



## **AYLESBURY VALE DISTRICT COUNCIL**

### **THE AYLESBURY VALE (OFF-STREET PARKING PLACES, CORNWALLS MEADOW, BUCKINGHAM) ORDER 2005**

MADE  
31<sup>ST</sup> MAY 2005



**AYLESBURY VALE DISTRICT COUNCIL**

**THE AYLESBURY VALE  
(OFF-STREET PARKING PLACES,  
CORNWALLS MEADOW, BUCKINGHAM)  
ORDER 2005**

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# **AYLESBURY VALE DISTRICT COUNCIL**

## **THE AYLESBURY VALE (OFF-STREET PARKING PLACES, CORNWALLS MEADOW, BUCKINGHAM) ORDER 2005**

Aylesbury Vale District Council (hereinafter referred to as "the Council") in exercise of powers conferred by Sections 32 – 35, 35A, 39, 44, 63A, 99, 100, 116 and Schedule 9 of the Road Traffic Regulation Act 1984, and Sections 66, 69 – 74, 78, 79, 82 and Schedule 6 of the Road Traffic Act 1991 and of all other enabling powers, and having regard to Section 122 of the Road Traffic Regulation Act 1984, and with the consent of Buckinghamshire County Council given under Section 39(3) of the said Act, and after consultation with the relevant Chief Officer of Police in accordance with Part III of Schedule 9 of the said Act, hereby make the following Order:

### **PART I INTERPRETATION**

1. This Order may be cited as the Aylesbury Vale (Off-Street Parking Places, Cornwalls Meadow, Buckingham) Order 2005.
2. In this Order except where the context otherwise requires the following words and expressions shall have the meanings hereby respectively assigned to them:

"Bank Holiday"

means the public holidays set out hereafter and any other day which may be designated as such in England:

Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday; Summer Bank Holiday;

"Council"

means the Aylesbury Vale District Council;

"disabled person's badge"

means any badge issued, or having effect as if issued, under any Regulations for the time being in force under Section 21 of the Chronically Sick and Disabled Person's Act 1970 (as amended) and of a form prescribed by those Regulations, and which remains in force on the relevant day;

"driver"

means in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place, but for the purposes of this Order and any legal proceedings taken thereunder if on the date upon which a vehicle is left in the

	parking place a person is shown to have been the registered keeper thereof by notification from the Driver Vehicle Licensing Agency or other appropriate registration authority, that person shall be deemed to have been the driver of the vehicle on that date unless the contrary is shown;
"East Side Parking Place"	means the Cornwalls Meadow, Buckingham (east side) parking place, as described in Column 1 of Schedule 1;
"enactment"	means any enactment, whether public, general or local, and includes any order, bye-law, rule, regulation, scheme, or other instrument having effect by virtue of any enactment;
"goods"	means any goods of any kind whether animate or inanimate, and includes postal packets of any description, and "delivering" and "collecting" in relation to any such goods includes checking the goods for the purpose of their delivery or collection;
"goods vehicle"	means a motor vehicle, the overall height and width of which does not exceed 2.3 metres and the overall length of which does not exceed 5.3 metres, constructed or adapted for use for the carriage or haulage of goods or burden of any description, and having no more than four wheels and shall exclude trailers or caravans;
"immobilisation device"	has the same meaning as given in Section 104(9) of the Road Traffic Regulation Act 1984;
"invalid carriage"	has the same meaning as given in Section 136 of the Road Traffic Regulation Act 1984;
"motor cycle"	has the same meaning as given in Section 136 of the Road Traffic Regulation Act 1984;
"motor vehicle"	has the same meaning as given in Section 136 of the Road Traffic Regulation Act 1984;

“obstruction”	means in relation to the parking of a vehicle, a parking position which prevents the free flow of traffic in a parking place, or access to or egress from a parking place or a parking bay in a parking place;
“operative hours”	means in respect of a parking place, the hours of operation of that parking place, as specified in Column 4 of Schedule 1 to the Order;
“owner”	means the person by whom a vehicle is kept and used, and in relation to a vehicle which is subject to a lease, hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement;
“parking attendant”	means a person provided by the Council for the purpose of supervising parking places situate within the Aylesbury Vale District and enforcing the restrictions imposed by this Order and authorised in that behalf. Such a person may be either an individual employed by the Council for that purpose, or, where the Council has made arrangements with any person for the purposes of Section 63A of the Road Traffic Regulation Act 1984, an individual employed by that person to act as a parking attendant;
“parking attendant signature”	means the signature, number or other mark recognised by the Council as that to be used by a parking attendant when signing a penalty charge notice;
“parking bay”	<p>means an area of land within a parking place intended to be used for the parking of a single vehicle, delineated or indicated by one or more of the following:</p> <ul style="list-style-type: none"> <li data-bbox="1040 2501 1880 2759">(i) boundary markings painted upon the surface of the parking place sufficient to differentiate the area within such markings from the adjacent surface of the parking place;</li> <li data-bbox="1040 2812 1880 2868">(ii) writing on the surface of the parking</li> </ul>

place indicating the area concerned is a parking bay;

