



**THE COUNTY COUNCIL OF DURHAM  
(STANLEY AND CHESTER-LE-STREET OFF-STREET CAR PARKS)  
(CIVIL ENFORCEMENT AREA and SPECIAL ENFORCEMENT AREA)  
(TRAFFIC ORDERS AMENDMENTS) ORDER 2011**

The County Council of Durham ("the Council") in exercise of their powers under Sections 32, 35, 35A, 35B, 35C and 38 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, (hereinafter referred to as "the Act) as amended, 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 (Stanley and Chester-le-Street Off-Street Car Parks) (Civil Enforcement Area and Special Enforcement Area) (Traffic Orders Amendments) Order 2011 and shall come into operation on 7 November 2011.
- 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.
    - (ii) "Enforcement Authority" means the County Council of Durham.
    - (iii) "Penalty Charge" means charge pursuant to the provisions of Section 77 of the Traffic Management Act 2004.
    - (iv) "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.
    - (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) "excess charge"
    - (ii) "excess charge notice"
    - (iii) "fixed daily charge"
    - (iv) "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.
  - (f) Any reference in any Order relating to particulars of an "excess penalty charge notice" are deleted.
  - (g) Any reference in any Order relating to "retrieval of data" are deleted.
- 3) The following Article has been inserted at 35(2) of the Orders.  
 "The provisions of Section 73 of the Traffic Management Act 2004 shall apply to proceedings in respect of a contravention under the provisions of sections 35 and 35A(1) of the Road Traffic Regulations Act 1984."
- 4) 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 may 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.

**Saving**

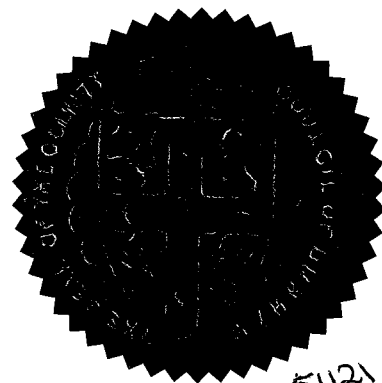
- 4) In so far as any provision of this Order conflicts with provisions of any of the Orders contained in Schedule 1 to this Order or any other orders giving effect to the provisions of Schedule 1 under the Act or by or under any other enactment then the provisions of THIS Order shall prevail.
- 5) The 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. The County Council of Durham (Chester-le-Street) (Off-Street Parking Places) Order 2011
- 2. The County Council of Durham (Stanley) (Off-Street Parking Places) Order 2011

GIVEN UNDER THE COMMON SEAL )  
 OF THE COUNTY COUNCIL OF DURHAM )  
 ON 20 OCTOBER 2011 )

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