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**BIRMINGHAM CITY COUNCIL (ON-STREET PARKING PLACES
AND CONTROLLED PARKING ZONES) (AMENDMENT) ORDER 2001**

Birmingham City Council ("the Council") in exercise of the powers conferred on it by sections 1,2,4,32,35,45,46,49 and 53 and Part IV of Schedule 4 to the Road Traffic Regulation Act 1984 and all other enabling powers and after consultation with the Chief Constable of the West Midlands in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

1. **Citation and Commencement**

This Order may be cited as "Birmingham City Council (On-Street Parking Places and Controlled Park Zones) (Amendment) Order 2001" and shall come into operation on 3rd September 2001

2. **Interpretation**

- (1) In this Order "the 1992 Order" means the Birmingham City Council (Jewellery Quarter Birmingham) (Controlled Zone) Order 1992
- (2) In this Order "the 1995 Order" means the Birmingham City Council (Parking Places and Controlled Parking Zone) (Birmingham) (Consolidation) Order 1995;
- (3) In this Order "the 1999 Order" means the Birmingham City Council (Gun Quarter Birmingham) (Controlled Parking Zone) Order 1999;
- (4) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted or as having effect by virtue of any subsequent enactment;
- (5) Unless the context otherwise requires any expression used in this Order which is also used in either the 1992 Order, the 1995 Order or the 1999 Order shall have the same meaning as in those Orders.

3. **Amendment of the 1992 Order, the 1995 Order and the 1999 Order**

- (1) the 1992 Order shall be amended as set out in the First Schedule to this Order.
- (2) the 1995 Order shall be amended as set out in the Second Schedule to this Order.
- (3) the 1999 Order shall be amended as set out in the Third Schedule to this Order.

FIRST SCHEDULE

Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order the 1992 Order shall have effect as though:-

- (a) The following definition shall be inserted before the definition of "authorised taxi rank" in clause 2.1
"authorised officer" means an employee or agent of the Council authorised to exercise all or any of the functions of the Council under this Order
- (b) The words "Patrol Officer" shall wherever they appear be deleted and the words "Parking Attendant" substituted therefor;
- (c) The words "Parking meter" shall wherever they appear be deleted and the words "Ticket Machine" substituted therefor;
- (d) The words "initial charge" shall wherever they appear be deleted and the words "parking charge" substituted therefor;
- (e) The words "initial period" shall wherever they appear be deleted and the words "parking period" substituted therefor;
- (f) Article 8 shall be deleted therefrom and the following substituted therefor....
"8(a) A vehicle must not be left in a parking place during the charging hours for longer than the period for which payment has been made by the parking charge

8(b) Except with the written authority of the Council, the driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in Schedule 1 in relation to that parking place and any vehicle found waiting in contravention of this Article shall be treated as a vehicle parked without displaying a valid ticket for each and every day thereafter;"

(g) Article 9 shall be deleted therefrom and any reference thereto in the remainder of the order shall also be deleted;

(h) Article 10 shall be deleted therefrom and the following substituted therefor....
"10. Where a Penalty Charge Notice or any other notice has been attached to a vehicle as a result of a failure to comply with the provisions of this Order, no person, not being the driver of the vehicle, a police constable in uniform, or a parking attendant shall remove the notice from the vehicle unless authorised to do so by the driver".

(i) Article 11 shall be deleted therefrom and the following substituted therefor....
"11. The penalty charge shall be paid to the Council in accordance with the instructions on the penalty charge notice".

(j) Article 12(2) shall be deleted therefrom;

(k) Article 13(1) shall be deleted therefrom;

(l) The words "Maximum Period: four hours" shall be inserted after the words
"PARKING PLACES – PAY AND DISPLAY" in the heading of Schedule 1

SECOND SCHEDULE

Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order the 1995 Order shall have effect as though:-

(a) The following definition shall be inserted before the definition of "the Council" in
clause 2.1

"authorised officer" means an employee or agent of the Council authorised to exercise all or any of the functions of the Council under this Order.