- (iii) boundary markings formed of tarmac, paving or pavements of a colour sufficient to differentiate the area within such markings from the adjacent surface of the parking place;
- (iv) asphalt, paving or pavements set in the surface of the parking place in such a manner as to differentiate the area concerned from the adjacent surface of the parking place;
- (v) signage located on or adjacent to the area of land forming the parking bay;

“parking place”

means any of the areas of land (including any buildings thereon) which have been provided by the Council for use as a parking place pursuant to Sections 32 and 33 of the Road Traffic Regulation Act 1984 (as amended), and which are identified by name in Column 1 of Schedule 1;

“passenger vehicle”

means a motor vehicle (other than a motor cycle or invalid carriage) constructed or adapted solely for the carriage of not more than 12 passengers (exclusive of the driver) and their effects and not drawing a trailer;

“penalty charge”

means the penalty charge from time to time set by the Council under the provisions of the Road Traffic Act 1991 in accordance with guidance issued by the Secretary of State, and which is to be paid to the Council following the issue of a penalty charge notice and within 28 days beginning with the date of the notice;

“penalty charge notice”

means a written demand for payment of a penalty charge complying with the provisions of Section 66 of the Road Traffic Act 1991, and issued or served by a parking attendant pursuant to the provisions of that Section;

“reduced penalty charge”

means the reduced penalty charge from time to time set by the Council under the

provisions of the Road Traffic Act 1991 in accordance with guidance issued by the Secretary of State, and which is to be paid to the Council following the issue of a penalty charge notice and within 14 days beginning with the date of the notice;

“Secretary of State”

means the Secretary of State for Transport or such other minister of the Crown as may be authorised to enact, authorise or approve the relevant provisions;

“ticket”

means a ticket issued by a ticket machine;

“ticket machine”

means an apparatus or device of a type or design approved by the Secretary of State, and designed to issue a ticket indicating when the period during which a vehicle may be caused or permitted to wait in the West Side Parking Place has elapsed;

“West Side Parking Place”

means the Cornwalls Meadow, Buckingham (west side) parking place, as described in Column 1 of Schedule 1.

3. In this Order:

- (1) a reference to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by, or as having effect by virtue of, any subsequent enactment (and in particular any reference to the Road Traffic Regulation Act 1984 or the Road Traffic Act 1991 shall be construed as a reference to the relevant Act as amended by the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Buckinghamshire) (District of Aylesbury Vale) Order 2003, or any enactment amending, applying, consolidating, re-enacting the same);
- (2) words importing the masculine gender include the feminine gender, words in the singular include the plural and vice versa and words importing individuals shall be treated as importing corporations and vice versa;
- (3) headings are for ease of reference only and shall not affect construction;
- (4) a reference to a numbered Article, Part or Schedule(s) shall, unless the context otherwise requires, be construed as a reference to the Article, Part or Schedule(s) bearing that number in this Order.

4. The requirements, prohibitions and restrictions imposed by this Order shall be in addition and not in derogation from any requirement, prohibition or restriction imposed by any regulation made or having effect as made under the Road Traffic Regulation Act 1984, or under any other enactment.

5. Any reference in this Order to a ticket machine shall be construed as a reference to any ticket machine which is provided by the Council and situated within the boundaries of the relevant parking place.

## **PART II MAKING OF ORDER**

6. This Order shall come into effect on 13<sup>th</sup> June 2005, and shall be called the Aylesbury Vale (Off-Street Parking Places, Cornwalls Meadow, Buckingham) Order 2005.
7. Those provisions of the Aylesbury Vale (Off-Street Parking Places, Buckingham) Order 1998, the Aylesbury Vale (Off-Street Parking Places, Buckingham) Order 1999 and the Aylesbury Vale (Off-Street Parking Places, Buckingham) Order 2003 (hereinafter jointly and severally referred to as "the Former Orders") which are referable to the any part of the parking places which are the subject of this Order shall be revoked with effect from the date upon which this Order comes into effect.
8. Nothing in this Order shall or shall be deemed to affect the validity, or prevent or prohibit the collection, of any charge (including any penalty charge) which is or has become due and payable under the terms of the Former Orders in respect of the use of any parking place which is the subject of the Former Orders at any time prior to the date upon which this Order takes effect.

## **PART III USE OF PARKING PLACES**

9. SUBJECT TO the following provisions of this Order, each parking place may be used as a place for the waiting of such classes of vehicles in such positions and on such days and during such hours as are specified in relation to that parking place in the Articles and/or Schedule 1.
10. Where in the Articles and/or Schedule 1 a parking place, a part of a parking place or any parking bay within a parking place is described as only being available for use by vehicles of a specified class, the driver of a vehicle shall not cause or permit it to wait in that parking place, or in the part or parking bay concerned unless it is of the specified class.
11. The driver of a vehicle shall not cause or permit it to wait in a parking place other than in a parking bay. The driver of a vehicle making use of a parking bay shall ensure that he only causes or permits his vehicle to wait whilst parked wholly within the defined boundaries of that parking bay.
12. Where within a parking place a parking bay is marked by means of appropriately worded signs, surface markings or writing as being reserved exclusively for the parking of motorcycles or invalid carriages, the driver of a vehicle shall not cause or permit it to wait in that parking bay unless it is a motorcycle or invalid carriage.

