

Dated 4th August 2005

CHILTERN DISTRICT COUNCIL

CHILTERN DISTRICT COUNCIL
(OFF-STREET PARKING PLACES) (PERMITTED PARKING AREA
AND SPECIAL PARKING AREA) ORDER 2005

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The Council of the Chiltern District in the County of Buckingham (hereinafter referred to as “the Council”) in exercise of its powers under Sections 32 - 35, 35A, 39, 44, 63A, 99, 100 – 101 and Schedule 9 of the Road Traffic Regulation Act 1984 as amended by the Road Traffic Act 1991 (which said Act of 1984 is hereinafter referred to as “the Act”), and Sections 66, 69 -74, 78, 79, 82 and Schedule 6 of the Road Traffic Act 1991 and of all other enabling powers, and having regard to Section 122 of the Road Traffic Regulation Act 1984, and with the consent of Buckinghamshire County Council in accordance with Section 39(3) of the Act and after consulting the relevant Chief Officer of Police in accordance with Part III of Schedule 9 of the Act, HEREBY MAKES the following Order:

PART I **INTERPRETATION**

1. This Order shall come into operation on the 1st day of September 2005 and may be cited as the Chiltern District Council (Off-Street Parking Places) (Permitted Parking Area and Special Parking Area) Order 2005.
2. The Chiltern District Council Off-Street Parking Places Order 2004 (as amended) (hereinafter referred to as “the Principal Order”) is hereby further amended in the manner and to the extent hereinafter appearing.
3. In this Order, save where the context otherwise requires:
 - (1) any reference to a numbered Article is a reference to the article bearing that number in this Order and any reference in this Order to “the Schedule” or a numbered part is a reference to the Schedule or the part as the case may be to this Order.
 - (2) any reference to a numbered Article in the Chiltern District Council Off-Street Parking Places Amendment (No. 1) Order 2004 is reference to a numbered Paragraph in the Principal Order.
 - (3) other expressions shall have the meanings respectively assigned to them in the Principal Order.

PART II **AMENDMENTS**

4. The definition for “disabled person’s badge” in Article 2 of the Principal Order

is amended as follows:

After “badge issued under Regulation” delete “7.” and insert “7 and any Regulations from time to time amending or replacing the same.”

5. Article 2 of the Principal Order is further amended by the addition of the following definitions:

“Bank Holiday” means the days specified in Section 1(1) of Schedule 1 of the Banking and Financial Dealings Act 1971 with the addition of New Year’s Day or as appropriate 2 January and the first Monday in May subject to special circumstances of any year and also includes the common law holidays namely Good Friday and Christmas Day.

“charging hours” means in respect of the parking place, those hours during which a vehicle may only be permitted to wait in the parking place upon payment of a charge, as specified in Column 3, Column 5 or Column 6 of Part I of the Schedule.

“parking attendant” means a person provided by the Council for the purpose of supervising parking places situate within the Chiltern District and enforcing the restrictions imposed by this Order and authorised in that behalf. Such a person may be either an individual employed by the Council for that purpose, or, where the Council has made arrangements with any person for the purposes of Section 63A of the Road Traffic Regulation Act 1984, an individual employed by that person to act as a parking attendant.

“penalty charge” means the penalty charge from time to time determined by the Council under the provisions of the Road Traffic Act 1991 in accordance with guidance issued by the Secretary of State and which is to be paid to the Council following the issue of a penalty charge notice and within 28 days of the issue of that notice. The appropriate penalty charge in force will be as shown on the ‘Pay and Display’ Notice in the parking place where it applies.

“reduced penalty charge” means the reduced penalty charge from time to time determined by the Council under the provisions of the Road Traffic Act 1991 in accordance with guidance issued by the Secretary of State.

“penalty charge notice” means a demand for payment of a penalty charge complying with Article 6 of the Principal Order.

“ticket” means a ticket issued by a ticket machine located in a parking place identified in Part I of the Schedule of the Principal Order.

6. Article 3(1) of the Principal Order shall be amended to read as follows:

After “III and” delete “V” and insert “IV”

7. Article 3(1)(b) of the Principal Order shall be amended as follows:

After “(b)” delete “no charge shall be payable by the driver of a vehicle which displays a current Disabled Person’s Badge but all provisions as to maximum length of stay in relation to such parking place must be observed.”

and insert

“All other conditions save that requiring payment shall be observed by the driver of any vehicle which displays a Disabled Person’s Badge.”

