

**Ashford Borough Council
(Off-Street Parking Places) Order 2007
(Amendment No. 2)**

Ashford Borough Council ("the Council") and in exercise of its powers under Sections 32, 33, 35, 124 and of Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the 1984 Act"), section 43 and Schedule 3 of the Road Traffic Act 1991 ("the 1991 Act"), Part 6 of the Traffic Management Act 2004 ("the 2004 Act") and of all other powers enabling it in the behalf and with the consent of the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following Order:-

Items 3 (1) to 3 (4) of "Interpretation" in The Ashford Borough Council (Off-street Parking Places) Order 2007 (as amended) shall be replaced with the attached items 3 (1) to 3 (4).

Items 7 (1) and 7 (2), relating to the use of Parking Places in The Ashford Borough Council (Off-street Parking Places) Order 2007 (as amended) shall be replaced with the attached items 7 (1) and 7 (2).

Citation & Enactment

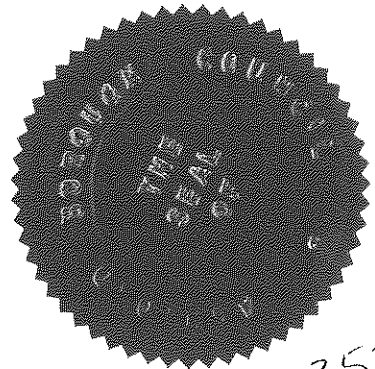
This Order may be cited as "Ashford Borough Council (Off-Street Parking Places) Order 2007 (Amendment No.2)" and shall come into operation on the 13th of February 2012

GIVEN under the COMMON SEAL)
of the ASHFORD BOROUGH COUNCIL)
which was hereunto affixed this day)
9th of February 2012)

Mayor



Head of Legal and Democratic Services



18,353

Interpretation

3 (1) In this Order the following expressions have the meanings assigned to them except where the context requires otherwise:

Item	Meaning
"the 1984 Act"	means the Road Traffic Regulation Act 1984.
"the 1991 Act"	means the Road Traffic Act 1991
"the 2004 Act"	means the Traffic Management Act 2004.
"civil enforcement officer"	means a person authorised by or on behalf of the Council to supervise parking places and enforce the provisions of this Order and as is defined by Section 76(a) of the 2004 Act.
"Coach"	has the same meaning as that which is set out in Regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986 S.I. 1078.
"the Council"	means Ashford Borough Council.
"Disabled Person's Badge"	has the same meaning as that which is set out in Regulation 3(1) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 S.I. 683.
"Driver"	in relation to a Vehicle in a Parking Place means the person driving or having control or charge of the said Vehicle, or the person having driven or having had control or charge of the Vehicle that entered or was left in the Parking Place.
"Goods Vehicle"	means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description.
"Invalid Carriage"	has the same meaning as that set out in Section 136(5) of the 1984 Act.
"Motor Cycle"	has the same meaning as that that which is set out in Section 136(4) of the 1984 Act.
"Off-street Plans"	means the Ashford Borough Off-Street Plans which are incorporated into this Order pursuant to Article 1(2) hereof.
"Owner"	has the meaning assigned to it by Section 92(1) of the Traffic Management Act 2004.
"Parking Attendant"	means a Parking Attendant as defined in Section 63A of the 1984 Act, and may also be interpreted to have the same meaning as "Civil Enforcement Officer".
"Parking Bay"	means an area in a Parking Place delineated by white, yellow (or otherwise) markings to indicate the position in which a Vehicle shall be parked in that Parking Bay.
"parking charge"	means an amount ascertained by reference to the scales specified in Column 8 of Schedule 2 (or such other amount as shall be notified in accordance with Section 35C(1) of the 1984 Act) which has been paid at; a Ticket Machine, or to a Civil Enforcement Officer, or by using the Council's "pay by phone" arrangements or as otherwise deemed appropriate by the Council under the provisions of this Order in respect of a Vehicle left in that parking place for a parking period.
"Parking Disc"	has the same meaning as that which is set out in Regulation 8(5) of the Local Authorities' Traffic Orders (Exemptions for Disabled