13. Where within a parking place a parking bay is marked by means of appropriately worded signs, surface markings or writing as being reserved exclusively for the parking of vehicles whose drivers display a valid disabled person's badge, the driver of a vehicle shall not cause or permit it to wait in that parking bay unless he displays such a badge on that vehicle in accordance with the relevant provisions contained in Articles 22 and 23.
14. The driver of a vehicle (including the driver of a vehicle who is the holder of a valid disabled person's badge and duly displays the same on the vehicle) shall not cause or permit it to wait in a parking place for longer than the maximum permitted period of waiting in that parking place, as specified in Column 5 of Schedule 1.
15. The driver of a vehicle shall not cause or permit it to wait within a parking place in such a manner as to:
  - (1) obstruct vehicular access to or egress from the parking place or any parking bay within the parking place, or
  - (2) obstruct any footway, footpath or pedestrian access way within the parking place, or
  - (3) otherwise obstruct the free flow of pedestrian or vehicular traffic within the parking place.
16. Nothing in this Order shall authorise the Council or any parking attendant exercising powers hereunder to interfere with or restrict the free use of any right of way granted by the Council or any predecessor in title of the Council over a parking place or any part thereof.

#### **PART IV**

##### **USERS OF WEST SIDE PARKING PLACE TO OBTAIN A TICKET**

17. A driver proposing to cause or permit a vehicle to wait in the West Side Parking Place during the operative hours shall immediately upon entering the parking place obtain a ticket enabling the proposed period of parking to be identified, PROVIDED THAT it shall not be necessary to obtain a ticket:
  - (1) in respect of the use of the parking place for the waiting of a vehicle outside of the operative hours, or on a Sunday or Bank Holiday, or
  - (2) in respect of the use of the parking place for the waiting of a vehicle where the driver of the vehicle concerned is the holder of a valid disabled person's badge and duly displays the same on the vehicle in accordance with the provisions of Articles 22 and 23 throughout the period during which that vehicle is permitted to wait in the parking place, or
  - (3) in respect of the use of a parking bay within the parking place for the waiting of a motorcycle or invalid carriage where the parking bay concerned is marked

as being reserved exclusively for the use of motorcycles or invalid carriages (as appropriate).

18. The driver of a vehicle shall not during the operative hours cause or permit it to wait in the West Side Parking Place if a period of less than 2 hours has elapsed since the termination during the operative hours on the same day of the last period of waiting by that vehicle in that same Parking Place.

## **PART V**

### **DISPLAY OF TICKETS AND DISABLED PERSONS' BADGES**

19. Immediately after he has obtained a ticket for use of the West Side Parking Place during the operative hours the driver of a vehicle shall display or cause that ticket to be displayed in accordance with the provisions of Articles 20 and 23. The driver shall ensure that the ticket continues to be so displayed throughout the period during which the vehicle is permitted to wait in that Parking Place.
20. Any ticket which has been obtained in accordance with the terms of this Order shall be displayed by the driver in a conspicuous position on the fascia or dashboard of the vehicle in respect of which it was issued, so that the details shown on the front of the ticket are clearly visible to, and legible by, a person standing outside the vehicle and immediately adjacent to its front windscreen. In the case of a vehicle having no fascia or dashboard the ticket shall be displayed in a conspicuous position on the body of the vehicle, and such ticket shall be displayed so that the details shown on the front of the ticket are clearly visible to, and legible by, a person standing immediately adjacent to the vehicle. In either instance the ticket shall be so displayed at all times while the vehicle is permitted to wait in a parking bay in the parking place.
21. No person shall display on a vehicle permitted to wait in the West Side Parking Place during the operative hours any ticket other than that purchased in respect of the current period during which that vehicle is permitted to wait in the Parking Place. A ticket obtained in respect of a period of waiting by the driver of one vehicle shall not authorise or permit a period of waiting by another vehicle during any part of the period for which that ticket is (or remains) valid.
22. Any disabled person's badge which is required to be displayed by the driver of a vehicle under the provisions of this Order shall be displayed in a conspicuous position on the fascia or dashboard of the vehicle in respect of which it was issued, so that the details shown on the front of the badge are clearly visible to, and legible by, a person standing outside the vehicle and immediately adjacent to its front windscreen, and in the manner specified in Article 23 and Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Person's) (England and Wales) Regulations 2000 and Regulation 12 of the Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000.
23. Notwithstanding any other provision of this Order, a ticket or disabled person's badge shall not be treated as being validly displayed on a vehicle for the purposes of this Order unless at all times during which the vehicle is permitted to wait in a parking

place during the charging hours a valid vehicle excise licence for that vehicle is displayed on the vehicle in the manner required by law.

24. For the purposes of Articles 20 and 22 respectively the front of a ticket shall be that face of the ticket which records the date of purchase and time of expiry of that ticket, and the front of a disabled person's badge shall be that face of the disabled person's badge which records the date of expiry of that disabled person's badge.

