

**THE COUNTY COUNCIL OF DURHAM (DURHAM CITY)  
(CIVIL ENFORCEMENT AREA and SPECIAL ENFORCEMENT AREA)  
(TRAFFIC ORDERS AMENDMENTS ) ORDER 2008**

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2, 4, 32, 35, 35A, 35B, 35C, 45, 46 and 46A Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, (hereinafter referred to as "the Act) as amended, and The Traffic Management Act 2004 and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

**Part I**

**General**

- 1) This Order may be cited as The County Council of Durham (Durham City) (Civil Enforcement Area and Special Enforcement Area) (Traffic Orders Amendments) Order 2008 and shall come into operation on 3<sup>rd</sup> November 2008.
- 2) The Orders specified in the Schedule to this Order ("the Orders") are amended as follows:
  - (a) The following expressions have the meanings hereby assigned to them and are inserted or substituted as appropriate in alphabetical order in the Article of Interpretation in the Orders which deals with the meanings and expressions used in the Orders:-
    - (i) "Civil Enforcement Officer" means a person authorised by or on behalf of the Council pursuant to the provisions of Section 76 of the Traffic Management Act 2004, to supervise and enforce the road traffic contraventions for which Durham County Council is the enforcement authority.
    - (ii) "Penalty Charge" and "Reduced Penalty Charge" means charge set by Durham County Council pursuant to the provisions of Section 77 of the Traffic Management Act 2004 and regulations thereunder and in accordance with any guidance given by the Secretary of State which is to be paid in the manner prescribed in the penalty charge notice within 28 days of the date of the notice or 14 days of the date of a notice in respect of a reduced penalty charge.
    - (iii) "Penalty Charge Notice" and "Reduced Penalty Charge Notice" means a notice issued by a Civil Enforcement Officer pursuant to the provisions of Section 78 of the Traffic Management Act 2004 and regulations made thereunder.
    - (iv) "Enforcement Authority" means the County Council of Durham.
    - (v) "Parking Contravention" has the same meaning assigned to it by Section 73 and Part 1 of Schedule 7 to the Traffic Management Act 2004.

- (b) The following expressions and the meanings assigned to them are deleted (when included) in the Article of interpretation in the Orders:-
    - (i) “enforcement officer”
    - (ii) “excess charge”
    - (iii) “excess charge notice”
    - (iv) “fixed daily charge”
    - (v) “fixed daily charge notice”
    - (v) “parking attendant”
  - (c) Any reference in any Order to an “enforcement officer” or “parking attendant” shall take effect as if it was a reference to a Civil Enforcement Officer.
  - (d) Any reference in any Order to an “excess charge” or “fixed daily charge” shall take effect as if it was a reference to a penalty charge.
  - (e) Any reference in any Order to a “fixed daily charge notice” or “excess charge notice” shall take effect as if it was a reference to a penalty charge notice.
- 3) The following Articles are inserted at the end of the Articles of the Orders
- (a) If a vehicle is left at any time in contravention of a provision of this Order, other than a provision relating to a moving traffic offence, a penalty charge shall be payable.
  - (b) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may then be issued by a Civil Enforcement Officer.
- 4) In so far as any provision of this Order conflicts with provisions of any of the Orders contained in Schedule 1 to this Order or any other orders giving effect to the provisions of Schedule 1 under the Act or by or under any other enactment then the provisions of THIS Order shall prevail.
- 5) The prohibitions 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 or by or under any other enactment.

### **Schedule 1**

- 1 The County of Durham (Various Streets, Durham City) (Traffic Management) Order 1996

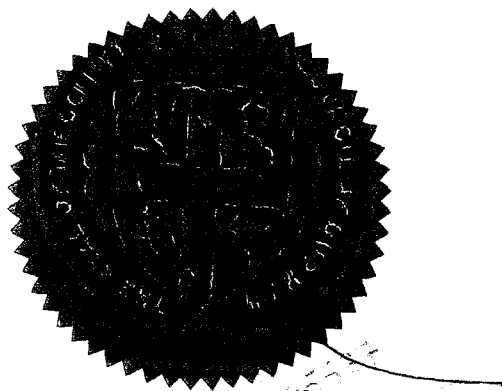
- 2 The County Council of Durham (Various Roads, Durham City) (Traffic Management) Order 1999. Sch 1 Item 1
- 3 The County Council of Durham (Unclassified The Steadings/Duke of Wellington Inn, Durham City) (Prohibition of Waiting) Order 2007
- 4 The County Council of Durham (Durham City) (On Street Parking Places) Order 2007
- 5 The County Council of Durham (A690, A691, B6532, A177 Through Road, Durham) (Prohibition of Waiting and Prohibition of Waiting and Loading) Order 2007
- 6 The County Council of Durham (Durham City) (On Street Parking Places) (Amendment) Order 2007
- 7 The County Council of Durham (Durham City) (On Street Parking Places) (Amendment) Order 2008
- 8 The County Council of Durham (City of Durham District) (Traffic Management Order) Order 2008
- 9 The County Council of Durham (Durham City South East) (Traffic Management) Order 2008
- 10 The County of Durham (Walkergate and Back Silver Street, Durham City) (Prohibition and Restriction of Waiting) Order 1978
- 11 The County of Durham (Durham City) (Traffic Regulation) No. 2 Order 1975
- 12 The County Council of Durham (Back Silver Street, Durham) (Loading Bay) Order 2000
- 13 The County Council of Durham (Durham City Market Place) (Traffic Management) Order 2004
- 14 The County Council of Durham (Durham City Saddler Street) (Prohibition of Waiting and Loading/Unloading) Order 2005
- 15 The County Council of Durham (Traffic Regulation) Order (No.1), 1952
- 16 The County Council of Durham (Freemans Place, Durham City) (Traffic Management) Order 2008
- 17 The County Council of Durham (Off Street Parking Places) (Durham City Park and Ride Sites) Order 2005
- 18 The County Council of Durham (Off Street Parking Places) (Durham City Park and Ride Sites) (Amendment) Order 2007

- 19 The City of Durham (Various Streets) (Prohibition and Restriction of Waiting) Order 1973
- 20 The County of Durham (Unclassified Mill Hill Lane, Durham) (Prohibition of Waiting) Order, 1992
- 21 The County Council of Durham (Shincliffe, Bowburn and Coxhoe) (Traffic Management) Order 2008
- 22 The County Council of Durham (Brandon, Langley Moor and Meadowfield) (Traffic Management) Order 2008
- 23 The County Council of Durham (Shincliffe, Bowburn and Coxhoe) (Traffic Management) Order 2008
- 24 The County Council of Durham (Bearpark Ushaw Moor, Esh Winning and Langley Park) (Traffic Management) Order 2008
- 25 The County Council of Durham (Rainton Gate and Pitlington) (Prohibition of Waiting) Order 2008
- 26 The County Council of Durham (Durham City North West) (Traffic Management) Order 2008
- 27 The County Council of Durham (Brasside, Pity Me, Newton Hall and Framwellgate Moor) (Traffic Management) Order 2008
- 28 The County Council of Durham (Durham City South West) Traffic Management) Order 2008.

**Given under the Common Seal of the Council this 30th day of October 2008.**

*K. Clayton*

Authorised Officer



**I CERTIFY THIS IS A TRUE COPY OF THE ORIGINAL**