



AYLESBURY VALE DISTRICT COUNCIL

**THE AYLESBURY VALE
(OFF-STREET PARKING PLACE, WENDOVER)
(PERMITTED PARKING AREA AND
SPECIAL PARKING AREA) ORDER 2003**

AYLESBURY VALE DISTRICT COUNCIL

**THE AYLESBURY VALE (OFF-STREET PARKING PLACE, WENDOVER)
(PERMITTED PARKING AREA AND SPECIAL PARKING AREA)
ORDER 2003**

The Aylesbury Vale District Council (hereinafter referred to as “the Council” in exercise of their powers under Sections 32, 35, 35A, and 35C and Schedule 9 of the Road Traffic Regulation Act 1984 (as amended by the Road Traffic Regulation Act 1991) (hereinafter referred to as “the Act”) and all other enabling powers, and with the consent of Buckinghamshire County Council given under Section 39(3) of the Act, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:

PART I
INTERPRETATION

1. This Order shall come into operation on 30th June 2003, and may be cited as the Aylesbury Vale (Off-Street Parking Place, Wendover) (Permitted Parking Area and Special Parking Area) Order 2003.
2. The Aylesbury Vale (Off-Street Parking Place, Wendover) Order 2002 (hereafter referred to as “the Principal Order”) is hereby varied in the manner and to the extent hereinafter appearing.
3. In this Order, save where the context otherwise requires:
 - (1) any reference to a numbered Article is a reference to the article bearing that number in this Order;
 - (2) other expressions shall have the meanings respectively assigned to them in the Principal Order.

PART II
AMENDMENTS

4. In Article 2 of the Principal Order the definition of “Council officer” is omitted.
5. Article 2 of the Principal Order is further varied by the addition of the following definitions:

“parking attendant”	means a person provided by the Council for the purpose of supervising parking places situate within the Aylesbury Vale District (and such 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);
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“penalty charge”	means the penalty charge from time to time determined by the Council under the provisions of the Road Traffic Act 1991 in accordance with guidance issued by the Secretary of State;
“penalty charge notice ”	means a demand for payment of a penalty charge complying with Article 23;
“reduced penalty charge”	means the reduced penalty charge from time to time determined by the Council under the provisions of the Road Traffic Act 1991 in accordance with guidance issued by the Secretary of State;
“ticket”	means a ticket issued by a ticket machine located in the parking place identified in the Schedule;

6. In the Principal Order the words “parking attendant” shall be substituted for the words “Council officer”.

7. For Part VII of the Principal Order (Excess Charges) there shall be substituted:

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- PART VII
PENALTY CHARGES
21. Notwithstanding and without prejudice to the provisions of Article 44, and subject to the provisions of Article 22, if at any time:
- (1) a valid ticket is not displayed in accordance with Article 19 on any vehicle left in the parking place, or
 - (2) a vehicle is left in the parking place for longer than the period for which advance payment has been made,
- the driver shall pay the penalty charge to the Council on demand, PROVIDED THAT the Council shall accept the reduced penalty charge in settlement in lieu of the penalty charge, subject to the reduced penalty charge being actually received by the Council before the expiration of 14 days beginning with the date of the penalty charge notice.
22. Notwithstanding and without prejudice to the provisions of Article 44, if at any time:
- (1) a vehicle is left in a parking bay where there is a sign, surface marking or other marking or writing which indicates that the parking bay concerned is reserved for use by drivers of vehicles who hold and display a disabled persons badge, and a valid disabled persons badge is not displayed on the vehicle in accordance with Article 20, or
 - (2) a vehicle is left in the parking place in the circumstances specified in either Article 14, 15 or 16 and:
 - (a) a valid ticket is not displayed on a vehicle in accordance with Article 19, or
 - (b) a vehicle is left in the parking place for longer than the period for which advance payment has been made,

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

23. A penalty charge notice may be in such form as may from time to time be considered appropriate by the Council, provided that it displays the information 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.
 - 23A. The 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 to 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.
 - 23B. A penalty charge or reduced penalty charge (as appropriate) shall be paid:
 - (1) 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
 - (2) 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.
 - 23C. Payment shall be made by no later than 0001 hours on the day following that upon which payment falls due (calculated in accordance with the provisions of Article 23B), 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 0001 hours on the day following the next full day on which that place(s) is open to receive payment."
8. Part VIII of the Principal Order (Notification of Excess Charge) shall be omitted.
 9. For Part IX of the Principal Order (Restriction on Removal of Notices) there shall be substituted:

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PART IX
RESTRICTION ON REMOVAL OF PENALTY CHARGE NOTICES

 25. When a penalty charge 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.”
 10. Part XIII of the Principal Order (Proceedings) shall be omitted.

PART III
OTHER PROVISIONS

11. Nothing in this Order shall:

- (i) waive or excuse, or otherwise prevent the commencement or disposition of any proceedings for an offence under the Principal Order, or
- (ii) affect the validity, or prevent or prohibit the collection, of any charge (including any excess charge) which is or has become due and payable under the terms of the Principal Order

in respect of the use of the Parking Place at any time prior to the date upon which this Order takes effect (or be deemed so to do) .

12. The Principal Order is hereby varied to the extent and in the manner specified in Articles 4 – 10, and subject to Article 11 of this Order.

THE COMMON SEAL of AYLESBURY VALE)
DISTRICT COUNCIL was hereunto affixed)
this twenty seventh day of May two thousand and three)
in the presence of:)

Chairman

Head of Legal Services