## **PART VI PENALTY CHARGES**

25. Notwithstanding and without prejudice to the provisions of Parts IX and X, if at any time during the operative hours:

- (1) a valid ticket is not obtained and displayed in accordance with the relevant provisions of Part V on any vehicle caused or permitted to wait in the West Side Parking Place, or
- (2) a vehicle is caused or permitted to wait in the West Side Parking Place if a period of less than two hours has elapsed since the termination during the operative hours on the same day of the last period of waiting by that vehicle in that Parking Place,
- (3) a vehicle is caused or permitted to wait in a parking place for longer than the maximum permitted period of waiting in that parking place, as specified in Column 5 of Schedule 1, or
- (4) a vehicle is caused or permitted to wait in a parking place and a valid disabled person's badge is not displayed on that vehicle in accordance with the relevant provisions of Part V, or
- (5) a vehicle is caused or permitted to wait in a parking place contrary to the terms upon which any disabled person's badge has been issued,

the driver shall pay a penalty charge to the Council on demand, PROVIDED THAT the Council shall accept a reduced penalty charge in settlement in lieu of the penalty charge, subject to the reduced penalty charge being paid to the Council before the expiration of 14 days beginning with the date of the penalty charge notice.

26. Notwithstanding and without prejudice to the provisions of Parts IX and X, if at any time:

- (1) a vehicle is caused or permitted to wait in a parking bay in a parking place which is reserved for use by the holder of a disabled person's badge and such a badge is not displayed on that vehicle in accordance with the relevant provisions of Part V, or

- (2) a vehicle is caused or permitted to wait in a parking bay in a parking place which is reserved for use by a specified class or type of vehicle when that vehicle is not of the specified class or type, or
- (3) a vehicle is caused or permitted to wait in a parking place other than:
  - (a) in accordance with the requirements of Article 9, or contrary to the provisions of Articles 10 – 15, or
  - (b) as otherwise authorised by this Order, or
- (4) there is, with respect to any vehicle caused or permitted to wait in a parking place, any other contravention of, or failure to comply with, any provision of this Order,

the driver shall pay a penalty charge to the Council on demand, PROVIDED THAT the Council shall accept a reduced penalty charge in settlement in lieu of the penalty charge, subject to the reduced penalty charge being paid to the Council before the expiration of 14 days beginning with the date of the penalty charge notice.

- 27. Upon a penalty charge becoming payable to the Council a penalty charge notice complying with the provisions of Section 66 of the Road Traffic Act 1991 shall be issued by a parking attendant pursuant to the provisions of that Section and this Order.
- 28. The period during which a vehicle may be permitted to wait in a parking place after a penalty charge notice has been issued in accordance with Article 27 shall not exceed 30 minutes. If a vehicle is permitted to wait in the same parking place after a penalty charge notice has been issued in accordance with Article 27 and the 30 minute time period has expired the driver shall pay a further penalty charge to the Council on demand, PROVIDED THAT the Council shall accept a reduced penalty charge in settlement in lieu of the penalty charge, subject to the reduced penalty charge being paid to the Council before the expiration of 14 days beginning with the date of the penalty charge notice.
- 29. A penalty charge notice may be in such form as may from time to time be considered appropriate by the Council, provided that it shall display such information as may be required by the Road Traffic Act 1991. Such a notice may be issued by any parking attendant, who may attach it to the vehicle concerned in a conspicuous position or, at his discretion, hand it to the person whom he has reason to believe has incurred the penalty charge.
- 30. Insofar as there may be any requirement that a penalty charge notice be signed by the parking attendant issuing such notice, that requirement shall be deemed to have been met if the parking attendant signs the notice with his parking attendant signature at the time at which he issues the notice.
- 31. Any penalty charge or reduced penalty charge (as appropriate) shall be paid to the Council in cash or by means of cheque, postal order, credit card payment or such other means of payment as may be acceptable to the Council. Payment shall be made at the Council's cashier's office or at such other office of the Council or any appointed agent

of the Council as the Council may from time to time determine and specify in the penalty charge notice.

32. (1) A penalty charge or reduced penalty charge (as appropriate) shall be paid:
- (a) before the end of the period of 28 days beginning with the date of the relevant penalty charge notice in the case of a penalty charge, or
  - (b) before the end of the period of 14 days beginning with the date of the relevant penalty charge notice in the case of a reduced penalty charge.
- (2) Payment shall be made by not later than 24.00 hours on the day upon which payment falls due (calculated in accordance with the provisions of Article 32(1)), provided that if the date for payment falls upon a day on which the specified place(s) for payment is closed, the period within which payment is to be made shall be extended until 24.00 hours on the next full day on which that place(s) is open to receive payment.

