

DATED 14 JUNE 2006

DERBY CITY COUNCIL
(DECRIMINALISATION OF PARKING)
(OFF STREET PARKING PLACES) (AMENDMENT)
ORDER 2006

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Derby City Council ("the Council") in exercise of its powers under Sections 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 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. This Order may be cited as the Derby City Council (Decriminalisation of Parking)(Off Street Parking Places) (Amendment) Order 2006 and shall come into operation on 3rd July 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(2) of each of the orders listed in Schedule 1 of this order -

"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. The Articles 6, 7, 8 and 9 together with Part 2 of the First Schedule of the orders listed Schedule 1 of this Order are hereby revoked in their entirety.
5. Immediately following Article 5 in each of the orders listed in Schedule 1 of this Order there shall be inserted the following Articles -

CONTRAVENTIONS

- 6 (1) No vehicle shall be left in a Parking Place during the Charging Hours either:**
- (i) for a longer period than that period for which payment was made; or**
 - (ii) without a valid ticket being displayed: or**
 - (iii) in contravention of any other Article of this Order.**

PENALTY CHARGES

- 7 (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.
- 7 (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.
- 7 (3)** Subject to paragraph (5) of this Article 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.
- 7 (4)** Subject to paragraph (5) of this Article 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.
- 7 (5)** 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."
- 7 (6)** A Penalty Charge can be discharged by the driver 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.

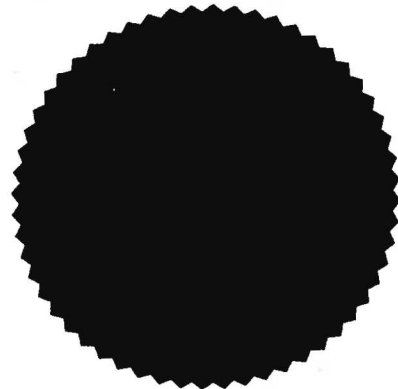
- 7 (7) If the Penalty Charge is not discharged in accordance with Article 7(6) above then the Penalty Charge shall be discharged ~~by the driver of a vehicle in respect of which a Penalty Charge has been incurred paying the full amount of the Penalty Charge~~ in the amount and manner prescribed on the 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."

In the event that either of the said 14th or 28th days referred to in paragraphs (5) and (6) of this Article falls upon a day on which the council offices referred to as the place of payment on the Penalty Charge Notice 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."

6. 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 1984 Act or the 1991 Act or by or under any other enactment.

THE COMMON SEAL of
DERBY CITY COUNCIL
was hereunto affixed
on the 14th day of June 2006
in the presence of:

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ATM
PRINCIPAL SOLICITOR

LTD/AM
PRINCIPAL SOLICITOR

SCHEDULE 1

Derby City Council(Off Street) Parking Places Order 1998
Derby City Council(Markeaton Park Off Street) Parking Places Order 1998

