



AYLESBURY VALE DISTRICT COUNCIL

THE AYLESBURY VALE (UPPER HUNDREDS OFF-STREET PARKING PLACE, AYLESBURY) ORDER 2010

Made on the 25th October 2010

In effect from 1st November 2010

AYLESBURY VALE DISTRICT COUNCIL

**THE AYLESBURY VALE
(UPPER HUNDREDS OFF-STREET PARKING PLACE, AYLESBURY)
ORDER 2010**

LIST OF CONTENTS

Part	Description	Page No
I	Interpretation	3
II	Making of Order	8
III	Use of the Parking Place	8
IV	Permits and passes	10
V	Method of use of the Parking Place	11
VI	Charges	12
VII	Method of payment of charges	14
VIII	Surrender, loss and withdrawal of Season Tickets	15
IX	Display of Disabled Person's Badges and Shopmobility Permits	16
X	Penalty Charges	17
XI	Suspension of use of the Parking Place and/or Parking Bays	20
XII	Exemptions from restrictions on waiting	21
XIII	Equipment, signage and works in the Parking Place	22
XIV	Use of the Parking Place: additional provisions	23
XV	Use and holding of data	26
	Schedule 1	29

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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 Schedules 4 and 9 of the Road Traffic Regulation Act 1984, and Sections 72 – 93 and Schedules 7 – 12 of the Traffic Management Act 2004 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 (Upper Hundreds Off-Street Parking Place, Aylesbury) Order 2010.
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 Christmas Day, Boxing Day, New Year’s Day, Good Friday, Easter Monday and any other day which is a bank or public holiday in England and Wales under the Banking and Financial Dealings Act 1971;

“Charging Hours” means in respect of the Parking Place, those hours during which a vehicle may only be permitted to wait in the Parking Place upon payment of a charge, as specified in Schedule 1;

“Civil Enforcement Officer” means a person provided by the Council for the enforcement of road traffic contraventions for which the Council is the enforcement authority (including enforcement of the provisions of this Order) and the supervision of Off-Street Parking Places situate within the Aylesbury Vale District, and duly 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 and/or Section 76 of the Traffic Management Act 2004, an individual employed by that person to act as a Civil Enforcement Officer;
“Council”	means the Aylesbury Vale District Council or a statutory successor thereto;
“Disabled Person’s Badge”	has the same meaning as in Section 142(1) of the Road Traffic Regulation Act 1984 (as amended), which badge remains in force on the relevant day;
“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;
“Identification Number”	means the number, signature or other mark recognised by the Council as that to be used by a Civil Enforcement Officer when issuing a Penalty Charge Notice;
“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;
“Notice to Owner”	has the same meaning as in the Relevant Legislation;
“Operational Vehicle of the Council”	means a vehicle which is in use for the performance of any function of the Council, whether the same be operated directly by the Council or by any other person carrying out such function on the Council’s behalf;
“Parking Bay”	means an area of land within the Parking Place intended to be used for the parking of a single vehicle, delineated or indicated by one or more of the following: <ul style="list-style-type: none"> (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; (ii) writing on the surface of the Parking 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;
“[Higher or Lower] Parking Contravention”	has the same meaning as in the Relevant Legislation;
“Parking Place”	means the area of land (including any structures thereon) which has been provided

	by the Council for use as the Parking Place pursuant to Sections 32 and 33 of the Road Traffic Regulation Act 1984 (as amended), and which is identified by name in Column 1 of Schedule 1, and includes any part thereof;
“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;
“Payment Station”	means an apparatus, machine or device of a type or design approved by the Secretary of State, designed to receive payment in respect of the period of waiting for which payment is to be made;
“[Higher or Lower] Penalty Charge”	means the relevant level of Penalty Charge or other charge from time to time set by the Council under the Relevant Legislation and in accordance with guidelines issued by the Secretary of State, and which is to be paid to the Council by not later than the last day of the period of 28 days beginning with the date on which the relevant Penalty Charge Notice was served;
“Penalty Charge Notice”	means a notice in relation to a Parking Contravention in such form and given in such manner as is required by the Relevant Legislation;
“Relevant Legislation”	means Part IV and Schedules 4 and 9 of the Road Traffic Regulation Act 1984 and Part 6 and Schedules 7–12 of the Traffic Management Act 2004, and any subordinate legislation made thereunder;
“Restricted Area”	means any part of the Parking Place which is not designated as a Parking Bay by means of appropriately worded signs, surface markings or writing;
“Season Ticket”	means a season ticket purchased from the Council pursuant to the provisions of Article 34;
“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;

- “Shopmobility Bay” means a Parking Bay to which reference is made in Article 22;
- “Shopmobility Permit” means a permit issued by the Council pursuant to the provisions of Article 22 which expressly permits the holder to permit a vehicle to wait in a Shopmobility Bay;
- “Ticket” means a ticket, a magnetically encoded or computer controlled payment card or other token or card issued by a Ticket Issuing Machine;
- “Ticket Issuing 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 of waiting for which payment is to be made commenced.