## **PART VII**

### **TICKET PARTICULARS AS EVIDENCE ETC**

33. The expiry of any period of waiting for which a ticket has been obtained in respect of a vehicle permitted to wait in the West Side Parking Place during the operative hours shall be indicated when there is displayed on that vehicle a ticket issued by a ticket machine located in that parking place showing the day and time upon which the permitted period of waiting will expire, and either the day so shown is not the day upon which the vehicle is observed to be waiting in the parking place by a parking attendant, or if it is, the time of expiry shown upon the ticket is prior to the time at which the vehicle is observed to be waiting by a parking attendant. In such circumstances it shall be presumed that the permitted period of waiting has expired, unless the contrary be proved.
34. If at any time a vehicle is caused or permitted to wait in the West Side Parking Place during the operative hours and a valid ticket or disabled person's badge (as appropriate to the location of the vehicle in that Parking Place) is not displayed on that vehicle in accordance with the relevant provisions of Part V, it shall be presumed that no ticket for use of the Parking Place has been obtained, unless the contrary be proved.
35. If at any time a vehicle is caused or permitted to wait in the West Side Parking Place during the operative hours and a ticket is displayed on that vehicle in accordance with the relevant provisions of Part V, the particulars recorded upon the face thereof shall be deemed to be conclusive evidence as to the location of the Parking Place, the day and date of issue of the ticket, the time of expiry of the permitted period of waiting and any other matters so recorded, unless the contrary be proved.

**PART VIII**  
**PROHIBITION ON REMOVAL OF TICKETS, PENALTY CHARGE NOTICES ETC**

36. When a ticket or disabled person's badge has been displayed in or on a vehicle in accordance with the provisions of this Order no person other than the driver of the vehicle concerned (or a person authorised by the driver of the vehicle in that behalf) shall remove that ticket or disabled person's badge from the vehicle concerned, or otherwise interfere with it.
37. When a penalty charge notice or any other notice has been attached to a vehicle in accordance with the provisions of this Order no person other than a parking attendant or the driver of the vehicle to which that notice has been attached (or a person authorised by the driver of the vehicle in that behalf) shall remove that notice from the vehicle concerned, or otherwise interfere with it.

**PART IX**  
**IMMOBILISATION OF VEHICLES**

38. Where a parking attendant has reason to believe that a vehicle has been caused or permitted to wait in a parking place in any of the circumstances in which a penalty charge is payable under the provisions of this Order, that parking attendant or a person acting under his direction may fix an immobilisation device to that vehicle in accordance with the provisions of Section 69 of the Road Traffic Act 1991.
39. Where an immobilisation device has been fixed to a vehicle pursuant to the provisions of Article 38, a parking attendant or the person affixing the immobilisation device shall also affix in a conspicuous position on the vehicle a notice:
- (1) indicating that such a device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from that device;
  - (2) specifying the steps to be taken in order to secure its release; and
  - (3) giving such other information as may be prescribed by legislation.
40. The owner or person in charge of a vehicle to which an immobilisation device has been fixed pursuant to the provisions of Article 38 may apply to be released from that device by or under the direction of a person authorised by the Council to give such a direction.
41. Subject to Article 40, a vehicle to which an immobilisation device has been fixed pursuant to the provisions of Article 38 shall be released from that device on payment in any manner specified on the notice fixed to the vehicle pursuant to Article 39 of:
- (1) the penalty charge payable in respect of the parking of that vehicle, and
  - (2) such charge in respect of the release as may from time to time be specified by the Council.

42. Section 69(7) of the Road Traffic Act 1991 provides that any person who removes or attempts to remove an immobilisation device fixed to a vehicle pursuant to Article 38 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale save where such removal is carried but by or under the direction of a person authorised by the Council to give such a direction.
43. Section 69(6) of the Road Traffic Act 1991 provides that any person removing or interfering with a notice fixed to a vehicle pursuant to the provisions of Article 39 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale save where such removal or interference was carried out by or under the authority of the owner or person in charge of the vehicle or of a parking attendant.
44. Save in circumstances in which a penalty charge is payable in consequence of any contravention of, or failure to comply with, any provision of this Order other than one identified in Articles 25 and 26(1 – 3), the foregoing provisions of this Article shall not apply in relation to a vehicle if:
- (1) a current valid disabled person's badge is displayed on the vehicle, or
  - (2) not more than 15 minutes have elapsed since the end of any permitted period of waiting authorised by a ticket obtained and displayed in accordance with the provisions of this Order.
45. If a vehicle would have been exempted from the provisions of this Part by virtue of Article 44(1) but at the time it was parked it was not being used in accordance with regulations made under Section 21 of the Chronically Sick and Disabled Person's Act 1970 and in circumstances falling within Section 117(1)(b) of the Road Traffic Regulation Act 1984 [use where a disabled person's concession would be available] Section 70(2) of the Road Traffic Act 1991 provides that the person in charge of the vehicle at that time shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **PART X REMOVAL OF VEHICLES**

46. Where a parking attendant has reason to believe that a vehicle has been caused or permitted to wait in a parking place or in a parking bay within a parking place in contravention of any of the provisions contained in Articles 9 – 18 (inclusive), or in any of the circumstances in which:
- (1) a penalty charge is payable pursuant to the provisions of this Order, or
  - (2) a second penalty charge notice has been issued in respect of that vehicle pursuant to the provisions of Article 28,

that parking attendant or a person acting under his direction may remove the vehicle or cause it to be removed from the parking place or from the parking bay concerned.