8. Article 3(3) of the Principal Order shall be amended as follows:

After “(3)” delete “ Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a vehicle, displaying a Disabled Person’s Badge, the driver of that vehicle shall not wait or permit it to be left in that parking bay.”

and insert

“Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a vehicle displaying a Disabled Person’s Badge, the driver of any vehicle not displaying the said badge shall not wait or permit it to be left in that parking bay.”

9. Article 4(1) of the Principal Order shall be amended as follows:

After “Save as” insert “in Article 3(1)(b) and”

After “ referred to as “the” delete “initial” and insert “parking”

10. Article 4(3) of the Principal Order shall be amended as follows:

After “(3) The” delete “initial” and insert “parking”

11. Article 4(4) of the Principal Order shall be amended as follows:

After “respect of that vehicle for” delete “an initial” and insert “a parking”

12. Article 4(5) of the Principal Order shall be amended as follows:

After “on payment of the” delete “initial” and insert “parking”

After “in paragraph” delete “(2)” and insert “(3)” and after “with paragraph” delete “(3)” and insert “(4)”

13. Article 4(7) of the Principal Order shall be amended as follows:

After “on payment of the” delete “initial” and insert “parking”

14. Article 5 of the Principal Order shall be amended as follows:

Delete from “EXCESS CHARGE AT PARKING PLACE to end of Article 5”

and insert

“PENALTY CHARGE AT PARKING PLACE

5. (1) If at any time during the charging hours:
- (a) a valid ticket or season ticket is not purchased and displayed in accordance with the relevant provisions of Article 4 of this Order on any vehicle caused or permitted to wait in a parking bay in the parking place, or
 - (b) a vehicle is caused or permitted to wait in a parking bay in the parking place for longer than the period for which advance payment has been made, or
 - (c) a vehicle is caused or permitted to wait in a parking bay in the parking place for longer than the maximum permitted period of waiting in that parking place, as specified in Column 4 of Part I of the Schedule of this Order, or
 - (d) a vehicle is caused or permitted to wait in a parking bay in the parking place and a valid Disabled Person’s Badge is not displayed on that vehicle in accordance with the relevant provisions of Article 3 of this Order, or
 - (e) a vehicle is caused or permitted to wait in a parking bay in the parking place contrary to the terms upon which any Disabled Person’s Badge has been issued,

the owner or driver shall pay a penalty charge to the Council on demand, PROVIDED THAT the Council shall accept a reduced penalty charge in settlement in lieu of the penalty charge, subject to the reduced penalty charge being paid to the Council before the expiration of 14 days beginning with the date of the penalty charge notice.

- (2) If at any time:
- (a) a vehicle is caused or permitted to wait in a parking bay in the parking place which is reserved for use by the holder of a Disabled Person’s Badge and such a badge is not displayed on that vehicle in accordance with the relevant provisions of Article 3 of this Order, or
 - (b) a vehicle is caused or permitted to wait in a parking bay in the parking place which is reserved for use by a specified class or type of vehicle when that vehicle is not of the specified class or type, or

(c) a vehicle is caused or permitted to wait in a parking bay in the parking place other than:

(i) in accordance with the requirements of Article 3 and Article 4 of this Order, or

(ii) as otherwise authorised by this Order, or

(d) there is, with respect to any vehicle caused or permitted to wait in a parking bay in the parking place, any other contravention of, or failure to comply with, any provision of this Order,

the owner or driver shall pay a penalty charge to the Council on demand, PROVIDED THAT the Council shall accept a reduced penalty charge in settlement in lieu of the penalty charge, subject to the reduced penalty charge being paid to the Council before the expiration of 14 days beginning with the date of the penalty charge notice.