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, or any Enactment amending, applying, consolidating or 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 Issuing Machine or Payment Station shall be construed as a reference to any Ticket Issuing Machine or Payment Station which is provided by the Council and situated within the boundaries of the Parking Place.

**PART II
MAKING OF ORDER**

6. This Order shall come into effect on 1st November 2010, and shall be called the Aylesbury Vale (Upper Hundreds Off-Street Parking Place, Aylesbury) Order 2010.
7. The Aylesbury Vale (Upper Hundreds Off-Street Parking Place, Aylesbury) Order 2008 (hereinafter referred to as “the 2008 Order”) shall be revoked with effect from the date upon which this Order comes into force.
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 2008 Order in respect of the use of the parking place which is the subject of the 2008 Order at any time prior to the date upon which this Order takes effect.

**PART III
USE OF THE PARKING PLACE**

General provisions

9. SUBJECT TO the following provisions of this Order, the Parking Place (or any identified part thereof) 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 and on payment of such charges as are specified in relation to that Parking Place in the Articles and/or Schedule 1.
10. A vehicle caused or permitted to wait in the Parking Place, or to make use of any part of the Parking Place may not be used for or in connection with the sale or exposing for 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 any person’s skill or services.
11. Save as provided in Part XII, a vehicle may not be caused or permitted to wait in a Restricted Area within the Parking Place.
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 vehicles on which a valid Shopmobility Permit is displayed, only vehicles on which such a Shopmobility Permit is displayed in accordance with the relevant provisions contained in Part IX may be caused or permitted to wait in that Parking Bay.
13. Where within the 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 on which a valid Disabled Person’s Badge is displayed, only vehicles on which such a Disabled Person’s Badge is displayed in accordance with the relevant provisions contained in Part IX may be caused or permitted to wait in that Parking Bay.

14. Where:

- (1) in the Articles and/or Schedule 1 the whole or any part of the Parking Place is described as only being available for use by vehicles not exceeding a specified weight and/or height and/or length, or
- (2) within the 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 such vehicles,

only vehicles not exceeding the specified weight and/or height and/or length may be caused or permitted to wait in the Parking Place or the specified part thereof, or in the designated Parking Bay.

15. Where:

- (1) in the Articles and/or Schedule 1 the whole or any part of the Parking Place is described as only being available for use by vehicles of a specified class, or
- (2) within the 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 such vehicles,

only vehicles of the specified class may be caused or permitted to wait in the Parking Place or the specified part thereof, or in the designated Parking Bay.

16. Vehicles may not be caused or permitted to wait within the Parking Place in such a manner as to:

- (1) obstruct vehicular access to or egress from the Parking Place or any Parking Bay in the Parking Place, or
- (2) obstruct any footway, footpath or pedestrian access way in the Parking Place, or
- (3) otherwise obstruct the free flow of pedestrian or vehicular traffic within the Parking Place.

17. A vehicle may not be caused or permitted to wait in the Parking Place for longer than the maximum period of waiting in the Parking Place specified in Column 5 of Schedule 1.

18. A vehicle may not be caused or permitted to wait in the Parking Place other than in a Parking Bay, or in such a manner that any wheel of that vehicle is located outside the markings defining the boundaries of that Parking Bay.

19. A vehicle may not be caused or permitted to wait in the Parking Place save for the purposes designated in, and as provided by, this Order.

20. A vehicle may not be caused or permitted to wait in the Parking Place with the engine running once in position in a Parking Bay and thereafter the engine shall not be started save for the purposes of changing the position of the vehicle in, or departing from, the Parking Place.

Use of rights of way in the Parking Place

21. Nothing in this Order shall authorise the Council or any Civil Enforcement Officer 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 the Parking Place or any part thereof.

