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copy of the original.

**BIRMINGHAM CITY COUNCIL  
(OFF-STREET PARKING PLACES)  
(AMENDMENT) ORDER 2001**

*Paul Sykes*  
Solicitor  
13.8.2001

Birmingham City Council ("the Council") in exercise of the powers conferred on it by sections 35(1) and 35(3) and Part IV of 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 make the following Order

1. **Citation and Commencement**

This Order may be cited as the "Birmingham City Council (Off-Street Parking Places) (Amendment) Order 2001" and shall come into operation on 3<sup>rd</sup> September 2001

2. **Interpretation**

- (1) In this Order "the Orders" mean the Orders listed in the Schedule hereto
- (2) 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;
- (3) Unless the context otherwise requires any expression used in this Order which is also used in the Orders shall have the same meaning as in the Orders.

3. **Amendment of the Orders**

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 Orders shall have effect as though:-

- (a) The words "initial charge" shall wherever they appear be deleted and the words "parking charge" substituted therefor.
- (b) Any reference to an "excess charge" shall be deleted therefrom.

- (c) 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 Part II of the Schedule in relation to that parking place and any vehicle found waiting in such a manner shall be treated as a vehicle parked without displaying a valid ticket".
- (d) Article 11 shall be deleted therefrom.
- (e) Article 26 shall be deleted and the following substituted therefor...
- "26. Where the driver of a vehicle is alleged by the Council to have failed to comply with this Order, the owner of the vehicle and any other person shall if requested by an Authorised Officer give such information as he is able as to the identity and whereabouts of the driver".

## SCHEDULE

The City of Birmingham District Council (Off-Street Parking Places) Order, 1985 – Part I (City Centre).

The City of Birmingham District Council (Off-Street Parking Places) Order 1985 – Part II (Sutton Coldfield and Erdington).

The City of Birmingham District Council (Off-Street Parking Places) Order 1986 – Part III (Inner City).

The City of Birmingham District Council (Off-Street Parking Places) Order 1985 – Part IV (South West).

The City of Birmingham District Council (Off-Street Parking Places) Order 1986 – Part V (East).

The City of Birmingham District Council (Off-Street Parking Places) Order 1986 – Part VI (North).

The City of Birmingham District Council (Off-Street Parking Places) (Albert Street) Order 1986.

The Birmingham City Council (Off-Street Parking Places) (Bath Street) Order 1989.

The Birmingham City Council (Off-Street Parking Places) (Duchess Road) Order 1988.

The City of Birmingham District Council (Off-Street Parking Places) (Dudley Street) Order 1986.

The City of Birmingham District Council (Off-Street Parking Places) (Jewellery Quarter) Order 1986.

The Birmingham City Council (Off-Street Parking Places) (Livery Street Multi-storey) Order 1987.

The City of Birmingham District Council (Off-Street Parking Places) (Masshouse Lorry and Coach Park) Order 1986.

The City of Birmingham District Council (Off-Street Parking Places) (Markets) Order 1986.

The Birmingham City Council (Off-Street Parking Places) (Snow Hill) Order 1986.

The Birmingham City Council (Off-Street Parking Places) (Vesey Street) Order 1988.

The City of Birmingham District Council (Off-Street Parking Places) (Victoria Road, Sutton Coldfield) Order 1985.

The Birmingham City Council (Off-Street Parking Places) (Convention Centre) Order 1991.

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 10<sup>th</sup> day  
of August 2001

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

Solicitor

*M. J. Probert*  
*Authorised Officer*

S2811

REF: 66302

PART IV authority may stop up any means of access provided by them under this section.

(5) References in this section to a parking place include references to the means of entrance to and egress from the parking place.

35.—(1) As respects any parking place—

(a) provided by a local authority under section 32 of this Act, or

(b) provided under any letting or arrangements made by a local authority under section 33(4) of this Act,

the local authority, subject to Parts I to III of Schedule 9 to this Act, may by order make provision as to

(i) the use of the parking place, and in particular the vehicles or class of vehicles which may be entitled to use it,

(ii) the conditions on which it may be used,

(iii) the charges to be paid in connection with its use (where it is an off-street one), and

(iv) the removal from it of a vehicle left there in contravention of the order and the safe custody of the vehicle.

(2) Where under section 34 of this Act a means of access to any premises has been provided by a local authority through an off-street parking place, then, subject to Parts I to III of Schedule 9 to this Act and to the provisions of any agreement made by the local authority under subsection (3) of section 34 and to any rights granted by them under that subsection, the authority may by an order under subsection (1) above make provision as to the use of the parking place as the means of access and, in particular, as to the vehicles or class of vehicles which may be entitled to use the means of access and as to the conditions on which the means of access may be used.

