

BLACKPOOL BOROUGH COUNCIL
THE BOROUGH OF BLACKPOOL (VARIOUS ROADS)
(PROHIBITION OF WAITING) (VARIATION) ORDER 2004

The Council of the Borough of Blackpool (hereinafter called "the Council") in exercise of its powers under Sections 1, 2(1) to (3), 4(2) and 124 of the Road Traffic Regulation Act 1984 (which said Act is hereinafter referred to as the "Act of 1984") and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the said Act of 1984 and in exercise of its powers under the Road Traffic Act 1991 hereinafter referred to as the "1991 Act" and the Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Blackpool) Order 2003 and of all other enabling powers hereby make the following:-

1. THE Borough of Blackpool (Various Roads) (Prohibition of Waiting) No.2 Order 2004 is hereby varied by the insertion of "and in exercise of its powers under the Road Traffic Act 1991 (hereinafter referred to as "the 1991 Act") and the Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Blackpool) Order 2003" after "(which said Act is hereinafter referred to as "the Act of 1984")" so that the paragraph preceding Article 1 in the said Order of 2004 shall read as follows:-

The Council of the Borough of Blackpool (hereinafter called "the Council") in exercise of its powers under Sections 1, 2(1) to (3), 4(2) and 124 of the Road Traffic Regulation Act 1984 (which said Act is hereinafter referred to as the "Act of 1984") and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the said Act of 1984 and in exercise of its powers under the Road Traffic Act 1991 hereinafter referred to as the "1991 Act" and the Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Blackpool) Order 2003 and of all other enabling powers hereby make the following.

2. THE said Order of 2004 is hereby further varied by the insertion of the following additional definitions in Article 1 thereof -

"parking attendant" means a parking attendant as defined in Section 63A of the Act of 1984 (which is inserted by Section 44(1) of the 1991 Act).

"penalty charge" and "reduced penalty charge" means a charge set by the Council under the provisions of Section 66 of the 1991 Act and with the approval of the Secretary of State for Transport which is to be paid to the Council within 28 days beginning with the date of the notice or 14 days in the case of a reduced penalty charge following the issue of a penalty charge notice.

"penalty charge notice" means a notice issued or served by a parking attendant pursuant to the provisions of Section 66 of the 1991 Act containing the particulars therein required.

"driver" in relation to a vehicle waiting in any parking place or in a road or length of road or specified road or street or highway means the person driving the vehicle at the time that it was left in that location.

"owner" has the same meaning as in the Act of 1984 and in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement includes the person entitled to possession of the vehicle under the agreement.

3. THE said Order of 2004 is hereby further varied by the insertion of the following Articles:-

3A (1) IF a vehicle (which for the avoidance of doubt includes an authorised vehicle) is left or abandoned in any road or length of road or specified road or street or length of highway or in any other location whatsoever to which any provision of this Order applies in contravention of any of the provisions of this Order a penalty charge shall be payable and/or the vehicle may be removed from that location.

(2) In the case of a vehicle in respect of which a penalty charge is payable a penalty charge notice showing the information required by Section 66(3) of the 1991 Act may then be issued by a parking attendant in accordance with Section 66(1) of the 1991 Act.

(3) Where a parking attendant has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article (or any other provisions of this Order);

(a) he shall provide for the safe custody of the vehicle;

(b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;

(c) the provisions of the Road Traffic Regulation Act 1984 as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.

3B NOTWITHSTANDING any of the foregoing provisions of this Order, the Council may at its discretion (including requiring an administration fee) issue a dispensation allowing a specific vehicle to wait in a road, length of road, street or specified road, highway or any other location whatsoever to which any provision of this Order applies during the hours of operation of any restriction or prohibition to the contrary.

4. THE said Order of 2004 shall be in full force and effect as if the above provisions had originally formed part thereof.

5. ANY provisions contained in the said Order of 2004 and inconsistent with the provisions of this Order are hereby revoked.

6. THIS Order shall come into operation on the 1st day of March 2004 and may be cited as "THE BOROUGH OF BLACKPOOL (VARIOUS ROADS) (PROHIBITION OF WAITING) (VARIATION) ORDER 2004".

Given under the Common Seal of the Council of the Borough of Blackpool on the 5th day of February 2004.

THE COMMON SEAL of The Blackpool)
Borough Council was hereunto affixed in)
the presence of:-)

Head of Legal and Democratic Services

