

THE COUNTY BOROUGH OF CONWY (OFF-STREET PARKING PLACES)
(AMENDMENT) ORDER 2006

The Conwy County Borough Council (hereinafter referred to as "the Council") in exercise of its powers under Sections 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act of 1984") and the Road Traffic Act 1991, 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 of 1984 hereby makes the following Order:-

1. This Order shall come into operation on the 1st day of September Two thousand six and may be cited as "The County Borough of Conwy (Off-street Parking Places) (Amendment) Order 2006".
2. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of parliament.
3. The following shall be inserted in Article 3 of the Conwy County Borough Council (Off-street Parking Places) Order 1997 as amended.

"penalty charge and "reduced penalty charge" means a charge set by the Council under the provisions of Section 66 of the 1991 Act which is to be paid to the Council within 28 days beginning with the date of the penalty charge 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;

4. Where in the above order the words "excess charge" shall be deleted and substituted with the words "penalty charge".
5. Article 7(iii) of the above order shall be deleted and substituted with the following words: -
"Payment of the penalty charge to the Council shall be either via its internet site at www.conwy.gov.uk or by telephone quoting a valid credit or debit card account number, or by cheque, bankers draft, money order or postal order made payable to Conwy County Borough Council which shall be delivered or sent by post to reach the Parking Services, Conwy County Borough Council, PO Box 146, Llandudno, LL30 9BR or in cash in person at any of the Council's Cash Offices to arrive not later than the fourteenth day following the day on which the penalty charge notice was issued provided that if the said fourteenth day falls upon a day on which the said department is closed the period within which the said charge shall be paid to the Council shall be extended until the next full day on which the said department is open".
6. Following Article 9 there shall be inserted the following:-

"Penalty Charges

- (1) If a vehicle is left in a parking place in contravention of or in non-compliance with this Order a penalty charge shall be payable for each day of the said contravention or non-compliance 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 Road Traffic Act 1991 may then be issued by a parking attendant in uniform in accordance with section 66(1) of the said Act.

(3) If a vehicle is left after a penalty charge has been incurred, a parking attendant in uniform or a person acting under his direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of section 69(1) and (2) of the Road Traffic Act 1991 and that vehicle shall only be released from the device on payment of the penalty charge, or as the case may be a reduced penalty charge, along with such release fee as may be required by the Council.

(4) Where a parking attendant has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article:-

- (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.

Nothing in paragraphs (3) and (4) of this Article shall apply in respect of a vehicle displaying in the relevant position a valid disabled person's badge issued by any local authority.

(5) A Penalty Charge can be discharged by the owner of a vehicle in respect of which a Penalty Charge has been incurred paying a Reduced Penalty Charge to the Council in the amount and manner prescribed on the Penalty Charge Notice (or the rear thereof) so as to reach the Council within the period ending at 4.00 p.m. on the 14th day following the day on which the Penalty Charge was incurred.

(6) If the Penalty Charge is not discharged in accordance with Article 23 above then the Penalty Charge shall be discharged by the downer of a vehicle in respect of which a Penalty Charge has been incurred paying the full amount of the Penalty Charge in the amount and manner prescribed on the Penalty Charge Notice (or the rear thereof) so as to reach the Council within the period ending at 4.00 p.m. on the 28th day following the day on which the Penalty Charge was incurred."

7. The Conwy County Borough Council (Off-street Parking Places) Order 1997 (Amendment) (No.4) Order 2001 is hereby amended so the words and figures:-

20.(i) A vehicle displaying a disabled person's badge and being driven by or carrying as a passenger a registered disabled person and occupying a designated disabled parking bay shall comply with the limitations of time specified in column 7 and the payments specified in column 6 of schedule 2.

Are deleted and substituted with the words and figures:-

A vehicle displaying a disabled person's badge and being driven by or carrying as a passenger a registered disabled person and occupying a designated disabled parking bay shall comply with the limitations of time specified in column 7 of schedule 2.

8. The prohibition and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

GIVEN under the Common Seal of the Conwy County Borough Council the ^{21st} day of August, Two thousand and six.

EX 11452
11452
Gwasodwyd **SÊL GYFFREDIN CYNGOR**)
BWRDEISTREF SIROL CONWY yma)
yng ngwydd:-)

THE COMMON SEAL of **CONWY**)
COUNTY BOROUGH COUNCIL)
was hereunto affixed in the presence of:-)

De la

Swyddog Selio Awdurdodedig.
Authorised Sealing Officer.