Item	Meaning
	Persons) (England) Regulations 2000 S.I. 683.
"Parking Period"	means a period of time within the chargeable hours set out in Column 5 of Schedule 2 for which a Parking Charge has been paid.
"Parking Place"	has the same meaning as that set out in Section 32(4)(b) of the 1984 Act and is as stipulated in Column 1 of Schedule 2 and on the relevant Off-Street Plan.
"Parking Ticket"	means a ticket issued in accordance with Article 7(1) identifying a specific Parking Place, date and time of expiry of the Parking Period.
"Pay and display"	means a system of payment of a parking charge for the parking of motor vehicles used at car parks where pre-paid tickets must be obtained and be displayed in the appropriate manner within the vehicle for the entire period that the vehicle is parked, unless payment for parking has been made by "pay by phone".
"Pay by phone"	<p>means a method of payment for a parking period whereby a parking charge (and any appropriate administration charge*) is collected by a Borough Council appointed third party, via an arranged account, with payment being made over the telephone or by other electronic system (including via the internet) by credit or debit card or other means of secure authorised payment.</p> <p>*'Pay by Phone' transactions attract additional charges to those stated within the schedules of the order as the 'scale of parking charges' to be paid by the applicant to cover the administration of the operator and costs incurred during the transaction process.</p> <p>The additional transaction charges should be made public by the operator as part of the transaction process.</p> <p>Telephony charges incurred in the costs of making the transaction depend on network provider and phone service and are the responsibility of the applicant.</p>
"Penalty Charge"	means a charge set in accordance with the provisions of the 1991 Act payable to the Council following the issue of a penalty charge notice.
"Permit"	means a non-transferable document issued by the Council in accordance with Article 10 which when displayed in the Relevant Position and used in accordance with the particulars stipulated thereon provides authority for the specified Vehicle to remain in a specified Parking Place(s) without displaying a valid Parking Ticket.
"Relevant Position"	<p>means:</p> <p><i>In the case of a Parking Ticket or a Season Ticket - a Vehicle displays a Parking Ticket or a Season Ticket in the Relevant Position if the said ticket is exhibited in a conspicuous position within the said Vehicle so that the side of the ticket marked "THIS SIDE UP" is clearly visible and can be read from outside the said Vehicle;</i></p> <p><i>In the case of a Disabled Person's Badge and a Parking</i></p>

Item	Meaning
	<p><i>Disc -</i> A Vehicle displays a Disabled Person's Badge and a Parking Disc in the Relevant Position if the badge or disc is displayed in accordance with Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 S.I. 683;</p> <p><i>In the case of a Permit -</i> a Vehicle displays a Permit in the Relevant Position if the said Permit is exhibited in a conspicuous position within the said Vehicle so that the side of the said Permit marked "THIS SIDE UP" is clearly visible and can be read from outside the said Vehicle.</p>
"Season Ticket"	means a non-transferable Season Ticket issued by the Council in accordance with Article 9 which when displayed in the Relevant Position shall permit the Vehicle(s) specified on the said Season Ticket to park without displaying a valid Parking Ticket.
"Ticket Machine"	means an apparatus installed in a Parking Place to issue a Parking Ticket.
"Vehicle"	has the same meaning as that assigned to "motor vehicle" in section 136(1) of the 1984 Act.

- 3 (2) Except where the context otherwise requires, references in this Order to Articles and Schedules are references to the Articles of and Schedules to this Order.
- 3 (3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- 3 (4) Any reference in this Order to any enactment, shall be construed as a reference to that enactment as amended by any subsequent enactment.

Relating to the use of parking places

- 7 (1) Save as provided for in Article 7(5), no Vehicle shall remain in a Parking Place unless it displays in the Relevant Position at all times while it remains in that Parking Place a valid Parking Ticket issued by a Ticket Machine, a Civil Enforcement Officer or as otherwise deemed appropriate by the Council, unless payment for parking at that location has been made by "pay by phone".
- 7 (2) Save as provided for in Article 7(5), no Vehicle shall remain in a Parking Place after the expiry date and time identified on the Parking Ticket displayed in the Relevant Position in that vehicle or where payment for parking at that location has been made by "pay by phone", no Vehicle shall remain in a Parking Place after the expiry of the parking period for that location paid using the "pay by phone" system.