Alternatively when a vehicle has been caused or permitted to wait in a parking place in contravention of any of the provisions contained in Articles 9 – 18 (inclusive) a parking attendant may at his discretion alter or cause to be altered the position of the vehicle in order that its position shall comply with the relevant provision.

47. Where a parking attendant or a police officer in uniform has reason to believe that an emergency has arisen which requires that a vehicle which has been caused or permitted to wait in a parking place be moved he, or a person acting under his direction, may alter or cause to be altered the position of the vehicle within the parking place, or remove the vehicle or cause it to be removed from the parking place.
48. Any person removing or altering the position of a vehicle by virtue of the provisions contained in Articles 46 or 47 may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.
49. When a vehicle is removed from a parking place or a parking bay in a parking place by virtue of the provisions contained in either Article 46 or 47 the Council shall make such arrangements as they consider to be reasonably necessary for the safe custody of the vehicle, but subject thereto, neither the Council nor the person moving or causing that vehicle to be moved shall be liable for any damage, costs, losses or other liabilities arising out of, in the course of, or in connection with the exercise of any of the powers contained in this Part (save where the same arise directly or indirectly from the injury or death of any person, or loss or damage to any property (other than the vehicle concerned and the contents thereof) caused by the negligence of any parking attendant or any person exercising the powers conferred by Articles 46 or 47).
50. The provisions of the Road Traffic Regulation Act 1984 and Regulations made thereunder shall apply to the disposal of any vehicle removed from a parking place pursuant to the provisions of this Part.
51. The person responsible (as defined in Section 102 of the Road Traffic Regulation Act 1984) shall meet such charges in respect of the removal, storage and disposal of any vehicle removed pursuant to the provisions of this Part as may from time to time be prescribed.

## **PART XI**

### **SUSPENSION OF USE OF PARKING PLACES AND/OR PARKING BAYS**

52. A parking attendant or any other person duly authorised by the Council may suspend the use of a parking place or of a parking bay or parking bays within a parking place or of any other part thereof whenever he considers such suspension reasonably necessary and for whatsoever period he considers reasonable:
  - (1) for the purpose of facilitating the movement of traffic or promoting its safety;
  - (2) for the purpose of any building operation, demolition or excavation in or over or under or adjacent to any part of the parking place or parking bay concerned

or the maintenance, improvement or reconstruction of any part of the parking place or parking bay or the laying, erection, alteration, removal or repair in or adjacent to any part of the parking place or parking bay of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication system or the placing, maintenance or removal of any traffic or other sign;

- (3) on any occasion on which it is likely that the parking place or parking bay will be required for the exclusive use of specific individual groups of persons or organisations, or for the parking of a particular class or classes of vehicle, or
- (4) for the purpose of holding any display, public show, performance or exhibition authorised by any authorised officer of the Council, and for activities subsidiary thereto, or for such other purposes as may be authorised by any authorised officer of the Council, or
- (5) by reason of the likelihood of danger to the public, serious damage to the parking place or any adjoining premises, or any other emergency.

53. A police officer in uniform may suspend for not longer than twenty-four hours the use of a parking place or of a parking bay or parking bays in a parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety, or that such action is necessary by reason of the likelihood of danger to the public, serious damage to the parking place or any adjoining premises, or any other emergency.

54. Any person suspending the use of a parking place or of a parking bay or parking bays in a parking place or any part thereof in accordance with the provisions of Article 52 shall thereupon place or cause to be placed in or adjacent to that parking place or parking bay, or the relevant part thereof the use of which is suspended, a sign or notice indicating that its use by vehicles for the purposes of waiting is prohibited.

55. No person shall cause or permit a vehicle to wait in a parking place or in a parking bay or parking bays in a parking place or any part thereof during such period as there is in or adjacent to that parking place, parking bay or part of the parking place a sign or notice placed in pursuance of Article 54, provided that nothing in this Article shall render it unlawful to cause or permit any vehicle being used for emergency purposes by the fire, ambulance, police or armed services of the Crown to wait in the parking place, parking bay or part of the parking place concerned during any such period or to cause or permit any other vehicle to be so parked if that vehicle is parked with the permission:

- (1) of the person suspending the use of the parking place, parking bay or part thereof in pursuance of Article 52, or
- (2) of a police officer in uniform.

