Order

Council means Blackburn with Darwen Borough Council or its successor authority in accordance with Section 76 of The 2004 Act.

Civil Enforcement Officer means a person authorised by or on behalf of the Council on behalf of the Council.

This Order:

Charging Hours means the time periods as specified in the schedule attached to this.

Charging Days means the period as specified in the schedule attached to this.

2. Interpretation (Civil Enforcement) Order 2010

Blackburn with Darwen Borough Council (Fellenden Street Off-Street Parking Places) and may be cited as the

This Order shall come into operation on the 28th May 2010 and remain in operation until the

Commencement and Citation

GENERAL

PART I

makes the following Order:}

ORDER 2010

(CIVIL ENFORCEMENT)

BLACKBURN WITH DARwen BOROUGH COUNCIL
Parking place or signed or otherwise indicated by signs in the parking place.

"Parking Bay" means an area of a parking place which is provided for the parking of

whether or not the vehicle is moved during that period.

"parked" and "parking" refer to the stopping of a vehicle and if remaining at

was parked in the Parking Place in question:

keeper by the Driver and Vehicle Licensing Agency on the date on which the Vehicle

"Owner in relation to a Vehicle means the person who is recorded as the Registered

"Invalid Carriage" has the same meaning as in Section 136(5) of the 1984 Act.

"Motor Cycle" has the same meaning as in Section 136(4) of the 1984 Act.

"Motor Car" has the same meaning as in Section 136(2) of the 1984 Act.

maximum period means the period specified in Column 5 of the Schedule.

Officer may authorize:

such longer period as a duly authorized officer of the Council of Civil Enforcement

Parking Place or pay and the Vehicle does not park for more than twenty minutes or

or merchandise of loading or unloading the Vehicle at premises adjacent to the

"loading/unloading" refers to when a Vehicle is parked wholly in the Parking Place of

regulations as if it were a disabled person's badge);.

for Disabled Persons Regulations 2000 or a badge having effect under those

accordance with the provisions of the Local Authorities Traffic Orders (Exemptions

"Disabled Persons' Badge" means a badge issued by any Local Authority in

charges specified by notice at each Parking Place;

"Daily Charge" means the charge imposed by the Council for Parking in a parking


(b) In respect of a vehicle displaying a **Reserved Parking Permit**,

- in the case of a vehicle fitted with a dashboard or fascia panel, the \( \text{Relevant Position} \) means
  - the front of the vehicle, or
  - from the outside of the window of the vehicle,

- in the case of a vehicle fitted with a display board, the \( \text{Relevant Position} \) means
  - any other position or point on the vehicle from which the permit is clearly visible.

- In respect of a vehicle displaying a **Valid Disabled Person's Badge**,

Pursuant to Section 70 of the 2004 Act and Supporting Regulations

"Penalty Charge Notice" means a notice served by a **Civil Enforcement Officer**,

"Penalty Charge" means a penalty charge imposed under Part 6 of the 2004 Act.

**Parking Place** and the use of which is specified by notice in the **Parking Place**,

- **Parking Permit** means a bank credit or debit card, a purse card, a discount card or any other card issued by the **Civil Enforcement Officer**,

- **Parking Place** means the area of land or building provided by the **Civil Enforcement Officer**,

- **Pay and Display** means the receipt for payment of the Daily Charge.

**Order**

- By authority of the **Civil Enforcement Officer**, the unauthorised use of any vehicle or other permit or a type and design issued

- **Parking Permit** means a permit or any other permit of a type and design issued
the Reserved Parking Permit is exhibited on the inside surface of the front windscreen or in a clearly visible position so that it is facing forwards so that all details are legible from the outside of the vehicle; or

(i) in the case of a Vehicle that is not fitted with a transparent front windscreen, the Reserved Parking Permit is exhibited on the front of the Vehicle facing forwards and clearly visible.