(3) An order under subsection (1) above may provide for a specified apparatus or device to be used—

(a) as a means to indicate—

(i) the time at which a vehicle arrived at, and the time at which it ought to leave, a parking place, or one or other of those times, or

(ii) the charges paid or payable in respect of a vehicle in an off-street parking place; or

(b) as a means to collect any such charges,

and may make provision regulating the use of any such apparatus or device; but an order shall not provide for the use of any apparatus or device not generally or specially approved for the purpose by the Secretary of State.

(4) In the event of any contravention of, or non-compliance with, a provision of an order under subsection (1) above, the person responsible shall be guilty of an offence.

(5) Where such an order provides for the use of any apparatus or device for collecting charges at an off-street parking place, any person who, with intent to defraud, interferes with the apparatus or device, or operates or attempts to operate it by the insertion of objects other than current coins of the appropriate denomination, shall be guilty of an offence.

(6) An order under subsection (1) above may include provision—

(a) for determining the person responsible for any contravention of or non-compliance with the order;

(b) for treating the indications given by an apparatus or device used in pursuance of the order as evidence (and, in Scotland, as sufficient evidence) of such facts and for such purposes as may be provided by the order;

(c) for applying with any appropriate adaptations any of the provisions of subsections (4) to (6) of section 47 of this Act.

(7) While a vehicle is within a parking place, it shall not be lawful for the driver or conductor of the vehicle, or for any person employed in connection with it, to ply for hire or accept passengers for hire; and if a person acts in contravention of this subsection he shall be guilty of an offence.

(8) In England and Wales a local authority may institute proceedings for offences under subsection (4), (5) or (7) above which are committed in connection with parking places provided by the authority, or provided under any letting or arrangements made by the authority under section 33(4) of this Act.

(9) A local authority may appoint, with or without remuneration, such officers and servants as may be necessary for the supervision of parking places.

36.—(1) Subject to section 37 of this Act, no order under section 32(1)(b) of this Act shall—

(a) authorise the use of any part of a road so as unreasonably to prevent access to any premises adjoining the road or the use of the road by any person entitled to use it, or so as to be a nuisance, or

(b) be made in respect of any part of a road without the consent of the authority or person responsible for the maintenance of the road.

PART IV

Provisions as to authorisation of use of roads for parking.



PART II  
Charges at  
designated parking  
places.  
1984 c. 27.

64.—(1) In section 46 of the Road Traffic Regulation Act 1984 (charges at, and regulation of, designated parking places), in subsection (1) after the word "made" there shall be inserted the words "with respect to any parking place outside Greater London".

(2) After subsection (1) of that section there shall be inserted the following subsection—

"(1A) Subject to Parts I to III of Schedule 9 to this Act, where the authority by whom a designation order is made with respect to any parking place in Greater London impose charges to be paid for vehicles left in a parking place designated by the order, those charges shall be prescribed by the designation order or by a separate order made by the authority."

Contravention of  
certain orders  
relating to parking  
places in London  
not to be criminal  
offence.

65.—(1) In section 47 of the Road Traffic Regulation Act 1984 (offences relating to designated parking places) the words "but this subsection does not apply in relation to any designated parking place in Greater London" shall be added at the end of subsection (1).

(2) In section 8 of that Act (contravention of orders under section 6 to be an offence), the following subsection shall be inserted after subsection (1)—

"(1A) Subsection (1) above does not apply in relation to any order under section 6 of this Act so far as it designates any parking places."

(3) The provisions of section 11 of that Act (contravention of experimental traffic order) shall become subsection (1) of that section and the following subsection shall be inserted as subsection (2)—

"(2) This section does not apply in relation to any experimental traffic order so far as it designates any parking places in Greater London."

Parking penalties  
in London.

66.—(1) Where, in the case of a stationary vehicle in a designated parking place, a parking attendant has reason to believe that a penalty charge is payable with respect to the vehicle, he may—

- (a) fix a penalty charge notice to the vehicle; or
- (b) give such a notice to the person appearing to him to be in charge of the vehicle.

(2) For the purposes of this Part of this Act, a penalty charge is payable with respect to a vehicle, by the owner of the vehicle, if—

- (a) the vehicle has been left—
  - (i) in a designated parking place, or
  - (ii) beyond the period of parking which has been paid for;
- (b) no parking charge payable with respect to the vehicle has been paid; or
- (c) there has, with respect to the vehicle, been a contravention of, or failure to comply with, any provision made by or under any order relating to the designated parking place.

- (b) such associations of London authorities (if any) as he thinks appropriate.