PART IV PERMITS AND PASSES

Shopmobility Bays and Shopmobility Permits

22. (1) Any Shopmobility Bay located in the Parking Place is reserved for the exclusive use of persons holding and displaying a valid Shopmobility Permit in accordance with the provisions of this Order.
- (2) A Shopmobility Bay is identified by means of appropriately worded signs, surface markings or writing indicating that it is reserved for the exclusive use of persons holding and displaying a valid Shopmobility Permit in accordance with the provisions of this Order.
- (3) The number of Shopmobility Bays and their location within the Parking Place may be varied by the Council at any time.
- (4) Only a vehicle on which a valid Shopmobility Permit is displayed in accordance with the relevant provisions contained in Part IX may be caused or permitted to wait in a Shopmobility Bay.
- (5) The grounds of eligibility for a Shopmobility Permit shall be such as may from time to time be determined by the Council at its absolute discretion.
- (6) Any application for a Shopmobility Permit shall be made to the Council at such location(s) and at such times as the Council may from time to time determine. Any Shopmobility Permit issued by the Council in response to such an application shall only be valid for use in the Shopmobility Bay(s) in the Parking Place, and by such classes of vehicles and on such days and during such hours and upon such other terms (subject to the provisions of this Order) as may from time to time be specified by the Council.
- (7) An application for a Shopmobility Permit shall be made in such form as may from time to time be specified by the Council, and an applicant shall produce such documentary evidence as to entitlement and any other matters considered relevant by the Council as may from time to time be specified by the Council.

- (8) The payment (if any) to be made for a Shopmobility Permit shall be such as is specified in relation to the Parking Place in Column 6 of Schedule 1. Issue, refusal and withdrawal of a Shopmobility Permit shall be at the discretion of the Council.
- (9) A Shopmobility Permit shall only permit a vehicle to wait in a Shopmobility Bay, and irrespective of the number of Shopmobility Permits that are or may be concurrently issued by the Council, no Shopmobility Permit shall be valid at any time whatsoever in respect of any other Parking Place or Parking Bay.
- (10) A vehicle on which a valid Shopmobility Permit is displayed in accordance with the relevant provisions contained in Part IX may not be caused or permitted to wait in a Shopmobility Bay for longer than the maximum permitted period of waiting in respect of that Bay, as specified from time to time by the Council.
- (11) Subject to the aforementioned provisions of this Article, the provisions of this Order shall apply in full to the Shopmobility Bays and holders of Shopmobility Permits.

PART V
METHOD OF USE OF THE PARKING PLACE

23. A person proposing to cause or permit a vehicle to enter or wait in the Parking Place (whether during the Charging Hours or otherwise) shall immediately prior to entering the Parking Place obtain a Ticket from a Ticket Issuing Machine provided for that purpose at the entrance to the Parking Place.
24. A person who has caused or permitted a vehicle to enter or wait in the Parking Place shall insert a validated Ticket in the barrier located for that purpose at the exit to the Parking Place prior to leaving the Parking Place.
25. A validated Ticket may be obtained:
 - (1) in respect of the use of the Parking Place for the waiting of a vehicle during the Charging Hours:
 - (a) upon payment of the appropriate charge at a Payment Station in accordance with the provisions of Part VI, or
 - (b) where a valid Disabled Person's Badge is displayed in or on the vehicle concerned, by the holder of that Disabled Person's Badge obtaining validation of the Ticket in the manner set out in Article 27(2)(b)), or
 - (c) where a valid Shopmobility Permit is displayed in or on the vehicle concerned, by the holder of that Shopmobility Permit obtaining validation of the Ticket in the manner set out in Article 27(3)(b)), or

- (d) where the driver of the vehicle concerned is the driver of an Invalid Carriage or Motor Cycle making use of a Parking Bay within the Parking Place marked as being reserved exclusively for the use of Invalid Carriages or Motor Cycles (as appropriate), by the driver obtaining validation of the Ticket in the manner set out in Article 27(2)(b)), or
 - (2) in respect of the use of the Parking Place for the waiting of a vehicle outside of the Charging Hours or on a Sunday or Bank Holiday, by the driver of the vehicle concerned obtaining validation of the Ticket at a Payment Station in the Parking Place prior to leaving the Parking Place, or
 - (3) in respect of the use of the Parking Place for the waiting of a vehicle at any time:
 - (a) where the driver of the vehicle concerned is the holder of a valid Season Ticket, by the driver complying with such method of obtaining validation of his Season Ticket as may from time to time be specified by the Council, or
 - (b) by such other means as may be specified in this Order.
26. Save in the case of a driver who has obtained validation of a Ticket in the manner set out in Article 27(2)(b) or 27(3)(b), a driver shall ensure that the vehicle leaves the Parking Place within no more than 15 minutes of a validated Ticket having been obtained.

