

**BRIGHTON & HOVE CITY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984**

**THE BRIGHTON & HOVE (OFF-STREET PARKING PLACES)
ORDER 2008 AMENDMENT ORDER No.2 2013**

Brighton & Hove City Council ("the Council") in exercise of its powers under section 35 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

1. This Order comes into operation on the 2nd day of *September* 2013 and may be cited as the Brighton & Hove (Off-Street Parking Places) Order 2008 Amendment Order No. 2 2013.
2. The Brighton & Hove (Off-Street Parking Places) Order 2008 is amended as follows:-
3. In Article 2 (1):
 - 3.1 After the paragraph commencing "enactment" insert a new paragraph as follows:

"hand-held device" means a wireless hand-held computer which is programmed to interface with the telephone payment system;
 - 3.2 After the paragraph commencing "parking charge" insert a new paragraph as follows:

"PROVIDED that in the case of payment by the telephone payment system a transaction fee shall be payable to the service provider in addition to the amounts specified."
 - 3.3 After the paragraph commencing "season ticket holder" insert a new paragraph as follows:

"service provider" means the contractor authorised by the Council to accept payment of the parking charge on its behalf and to keep a record of that parking charge and the vehicle, parking place and parking period in respect of which that payment has been made by the telephone payment system; "
 - 3.4 After the paragraph commencing "staff permit holder" insert a new paragraph as follows:

"telephone payment system" means an electronic system, using a telephone connection set up and maintained by the service provider whereby:

 - (a) the driver of a vehicle, or some other person authorised by that driver on their behalf, uses a telephone to communicate with the service provider and make payment of the parking charge in respect of a specified vehicle, a specified parking place and for a specified parking period by use of a debit or credit card; and

- (b) the service provider, on behalf of the Council, accepts payment of the parking charge by the method referred to in paragraph (a) of this definition and records such payment together with the parking period for which payment has been made, the parking place in which the vehicle is left, and the registration mark of the vehicle in respect of which payment has been made;'

3.5 After the paragraph commencing "ticket parking meter" insert a new paragraph as follows:

"transaction fee" means a fee payable to the service provider in respect of a parking charge paid by means of the telephone payment system as identified on a ticket parking meter installed in that parking place or sign or notice displayed within or on that parking place.'

4. After Article 4 (a) (vii) add a new sub-paragraph as follows:

"(viii) a vehicle left in a parking place where the telephone payment system is available for use and the parking charge has been paid using that system."

5. In Article 5:

5.1 Delete the heading "Amount of the parking charge payable at a ticket parking meter" and substitute "Payment of parking charge"

5.2 Delete Article 5 (2) and substitute the following:

"(2) Subject to Article 8, the parking charge shall be payable on the parking of a vehicle in a parking place referred to in Schedule 1 during the charging hours by one of the following means as identified on a ticket parking meter installed in that parking place or sign or notice displayed within or on that parking place:

- (a) the insertion in a ticket parking meter installed in that parking place of the appropriate coin or combination of coins accepted by that ticket parking meter for the amount of the parking charge for the parking period for which payment is being made;
- (b) the insertion in a ticket parking meter installed in that parking place of a valid credit or debit card which shall be debited with the amount of the parking charge for the parking period for which payment is being made; or
- (c) the telephone payment system."

5.3 In Article 5 (3) after "following payment of the parking charge" insert a new paragraph as follows:

"PROVIDED that when payment of the parking charge has been made by means of the telephone payment system there shall be no requirement to display a ticket."

6. In Article 6 delete "Where payment of the parking charge has been made at a ticket parking meter in accordance with Article 5, the ticket parking meter – " and

substitute "When payment of the parking charge has been made at a parking meter in accordance with Article 5 (2) (a) or (b) the ticket parking meter:"

7. In Article 7:

7.1 Delete the heading "Ticket and ticket parking meter indications as evidence" and substitute "Ticket, ticket parking meter and hand-held device indications as evidence"

7.2 In Article 7 (1) after "has not been duly paid" insert a new paragraph as follows:

"PROVIDED that when payment has been made by the telephone payment system evidence of payment shall be determined by the appearance on a hand-held device of an indication that the correct payment has been made in respect of that vehicle together with details of the date and time of expiry of the parking period for which that payment has been made."

7.3 Delete Article 7 (2) and substitute the following:

- (2) It shall be presumed that the parking period has expired if at any time while a vehicle is parked in a parking place referred to in Schedule 1 during the charging hours either:
 - (a) the ticket displayed on the vehicle in accordance with the provisions of Article 5(3) and (4) shows a date that is not the date on which the vehicle is parked;
 - (b) the time shown by the clock on the ticket parking meter that issued the ticket is later than the time shown on that ticket; or
 - (c) an indication of expiry of a parking period paid for by the telephone payment system appears on a hand-held device.

8. In Article 9:

8.1 Delete the heading: "No additional coins to be inserted in a ticket parking meter/no further tickets to be displayed"

8.2 Delete Article 9 and substitute "9 Not Used"

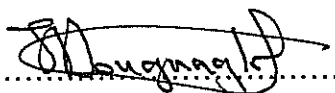
9. Delete Article 13 (c) and substitute the following:

- (c) install signs or notices in the parking places indicating the parking charges, parking periods and means of payment as imposed or provided for by the provisions of this Order;

**MADE UNDER THE COMMON SEAL OF
BRIGHTON & HOVE CITY COUNCIL**

this 8th day of August 2013

**THE COMMON SEAL OF BRIGHTON & HOVE CITY
COUNCIL** was affixed to this Order in the presence of


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Authorised Officer

