

CHESHIRE EAST BOROUGH COUNCIL (OFF STREET PARKING PLACES)
(MACCLESFIELD AREA) (TEGG'S NOSE COUNTRY PARK, MACCLESFIELD)
(AMENDMENT) ORDER 2012

Cheshire East Borough Council (hereinafter called "the Council") in exercise of its powers under Section 35 and Schedule 9 of the Road Traffic Regulation Act 1984, as amended ("the 1984 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 1984 Act, hereby makes the following Order:

1. This Order shall come into operation on the 2nd day of March 2012 and may be cited as the Cheshire East Borough Council (Off-Street Parking Places) (Macclesfield Area) (Tegg's Nose Country Park, Macclesfield) (Amendment) Order 2012.
2. The Cheshire County Council (Tegg's Nose Country Park Borough of Macclesfield) (Off Street Parking Places) Order 1997 (made by Cheshire County Council (a predecessor authority of the Council) is amended as follows:
 - 2.1 Within Article 2(1) the definitions of 'parking attendant', 'owner' and 'season ticket' are removed and the following definitions added:

'2004 Act' means the Traffic Management Act 2004;

'2007 Regulations' means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

'civil enforcement officer' means a person authorised by or on behalf of the Council to supervise Parking Places and to enforce the provisions of the Order and is defined by section 76 of the 2004 Act;

'enforcement authority' means Cheshire East Borough Council;

'owner' in relation to a vehicle means the owner as defined by section 92(1) of the 2004 Act

"pay by phone" means a cashless method of payment of charges for the use of a parking place involving payment by telephone or electronic means allowing the vehicle to be parked for the period of time for which payment has been made, to be used where such facility is advertised and provided for in a parking place and the use of which is specified by sign or notice in the parking place. A transaction fee will be incurred for the use of this facility, the level of which shall be displayed on signs or notices at the parking place.

'penalty charge' means a charge set by the Enforcement Authority under the provisions of section 77 and Schedule 9 of the 2004 Act;

'penalty charge notice' means a notice issued by or served pursuant to the provisions of the 2004 Act, the 2007 Regulations or any subsequent legislation so enabling;

'season ticket' means a ticket which covers a term of one year in respect of which the charge of £25 has been paid to the Council.

2.2 By the deletion of Article 8(b) and the substitution of the following:

The charge referred to in paragraph (a) of this Article shall be payable either:

- (i) by the insertion of an appropriate coin or coins into the apparatus or device provided, being an apparatus or device approved in accordance with Section 35(3) of the 1984 Act; or
- (ii) in cases where signs or notices at a parking place indicate that the facility is available, by means of pay by phone; or
- (iii) in cases where signs or notices at a parking place indicate that the facility is available, by the insertion of a valid credit or debit card, the use of which is accepted by the Council as a valid method of payment for the use of the parking place, into the apparatus or device provided

2.3 The words 'AMOUNT OF EXCESS CHARGE AT PARKING PLACE' are removed from the title to Part IV

2.4 By the addition of the words "save for payment by means of pay by phone," to the start of paragraph (iii) of Article 9(a) so that the paragraph reads:

(iii) save for payment by means of pay by phone, not displaying a ticket; or

2.5 By the removal of the final paragraph of Article 9(a) and the addition of the following:

a contravention shall have occurred and a penalty charge shall be payable. A penalty charge notice may then be issued and/or the vehicle may be removed from that location.

2.6 Article 9(b) is removed in its entirety and replaced with the following:

9(b) In the case of a vehicle in respect of which a penalty charge is payable, it shall be the duty of:

(i) a civil enforcement officer to serve a penalty charge notice in accordance with regulation 9 of the 2007 Regulations; or

(ii) the enforcement authority to serve a penalty charge notice in accordance with regulation 10 of the 2007 Regulations.

2.7 The word 'notice' in Article 10 is deleted and replaced with the words 'penalty charge notice.'

2.6 Article 11 is removed in its entirety and replaced with the following:

11 The particulars given in the penalty charge notice attached to a vehicle in accordance with this Order shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

2.7 By the amendment of the scale of charges shown in column 6 of the table in the Schedule to the Original Order to those charges shown in column 6 of the table in Schedule 1 to this Order.

3. Insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the 1984 Act and existing at the time when this Order comes into operation, that provision of this Order shall prevail.

