



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**THE CHERWELL DISTRICT COUNCIL (OFF-STREET PARKING PLACES)  
(CONVERSION) ORDER 2021**

The Cherwell District Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 32, 35(1) and (3) and 35A(3) and Part III of Schedule 9 of the Road Traffic Regulation Act 1984, (which said Act is hereinafter referred to as "the Act of 1984") and the Traffic Management Act 2004 and all Guideline Orders and Regulations made under the Traffic Management Act 2004, and of all other enabling powers, and with the consent of the Oxfordshire County Council in accordance with Section 39(3) of the Act of 1984 hereby make the following Order:

1. The Cherwell District Council (Off-Street Parking Places) (Conversion) Order 2021 ("this Conversion Order") is intended to be supplemental to and amend the following Orders:
  - a) The Cherwell District Council (Banbury Bus Station) Order 1999, (which said Order is hereinafter referred to as "Order 1");
  - b) The Cherwell District Council (Off-Street Parking Places) (Horse Fair (East) Coach Park, Banbury) Order 2000, (which said Order is hereinafter referred to as "Order 2");
  - c) The Cherwell District Council (Off-Street Parking Places) (Compton Road, Banbury) (Coach Park) Order 2000, (which said Order is hereinafter referred to as "Order 3");
  - d) The Cherwell District Council (Off-Street Parking Places) (Spiceball Leisure Centre, Banbury) Order 2010, (which said Order is hereinafter referred to as "Order 4"); and
  - e) The Cherwell District Council (Off-Street Parking Places) (Banbury, Bicester and Kidlington) (No.2) Order 2011, (which said Order is hereinafter referred to as "Order 5");and the said Orders listed in this Article 1. a) to 1. e) above shall be referred to hereinafter collectively as the "Existing Orders".
2. This Conversion Order shall come into operation on 11 November 2021 and may be cited as The Cherwell District Council (Off-Street Parking Places) (Conversion) Order 2021.
3. Definitions are set out in the in the Existing Orders, except where amended or added to by this Conversion Order.
4. Save as amended by this Conversion Order the Existing Orders will remain in full force and effect.
5. Part I Citation, Implementation, Revocations and Definitions, of Order 3, Article 2 and of Orders 1, 2, 4 and 5, Article 3 shall be amended as follows:

Delete from the Existing Orders the definitions for "Parking Warden", and "Relevant Date".

Delete from Orders 1, 2 and 3 the definitions for "Excess Charge" and "Penalty Charge".

Insert in the Existing Orders:

"the Act of 2004" means the Traffic Management Act 2004, as amended;

“the General Regulations” means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007, as amended;

“the Guidelines Order” means the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007, as amended;

“the Representation and Appeals Regulations” means the Civil Enforcement of Parking Contraventions (England) Representation and Appeals Regulations 2007;

“the Enforcement Authority” means Cherwell District Council;

“Charge Certificate” is a notice issued to a Vehicle owner who has received a Penalty Charge Notice and a subsequent Notice to Owner but has not paid within the statutory time limits;

“Civil Enforcement Officer” shall have the same meaning as in section 76 of the Traffic Management Act 2004 with the reference to “the authority” in subsection 2 thereof being a reference to the Council.

“Higher Level Contravention” has the meaning given in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 no. 3487.

“Lower Level Contravention” has the meaning given in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 no. 3487.

“Notice to Owner” means a notice served on the owner of a Vehicle pursuant to the Traffic Management Act 2004 in the event that a Penalty Charge Notice is not paid within 28 days of being issued.

“Penalty Charge” means a charge imposed for contravening the parking regulations of this Order and is set out in Part IV and has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 no.3483, as amended.

“Penalty Charge Notice” means a penalty charge notice issued or served by a Civil Enforcement Officer or posted by the enforcement authority pursuant to the provisions of Section 78 Road Traffic Management Act 2004 and the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 no. 3483.

“Reduced Penalty Charge” means a 50% reduction of the Penalty Charge provided payment is received by the Council or the Authorised Agent (as indicated on the Penalty Charge Notice) not later than the last day of the period of 14 days beginning with the date on which the Penalty Charge Notice was served.

“Relevant Date” means the date on which the contravention or noncompliance with the provisions of this Order occurred.