PART VI CHARGES

27. Any person who causes or permits a vehicle to enter or wait in the Parking Place during the days and hours of operation specified in relation to the Parking Place in Columns 3 and 4 of Schedule 1 shall pay the appropriate charge in respect of use of the Parking Place in accordance with the scale of charges specified in Column 6 of Schedule 1, by making the appropriate payment at a Payment Station in the Parking Place prior to leaving the Parking Place, PROVIDED THAT no charge shall be payable:
- (1) in respect of the use of the Parking Place for the waiting of a vehicle outside of the Charging Hours, or
 - (2) in respect of the use of the Parking Place during the Charging Hours for the waiting of a vehicle where a valid Disabled Person's Badge is displayed in or on the vehicle concerned, provided that:
 - (a) such Disabled Person's Badge is displayed in or on the vehicle concerned in accordance with the provisions of Part IX throughout the

period during which that vehicle is caused or permitted to wait in the Parking Place, and

- (b) within a period of no more than 30 minutes of entry into the Parking Place the holder of that Disabled Person's Badge obtains validation of the ticket at the location in the Parking Place designated for that purpose, or
 - (3) in respect of the use of a Shopmobility Bay where a valid Shopmobility Permit is displayed in or on the vehicle concerned, provided that:
 - (a) such Shopmobility Permit is displayed in or on the vehicle concerned in accordance with the provisions of Part IX throughout the period during which that vehicle is caused or permitted to wait in the Shopmobility Bay concerned, and
 - (b) within a period of no more than 30 minutes of entry into the Parking Place the holder of that Shopmobility Permit obtains validation of the ticket at the location in the Parking Place designated for that purpose, or
 - (4) 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) (provided that in the case of the latter the driver of the Invalid Carriage concerned obtains validation of his Ticket in the manner set out in Article 27(2)(b)), or
 - (5) in respect of the use of the Parking Place during the Charging Hours for the waiting of a vehicle where a valid Season Ticket is displayed in or on the vehicle concerned, provided that within a such period of entry into the Parking Place as the Council may from time to time specify the holder of that Season Ticket complies with such method of obtaining validation of his Ticket as may from time to time be specified by the Council.
28. Where a charge is specified for use of the Parking Place for a period, the whole of that charge shall be due and payable for use of the Parking Place for any part of that period.
29. A vehicle shall be deemed to have been caused or permitted to wait in the Parking Place if at any time that vehicle is caused or permitted to enter the Parking Place, notwithstanding that no use is made of the Parking Place or of any Parking Bay within the Parking Place for the waiting of that vehicle.
30. Where a vehicle is caused or permitted to wait in the Parking Place during the Charging Hours in circumstances in which in order to exercise an entitlement under Articles 27(2) - 27(4) validation of the Ticket displayed in or on that vehicle should have been obtained at the location in the Parking Place designated for that purpose by the Council within a period of no more than 30 minutes of the vehicle being caused or permitted to enter the Parking Place, but such validation is not so obtained, the appropriate charge in respect of that period of waiting shall be paid in accordance with

the scale of charges specified in Column 6 of Schedule 1 immediately prior to that vehicle being caused or permitted to leave the Parking Place.

31. Where a vehicle is caused or permitted to wait in the Parking Place during the Charging Hours in circumstances in which in order to exercise an entitlement under Article 27(5) validation of the Season Ticket displayed in or on that vehicle should have been obtained at the location in the Parking Place designated for that purpose by the Council within the relevant period of time specified by the Council, but such validation is not so obtained, the appropriate charge in respect of that period of waiting shall be paid in accordance with the scale of charges specified in Column 6 of Schedule 1 immediately prior to that vehicle being caused or permitted to leave the Parking Place. A Season Ticket holder shall not be entitled to any refund in respect of the charge paid in such circumstances, notwithstanding his having previously purchased a valid Season Ticket entitling him to make use of the Parking Place.
32. If any person (other than a person who has obtained validation of his Ticket in the manner set out in Article 27(2) – 27(4)) causes or permits a vehicle to wait in the Parking Place for longer than the 15 minute period specified in Article 26 an additional charge shall become payable in respect of the release of the vehicle from the Parking Place. The appropriate charges are specified in Schedule 1. Any such payment shall be additional to any payment which may previously have been made pursuant to the provisions of Article 27.