## PART II

77.—(1) This section applies in relation to any vehicle which is stationary in a special parking area (but which is not in a designated parking place) in circumstances in which an offence would have been committed with respect to the vehicle but for section 76(3) above.

Application of provisions in relation to special parking areas.

(2) A penalty charge shall be payable with respect to the vehicle by the owner of the vehicle.

(3) Section 66 of, and Schedule 6 to, this Act shall apply in relation to penalty charges payable by virtue of subsection (2) above, but subject to such modifications (if any) as the Secretary of State considers it appropriate to make in the order designating the special parking area in question.

(4) Where a parking attendant has reason to believe that a penalty charge is payable with respect to the vehicle by virtue of subsection (2) above, he or another person acting under his direction may fix an immobilisation device to the vehicle.

(5) Subsections (2) to (3) of section 69 of this Act shall apply in relation to a device fixed to a vehicle under subsection (4) above, but subject to such modifications (if any) as the Secretary of State considers it appropriate to make in the order designating the special parking area in question.

(6) An order under section 76 designating a special parking area may make such modifications of any provision of, or amended by, this Part of this Act as the Secretary of State considers appropriate in consequence of the provisions of section 76 or this section or of the order.

*Miscellaneous*

78.—(1) In this section—

Enforcement.

"certificated bailiff" means any person authorised to act as such under subsection (6) below; and

"a Part II debt" means any sum which is—

(a) payable under, or by virtue of, any provision of this Part of this Act; and

(b) recoverable as if it were payable under a county court order.

The Lord Chancellor may by order make provision—

(a) for the enforcement in respect of Part II debts of such class or classes of Part II debts as may be specified in the order to be executed by certificated bailiffs;

(b) as to the requirements which must be satisfied before any person takes, with a view to enforcing the payment of—

(i) a Part II debt; or

(ii) such class or classes of Part II debts as may be so specified,

any other step of a kind specified by the order.

## SCHEDULE 3

Section 43.

## PERMITTED AND SPECIAL PARKING AREAS OUTSIDE LONDON

*Permitted parking areas*

1.—(1) Where an application for an order under this sub-paragraph is made to the Secretary of State—

- (a) with respect to the whole, or any part, of their area, by a county council in England and Wales;
- (b) with respect to the whole of their area, by a metropolitan district council;
- (c) with respect to the whole of their areas, by two or more metropolitan district councils acting jointly;
- (d) with respect to the whole, or any part, of their area, by a regional or islands council in Scotland;
- (e) with respect to the whole, or any part, of their area, by a district council in Wales acting with the consent of the county council; or
- (f) with respect to the whole, or any part, of the Isles of Scilly, by the Council of the Isles of Scilly,

he may make an order designating the whole, or any part, of the area to which the application relates as a permitted parking area.

(2) Before making any such application, a county council in Wales shall consult the district councils whose areas lie wholly or partly within the area to which the application relates.

(3) Before making an order under sub-paragraph (1) above, the Secretary of State shall consult the appropriate chief officer of police.

(4) While an order under sub-paragraph (1) above is in force, the following provisions shall cease to apply in relation to the permitted parking area designated by the order—

- (a) section 35A(1) of the Road Traffic Regulation Act 1984 (offences), in so far as it relates to the contravention of, or non-compliance with, any provision of an order made under section 35 of that Act (use of parking places) in relation to parking places provided under section 32(1)(b) of that Act (power of local authorities to provide free parking places on roads); and
- (b) section 47(1) of the Act of 1984 (offences) in so far as it applies in relation to any designated parking place.

(5) The Secretary of State may by order amend sub-paragraph (4) above by adding further provisions (but only in so far as they apply in relation to stationary vehicles).

(6) Before making an order under sub-paragraph (5) above, the Secretary of State shall consult—

- (a) such representatives of chief officers of police; and
  - (b) such associations of local authorities (if any),
- as he considers appropriate.

*Special parking areas*

2.—(1) Where an application for an order under this sub-paragraph is made to the Secretary of State—

- (a) with respect to the whole, or any part, of their area, by a county council in England and Wales;

- SCH. 3
- (b) with respect to the whole, or any part, of their area, by a metropolitan district council;
  - (c) with respect to the whole, or any part, of their area, by a regional or islands council in Scotland; or
  - (d) with respect to the whole, or any part, of the Isles of Scilly, by the Council of the Isles of Scilly,

he may make an order designating the whole, or any part, of the area to which the application relates as a special parking area.

(2) Before making any such application, a county council in Wales shall consult the district councils whose areas lie wholly or partly within the area to which the application relates.

