket parking place

Contravention of these Bye-laws

- 52. A person who contravenes these Bye-Laws shall be guilty of an offence in accordance with Section 101(7A) of the Road Traffic Act 1961, as inserted by Section 6 of the Road Traffic Act 1968, and / or Section 36(8) of the Road Traffic Act 1994.
- 53. A person shall not wilfully obstruct, disturb or interrupt an agent, officer or employee of the Council in the execution of his or her duty, including the execution of any work in connection with the laying out or maintenance of any part of a car park by staff or agents of the Council.
- 54. Nothing in these bye laws shall operate so as to prohibit the Council from entering into temporary arrangements with individuals and/or groups relating to the use of the car parks set out in bye law 3 for the purpose of car parking fairs, amusements and other such events.

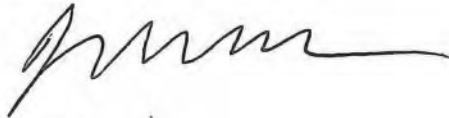
Revocation

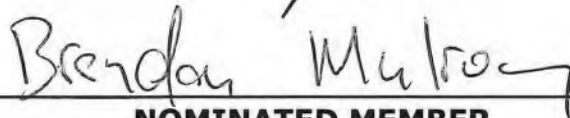
- 55. The Westport Town Council Car Park Bye-Laws 2010 are hereby revoked

Made and adopted under the common Seal of Mayo County Council
this 22nd day of October 2018
which Seal was affixed hereto **in the presence of:**



HEAD OF MUNICIPAL DISTRICT





NOMINATED MEMBER