- (b) The definition of "Cycle parking place" shall be amended so that the words "bicycles propelled by mechanical powers and not having a sidecar attached thereto" shall be deleted and the words "motor cycles not having a sidecar attached" substituted therefor;
- (c) The word "bicycle" shall wherever it appears be deleted and the words "motor cycle not having a sidecar attached" substituted therefor;
- (d) The words "cycle parking place" shall wherever they appear be deleted and the words "motor cycle parking bay" substituted therefor;
- (e) The words "parking meter" shall wherever they appear be deleted and the words "ticket machine" substituted therefor;
- (f) The words "Patrol Officer" shall wherever they appear be deleted and the words "Parking Attendant" substituted therefor;
- (g) The words "initial charge" shall wherever they appear be deleted and the words "parking charge" substituted therefor;
- (h) The words "initial period" shall wherever they appear be deleted and the words "parking period" substituted therefor;
- (i) Article 11 shall be deleted therefrom and the following substituted therefor....

"11(a) A vehicle must not be left in a parking place during the charging hours for longer than the period for which payment has been made by the parking charge

11(b) Except with the written authority of the Council, the driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in Schedule I Parts I and II in relation to that parking place and any vehicle found waiting in contravention of this Article shall be treated as a vehicle parked without displaying a valid ticket for each and every day thereafter;"
- (j) Article 14 shall be deleted therefrom;
- (k) Article 15 shall be deleted therefrom and the following substituted therefor....

“15. Where a Penalty Charge Notice or any other notice has been attached to a vehicle as a result of a failure to comply with the provisions of this Order, no person, not being the driver of the vehicle, a police constable in uniform, or a parking attendant shall remove the notice from the vehicle unless authorised to do so by the driver”.

(l) Article 16 shall be deleted therefrom and the following substituted therefor....

“16. The penalty charge shall be paid to the Council in accordance with the instructions on the penalty charge notice”;

(m) Article 18(2) shall be deleted therefrom;

(n) Article 19(1) shall be deleted therefrom;

THIRD SCHEDULE

Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order the 1999 Order shall have effect as though:-

(a) The following definition shall be inserted before the definition of “the Council” in clause 2.1

“authorised officer” means an employee or agent of the Council authorised to exercise all or any of the functions of the Council under this Order.

(b) The words “parking meter” shall wherever they appear be deleted and the words “ticket machine” substituted therefor;

(c) The words “Patrol Officer” shall wherever they appear be deleted and the words “Parking Attendant” substituted therefor;

(d) The words “initial charge” shall wherever they appear be deleted and the words “parking charge” substituted therefor;

(e) The words “initial period” shall wherever they appear be deleted and the words “parking period” substituted therefor;

(f) Article 12 shall be deleted therefrom and the following substituted therefor....

"12(a) A vehicle must not be left in a parking place during the charging hours for longer than the period for which payment has been made by the parking charge

12(b) Except with the written authority of the Council, the driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in Schedule 1 Parts I and II in relation to that parking place and any vehicle found waiting in contravention of this Article shall be treated as a vehicle parked without displaying a valid ticket for each and every day thereafter;"

(g) Article 13 shall be deleted therefrom;

(h) Article 14 shall be deleted therefrom and the following substituted therefor....

"14. Where a Penalty Charge Notice or any other notice has been attached to a vehicle as a result of a failure to comply with the provisions of this Order, no person, not being the driver of the vehicle, a police constable in uniform, an authorised officer or a parking attendant shall remove the notice from the vehicle unless authorised to do so by the driver".

(i) Article 15 shall be deleted therefrom and the following substituted therefor....

"15. The penalty charge shall be paid to the Council in accordance with the instructions on the penalty charge notice";

(j) Article 16 shall be deleted therefrom;

(k) Article 17(1) shall be deleted therefrom;

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 10th day of August 2001

THE COMMON SEAL of BIRMINGHAM CITY
COUNCIL was hereunto affixed in the
presence of:-

Solicitor

M. Mahmood
Authorised Officer