

**THE BOROUGH OF BARROW-IN-FURNESS**

**(OFF STREET PARKING PLACES) MINOR ORDER 2001**

The Council of the Borough of Barrow-in-Furness (hereinafter referred to as "the Council") under the provisions of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the 1984 Act") and of all other enabling powers and after consultation with the Chief Officer of Police and Cumbria County Council in accordance with the 1984 Act hereby make the following Order:-

1. The Orders specified in Schedule 1 hereof are hereby amended as follows:-
  - (a) for the words "parking penalty" in any article of the Orders, or part Orders listed in Schedule 1, shall be substituted with the words "penalty charge".
2. The articles listed in Schedule 2 hereof shall be substituted with the following article:-

**Penalty Charge and Payment**

- (a) Where a vehicle either:-
  - (i) waits, parks or is left on an off street parking place in contravention of the provision of this Order, or otherwise contravenes or fails to comply with the provisions of this Order insofar as it relates to a vehicles waiting, parking or being left on an off street parking place, or
  - (ii) parks in contravention of the provisions of Section 19 or 21 of the Road Traffic Act 1988.

then a Penalty Charge shall be payable.

In the case of a vehicle in respect of which a Penalty Charge is payable under either paragraph (a) (i) or paragraph (a) (ii) of this Article, a Penalty Charge Notice may be issued by a Parking Attendant in accordance with the requirements of Section 66 of the Road Traffic Act 1991.

- (b) A Penalty Charge Notice shall contain the details required by Section 66(3) of the Road Traffic Act 1991.
- (c) Where a Penalty Charge Notice has been issued the Penalty Charge shall be payable by the owner of the vehicle in respect of which that notice was issued in accordance with Section 66 of the Road Traffic Act 1991 of the scale set out in Schedule 3 to this Order.

(d) Where a Penalty Charge is payable and has not been paid to the Council within 28 days of the date of issue of the Penalty Charge Notice the Council may serve a notice, in accordance with Section 66 and Schedule 6 of the Road Traffic Act 1991, on the person who appears to them to have been the owner of the vehicle when the alleged contravention occurred.

3. The Interpretation Act, 1978 and any statutory modification or re-enactment thereof brought into effect after the date of this Order shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and is if this Order were an Act of Parliament for the purposes of Section 22 of the Interpretation Act, 1978.
4. This Order shall come into force on the third day of September Two thousand and One and may be cited as the Borough of Barrow-in-Furness (Off Street Parking Places) Minor Order 2001.

Given under the Common Seal of the Borough of Barrow-in-Furness

Schedule 1

1. The County of Cumbria (Borough of Barrow-in-Furness) On Street (Town Centre) and Off Street Parking Places Order, 1997 as amended insofar as it relates to Off Street Parking Places.
2. The County of Cumbria (Borough of Barrow-in-Furness) (Off Street Parking Places) Order 1988.

Schedule 2

Order

1. The County of Cumbria (Borough of Barrow-in-Furness) On Street (Town Centre) and Off Street Parking Places Order, 1997 as amended insofar as it relates to Off Street Parking Places.
2. The County of Cumbria (Borough of Barrow-in-Furness) (Off Street Parking Places) Order 1988.

Articles

Part II, Articles 4.1, 28 and 29

Articles 7, 8, and 10

Schedule 3

The amounts to be paid under a penalty charge notice are nationally set by regulations made by the Secretary of State. In accordance with those regulations Barrow Borough Council has resolved to set Penalty Charge levels as follows;-

Level of Penalty Charge	If Paid Within 14 Days	If Paid Between 15 days & Service of Notice to Owner	If Paid Between Issue of Notice to Owner and Service of Charge Certificate	If Paid After Service of Charge Certificate
£50.00	£25.00	£50.00	£50.00	£75.00

The Common Seal of the Council )  
of the Borough of Barrow-in-Furness )  
was hereunto affixed in the )  
presence of:- )

*Tou Bay*

Borough Solicitor