PART VII METHOD OF PAYMENT OF CHARGES

Payment by use of a Ticket

33. Any charge to which reference is made in Article 27 shall be paid by the insertion of a coin or banknote, or coins or banknotes, to the appropriate value into a Payment Station provided for receipt of the same in the Parking Place. Payment may only be made in sterling, using a coin or coins, or banknote or banknotes of a denomination or denominations accepted by the Payment Station(s) concerned. Where more than one coin or banknote (or an appropriate combination of the same) is required in order to make up the total value of the payment to be made, the coins or banknotes shall be inserted in the Payment Station one immediately after the other. Any overpayment made shall not be refundable, nor shall it otherwise affect the operation of any provision of the Order.

Payment by purchase of a Season Ticket

34.
 - (1) Where so provided in Column 6 of Schedule 1, the registered keeper of a vehicle may on application to the Council and at the Council's absolute discretion purchase a Season Ticket in respect of the use of the Parking Place.
 - (2) Any application for a Season Ticket shall be made to the Council at such location(s) and at such times as the Council may from time to time determine.

- (3) An application for a Season Ticket shall be made in such form as may from time to time be specified by the Council, and an applicant shall produce such documentary evidence as to entitlement and any other matters considered relevant by the Council as may from time to time be specified by the Council.
- (4) The Council's decision as to whether it is satisfied as to the eligibility of any person to purchase a Season Ticket shall be final.
- (5) Any Season Ticket issued by the Council in response to such an application shall only be valid for use in the Parking Place (or where appropriate, in such Parking Bays in the Parking Place) and for the waiting of such vehicle or class(es) of vehicles on such days and during such hours and upon such other terms (other than as to the payment to be made for such a Season Ticket) as may from time to time be specified by the Council, and irrespective of the number of Season Tickets that are or may be concurrently issued by the Council.
- (6) The payment to be made for a Season Ticket shall be such as is specified in relation to the Parking Place in Column 6 of Schedule 1. Issue, refusal and withdrawal of a Season Ticket shall be at the discretion of the Council.

PART VIII SURRENDER, LOSS AND WITHDRAWAL OF SEASON TICKETS

Surrender of a Season Ticket

35. (1) The holder of a Season Ticket may surrender the same to the Council prior to the start of the period for which it is issued, in which event he shall be entitled to receive a refund of any charge paid in respect thereof, less the administrative charge specified in Schedule 1.
- (2) The holder of a Season Ticket may surrender the same to the Council after the start of the period for which it is issued, in which event he shall be entitled to receive a refund of any charge paid in respect thereof, calculated pro rata to the number of remaining whole months for which that Season Ticket would have remained valid, less the administrative charge specified in Schedule 1.

Lost or destroyed Season Ticket

36. If a Season Ticket is lost or destroyed the holder thereof may apply to the Council for the issue of a duplicate, and the Council on being satisfied as to the loss or destruction thereof may upon payment of the administrative charge specified in Schedule 1 issue a duplicate Season Ticket (marked as such). Upon such issue the Season Ticket which it duplicated shall become invalid. If the original thereof is subsequently found, it shall be immediately returned to the Council.

Mutilated, damaged or defaced Season Ticket

37. If a Season Ticket is mutilated, damaged, defaced or otherwise becomes illegible the holder of the same shall surrender it to the Council for the issue of a duplicate, and the Council shall upon being satisfied as to the veracity of the Season Ticket concerned, and upon payment of the administrative charge specified in Schedule 1, issue a duplicate Season Ticket (marked as such). Upon issue of the duplicate Season Ticket the original shall become invalid.

Use of Season Ticket which is subsequently lost, destroyed, mutilated, damaged, defaced or otherwise rendered unusable prior to leaving the Parking Place

38. If after entering the Parking Place (whether during the Charging Hours or otherwise) the holder of a Season Ticket suffers the loss or destruction of that Season Ticket, or if it is mutilated, damaged, defaced or otherwise rendered unusable for any reason, so that prior to leaving the Parking Place he is unable to comply with such method of obtaining validation of his Season Ticket as may from time to time be specified by the Council, he shall pay the appropriate charge in respect of the release of the vehicle from the Parking Place, as specified in Schedule 1.
39. Such a person shall not be entitled to any refund in respect of the charge paid in such circumstances, notwithstanding his having previously purchased a valid Season Ticket entitling him to make use of the Parking Place.

Withdrawal of Season Ticket

40. The withdrawal of any Season Ticket may be effected by notice in writing sent by ordinary first class post to the address stated on the application for the Season Ticket concerned. The holder thereof shall surrender the Season Ticket concerned to the Council within seventy-two hours of the dispatch of the aforementioned notice.

