

**DERBY CITY COUNCIL  
(PROHIBITION AND RESTRICTION OF WAITING)  
(CONVERSION TO MAP BASED SCHEDULE) (NO.1)  
ORDER 2007**

**PART 1**

Derby City Council ("the Council") in exercise of its powers under Sections 1, 2, 4, 32, 35, 45, 46, 47, 49 and 53 of the Road Traffic Regulation Act 1984 ("the Act") and under the Road Traffic Act 1991 ("the 1991 Act") and of all other powers enabling it in that behalf hereby makes the following Order:-

- 1.0 This Order may be cited as the Derby City Council (Prohibition and Restriction of Waiting)(Conversion to Map Based Schedule) (No.1) Order 2007 and shall come into operation on 19<sup>th</sup> September 2007.

**PART 2 - DEFINITIONS**

- 2.1 In this Order:-

"the Act" means the Road Traffic Regulation Act 1984

"the 1991 Act" means the Road Traffic Act 1991 or any replacement thereof.

"Ambulance Service" means the Ambulance Trust Service of such other ambulance service appointed to act in cases of emergency by the National Health Service.

"Article" means an article of this Order or where indicated part thereof unless otherwise stated.

"Business Parking Permit" means a Permit issued by the Council in accordance with Article 9

"Business Visitors Parking Permit" means a Permit issued by the Council in accordance with Article 9.

"Disabled Person's Vehicle" means a vehicle displaying a Disabled Person's Badge.

"Disabled Person's Badge" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

"Event" means an event for the purpose of general recreation, sport, leisure or entertainment to which the public have access to with or without payment held at the Pride Park Stadium, Derby involving the use of the main viewing stadium and pitch.

"Hackney Carriage" means a vehicle licensed and being lawfully used as a Hackney Carriage under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

"Hackney Carriage Stand" means a stand duly appointed under section 63 Local Government (Miscellaneous Provisions) Act 1976

"the Map" means the map and plans attached as Schedule 4 and includes its associated index.

"Match Day" means a day on which a football match or Event to which the public have access to with or without payment is held at the Pride Park Stadium, Derby

"Motor Cycle" and "Motor Vehicle" have the same meanings as in the Act.

"Owner" in relation to a vehicle, means the person by whom such vehicle is kept and used, or in the absence of evidence of such the registered owner.

"Parking Attendant" means an officer of the Council or such other person duly authorised by the Council to issue and attach notices to vehicles in accordance with Article 13.

"Parking Place" or "Parking Area" means a place or area identified or designated for parking of Vehicles under Articles 6.1; 7.1; 8.1; 9.1 and 10 of this Order.

"Parking Ticket" means a ticket issued by a Ticket Machine on the payment of the Parking Charge (pursuant to Article 7.4).

"Penalty Charge" and "Reduced Penalty Charge" means a charge set by the Council pursuant to the provisions of sections 66 and 74 of the 1991 Act (and without prejudice to the ability of the Council to vary or amend such charges are for the time being set out in Schedule 3 of this Order) 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.

"Permit" means a permit issued by the Council under the provisions of Article 9 of this Order and includes an invalid Permit and Valid Permit.

"Permit Holder" means a person holding a Valid Permit.

"Reduced Penalty Charge" (for the definition see under Penalty Charge)

"Relevant Position"

- (a) In relation to the display of Disabled Person's Badge, has the same meaning as that ascribed to it in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 so that the relevant details can be seen from outside the Vehicle.
- (b) In relation to the display of Permits or any other items required to be displayed by this Order other than a Disabled Persons Badge means
  - (i) in the case of a vehicle fitted with a windscreen, a position on the inside surface of the windscreen with the obverse side facing forward and on the part of the windscreen nearest the kerb;
  - (ii) in the case of a vehicle not fitted with a front windscreen, a conspicuous position on the side of the vehicle nearest the kerb;

so that the relevant details can be seen from outside the vehicle.

"Residents' Parking Permit" means a Permit issued by the Council in accordance with Article 9 of this Order.