(3) Before making an order under sub-paragraph (1) above, the Secretary of State shall consult the appropriate chief officer of police.

(4) While an order under sub-paragraph (1) above is in force, the following provisions shall cease to apply in relation to the special parking area designated by the order—

- 1984 c. 27. (a) section 5 of the Road Traffic Regulation Act 1984 (contravention of a traffic regulation order under section 1 of that Act to be an offence), so far as it relates to the contravention of any provision of such an order prohibiting or restricting the waiting, or the loading and unloading, of vehicles;
- (b) section 11 of the Act of 1984 (contravention of, or failure to comply with, experimental traffic order under section 9 of that Act), so far as it relates to the contravention of, or failure to comply with, any provision of such an order prohibiting or restricting the waiting, or the loading and unloading, of vehicles;
- 1984 c. 54. (c) section 129(6) of the Roads (Scotland) Act 1984 (parking of a motor vehicle wholly or partly on a cycle track to be an offence);
- 1988 c. 52. (d) section 19 of the Road Traffic Act 1988 (parking of heavy vehicles on verges, central reservations and footpaths etc. to be an offence);
- (e) section 21 of the Act of 1988 (prohibition of driving or parking on cycle tracks), so far as it makes it an offence to park a motor vehicle wholly or partly on a cycle track.

(5) The Secretary of State may by order amend sub-paragraph (4) above by adding further provisions (but only in so far as they apply in relation to stationary vehicles).

(6) Before making an order under sub-paragraph (5) above, the Secretary of State shall consult—

- (a) such representatives of chief officers of police; and
  - (b) such associations of local authorities (if any);
- as he considers appropriate.

#### *Control of parking in permitted and special parking areas*

3.—(1) This paragraph applies in relation to any vehicle which is stationary in a permitted parking area, or special parking area, in circumstances in which an offence would have been committed with respect to the vehicle but for paragraph 1 or (as the case may be) paragraph 2 above.

(2) A penalty charge shall be payable with respect to the vehicle, by the owner of the vehicle.

(3) An order under paragraph 1 or 2 above designating a permitted parking area, or special parking area, may— SCH. 3

- (a) provide for such provisions of Part II of this Act as the Secretary of State considers appropriate to apply, with such modifications (if any) as he considers appropriate, in relation to the permitted or special parking area in question; and
- (b) make such modifications of any enactment, including any provision of this Act, as the Secretary of State considers appropriate in consequence of the provisions of paragraph 1 or 2 above, this paragraph or the order.

#### *Orders under this Schedule*

4.—(1) Any power to make an order conferred by this Schedule shall be exercisable by statutory instrument.

(2) Any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### SCHEDULE 4

Section 41.

##### *TRANSIT AND CONSEQUENTIAL AMENDMENTS*

##### *The Transport Act 1968* (c. 67)

1. In section 11(1) of the Transport Act 1968 (powers of entry and inspection), for the words "section 61 of the Road Traffic Act 1958" there shall be substituted the words "section 66A of the Road Traffic Act 1988".

2. In section 34(1) of that Act (inspection of records), for the words from "a certifying" to "1968" there shall be substituted the words "an examiner appointed under section 66A of the Road Traffic Act 1988".

##### *The Chronically Sick and Disabled Persons Act 1970* (c. 49)

3. In section 5(1) of the Chronically Sick and Disabled Persons Act 1970, in paragraph (b) (certain invalid carriages to be treated as not being motor vehicles for the purposes of the Road Traffic Act 1958 etc)—

- (a) after the words "Road Traffic Act 1958" there shall be inserted the words "except section 22A of that Act (causing danger to road users by interfering with motor vehicles etc).", and
- (b) at the end of the paragraph there shall be added the words "and sections 1 to 4, 161, 170 and 181 of the Road Traffic Act 1988 shall not apply to it".

##### *The Vehicles (Excise) Act 1971 (c. 10)*

4. In section 5 of the Vehicles (Excise) Act 1971 (exemptions from duty in connection with vehicle testing etc) in subsection (3)—

- (a) in the definition of "authorised person", for the words from "person authorised" to "so authorised" there shall be substituted the words "person who is, or is acting on behalf of, an examiner or inspector entitled to carry out examinations for the purposes of that section", and for the words "goods vehicle examiner" there shall be substituted the words "vehicle examiner", and
- (b) for the definition of "goods vehicle examiner" there shall be substituted—

"vehicle examiner" means an examiner appointed under section 66A of the Road Traffic Act 1988."