"Reserved Parking Bay" means an area of the Parking Place, which is provided for the parking of a Vehicle as agreed by the Council and the Reserved Parking Permit holder and will be indicated by markings on the surface of the Parking Place or signed or otherwise indicated by signs in the Parking Place;

"Reserved Parking Permit" means an access permit, or any other permit of a type and design issued by theCouncil, or a combination thereof which must be displayed in the Relevant Position;

"Schedule" means the schedule attached to this Order and headed as such;

"Ticket Machine" means an apparatus of a type and design approved by the appropriate minister for the purpose of this Order, being apparatus designed to accept payment of an amount for a specified period payable prior to the Vehicle leaving the Parking Place.

"Vehicle" means any Motor Car, Motor Cycle or invalid carriage.

Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order.

Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, re-enacted by or having effect by virtue of any subsequent enactment.

3. Any reference in this Order to any act of Parliament or statutory instrument, whether expressed or implied, shall be construed as a reference to that act of Parliament or statutory instrument as amended or re-enacted by or having effect by virtue of any subsequent enactments, and subject to any modification or qualification made by or under any such enactment.

4. Any reference in this Order to any words denoting the singular shall include the plural and vice versa and words denoting the persons shall include either gender, bodies corporate, unincorporated associations and partnerships.
Reserved Parking Days

10. (a) No person shall cause or permit a vehicle to park in a parking bay marked for a disabled person’s parking bays, unless the vehicle displays a valid disabled person’s parking badge in the designated position and immediately before or immediately after the act of parking the vehicle has been or is about to be used by the person(s) in respect of whom the badge has been issued.

(8) Where in the schedule and by notice at a parking place, the parking place is shown as being available for vehicles of a specified class of vehicles to be parked in a specified location, no person shall cause or permit a vehicle to park in that parking place.

(7) Each area of land or building specified by name in the schedule may be used,

PART II

DETECTION AND USE OF PARKING PLACES

6. The Interpretation Act 1978 shall apply for the interpretation of this Order.
Sale of Goods

16. No person shall cause or permit a vehicle to be parked in a parking place of any part thereof which is closed or of the use of a parking place of any part thereof is prohibited.

15. Any person closing or suspending the use of a parking place or any part thereof shall:

- Raise a notice or traffic sign indicating the parking place or any part thereof is closed or of the use thereof is suspended and that parking by vehicles is prohibited.
- From setting aside a parking place or any part thereof for a period or periods of certain days or during certain parts of days for use only by particular vehicles or for any period and/or from closing or suspending the use of a parking place or any part thereof for a period or periods of certain days or during certain parts of days.

14. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed or erected in a parking place or a reserved parking place from closing or suspending the use of a parking place or any part thereof for any period or periods.

13. Where specified in the schedule and by notice at each parking place respectively, a maximum period of stay applies to the use of a parking place or a reserved parking place.

12. No person shall cause or permit a vehicle to park in a parking place or reserved parking place except in a Moped cycle parking bay where specified in the schedule and by notice at each parking place respectively.

11. No person shall cause or permit a vehicle to be parked in any area marked as a Reserved Parking Bay unless entitled to do so or unless there is no display in the relevant position in the vehicle of a valid Reserved Parking Permit.
22. If at the time when a Vehicle is parked during the Charging Hours in the Parking Place and the nearest Ticket Machine in that Parking Place is out of order, then payment shall be made at another Ticket Machine within the Parking Place.

21. The Charges referred to in the preceding Article shall be payable in the manner as means of payment advertised at the Parking Place and can include the insertion of appropriate coins or notes on site.

20. No person shall cause or permit any Vehicle to be parked during the Charging Hours in accordance with the scale of current charges as specified in the Schedule or by notice on site.

CHARGES FOR PARKING

PART III

19. In the Parking Place, no person shall cause or permit any Vehicle to be parked during the Charging Hours in accordance with the scale of current charges as specified in the Schedule or by notice on site.

18. The driver of a Vehicle using the Parking Place shall not park the Vehicle in such a manner or place where it causes an obstruction to any other users of the Parking Place or any part thereof.

17. The driver of a Vehicle using the Parking Place shall stop the engine as soon as the obligation for hire of skill or services in any other capacity.