"Residents' Visitors Parking Permit" means a Permit issued by the Council in accordance with Article 9.

"Road" means any highway and any other road to which the public has access and includes bridges over which a road passes.

"Schedule" means a schedule of this Order unless otherwise stated.

"Ticket Machine" means an apparatus designed to indicate the time and issue tickets indicating the payment of the Parking Charge referred to in Article 7 and the period in respect of which the charge has been paid which if required is of a type and design approved or meeting the requirements of the relevant Secretary of State.

"Telegraphic Line" has the same meaning as the expression "Telecommunication Apparatus" (which expression has the same meaning as that ascribed to it in the Telecommunications Act 1984).

"Traffic Sign" means a sign prescribed or authorised under, or having effect as though prescribed or authorised under Section 65 of the Act or any replacement thereof.

"Water Company" means a company appointed under the provisions of section 6 of the Water Industry Act 1991 or such other body as may be appointed by virtue of statute to carry out the functions therein specified of water or sewerage undertaker.

"Valid Parking Ticket" means a ticket issued by a Ticket Machine upon payment of the Parking Charge (pursuant to Article 7.4) which is displayed in the Relevant Position and where the time shown on the ticket as issued by the Ticket Machine has not expired or passed.

"Valid Permit" means a Permit issued by the Council in respect of a Vehicle under the provisions of Article 9 which has not under the provisions of this Order become an invalid Permit and is not being used in circumstances where it is not valid.

"Vehicle" means a carriage or conveyance including a caravan or trailer in or on which persons or goods are transported.

- 2.2 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- 2.2 A reference in this Order to a numbered Article is a reference to the Article having that number in this Order.
- 2.3 A reference in this Order to a period of time shall unless otherwise stated be inclusive of the first time, date or day mentioned and be inclusive of the last time, date or day mentioned.

### PART 3 - PROHIBITION, RESTRICTION AND LIMITED WAITING

#### **No Waiting/Limited Waiting Prohibition**

- 3.1 Save as indicated on the Map or save as provided in Article 11 (*general exemptions, disabled exemption and permit holder exemption*) of this Order, no person shall, except upon the direction or with the permission of a Police Constable in uniform or of a Parking Attendant, cause or permit any Vehicle to wait on the roads or sides of the roads identified on the Map;
  - 3.1.1 as "No Waiting" for the periods indicated on the Map, or
  - 3.1.2 as "Limited Waiting" during the times and period indicated on the Map otherwise than in accordance with the permitted waiting time and the restriction on returning to park indicated on the Map.
- 3.2 Where in the Map it refers to Limited Waiting (20 Mins No Return 1 Hour) (Mon-Sat 8am-6pm) it means, subject to any applicable exemptions, that a Vehicle may not wait for longer than 20 minutes between the hours of 8.00am and 6.00pm Mondays to Saturdays inclusive on the relevant lengths of road or to cause or permit that Vehicle to return to any part of that said road where



the restriction applies at any time within sixty minutes of the last period that vehicle was waiting on any part of the said road. All other Limited Waiting and all restrictions of any kind with 'No Return' restrictions should be similarly interpreted but subject to and with reference to the related times and periods stated in the Map for the specific length of road identified.

#### **PART 4 - PROHIBITION/RESTRICTION OF LOADING/UNLOADING OR BOARDING OR ALIGHTING**

##### **Prohibition/Restriction of Loading and Unloading or Boarding or Alighting**

4. Save as indicated on the Map it is unlawful to cause or permit any Vehicle (including a Disabled Person's Vehicle) in relation to the sides and lengths of road identified as "No Loading" on the Map during the periods identified on the Map:
  - 4.1 to be used for the delivery or collection of goods or to be loaded or unloaded; or,
  - 4.2 to allow a person to board or alight from the Vehicle.

#### **PART 5 - PROHIBITION OF STOPPING**

##### **Prohibition of Stopping**

5. Save as indicated on the Map it is unlawful to cause or permit any Vehicle to stop on the sides and lengths of road identified as "No Stopping" on the Map during the periods identified on the Map.