Dishonouring of payment made for Season Ticket

41. Where a Season Ticket is issued to any person upon receipt of payment made by cheque, debit or credit card and that payment is subsequently dishonoured that Season Ticket shall cease to be of any effect, and the Council may by notice in writing sent by ordinary first class post to the address stated on the application for the Season Ticket concerned require the holder thereof to immediately surrender it to the Council. The holder thereof shall surrender the Season Ticket concerned to the Council within seventy-two hours of the dispatch of the aforementioned notice.

PART IX

DISPLAY OF DISABLED PERSON'S BADGES AND SHOPMOBILITY PERMITS

42. Subject to the provisions of Article 43, any Disabled Person's Badge or Shopmobility Permit which is required to be displayed on 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 or Permit 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 such Badge or Permit shall be displayed in a conspicuous position on the body of the vehicle, and shall be displayed so that the details shown on the front of the Badge or Permit concerned are clearly visible to, and legible by, a person standing immediately adjacent to the vehicle. In every instance the Badge or Permit shall be so displayed throughout the period during which the vehicle is caused or permitted to wait in the Parking Place or in the Parking Bay(s) in respect of which it was issued.

43. Notwithstanding any other provision of this Order, a Disabled Person's Badge or Shopmobility Permit 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 caused or permitted to wait in the Parking Place a valid vehicle excise licence for that vehicle is displayed on the vehicle in the manner required by law.
44. For the purposes of this Order the front of a Disabled Person's Badge shall be that face of the Disabled Person's Badge which records the serial number and date of expiry of that Disabled Person's Badge.

PART X PENALTY CHARGES

45. Subject to the provisions of Part XII, if at any time during the days and hours of operation of the Parking Place:
 - (1) a vehicle is caused or permitted to wait in the Parking Place, or to make use of any part of the Parking Place for or in connection with the sale or exposing for 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 any person's skill or services, or
 - (2) a vehicle is caused or permitted to wait in a Restricted Area within the Parking Place, or
 - (3) a vehicle is caused or permitted to wait in a Parking Bay designated as only being available for use by vehicles on which a valid Disabled Person's Badge is displayed in accordance with the relevant provisions contained in Part IX, and such a Disabled Person's Badge is not so displayed, or
 - (4) a vehicle is caused or permitted to wait in a Shopmobility Bay and a valid Shopmobility Permit is not displayed on that vehicle in accordance with the relevant provisions contained in Part IX, or
 - (5) a vehicle is caused or permitted to wait in the Parking Place, a part of the Parking Place or a Parking Bay designated as only being available for use by vehicles not exceeding a specified weight and/or height and/or length, and that vehicle exceeds the specified weight and/or height and/or length, or

- (6) a vehicle is caused or permitted to wait in the Parking Place, a part of the Parking Place or a Parking Bay designated as only being available for use by vehicles of a specified class, and that vehicle is not of the specified class, or
- (6) a vehicle is caused or permitted to wait in the Parking Place in such a manner as to:
 - (a) obstruct vehicular access to or egress from the Parking Place or any Parking Bay in the Parking Place, or
 - (b) obstruct any footway, footpath or pedestrian access way in the Parking Place, or
 - (c) otherwise obstruct the free flow of pedestrian or vehicular traffic within the Parking Place.

the same shall constitute a higher level parking contravention for the purposes of the Relevant Legislation and a Higher Level Penalty Charge shall be payable to the Council in respect thereof.

46. Subject to the provisions of Part XII, if at any time during the days and hours of operation of the Parking Place:
- (1) a vehicle is caused or permitted to wait in the Parking Place for longer than the maximum period of waiting in the Parking Place specified in Column 5 of Schedule 1, or
 - (2) a vehicle is caused or permitted to enter or wait in the Parking Place (whether during the Charging Hours or otherwise) without a valid Ticket or Season Ticket having been first obtained, or
 - (3) a vehicle is caused or permitted to wait in the Parking Place other than in a Parking Bay, or in such a manner that any wheel of that vehicle is located outside the markings defining the boundaries of that Parking Bay, or
 - (4) a vehicle is caused or permitted to wait in the Parking Place for a purpose other than the designated purpose for the Parking Place, or
 - (5) a vehicle is caused or permitted to wait in the Parking Place with the engine running once in position in a Parking Bay or thereafter the engine is started save for the purposes of changing the position of the vehicle in, or departing from, the Parking Place, or
 - (6) a vehicle is caused or permitted to wait in the Parking Place contrary to the terms upon which any Season Ticket has been issued,
 - (7) a vehicle is caused or permitted to wait in a Shopmobility Bay contrary to the terms upon which any Shopmobility Permit has been issued,

the same shall constitute a Lower Level Parking Contravention for the purposes of the Relevant Legislation and a Lower Level Penalty Charge shall be payable to the Council in respect thereof.