16. Except when about to change the position of the Vehicle in order to depart from the Parking Place.

15. The driver of a Vehicle using the Parking Place shall not start the engine while the Vehicle is in the Parking Bay or Reserved Parking Bay and shall not allow the engine to run while the Vehicle is in the Parking Place.

14. The driver of a Vehicle using the Parking Place shall not allow the engine to run while the Vehicle is in the Parking Place.

13. The driver of a Vehicle using the Parking Place shall not obstruct the vehicle access to or egress from the Parking Place in such a manner as to obstruct vehicular access to or egress from the Parking Place.

12. No person shall cause or permit any Vehicle to be parked during the Charging Hours in accordance with the scale of current charges as specified in the Schedule or by notice on site.

11. No person shall cause or permit any Vehicle to be parked during the Charging Hours in accordance with the scale of current charges as specified in the Schedule or by notice on site.

10. No person shall cause or permit any Vehicle to be parked during the Charging Hours in accordance with the scale of current charges as specified in the Schedule or by notice on site.

9. No person shall cause or permit any Vehicle to be parked during the Charging Hours in accordance with the scale of current charges as specified in the Schedule or by notice on site.

8. No person shall cause or permit any Vehicle to be parked during the Charging Hours in accordance with the scale of current charges as specified in the Schedule or by notice on site.

7. No person shall cause or permit any Vehicle to be parked during the Charging Hours in accordance with the scale of current charges as specified in the Schedule or by notice on site.
24. Should the driver of a vehicle using a pay on foot parking place lose the entrance

Pay on foot - lost ticket or unable to pay

23. At barrier controlled pay on foot parking places, the driver shall either,

Pay on foot parking places

22. The driver of the vehicle shall abide by the terms and conditions stipulated by the

Parking Permits or Reserved Parking Permits are available from the Council at the

Council

21. Reserved Parking Day subject to terms and conditions determined by the

Parking Permits of Reserved Parking Permits are detailed on

Parking Permit

20. If the driver is not able to pay the parking charge referred to in the previous Article or

Fill in the driver's name and address.

Provided that he/she is able to supply to the Council's officer on duty at the parking

Parking Permits or Reserved Parking Permits are available from the Council at the

Council

19. The Daily Charge, the driver will be allowed to remove the vehicle from the parking

If the driver is not able to pay the parking charge referred to in the previous Article or

Pay on foot - lost ticket or unable to pay

18. Entitlement and exit barriers

Make use of a Parking Permit to gain access through the

Parking Permit

17. On exit, insert the validated ticket into the apparatus at the exit barrier

The Daily Charge, the driver will be allowed to remove the vehicle from the parking

Parking Permits or Reserved Parking Permits are available from the Council at the

Council

16. Specific Reserve Parking Day subject to terms and conditions determined by the

Parking Permits of Reserved Parking Permits are available from the Council at the

Council

15. The conditions of use. The use of the Parking Permit is subject to terms and conditions determined by the

Parking Permits or Reserved Parking Permits are available from the Council at the

Council

14. No parking place, provided that the appropriate daily charge is indicated at the parking

Parking Permits or Reserved Parking Permits are available from the Council at the

Council
the vehicle is removed from the parking place.

Where a Reserved Parking Permit has been exhibited on a vehicle in the relevant

34. 

Return,

surrendering the Parking Permit or Reserved Parking Permit not be entitled to a

33. 

Surrender of Parking Permit/Reserved Parking Permit

permits then become immediately invalid.

32. 

Replacement of Parking Permit or Reserved Parking Permit

Reserved Parking Day:

Vehicle is parked, to cover the entire period that the vehicle is parked in the

31. 

Display of Reserved Parking Permit

Parking Permit or Reserved Parking Permit will immediately become invalid:

any of the stipulated terms and conditions have not been complied with and the

30. 

Withdrawal of Parking Permit/Reserved Parking Permit

policies.

29. 

By the Council,

Reserved Parking Permit in respect of which it was issued and up to the date of expiry determined

28. 

A Reserved Parking Permit is only valid in the Parking Place for a specific Reserved

27. 