#### **PART 6 – DISABLED PARKING**

##### **Disabled Parking**

- 6.1 The areas of land identified on the Map and therein designated "Disabled Badge Holders Only" may be used, subject to Articles 6.2 and 6.3 and the other provisions of this Order, as parking places for Disabled Person's Vehicles in such positions, during such periods and for such hours as identified on the Map.
- 6.2 No person shall, except upon the direction or with the permission of a Police Constable in uniform or of a Parking Attendant, cause or permit any Vehicle to wait at any time on any day on the lengths of roads identified in Article 6.1 of this Order other than:
  - 6.2.1 subject to Article 6.3 a Vehicle, being used by the person to whom a Disabled Person's Badge is issued, which is waiting in accordance with

such period, limitation and terms as may be indicated on the Map, and which displays in the Relevant Position;

- 6.2.1.1 a valid Disabled Person's Badge, and
- 6.2.1.2 a Parking Disc (on which the driver, or other person in charge of the Vehicle, has marked the time at which the period of waiting began);  
or
- 6.2.2 Save as provided in Article 11.1 (*general exemptions excluding disabled exemption and permit holder exemption*) of this Order.

#### **Disabled Parking limited to 3hrs No Return 1hr unless Map indicates otherwise**

- 6.3.1 In the absence of such a period of waiting referred to in Article 6.2.1 being indicated on the Map the period of this Order shall not exceed three hours, and the exemption provided by Article 6.2.1 shall not apply to any Vehicle where such Vehicle has waited on the same day on the length of road to which the restriction relates unless an interval of at least one hour has passed since that Vehicle last waited on the said length of road.
- 6.3.2 the exemption provided by Article 6.2.1 of this Order shall only apply where there are signs or surface markings which indicates that a parking bay is available only for a Disabled Person's Vehicle, and

### **PART 7 - ON STREET PARKING PLACES (PAY AND DISPLAY)**

#### **Designation of Parking Places (Pay and Display Parking Place - On Street)**

- 7.1 The sides and lengths of roads identified on the Map as "Pay & Display" (and hereinafter referred to as a "Pay & Display Parking Place") are authorised to be used, subject to the following provisions of this Part of this Order, as parking places for Vehicles or such classes of Vehicles, in such positions and on such days and during such hours as identified on the Map.

#### **General Restrictions on Use of Parking Places**

- 7.2 Save as indicated on the Map or save as provided in Article 11 (*general exemption, disabled parking and permit holder exemption*) of this Order, no person shall, except upon the direction or with the permission of a Police Constable in uniform or of a Parking Attendant, cause or permit any Vehicle (other than a Motorcycle) to wait on any Pay & Display Parking Place unless the initial charge payable for that parking place as specified in Article 7.4 has been paid.

#### **General Power to Suspend Use of Parking Places**

- 7.3 Nothing in this Article shall restrict the power of the Council to suspend the operation of any Pay & Display Parking Place or part thereof.

### **Parking Charges (Initial Charge)**

- 7.4 Subject to Article 7.2 the initial charges (hereinafter referred to as “the Parking Charge”) shall be as set out in Schedule 1 of this Order or as, from time to time, amended or varied by the Council or its authorised officers pursuant to 46 or 46A of the Act.
- 7.5 Every Vehicle left in a Pay & Display Parking Place as designated and identified under Article 7.1 of this Order shall:
- 7.5.1 so stand that every part of the Vehicle is within the limits of the Pay & Display Parking Place and where individual bays are marked within the Pay and Display Parking Place within the markings of the bays.
- 7.5.2 display in the Relevant Position a Valid Parking Ticket so that the details showing the period for which the Parking Charge paid relates and the time of expiry of the Parking Ticket is clearly visible from outside the Vehicle
- 7.5.3 not unreasonably prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance.