**BIRMINGHAM CITY COUNCIL  
NOTICE OF MAKING OF MINOR TRAFFIC ORDER  
ROAD TRAFFIC REGULATION ACT 1984**

**BIRMINGHAM CITY COUNCIL (OFF-STREET PARKING PLACES)  
(AMENDMENT) ORDER 2001**

Notice is hereby given that on 10<sup>th</sup> August 2001 Birmingham City Council in exercise of its powers under the Road Traffic Regulation Act 1984 made the "Birmingham City Council (Off-Street Parking Places) (Amendment) Order 2001".

The effect of the above order is to amend the orders listed in the First Schedule to the extent appearing necessary to Birmingham City Council as a consequence of the coming into force of a designation order made under Schedule 3 to the Road Traffic Act 1991.

A copy of the order has been placed and may be seen free of charge from 8.45am to 5.00pm Mondays to Fridays at the premises referred to in the Second Schedule. Copies of the order may be bought there at the price of £1.00.

**FIRST SCHEDULE**

The City of Birmingham District Council (Off-Street Parking Places) Order 1985 – Part I (City Centre).

The City of Birmingham District Council (Off-Street Parking Places) Order 1985 – Part II (Sutton Coldfield and Erdington).

The City of Birmingham District Council (Off-Street Parking Places) Order 1986 – Part III (Inner City).

The City of Birmingham District Council (Off-Street Parking Places) Order 1985 – Part IV (South West).

The City of Birmingham District Council (Off-Street Parking Places) Order 1986 – Part V (East).

The City of Birmingham District Council (Off-Street Parking Places) Order 1986 – Part VI (North).

The City of Birmingham District Council (Off-Street Parking Places) (Albert Street) Order 1986.

The Birmingham City Council (Off-Street Parking Places) (Bath Street) Order 1989.

The Birmingham City Council (Off-Street Parking Places) (Duchess Road) Order 1988.

The City of Birmingham District Council (Off-Street Parking Places) (Dudley Street) Order 1986.

The City of Birmingham District Council (Off-Street Parking Places) (Jewellery Quarter) Order 1986.

The Birmingham City Council (Off-Street Parking Places) (Livery Street Multi-storey) Order 1987.

The City of Birmingham District Council (Off-Street Parking Places) (Masshouse Lorry and Coach Park) Order 1986.

The City of Birmingham District Council (Off-Street Parking Places) (Markets) Order 1986.

The Birmingham City Council (Off-Street Parking Places) (Snow Hill) Order 1986.

The Birmingham City Council (Off-Street Parking Places) (Vesey Street) Order 1988.

The City of Birmingham District Council (Off-Street Parking Places) (Victoria Road, Sutton Coldfield) Order 1985.

The Birmingham City Council (Off-Street Parking Places) (Convention Centre) Order 1991.

## **SECOND SCHEDULE**

Transportation Department, 1 Lancaster Circus, Queensway, Birmingham B4 7DQ

Dated 16<sup>th</sup> August 2001

David Pywell  
Director of Transportation  
Birmingham City Council

**BIRMINGHAM CITY COUNCIL**

**ROAD TRAFFIC ACT, 1991 (as amended)**

# NOTICE OF INTRODUCTION OF DECRIMINALISED PARKING ENFORCEMENT

The Birmingham City Council ("the Council") in accordance with Section 74 of the Road Traffic Act 1991 as amended hereby gives notice that it has, with the approval of the Secretary of State for Transport, Local Government and the Regions, set penalty and other additional parking charges at the following levels in respect of contraventions of on-street and off-street Parking Places Orders, waiting and loading restrictions etc. which will cease to be criminal offences and the enforcement of which will become the Council's responsibility on 3 September 2001 and in relation to removal, storage and disposal of contravening vehicles by the Council:

## Penalty Charges

- Within the Ring Road £60 (discounted to £30 if paid within 14 days of issue)  
£90 if paid after service of Charge Certificate
- On and outside of the Ring Road £40 (discounted to £20 if paid within 14 days of issue)  
£60 if paid after service of Charge Certificate

### Other Charges

- Retrieval of a vehicle that has been removed £105
- Storage of unclaimed vehicles for each period of 24 hours or part thereof £12
- Disposal of unclaimed vehicles £50

The above charges will apply to the whole of the City of Birmingham with the exception of the M6 and A38 (M) motorways including on and off slip roads.

Full details of the roads excluded from the charges including plans showing the extent of the areas covered and included/excluded roads together with a list of the above charges may be examined at the offices of the Director of Transportation between 8.45am and 5.00pm Mondays to Fridays.

The above will come into force on 3 September 2001.

Dated the 16<sup>th</sup> August 2001.

David Pywell  
Director of Transportation  
1 Lancaster Circus Queensway, Birmingham B4 7DQ