47. The period during which a vehicle may be permitted to wait in the Parking Place after a Penalty Charge Notice has been served in accordance with either Article 45 or 46 shall not exceed 30 minutes. If a vehicle is permitted to wait in the same Parking Place after a Penalty Charge Notice has been served in accordance with either Article 45 or 46 and the 30 minute time period has expired the same shall constitute a further parking contravention for the purposes of the Relevant Legislation and a further Penalty Charge at the appropriate level shall be payable to the Council in respect thereof.
48. 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 Relevant Legislation.
49. A Penalty Charge Notice shall be served by a Civil Enforcement Officer or otherwise in accordance with the Relevant Legislation.
50. Insofar as there may be any requirement that the identity of the Civil Enforcement Officer serving such a Penalty Charge Notice be set out in that Notice, that requirement shall be deemed to have been met if the Civil Enforcement Officer inserts his Identification Number in the Notice at the time at which he serves the Notice.
51. If a Penalty Charge is paid not later than the last day of the period of 14 days beginning with the date on which the Penalty Charge Notice is served the Penalty Charge shall be reduced by the amount of any applicable discount.
52. If after the last day of the period of 28 days beginning with the date on which a Notice to Owner was served no representations have been made in accordance with the Relevant Legislation and the Penalty Charge has not been paid, the Council may increase the Penalty Charge by the amount of any applicable surcharge.
53. The amount of any applicable discount or any applicable surcharge for the purposes of Articles 51 and 52 respectively shall be determined from time to time by the Council in accordance with the Relevant Legislation.
54. The amount due in respect of a Penalty Charge shall be paid to the Council in cash or by means of cheque, postal order, debit or 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.
55. Where the date for payment of a Penalty Charge 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 23.59 hours on the next full day on which that place(s) is open to receive payment.

PART XI
SUSPENSION OF USE OF THE PARKING PLACE AND/OR PARKING BAYS

56. A Civil Enforcement Officer or any other person duly authorised by the Council may suspend the use of the Parking Place or of a Parking Bay or Parking Bays within the 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.
57. A police officer in uniform may suspend for not longer than twenty-four hours the use of the Parking Place or of a Parking Bay or Parking Bays in the 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.
58. Any person suspending the use of the Parking Place or of a Parking Bay or Parking Bays in the Parking Place or any part thereof in accordance with the provisions of Article 56 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.
59. No person shall cause or permit a vehicle to wait in the Parking Place or in a Parking Bay or Parking Bays in the 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 58, 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 56, or
- (2) of a police officer in uniform.

PART XII
EXEMPTIONS FROM RESTRICTIONS ON WAITING

60. Notwithstanding the foregoing provisions of this Order a vehicle may wait during the days and hours of operation of the Parking Place in any part of the 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 Civil Enforcement Officer 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 connected with the removal of any obstruction preventing or hindering the free flow of traffic in the Parking Place, or access to or egress from the Parking Place or a Parking Bay in the Parking Place;
- (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 56(2);
 - (7) the vehicle has been authorised by the Council to wait in the Parking Place in connection with any purpose specified in Article 56(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.
61. Notwithstanding the foregoing provisions of this Order, an Operational Vehicle of the Council may wait for an unlimited period in any Parking Bay within the Parking Place marked as reserved for use by such Vehicles, provided that the use of that Parking Bay has not been suspended and that the driver of that Vehicle has been authorised by the Council to make use of the Parking Bay concerned for such purposes.
62. No charge specified in Schedule 1 of this Order shall be payable in respect of any vehicle caused or permitted to wait in the Parking Place in accordance with the provisions of Articles 60 or 61.

PART XIII EQUIPMENT, SIGNAGE AND WORKS IN PARKING PLACE

63. The Council may install in the Parking Place such number of Ticket Issuing Machines, Payment Stations and such other numbers and types of equipment as they consider necessary for the purpose of permitting vehicles to wait in the Parking Place pursuant to the provisions of this Order. The Council shall ensure that at least one Payment Station is maintained in proper working order in the Parking Place at all times during the days and hours of operation of the Parking Place.
64. The Council may cause the limits of the Parking Place and of each Parking Bay in the Parking Place to be indicated by the placing and maintaining of such markings and/or writing on the surface of the Parking Place or Parking Bay, and/or signs located in, on or adjacent to the Parking Place or Parking Bay as they consider necessary for the purpose of permitting vehicles to wait in the Parking Place pursuant to the provisions of this Order.
65. The Council may:
- (1) execute or cause to be executed in the 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 the Parking Place, and/or such signs located in, on or adjacent to the Parking Place,

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

PART XIV USE OF THE PARKING PLACE: ADDITIONAL PROVISIONS

66. No person shall except with the permission of a Civil Enforcement Officer drive any vehicle in the 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.
67. Where in the 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.
68. No person shall use any part of the 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.
69. No person shall:
 - (1) ride or otherwise use any bicycle in the 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.