By the Council,

Reserved Parking Permit or Reserved Parking Permit remains the property of the Council and

26. 

By the Council,

must be surrendered on request in such instances where a refund fee is deemed

25. 

Applicable by the Council, this will be provided in accordance with the Council's

24. 

A Parking Permit or Reserved Parking Permit is only valid in the Parking Place for a specific Reserved

23. 

A Parking Permit or Reserved Parking Permit is only valid in the Parking Place for a specific Reserved

22. 

A Parking Permit or Reserved Parking Permit is only valid in the Parking Place for a specific Reserved

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A Reserved Parking Permit is only valid in the Parking Place for a specific Reserved

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A Reserved Parking Permit is only valid in the Parking Place for a specific Reserved

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A Reserved Parking Permit is only valid in the Parking Place for a specific Reserved

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A Reserved Parking Permit is only valid in the Parking Place for a specific Reserved

3. 

A Reserved Parking Permit is only valid in the Parking Place for a specific Reserved

2. 

A Reserved Parking Permit is only valid in the Parking Place for a specific Reserved

1. 

A Reserved Parking Permit is only valid in the Parking Place for a specific Reserved
Emergency to any place necessary in the Parking Place...

PART VI

RELLOCATION, REMOVAL AND DISPOSAL OF VEHICLES

A person authorised by the Council or a Police Officer in uniform may, using such measures as are necessary, move or cause to be moved in the case of an emergency to any place necessary in the Parking Place...

PART VII

GENERAL MANAGEMENT OF THE PARKING PLACES

Where in the Parking Place signs are erected or surface markings are laid for the driving within the Parking Place...

PART VIII

EXEMPTIONS FROM DAILY CHARGES
The Council for the Parking Place in which the Vehicle in question was found:

(ii) the owner or person in charge of the Vehicle or

(i) removed or interfered with except by or under the authority of:

A notice fixed to a vehicle in accordance with the provisions of this Order shall not be

Restriction on removal of notices

Vehicle, or may be served by the Council by post or proceed by regulations

Notice of the Vehicle, or by giving notice to the person appearing to him to be in charge of the

Traffic Management Act 2004 may be issued by a Civil Enforcement Officer byhanging

Special Parking Area (borough of Greenwich with Darenth) Order 2004 and the

Act 1991 as applied and modified by the Road Traffic (Penalties Parking Area and

Charge Notice containing the information required by Section 68 of the Road Traffic

42. in the case of a vehicle in respect of which a Penalty Charge is payable, a Penalty

and a Penalty Charge shall be payable.

Complying with the requirements of this Order, a contravention shall have occurred

Save for the provisions in Part VIII, if a Vehicle is parked in the Parking Place without

Contraventions

PART VIII

The Vehicle appears to have been abandoned.

Vehicle which has been, or could be, removed from the Parking Place if

40. The Council may sell or otherwise dispose of, in accordance with any legislation, a

Disposal of Vehicles abandoned in Parking Places

the same keeping of the vehicle

Order shall make such arrangements as may be reasonably necessary to provide for

39. Any person removing a Vehicle from the Parking Place under the provisions of this

Safe Keeping

removal and safe keeping shall be the liability of the owner of the vehicle.

Parking Place which has been closed or suspended and the cost of movement or

move or cause to be moved to any place he/she thinks fit, any vehicle left in the

Contraventions in closed or suspended Parking Place

38. A person authorised by the Council may, using such measures as are appropriate,
shall be liable to prosecution:

(9) If a person enters the Parking Place otherwise than by an entrance or
specifies the entrance to or exit from the Parking Place.

46. Where a Parking Place is vacated and the surface markings are laid for the

Driving within the Parking Place.

Such declaration shall not invalidate the remainder of the Order,

Enforcement Centre declares any part of this Order to be invalid or unenforceable

if a Court, the Department for Transport, the Traffic Penalty Tribunal or the Traffic

Authority of the Council.

47. The Council accepts no liability for the loss or damage to Vehicles or other property

caused to or arising from the

48. Liability and Other Provisions

PART VIII

or in any court action.