**PART XII**  
**EXEMPTIONS FROM RESTRICTIONS ON WAITING**

56. Notwithstanding the foregoing provisions of this Order any vehicle may wait in any part of a parking place if the use of that part has not been suspended and if:
- (1) the vehicle is caused or permitted to wait for a period not exceeding two minutes (or such longer period a parking attendant may approve) in order to enable a person to board or alight from the vehicle or to load or unload his personal luggage, provided that if the said person is a person suffering from any disability or injury which seriously impairs their ability to walk, or who is registered blind, the vehicle may wait for as long as may be necessary in order to enable that person to board or alight from the vehicle or load or unload their personal luggage;
  - (2) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his/her control or to such waiting being necessary as a direct consequence of, or in order to avoid, an accident;
  - (3) the vehicle is being used for fire brigade, ambulance or police purposes or, not being a passenger vehicle, is being used in the service of the Council or of any utilities undertaking or other statutory public authority in pursuance of statutory powers or duties, provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is permitted to wait;
  - (4) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
  - (5) the vehicle is waiting:
    - (a) while postal packets addressed to premises adjacent to the parking place in which the vehicle is permitted to wait are being unloaded from the vehicle or, having been unloaded are being delivered to those premises, or
    - (b) while postal packets are being collected for loading on the vehicle from premises or posting boxes adjacent to the parking place in which the vehicle is permitted to wait or, having been so collected, are being loaded thereon;
  - (6) the vehicle, not being a passenger vehicle, is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 52 (2);
  - (7) the vehicle has been authorised by the Council to wait in the parking place in connection with any purpose specified in Article 52(4), provided that the vehicle is permitted to wait in compliance with the terms and conditions upon which that authorisation has been given;

- (8) the vehicle is waiting in order to enable goods to be loaded onto, or unloaded from, the vehicle;
  - (9) the vehicle is specially constructed or adapted for the delivery of money or valuable securities and is waiting for the purpose of delivering money or valuable securities to, or collecting the same from, any premises in the immediate vicinity of the parking place.
57. It shall not be necessary to obtain a ticket pursuant to any of the provisions of this Order in respect of any vehicle caused or permitted to wait in a parking place in accordance with the provisions of Article 56.
58. The driver or person in charge of a vehicle shall not cause or permit it to wait in a parking place except as provided by this Order.

### **PART XIII**

#### **EQUIPMENT, SIGNAGE AND WORKS IN PARKING PLACE**

59. The Council may install such number of ticket machines in the West Side Parking Place and such other numbers and types of equipment in any parking place as they consider necessary for the purpose of permitting vehicles to wait in the relevant parking place pursuant to the provisions of this Order. The Council shall ensure that at least one ticket machine is maintained in proper working order in the West Side Parking Place at all times during the operative hours.
60. The Council may cause the limits of a parking place and of each parking bay in such a parking place to be indicated by the placing and maintaining of such markings and/or writing on the surface of that parking place or parking bay, and/or signs located in, on or adjacent to that parking place or parking bay as they consider necessary for the purpose of permitting vehicles to wait in that parking place pursuant to the provisions of this Order.
61. The Council may:
- (1) execute or cause to be executed in a parking place such building operations and/or demolition or excavation works in or over or under or adjacent to any part of the parking place, or
  - (2) place and maintain such markings and/or writing on the surface of a parking place, and/or such signs located in, on or adjacent to a parking place,

as it may consider necessary, whether for the purpose of permitting vehicles to wait in that parking place pursuant to the provisions of this Order, or for any other purpose..

**PART XIV**  
**USE OF PARKING PLACES: ADDITIONAL PROVISIONS**

62. A driver causing or permitting a vehicle to wait in a parking place shall stop the engine as soon as the vehicle is in position in a parking bay and shall not start the engine except when about to change the position of the vehicle in, or to depart from, the parking place.
63. No person shall except with the permission of a parking attendant drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order, or for the purpose of departing from the parking place.
64. Where in a parking place signs are erected, or surface or other markings are laid for the purpose of:
- (1) indicating the entrance to, or exit from, the parking place, or
  - (2) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,
- no person shall drive or cause to permit to be driven any vehicle
- (a) so that it enters the parking place otherwise than by an entrance or leaves the parking place otherwise than by an exit so indicated, or
  - (b) in a direction other than that specified,
- as the case may be.
65. No person shall use any part of a parking place:
- (1) as a means of proceeding by vehicle between one highway and another (whether any such highway shall be maintainable at the public expense or otherwise), or
  - (2) save with the prior written consent of the Council, as a means of vehicular access to any premises adjoining the parking place.
66. No person shall:
- (1) ride or otherwise use any bicycle in a parking place save for the purposes of obtaining access to any area allocated by the Council for the parking of bicycles within the parking place;
  - (2) cause or permit any bicycle to wait in the parking place, other than in any area allocated by the Council for the waiting of bicycles within the parking place,
- and in either case only during the days and hours of operation of the parking place, as specified in Schedule 1.

67. No person shall in a parking place:
- (1) by shouting or singing,
  - (2) by playing on a musical instrument, or
  - (3) by operating or permitting to be operated, any radio, gramophone, amplifier, tape recorder, compact disc player or similar instrument
- cause or permit to be made any noise which is so loud or so continuous or repeated as would in the opinion of a parking attendant or other Council officer authorised in that behalf give reasonable cause for annoyance to other persons in or adjacent to the parking place.
68. No person shall in a parking place:
- (1) 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, or
  - (2) throw or discharge any missile to the danger or annoyance of any other person in or adjacent to the parking place.
69. No person shall, without the prior written consent of the Council, hold or take part in any display, public show, performance or exhibition in a parking place, or place any vehicle or equipment in a parking place in connection with the same.
70. No person shall, without reasonable excuse, climb any wall or fence in or enclosing a parking place, or any tree, barrier, railing, post or other structure in a parking place.
71. No person shall wilfully damage or deface:
- (1) any wall, fence, barrier, railing, post or other structure or surface,
  - (2) any vehicle, plant, equipment or apparatus, or
  - (3) any tree, bush, shrub or other soft landscaping
- in a parking place.
72. No person shall use any part of a parking place or any vehicle left in a parking place:
- (1) for sleeping or camping purposes, or
  - (2) for eating or cooking purposes, or
  - (3) save with the consent of the Council (which may be given upon such terms (including terms as to payment) as it considers to be appropriate):

- (a) for the purpose of washing any vehicle, or
- (b) for the purpose of servicing, modifying or repairing any vehicle or part thereof (other than as may be reasonably necessary to enable that vehicle to depart from the parking place).