70. No person shall in the 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 equipment

cause or permit to be made any noise which is so loud or so continuous or repeated as would in the opinion of a Civil Enforcement Officer or other Council officer authorised in that behalf give reasonable cause for annoyance to other persons in or adjacent to the Parking Place.

71. No person shall in the 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.

72. No person shall, without the prior written consent of the Council, hold or take part in any display, public show, performance or exhibition in the Parking Place, or place any vehicle or equipment in the Parking Place in connection with the same.

73. No person shall, without reasonable excuse, climb any wall or fence in or enclosing the Parking Place, or any tree, barrier, railing, post or other structure in the Parking Place.

74. 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 the Parking Place.

75. No person shall use any part of the Parking Place or any vehicle left in the 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).
76. No person shall in the Parking Place:
 - (1) skate or use any skateboard or similar mechanical device, or
 - (2) play or take part in any ball game.
77. No person shall:
 - (1) use the Parking Place for the purpose of displaying or distributing advertising material, or
 - (2) place any advertising material on any vehicle left in the 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.
78. No person shall in the 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.
79. No person shall in the Parking Place:
 - (1) intentionally obstruct any Civil Enforcement Officer 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 Civil Enforcement Officer give reasonable cause for annoyance or offence to other persons in or adjacent to the Parking Place.
80. No person shall in the Parking Place sound the horn of any vehicle or other similar instrument except when necessary as a warning when about to put the vehicle

concerned in motion, or when changing the position or direction of the vehicle concerned, or otherwise with a view to protecting the health and safety of any person.

81. No person shall in the 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 Civil Enforcement Officer 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 Civil Enforcement Officer:
- (1) immobilising the vehicle or causing it to be immobilised pursuant to the Relevant Legislation, 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 Relevant Legislation, or
 - (4) in the alternative making arrangements for that fitment or alarm to be rendered inoperable or silenced.
82. No person shall in the Parking Place drive or manoeuvre a vehicle in such a manner as would in the opinion of a Civil Enforcement Officer represent a possible risk or danger to other users of the Parking Place.

PART XV HOLDING AND USE OF DATA

83. Any data obtained by the Council for the purposes of, or in connection with, the issuing of any Penalty Charge, Penalty Charge Notice or Notice to Owner, or which is provided to the Council by any person subsequent to the service of the same 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 twenty fifth day of)
October two thousand and ten in the presence of:)

Chairman

Head of Legal Services

SCHEDULE 1
OPERATION OF THE PARKING PLACE (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. Upper Hundreds Multi-storey	Passenger Vehicles and Goods Vehicles not exceeding 2500 kilograms unladen weight	All days	All hours	7 days	<p><u>Monday – Saturday inclusive</u></p> <p><u>Between 08.00 & 18.30 hours</u> Up to 1 hour: £0.90 Over 1 hour - 2 hours: £1.50 Over 2 hours - 3 hours: £2.50 Over 3 hours - 4 hours: £3.50 Over 4 hours - 5 hours: £5.00 Over 5 hours: £8.00 (includes charge from 18.31 – 24.00 midnight)</p> <p><u>Between 18.31 hours & 24.00 midnight</u> Any period : £1.00</p> <p><u>Sundays and Bank Holidays</u> No charge</p> <p><u>Annual Season Ticket</u> £1,400.00 per annum</p> <p><u>Shopmobility Permit</u> No charge for qualifying persons</p>

Release charge (Articles 32 and 38):	<u>On any day of operation (including Sundays and Bank Holidays)</u> £75.00 per vehicle per occasion
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Notes:	<p>(1) In this Schedule references to “The Act” are to the Road Traffic Regulation Act 1984 (as amended).</p> <p>(2) In this Schedule charges are specified inclusive of Value Added Tax.</p> <p>(3) For terms and conditions upon which Season Tickets are available see the provisions of the Order and the specific terms and conditions upon which the Council issues the Season Tickets concerned.</p>
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