### **PART 8 – MEDICAL STAFF PARKING**

#### **Parking for Medical Staff (Doctor Permit Parking Places)**

- 8.1 The parking places identified on the Map as “Doctor Permit Holders Only” and therein designated (and hereinafter referred to as a “Doctor Permit Parking Place”) may only be used in accordance with Article 8.2 of this Order.
- 8.2 Save as indicated on the Map or save as provided by Article 11.1 (*general exemption excluding disabled and permit holder exemptions*) of this Order, no person, except upon the direction or with the permission of a Police Constable in uniform or of a Parking Attendant, other than a qualified medical practitioner, district nurse or a midwife whilst providing an emergency call-out facility from premises situated near the Doctor Permit Parking Place, shall cause or permit any Vehicle to wait at any time on any day on a Doctor Permit Parking Place.

### **PART 9 - PRIVILEGED PARKING (PERMIT HOLDERS ONLY)**

#### **Designation of Parking Places**

- 9.1 The sides and lengths of roads identified on the Map as “Permit Holders Only” (and hereinafter referred to as a “Permit Holders Parking Place”) are authorised to be used, subject to the following provisions of this Part of this Order, as parking places for such classes of Vehicles, and on such days and

during such hours as identified on the Map ("hereinafter referred to as the "Operative Hours") and in such positions identified on the Map.

### **General Power to Suspend Use of Parking Places**

- 9.2 Nothing in this Article shall restrict the power of the Council to suspend the operation of any Permit Holders Parking Place or part thereof in accordance with Article 9.7.

### **Limits on Parking in Parking Place**

- 9.3 A person shall not, during the Operative Hours, cause or permit a Vehicle to wait in a Permit Holders Parking Place unless:-

9.3.1 the Vehicle comes within the provisions of Articles 11 (*general exemptions and disabled exemption*); 9.4.1 or 9.4.2, and

9.3.2 it complies with the provisions of this Order

### **Savings for Special Cases**

- 9.4 Subject to Articles 9.6 and 9.7 nothing in this Order shall render it unlawful to cause or permit:

9.4.1 a Motor Cycle with two wheels to waiting during the Operative Hours in any of the Permit Holders Parking Place.

9.4.2 a Vehicle to wait during the Operative Hours in any Permit Holders Parking Place if the Vehicle has a Valid Permit displayed in the Relevant Position.

### **Permits**

- 9.5.1 The Council may as it considers appropriate issue Permits with such limitations as the Council may consider appropriate to enable persons;

9.5.1.1 to wait in any Permit Holders Parking Place during the Operative Hours, or

9.5.1.2 to wait in any other road restricted or regulated by Articles 3 and 7 of this Order ("Permit Holder Exemption").

9.5.2 The charges for Permits shall be as set out in Schedule 2 of this Order, or as, from time to time, amended or varied by the Council or its authorised officers. The Council may waive such charges for any Permit as it may consider appropriate.

9.5.3 A Permit does not reserve any part of a Permit Holders Parking Place for a Permit Holder, use and entitlement of which is subject to the provisions of this Order, the terms of the Permit, availability and suspension of use of the Permit Holders Parking Place.