(3) Where, in the case of a stationary vehicle a parking attendant has reason to believe that a penalty charge is payable with respect to the vehicle, he may;

(a) fix a penalty charge notice to the vehicle or,

(b) give such a notice to the person appearing to him to be in charge of the vehicle”

15. Article 6 of the Principal Order shall be amended as follows:

Delete from “NOTICE WHERE CONTRAVENTION OF THIS ORDER (EXCESS CHARGE NOTICE) to end of Article 6”

and insert

“NOTICE WHERE CONTRAVENTION OF THIS ORDER (PENALTY CHARGE NOTICE)

6. (1) 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 Road Traffic Act 1991.

(2) A penalty charge notice must state:

a) the grounds on which the parking attendant believes that a penalty charge is payable with respect to the vehicle;

b) the amount of the penalty charge which is payable;

- c) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the relevant penalty charge notice;
- d) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the relevant penalty charge notice, the amount of the penalty charge will be reduced by one half;
- e) that, if the penalty charge is not paid before the end of the 28 day period, a notice to owner may be served by the Council on the person appearing to the Council to be the owner of the vehicle;
- f) the address to which payment of the penalty charge must be sent.

(3) The penalty charge or reduced penalty charge (as appropriate) shall be paid to the Council in cash or by means of cheque, postal order, credit card payment or other means of payment acceptable to the Council. Payment shall be made at Customer Services, Council Offices, King George V Road, Amersham or to such other office of the Council or any appointed agent of the Council as the Council may from time to time determine and specify in the penalty charge notice.

(4) A penalty charge must be paid before the end of the period of 28 days beginning with the date of the relevant penalty charge notice.

(5) If a penalty charge is paid before the end of the period of 14 days, beginning with the date of the relevant penalty charge notice, the amount of the penalty charge will be reduced by one half.

(6) Payment shall be made by no later than 00.01 hours on the day following that upon which payment falls due [calculated in accordance with the provisions of Article 6(4) and 6(5)], provided that if the date for payment falls upon a day on which the specified place(s) for payment is closed, the period within which payment is to be made shall be extended until 00.01 hours on the day following the next full day on which that place(s) is open to receive payment.

(7) Schedule 6 of the Road Traffic Act 1991 shall have effect with respect to penalty charges, notices to owners and other matters supplementing the provisions of Article 6 of the Principal Order.”

16. Article 7 of the Principal Order shall be amended as follows:

Delete from “RESTRICTION ON REMOVAL OF NOTICES to end of Article 7”

and insert

“RESTRICTION ON REMOVAL OF NOTICES

7. A penalty charge notice fixed to a vehicle in accordance with Article 5(3)(a) shall not be removed or interfered with except by or under the authority of the owner, or person in charge of the vehicle or a person authorised by the Council in that behalf.”
17. Article 10(2) of the Principal Order shall be amended as follows:
- After “for such removal” delete “and may recover the costs thereof (including any costs of storage) from the owner or driver of the vehicle as a civil debt.”
- and insert
- “. The Council shall be entitled to recover, from any person responsible, such charges in respect of the removal, storage and disposal of the vehicle as the Council may require, as a civil debt.”
18. Column 1 of Part I of the Schedule of the Principal Order shall be amended to read as follows:
- After “see Part” delete “V” and insert “IV”
19. Paragraph 4(ii) of Part II of the Schedule of the Principal Order shall be amended as follows:
- After “on payment of the” delete “initial” and insert “parking”
20. Part IV of the Schedule of the Principal Order shall be omitted
21. Drawing No. PRT 3143 shall be removed from Part V of the Schedule of the Principal Order and shall be replaced with Drawing No. PRT 3143a.
22. Part V of the Schedule of the Principal Order shall become Part IV and Part VI of the Schedule of the Principal Order shall become Part V.

PART III
OTHER PROVISIONS

23. Nothing in this Order shall:
- (i) waive or excuse, or otherwise prevent the commencement or disposition of any proceedings for an offence under the Principal Order, or

- (ii) affect the validity, or prevent or prohibit the collection of any charge (including any excess charge) which is or has become due and payable under the terms of the Principal Order

in respect of the use of any Parking Place at any time prior to the date upon which this Order takes effect (or be deemed so to do).