73. No person shall in a parking place:

- (1) skate or use any skateboard or similar mechanical device, or
- (2) play or take part in any ball game.

74. No person shall:

- (1) use a vehicle while it is in a parking place, or
- (2) use any part of a parking place

for or in connection with the sale of any article to persons in or near the parking place, or for or in connection with the selling or offering for hire of his skill or services.

75. No person shall:

- (1) use a parking place for the purpose of displaying or distributing advertising material, or
- (2) place any advertising material on any vehicle left in a parking place,

save with the prior written consent of the Council, and in the case of (2) above, unless the express prior written consent of the vehicle owner has also been obtained.

76. No person shall in a parking place:

- (1) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the prior written consent of the Council, or
- (2) light or cause or permit to be lit any fire.

77. No person shall in a parking place:

- (1) intentionally obstruct any parking attendant in the proper execution of his duties, or
- (2) intentionally obstruct any person carrying out any act which is necessary to the proper execution of, or authorised by, any contract made by the Council, or
- (3) intentionally obstruct any other person in the proper use of the parking place, or

- (4) behave in such a manner as would in the opinion of a parking attendant give reasonable cause for annoyance or offence to other persons in or adjacent to the parking place.
78. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in, or to depart from, the parking place.
79. No person shall in a parking place cause or permit to be emitted from a vehicle (whether continuously or intermittently) any noise originating from any fitment or alarm on the vehicle such as would in the opinion of a parking attendant cause disturbance or annoyance to users of the parking place or to occupiers of premises in the neighbourhood, save that this Article shall not be deemed to have been breached if any fitment or alarm on the vehicle shall have been activated by any unauthorised person improperly tampering with the vehicle, but such unauthorised activation of the fitment or alarm shall not prohibit or prevent a parking attendant:
- (1) immobilising the vehicle or causing it to be immobilised pursuant to the provisions of Part IX, or
  - (2) moving the vehicle or causing it to be moved within the parking place, or
  - (3) removing the vehicle or causing it to be removed from the parking place pursuant to the provisions of Articles 46 or 47, or
  - (4) in the alternative making arrangements for that fitment or alarm to be rendered inoperable or silenced.

## **PART XV**

### **HOLDING AND USE OF DATA**

80. Any data obtained in the course of issuing a penalty charge notice or further penalty charge notice pursuant to the provisions of Articles 27 or 28, or which is provided to the Council by any person subsequent to the issue of such a notice may be held and used by the Council for the purposes of traffic management administration and/or the taking of legal proceedings or other enforcement action in respect of any contravention of this Order. This data may be used for these purposes by the Council, the Buckinghamshire County Council and/or their respective servants and agents, and may be disclosed to other law enforcement agencies for such purposes, when considered necessary by either authority for the prevention and detection of crime, or when otherwise required by law.

THE COMMON SEAL of )  
AYLESBURY VALE DISTRICT COUNCIL )  
was hereunto affixed this thirty first day of May )  
two thousand and five in the presence of: )

Chairman

Head of Legal Services

**SCHEDULE 1**  
**OPERATION OF PARKING PLACES (PART III)**



**PASSENGER VEHICLES AND GOODS VEHICLES NOT EXCEEDING 2500 KILOGRAMS UNLADEN WEIGHT**

(1)	(2)	(3)	(4)	(5)	(6)
NAME OF PARKING PLACE	CLASS OF VEHICLE	DAYS OF OPERATION OF PARKING PLACE	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD OF WAITING	SCALE OF CHARGES
1. Cornwalls Meadow, Buckingham (west side) [as shown for the purposes of identification only edged in bold print on the plan annexed hereto]	Passenger vehicles and goods vehicles not exceeding 2500 kilograms unladen weight	All days except Sundays and Bank Holidays	08.30 – 17.00 hours	A maximum of 2 hours within any period of 4 hours during the operative hours on any one day of operation, subject to a ticket being obtained and displayed in accordance with the provisions of this Order	No charge
2. Cornwalls Meadow, Buckingham (east side) [as shown for the purposes of identification only edged in broken bold print on the plan annexed hereto]	Passenger vehicles and goods vehicles not exceeding 2500 kilograms unladen weight	All days except Sundays and Bank Holidays	08.30 – 17.00 hours	No limit during the operative hours on any one day of operation	No charge



<b>Notes:</b>	(1) In this Schedule references to “The Act” are to the Road Traffic Regulation Act 1984 (as amended).
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