- 9.5.4 The Council having granted a Permit may withdraw the right to use a Permit at any time, without payment of compensation save only that the Permit Holder will be entitled to a pro rata refund in regard to the un-expired period of the Permit of any charge he has paid to the Council for the Permit.
- 9.5.5 Where the Council determines to withdraw the right to use a Permit from a Permit Holder it shall give written notice of the withdrawal of that right by sending or delivering such notice to the Permit Holder at the address shown on that person's application for the Permit or at any other address it believes to be that persons place of abode.
- 9.5.6 Within 72 hours of receipt of the notice referred to in Article 9.5.5 by the Permit Holder the Permit Holder will surrender the Permit to the Council at the address stated in the notice.
- 9.5.7 On the expiry of 72 hours of the notice being sent to the Permit Holder the Permit will cease to be Valid Permit.
- 9.5.8 A Residents Parking Permit or Business Parking Permit will come into effect on the date entered by the Council on the Permit as the issue date ("the Issue Date") and shall expire on the date entered by the Council on the Permit as the expiry date ("the Expiry Date").
- 9.5.9 A Residents Parking Permit or Business Parking Permit will be an invalid Permit if;
- 9.5.9.1 the Permit has not come into effect or has expired
- 9.5.9.2 the vehicle registration number displayed on the Permit does not match the vehicle registration number of the Vehicle on which the Permit is displayed
- 9.5.9.3 the Issue Date or the Expiry Date on the Permit is obscured altered obliterated illegible or is otherwise destroyed
- 9.5.9.4 the Council has withdrawn the right to use the Permit in accordance with Articles 9.5.5, 9.5.6 and 9.5.7.
- 9.5.10 A Residents Visitor Parking Permit or a Business Visitor Parking Permit will come into effect on the earliest date exposed on that Permit and shall expire at midnight of that same day.
- 9.5.11 A Residents Visitor Parking Permit or a Business Visitor Parking Permit will be an invalid Permit if;
- 9.5.11.1 the Permit does not display the date in accordance with the instructions attached to the Permit or displays more than one date or the date on the Permit is obscured altered obliterated illegible or otherwise destroyed
- 9.5.11.2 the Permit has not come into effect or has expired



- 9.5.11.3 the address of the premises being visited has not been entered on the Permit in accordance with the instructions attached to the Permit
- 9.5.11.4 the Permit is not being used by a visitor to the address shown as the address visited on the Permit or the visitor is visiting other addresses not shown on the Permit
- 9.5.12 For the purpose of Article 9.4.2 a Valid Permit is properly displayed in a Vehicle if and only if the Permit is exhibited in a Relevant Position so that;
  - 9.5.12.1 in relation to a Residents Parking Permit or Business Parking Permit the Issue Date and Expiry Date and the details relating to the vehicle registration number can be easily read from outside the Vehicle
  - 9.5.12.2 in relation to a Residents Visitors Parking Permit or Business Visitors Parking Permit so that all of the details on the side with the serial number, month, day, date and address being visited can be easily read from outside the Vehicle.

#### **Conduct in a Parking Place**

- 9.6.1 A person shall not cause or permit a Vehicle to wait in a Permit Holders Parking Place:-
  - 9.6.1.1 so as unreasonably to prevent access to any premises adjoining the road, or the use of any other part of the Road by other persons, or so as to be a nuisance, or
  - 9.6.1.2 during the hours of darkness, as defined under the Road Vehicle Lighting Regulations 1987 or any replacement regulations thereof, unless it complies with the provisions of those regulations.
- 9.6.2 The owner of a Vehicle using a Permit Holders Parking Place shall park wholly within the markings of the Permit Holders Parking Place and where individual bays are marked within the Permit Holders Parking Place within the markings of the bays, stop the engine as soon as the Vehicle is in position within the markings and shall not start the engine except for the purpose of removing the Vehicle from the Parking Place or for the purpose of changing the Vehicle's position within the Parking Place.
- 9.6.3 A person shall not use a Vehicle, while it is in a Permit Holders Parking Place in connection with the sale of any article to persons in or near the Permit Holders Parking Place or in connection with the selling or offering for hire of that person's skill or services.