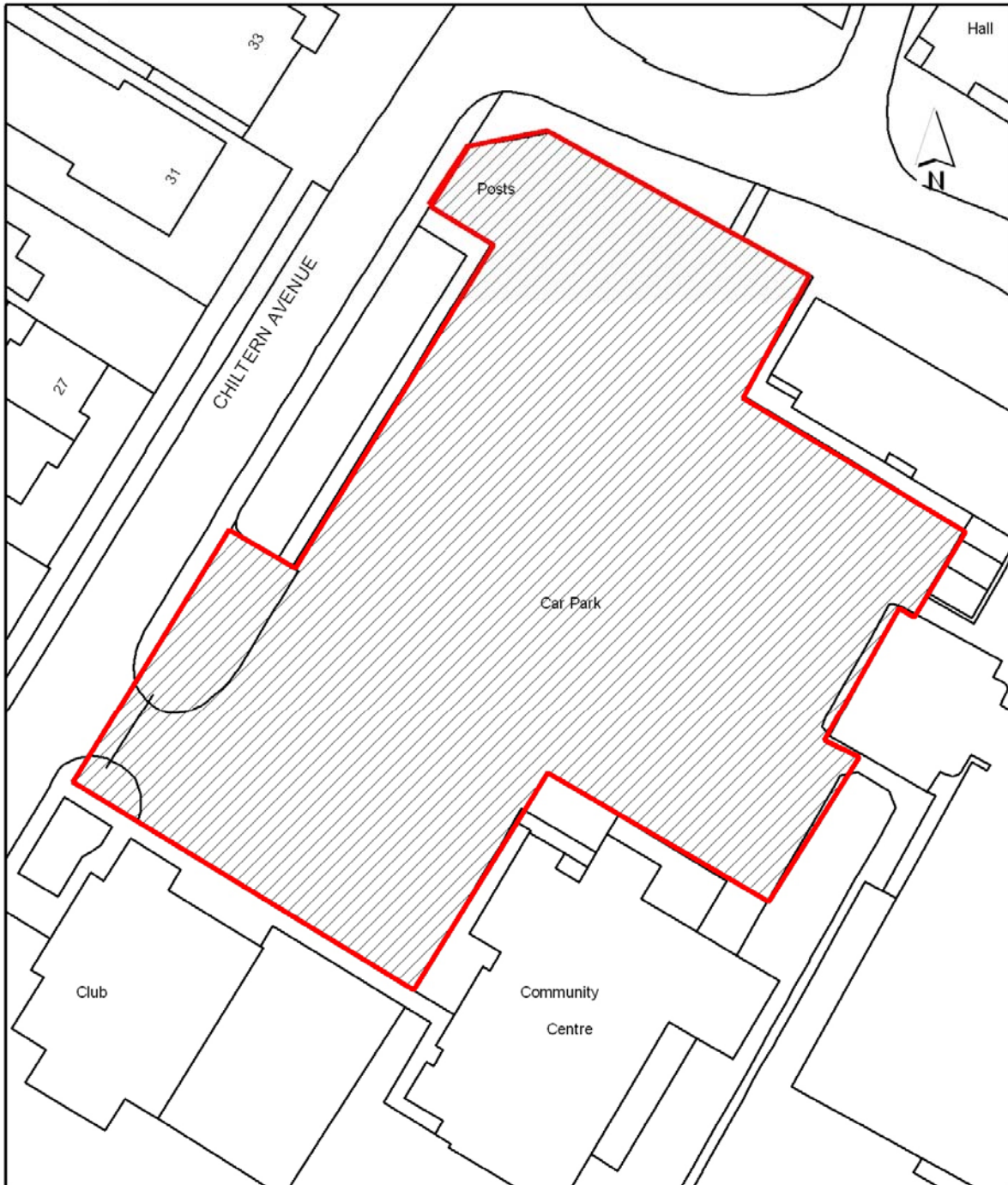
- 24. The Principal Order is hereby varied to the extent and in the manner specified in Articles 1 - 22, and subject to Article 23 of this Order.

The COMMON SEAL of
CHILTERN DISTRICT COUNCIL
was hereunto affixed
this 4th day of AUGUST 2005
in the presence of:

Chairman

Head of Legal Services

CDC CAR PARKS



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**CHILTERN
DISTRICT
COUNCIL**

**CHILTERN AVENUE
AMERSHAM**

Scale: **1:500**

Date: **July 2004**

Drawing No:

PRT 3143a