Dated this 16th day of February 2012

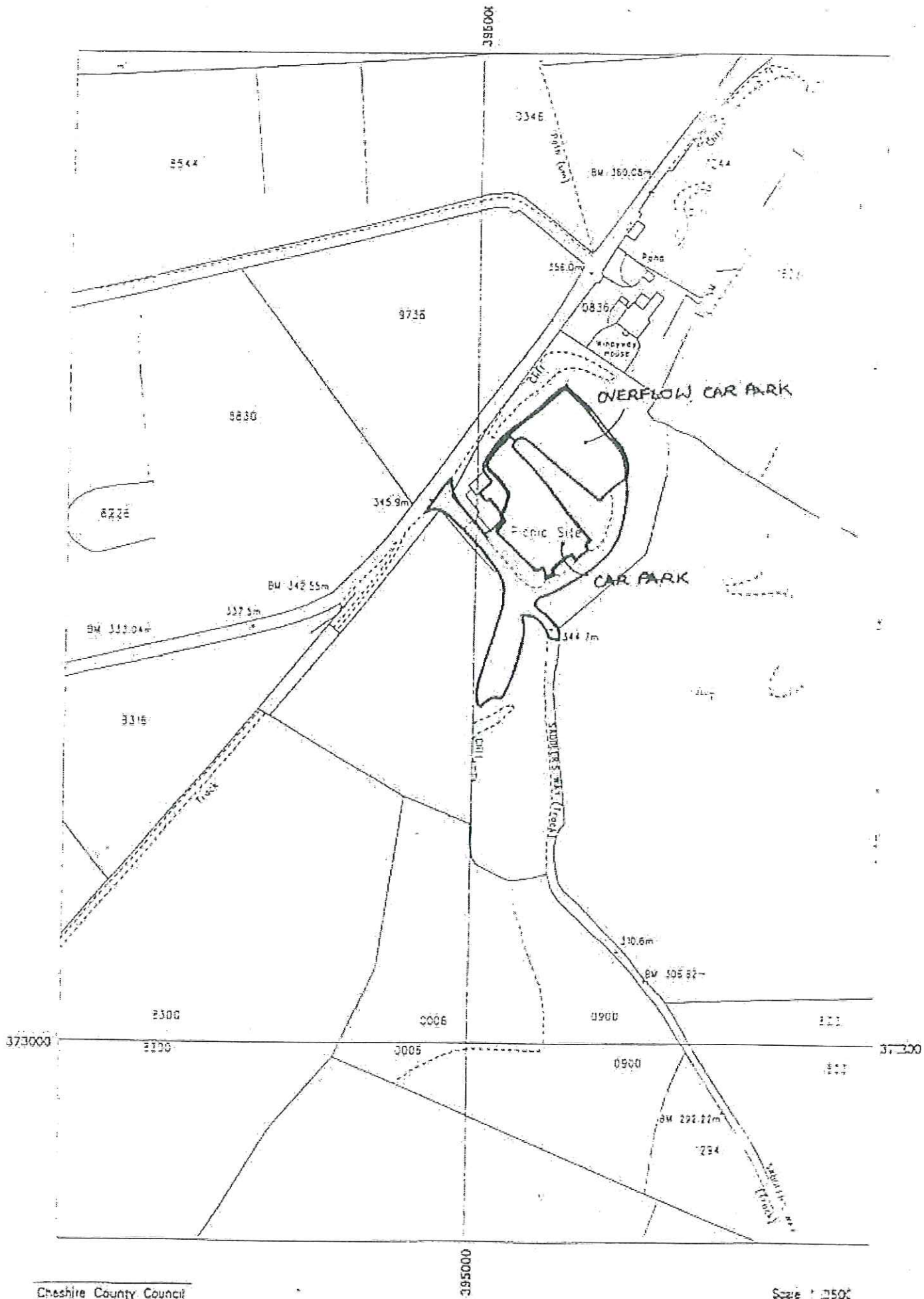
THE COMMON SEAL OF
CHESHIRE EAST BOROUGH COUNCIL
was hereunto affixed in the presence of

A handwritten signature in black ink is written over a large, red, circular seal with a serrated edge. The seal is the official emblem of Cheshire East Borough Council. To the right of the seal, the number '2532' is handwritten.

AUTHORISED SIGNATORY

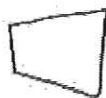
SCHEDULE 1

Name of Parking Place (1)	Position in which vehicles can wait (2)	Classes of vehicles (3)	Days of operation of Parking Places (4)	Hours of operation of Parking Places (5)	Scale of charges (6)
Tegg's Nose Country Park Car Park	Anywhere in the car park areas but not so as to obstruct the entrances to and egress from the car park or obstruct any other vehicle. Vehicles will be parked in accordance with the signing provided in the car park area at the time of entry or as directed by an officer who is authorised to do so by the Council	Motor cars, mini-buses, coaches, within the provisions of section 136 of the Road Traffic Regulation Act 1984	All days between Easter Bank Holiday Friday to 31 October inclusive and also ALL Saturdays and Sundays	Between 10.00 hours and 22.00 hours	<p>0 – 30 minutes: no charge</p> <p>30 minutes – 1 hour: £0.60</p> <p>1 – 3 hours: £1.70</p> <p>3- 10 hours: £2.00</p>



Cheshire County Council
Environmental Planning
Mapping Systems

22/10/94



AREA SUBJECT TO OFF-STREET
PARKING ORDER

Scale 1:2500

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