## **Suspension of Parking Places**

- 9.7.1 The Council or any person authorised by the Council may suspend the use of a Permit Holders Parking Place or any part thereof whenever such suspension is considered necessary:-
- 9.7.1.1 for the purpose of facilitating the movement of traffic or promoting its safety
  - 9.7.1.2 for the purpose of any building operation, demolition or excavation in or adjacent to the Permit Holders Parking Place or the maintenance, improvement or reconstruction of the Permit Holders Parking Place or the laying, erection, alterations, removal or repair in or adjacent to the Permit Holders Parking Place of any road, Traffic Sign, sewer, main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus, within the meaning of Schedule 2 of the Telecommunications Act 1984
  - 9.7.1.3 for the convenience of occupiers of premises adjacent to the Permit Holders Parking Place on any occasion of the removal of furniture
  - 9.7.1.4 on any occasion on which it is likely by reason of some special attraction that any street or Road will be thronged or obstructed, or
  - 9.7.1.5 for the convenience of occupiers of premises adjacent to the Permit Holders Parking Place or at times of weddings or funerals, or on other special occasions.
- 9.7.2 A Police Constable in uniform may suspend for not longer than twenty four hours the use of a Permit Holders Parking Place or any part thereof whenever such suspension is considered reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- 9.7.3 Any person suspending the use of the Permit Holders Parking Place or any part thereof in accordance with the provisions of paragraph 9.7.1 or paragraph 9.7.2 shall as soon as reasonably practicable cause to be placed in or adjacent to that Permit Holders Parking Place or part thereof a sign or notice indicating that waiting by Vehicles is prohibited.
- 9.7.4 No person shall cause or permit a Vehicle to be left in any Permit Holders Parking Place or part of a Permit Holders Parking Place;-
- 9.7.4.1 during such period as there is in or adjacent to that Permit Holders Parking Place or part thereof a sign or notice placed in pursuance of paragraph 9.7.3; or
  - 9.7.4.2 in the case of being advised by a Police Officer in uniform or Parking Attendant of the suspension during such time indicated that the suspension will be in effect.

9.7.5 Nothing in paragraph 9.7.4 shall render it unlawful to cause or permit a Vehicle to wait in a suspended Permit Holders Parking Place if the Vehicle is waiting with permission of:

9.7.5.1 The person suspending the use of the Permit Holders Parking Place or part thereof in pursuance of paragraph 9.7.1, or

9.7.5.2 A Police Constable in uniform or a Parking Attendant

9.7.6 Suspension of a Permit Holders Parking Place in accordance with the provisions of Article 9.7 shall not give rise to any right of compensation or reimbursement to Permit Holders.

## PART 10 – HACKNEY CARRIAGE STANDS (TAXI RANKS)

### **No Waiting/Limited Waiting Prohibition**

10.1 The sides and lengths of roads identified on the Map as a "Taxi Rank" (and hereinafter referred to as a "Taxi Rank") are authorised to be used, subject to the following provisions of this Part of this Order, for use by Hackney Carriages on such days and during such hours as identified on the Map and in such positions identified on the Map.

10.2 Save as indicated on the Map or save as provided in Article 11.1 (*general exemptions*) of this Order, no person shall, except upon the direction or with the permission of a Police Constable in uniform or of a Parking Attendant, cause or permit any Vehicle except a duly authorised Hackney Carriage Vehicle to wait on a Taxi Rank during the times indicated on the Map as the times of operation of the Taxi Rank.

## PART 11 - EXEMPTIONS

### **General Exemptions**

11.1 It is not unlawful to cause or permit a Vehicle to wait or stop on a side or length of road to which Articles 3.1; 6.2; 7.2; 8.2; 9.3 and 10.2 of this Order relate only for so long as may be reasonably necessary to enable;

11.1.1 person to board or alight from the Vehicle;

11.1.2 the Vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely;

11.1.2.1 building, engineering or demolition operations;

11.1.2.2 the removal of any obstruction to traffic;

- 11.1.2.3 the maintenance, improvement or reconstruction of the such length of road; or
- 11.1.2.4 the laying, erection alteration or repair in, or on land adjacent to such length of road of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or any telegraphic line as defined in the Telecommunications Act 1984;
- 11.1.3 the Vehicle, if it cannot conveniently be used for such purpose in any other road, to be in the service of a Local Authority or a Water Company in pursuance of statutory powers or duties;
- 11.1.4 the Vehicle to be used for the purpose of delivering or collecting postal packets as defined in section 125 Postal Services Act 2000;
- 11.1.5 the Vehicle to wait or stop at or near to any premises situated or adjacent to such length of the road, for so long as such waiting or stopping by that Vehicle in connection with any wedding or funeral;
- 11.1.6 the Vehicle to be used in the case of an emergency by the Derbyshire Fire and Rescue Services, or by an Ambulance Service or by the police services;
- 11.1.7 any Hackney Carriage to wait within any duly authorised Hackney Carriage Stand;
- 11.1.8 the Vehicle to be used for collection or delivery or for the loading or unloading of goods from the vehicle;
- 11.1.9 the Vehicle, if it cannot conveniently be used for such purpose in any other road, to be used by a qualified medical practitioner, a district nurse or a midwife displaying a duly recognised healthcare parking permit to visit premises nearby.