6. In Parts II to Part V inclusive of the Existing Orders, substitute all references to “Parking Warden” with “Civil Enforcement Officer”.

7. Part III Charges, Amendments:

Order 1 and 5, Article 32. (2), Order 3, Article 30. (2), Order 4, 31. (2) - replace the existing text with:

“(2) No person shall wilfully avoid, or seek to avoid, or assist in avoiding, the payment of the appropriate charge at any parking place”

Before Order 1, 2 and 5, Article 33, Order 3, Article 31, and Order 4, Article 32, insert the heading "Part IV Contraventions and Penalty Charges".

In Order 1 and 2, Article 33 (1), Order 3 Article 31 (1), substitute the text: "the "penalty charge" and "excess charge" specified in paragraphs (2), (3) and (4) below shall apply", and in Order 4, Article 32 (1) and Order 5, Article 33 (1), substitute the text: "the "penalty charge" and "excess charge" specified in paragraphs (2) and (3) below shall apply" with

"a contravention shall be deemed to have occurred and it shall be the duty of;

- (a) a Civil Enforcement Officer to serve a Penalty Charge Notice in accordance with Regulation 9 of the General Regulations; or
- (b) the Enforcement Authority to serve a Penalty Charge Notice in accordance with Regulation 10 of the General Regulations."

In Order 1, 2 and 5, Article 33 and Order 3 Article 31, delete paragraphs (2), (3), (4) and (5) and in Order 4, Article 32 delete paragraphs (2), (3) and (4).

After Order 1, 2 and 5, Article 33 (1), Order 3, Article 31 (1), and Order 4, Article 32 (1), insert the following paragraphs:

- "(2) If a Vehicle is left in a Parking Place without complying with the requirements of this Order, a contravention shall have occurred and a Penalty Charge as served shall be payable by the owner or driver of the Vehicle to the Council in accordance with paragraph (5) below.
- (3) Penalty Charges including any discounts or surcharges thereto shall be of such levels as are from time to time set by the Council in accordance with the provisions of Section 77 and Part 3 of Schedule 9 of the Act of 2004 and the Schedule to the Guidelines Order made by the Secretary of State under Paragraph 8 of Part 3 of Schedule 9 of the Act of 2004. All off-street parking contraventions are prescribed as either Higher Level or Lower Level Contraventions in respect of which different Penalty Charges apply at the levels described in Table 1, of the Schedule to the Guidelines Order, as Band 1 or Band 2. In relation to both the Higher Level and Lower Level Contraventions the Council may, in its absolute discretion set the level of the Penalty Charge at either the Band 1 or Band 2 level, PROVIDED that the Council will publish the level of charges in a newspaper circulating locally not less than 14 days before such charges shall come into force.
- (4) A Penalty Charge Notice may be in such form as may from time to time be considered appropriate by the Council, provided that it displays the information required by the Schedule to the General Regulations and Part 2 of the Representation and Appeals Regulations.
- (5) The Penalty Charge, Reduced Penalty Charge and the charge payable after service of a Charge Certificate shall be the following amounts:
  - (a) In respect of any contravention the penalty charge payable shall, subject to (b) and (c) below, be the amount from time to time set by the Council in accordance with (3) above and payment shall be received by the Council not later than the last day of the period of 28 days beginning with the date on which the Penalty Charge Notice is served.
  - (b) Notwithstanding the provisions of (a) above, a Reduced Penalty Charge shall be payable PROVIDED payment is received by the Council not later than the last day of the period of 14 days beginning with the date on which the Penalty Charge Notice is served.
  - (c) On the issue of a Charge Certificate in accordance with the provisions of Regulation 21 of the General Regulations the Penalty Charge shall be increased by 50 per cent."

8. The heading "Part IV General Provisions" in all Existing Orders be substituted with the heading "Part V General Provisions".
9. The heading "Part V Disposal of Vehicles Abandoned in the Parking Place" in all Existing Orders be substituted with the heading "Part VI Disposal of Vehicles Abandoned in the Parking Place"

**THE COMMON SEAL** of the )

**CHERWELL DISTRICT COUNCIL** )

was hereunto affixed this 20th )

day of October 2021 )

in the presence of:- )





Authorised signatory