Treated as evidence in any proceedings relating to failure to pay the Penalty Charge.

46. The particulars given in any notice issued in accordance with this Order shall be

Indications as evidence.

Prosecution may be issued and/or any vehicle may be removed from the Parking

VIOLATION or this Order shall have committed an offence and a notice of intended

44. Any person who uses any part of the Parking Place contrary to the provisions in Part

Offence.
Any person who in the Parking Place uses any threatening, abusive or insulting language, gestures or conduct with intent to put any person in fear of so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned shall be liable to prosecution.

Any person who in the Parking Place makes any nuisance, shows or otherwise makes any loud noise to the disturbance of any person or of the Parking Place or of residents of premises in the neighbourhood shall be liable to prosecution.

Parking Place shall be liable to prosecution except when about to change the position of the Vehicle in or to depart from the Vehicle.

Parking Place for sleeping or camping or cooking shall be liable to prosecution.

Any person who willfully sounds any horn or any other similar instrument on a Vehicle shall be liable to prosecution.

Domestic purposes

Any person who uses any part of the Parking Place for movable dwelling in the

prosecution

Any person who interferes with or damages any part of the fabric of the Parking Place shall be liable to prosecution.

Denomination or other approved devices shall be liable to prosecution.

Then undamaged and unaltered coins of legal tender and of the appropriate Ticket Machine or approve of attempts to operate it by the inscription or other.

Any person who willfully defaced or defaced interferes with the Pay on exit Pay on Foot or

Willful damage

Parking Place shall be liable to prosecution.

According with the provisions of this Order or for the purpose of departing from the

Purpose other than the purpose of leaving that Vehicle in the Parking Place in

that benefit, drives or permits to be driven any vehicle in the Parking Place for any

Any person who willfully with the permission of a person authorized by the Council in
Given under the Common Seal of the Blackcumn with Darwen Borough Council this day of 26th May 2010

(1) Any person who uses a parking place for the purpose of displaying or posting or distributing advertising material or fly-lying or Rubbish without the written consent of the Council shall be liable to prosecution.

(2) Any person who in a parking place, stands, building or other structure without the written consent of the Council, erects or causes or permits to be erected any kiosk, stand, building or other activities shall be liable to prosecution.

Other activities

(56) Other activities

57. Any person who uses the parking place for the purpose of displaying or posting or distributing advertising material or fly-lying or Rubbish without the written consent of the Council shall be liable to prosecution.

Other activities

(58) Any person who in a parking place, stands, building or other structure without the written consent of the Council, erects or causes or permits to be erected any kiosk, stand, building or other activities shall be liable to prosecution.

Other activities

(59) Any person who uses the parking place for the purpose of displaying or posting or distributing advertising material or fly-lying or Rubbish without the written consent of the Council shall be liable to prosecution.

Other activities

(60) Any person who in a parking place, stands, building or other structure without the written consent of the Council, erects or causes or permits to be erected any kiosk, stand, building or other activities shall be liable to prosecution.

Other activities

(61) Any person who uses the parking place for the purpose of displaying or posting or distributing advertising material or fly-lying or Rubbish without the written consent of the Council shall be liable to prosecution.

Other activities
<table>
<thead>
<tr>
<th>Name of Parking Place</th>
<th>Classes of Vehicle (If Any)</th>
<th>Days of Operation of Parking Place</th>
<th>Hours of Operation of Parking Place</th>
<th>Maximum Period of Waiting</th>
<th>Scale of Charges</th>
</tr>
</thead>
</table>
| Feilden Street Car Park | a) Motor Car  
b) Motor Cycle  
c) Invalid Carriage | Monday - Saturday Excluding Bank Holidays  
Sunday  
9am - 6pm  
9 Hours | Mon - Sat  
Up to 1 hour: £1.50  
Up to 2 hours: £2.00  
Up to 3 hours: £3.10  
Over 6 hours: £10.00  
9 Hours | Reserved Parking Permits | £1,000 per annum |