### **Disabled Exemptions**

- 11.2 It is not unlawful to cause or permit a Disabled Person's Vehicle to wait or stop on a side or length of road to which Article 3.1.1 of this Order relate
  - 11.2.1 for a period not exceeding 3 hours if;—
    - 11.2.1.1 the Vehicle displays in a Relevant Position a valid Disabled Person's Badge and a parking disc;
    - 11.2.1.2 the time at which the period of waiting commenced is marked on the parking disc; and
    - 11.2.1.3 a period of at least 1 hour separated the commencement of the period of waiting from any previous period of waiting on that length of road on the same day.

- 11.3 It is not unlawful to cause or permit a Disabled Person's Vehicle to wait or stop on a side or length of road to which Articles 3.1.2, 7.2 and 9.1 of this Order relate for any period if the vehicle displays in a Relevant Position a valid Disabled Person's Badge.

### **Permit Holder Exemption**

- 11.4 Nothing in Articles 3.1 and 7.2 shall render it unlawful to cause or permit a Vehicle which clearly displays in a Relevant Position a Valid Permit to wait in those lengths of road and for such periods as specified in the Permit where signs and markings are in place indicating that Permit Holders are exempt.

## **PART 12 - PENALTY AND ENFORCEMENT PROVISIONS**

### **Penalty Charges and Removal of Vehicles**

- 12.1.1 If a Vehicle is left in a Parking Place or Parking Area during the permitted hours or in any road or length of road in contravention of any provision of this Order, a Penalty Charge shall be payable and/or the Vehicle may be removed from that location by a Parking Attendant in uniform or a person acting under his direction or its position altered.
- 12.1.2 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.

### **Immobilisation of Vehicle**

- 12.1.3 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, together with such release fee as may be required and prescribed by the Council (without prejudice to the ability of the Council to vary or amend such the applicable release fee is for the time being as set out in Schedule 3 of this Order).

### **Removal of Vehicle**

- 12.1.4 Any person removing a Vehicle pursuant to Article 12.1.1 may do so by towing or driving the Vehicle or by taking such other measures in relation to the Vehicle as that person may reasonably consider fit to effect its removal.

### **Removal and Movement of Vehicle in Contravention of the Order**



Owner 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 28<sup>th</sup> day following the day on which the Penalty Charge was incurred.

- 12.2.3 In the event that either of the said 14<sup>th</sup> or 28<sup>th</sup> day falls upon a day on which the offices referred to on the Penalty Charge Notice as the place of payment are closed, the period within which payment of the Penalty Charge or Reduced Penalty Charge shall be made, shall be extended until 4.00 p.m. on the next full day on which the said offices are open.

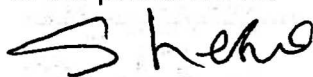
### PART 13 – GENERAL

#### **Derogation and Precedence over other Orders**

- 13.1 The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any Regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.
- 13.2 Where the provisions of any Order made or having effect as if made under the Act of 1984 which imposes any prohibition or restriction on waiting by Vehicles or grant any exemption from such prohibition or restriction relate to a length of road designated as a Parking Place in this Order the provisions of the Parking Place in this Order shall prevail.

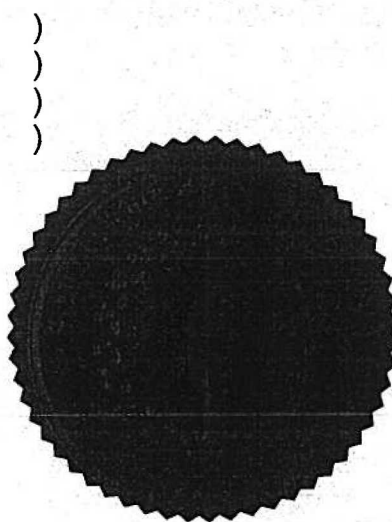
Dated this 19<sup>th</sup> day of September 2007

THE COMMON SEAL of  
DERBY CITY COUNCIL  
was hereunto affixed  
in the presence of:



**CHIEF LEGAL OFFICER**

  
**PRINCIPAL SOLICITOR**



12.1.5 Any person altering the position of a Vehicle pursuant to Article 12.1.1 may alter or cause to be altered the position of the Vehicle so that its position ceases to contravene the provisions of this Order, and any such person so altering the position of a Vehicle may do so in such manner as may be reasonably considered fit.

12.1.6 Where a Parking Attendant has removed or altered the position of a Vehicle or caused to be removed a Vehicle or its position altered in accordance with paragraph 12.1 of this Article:-

12.1.6.1 he shall where it is removed provide for the safe custody of the Vehicle;

12.1.6.2 the Council shall be entitled to recover from the person responsible; any such charges as it might prescribe from time to time in respect of its position being altered or the removal, storage, release of the vehicle and disposal of the vehicle (without prejudice to the ability of the Council to vary or amend such charges, the prescribed charges are for the time being as set out in Schedule 3 of this Order); and, such other or additional charges that the Council may have been incurred as a consequence of such action;

12.1.6.3 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;

12.1.6.4 the Council may require proof of ownership and authorisation from the Owner of any Vehicle so removed before releasing the said Vehicle from the custody of the Council;

12.1.6.5 all charges and costs incurred by the Council referred to in Article 12.1.6.2 shall be paid in full by the driver or Owner of the Vehicle within 10 days of an invoice for such costs being received from the Council.

12.1.7 Nothing in paragraphs 12.1.3 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.

### **Manner of Payment of Penalty Charge and Reduced Penalty Charge**

12.2.1 A Penalty Charge can be discharged by the driver or 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 14<sup>th</sup> day following the day on which the Penalty Charge was incurred.

12.2.2 If the Penalty Charge is not discharged in accordance with paragraph 12.2.1 of this Article then the Penalty Charge shall be discharged by the driver or

**SCHEDULE 1**  
**(PAY & DISPLAY)**  
**(PARKING CHARGES – INITIAL CHARGE)**  
 (current at the time of this Order but subject to future amendment and  
 variation)  
 (See Article 7.4)

Where a 2 hour maximum stay applies		Where a 4 hour maximum stay applies	
For up to half an hour	£ 0.70	For up to half an hour	£ 0.70
For up to one hour	£1.30	For up to one hour	£1.30
For up to one and a half hours	£2.00	For up to two hours	£2.00
For up to two hours	£2.60	For up to three hours	£2.60
		For up to four hours	£3.50

**SCHEDULE 2**  
**(CHARGE FOR PERMITS)**  
**Per Vehicle**  
 (current at the time of this Order but subject to future amendment and  
 variation)  
 (See Article 9.5.2)

Residents Parking Permit	yearly permit;	
	for first vehicle in household	£25.00
	for any additional Vehicle	£50.00
Business Parking Permit	yearly permit	£100.00
Residents Visitors Parking Permit	daily Permit	20 pence
Business Visitors Parking Permit	daily Permit	40 pence

**SCHEDULE 3**  
**(PENALTY CHARGE AND REDUCED PENALTY CHARGE)**  
**(current at the time of this Order but subject to future amendment and variation)**

**(See Article 13)**

Penalty Charge	£ 60.00
Reduced Penalty Charge	£ 30.00
Immobilisation Device Release Fee	£ 40.00
Release fee for Removed Vehicles	£ 105.00
Storage of vehicle Fee per 24 hour period (or part thereof)	£ 12.00
Disposal of Vehicle Fee	£ 50.00