

**THE COUNTY COUNCIL OF DURHAM  
(DURHAM CITY) (ROAD USER CHARGING SCHEME)  
ORDER 2014**

The County Council of Durham ("the Council") in exercise of their powers under Part III, Chapters I and III, Sections 163(3), 164(a) and 168(1) of the Transport Act 2000, The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (SI 1783) and of all other enabling powers and following consultation with appropriate persons in accordance with Sections 168, 169 & 170 of the Transport Act 2000 hereby make the following Order:-

**Part I**

**Commencement and Citation**

1. This Order shall come into force on 6 April 2015 and may be cited as The County Council of Durham (Durham City) (Road User Charging Scheme) Order 2014 and shall remain in force indefinitely unless revoked.

**Revocation**

2. The following Order is hereby revoked:

The County Council of Durham (Market Place leading to Saddler Street, Durham City) (Road User Charging Scheme) Order 2002

**Interpretation**

3. In this Order the following expressions have the meanings hereby respectively assigned to them:-

"1984 Act" means The Road Traffic Regulation Act 1984;

"2000 Act" means the Transport Act 2000;

"2013 Regulations" means The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (SI 2013/1783);

"account holder" means a person who is authorised by the charging authority to control and manage vehicles included in a Road User Charging Account;

"agent" means a person or body duly authorised by or on behalf of the charging authority to supervise and monitor the operation of the charging scheme;

"automatic number plate recognition system" means a system designed to electronically read a vehicle's number plate;

"charge certificate" has the same meaning as Article 17 of the 2013 Regulations;

"charging area" means the area designated by Article 7 of this Order;

"charging authority" means The County Council of Durham;

"charging day" means any day of the year except:

- (a) a Sunday;
- (b) New Year's Day;
- (c) Good Friday;
- (d) Christmas Day;
- (e) Any other day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.

"charging hours" means the hours between 10.00am and 4.00pm on a charging day;

"charging scheme" means a scheme for imposing charges in respect of the use or keeping of vehicles on roads;

"daily charge" means a charge incurred by any vehicle (other than a non-chargeable vehicle) by virtue of it being used or kept on a designated road on any charging day during any part of the charging hours;

"designated road" means one of the designated roads provided for in Article 8 of this Order;

"disabled person" or "disabled persons" have the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, as amended;

"disabled person's badge" is a badge issued by local authorities for motor vehicles driven by or used for the carriage of disabled persons in accordance with section 21 of the Chronically Sick and Disabled Persons Act 1970 and regulations made there-under;

"enforcement officer" means a uniformed police officer, community support officer or any subsequent designation of these officers;

"hackney carriage" and "private hire vehicle" have the same meaning as defined in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976;

"liveried vehicle" means a vehicle having a distinctive design and colour scheme used to distinguish a police, fire & rescue service, ambulance or other statutory undertaker;

"local organisation" means a business or organisation whose normal premises are within the charging area and has access to a designated off street parking space allocated to that business or organisation;

"moped" and "motor cycle" have the same meanings as defined in The Road User Charging and Workplace Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001;

"non-chargeable vehicle" means a vehicle which is a non-chargeable vehicle as provided for in Article 12 of this Order;

"penalty charge" and "penalty charge notice" have the same meanings as in the 2013 Regulations;

"person" includes a body of persons corporate or incorporate;

"plan" means the plan marked "The County Council of Durham Durham City Peninsula Road User Charging Scheme Charging Area" appended at Appendix 1 to this Order;

"relevant vehicle" means a motor vehicle (other than a non-chargeable vehicle) in respect of which charges or penalty charges may be imposed by the charging scheme arising out of its having been used or kept on a designated road within the charging area;

"residence" means a property at which a resident is registered;

"resident" means a person whose normal residence, being temporary or permanent, is at premises within the charging area and who is permitted to use a designated off street parking space allocated to that residence;

"road" has the same meaning as in the 1984 Act;

"road user charging account" means an implied agreement entered into with the charging authority, or its agent, to provide for the payment of the daily charge in respect of specified relevant vehicles used or kept on a designated road within the charging area;

"security/bullion vehicle" means a vehicle designed or adapted for the conveyance of securities;

"the register" means the register of non-chargeable vehicles to be maintained in accordance with Article 10 of this Order

"Universal Service Provider" has the same meaning as in the Postal Services Act 2000; and

"vehicle" has the same meaning as "motor vehicle" in the 1984 Act.

4. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order.
5. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment. Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting persons shall include either gender, bodies corporate, unincorporated associations and partnerships.
6. The Interpretation Act 1978 shall apply for the interpretation of this Order.

## Part II

### The Charging Area

7. The area identified within Schedule 1 to this Order is hereby designated as the charging area to which this charging scheme applies.

### Designation of roads in the charging area in respect of which daily charges will be imposed

8. The roads in respect of which daily charges are imposed by this charging scheme are all highways and sections of highway maintainable at the public expense within the charging area.

### Scheme Operation

9. (1) The charging scheme in operation will use an Automatic Number Plate Recognition system to identify relevant vehicles being used or kept within the charging area for which the daily charge will be payable.
- (2) The area identified by Schedule 1 to this Order is hereby designated as the area in which relevant vehicles will be identified by the Automatic Number Plate Recognition system.

### The Register of Non-Chargeable Vehicles

10. (1) The charging authority, or its agent, shall maintain a register of non-chargeable vehicles for the purposes of the provisions of Article 12 which requires that particulars of a non-chargeable vehicle be entered on the register.
- (2) An application to enter particulars of a non-chargeable vehicle on the register or to renew the registration of such a vehicle shall:
- (i) include all such information as the charging authority or its agent may reasonably require;
  - (ii) be made by such means as the charging authority or its agent may accept;
- (3) The charging authority, or its agent, may by notice in writing, serve on any non-chargeable vehicle entered on the non-chargeable vehicles register withdrawing a vehicle's details if it appears that any of the events referred to below has occurred:
- (i) in the case of a vehicle used or kept by the holder of a disabled person's badge, when that holder ceases to be an eligible person for a disabled person's badge;
  - (ii) in the case of a vehicle used or kept by a resident, when that resident ceases to reside within the charging area;
  - (iii) in the case of a vehicle used or kept by a local organisation, when the business or organisation ceases to trade/operate from the premises located within the charging area;

- (iv) immediately following the expiry of a Road User Charging Account, unless the charging authority or its agent renews that Road User Charging Account for a further period on application to it;
- (v) where the charging authority or its agent has reasonable cause to believe a vehicle is no longer a non-chargeable vehicle as defined in Article 12 to this Order; or
- (vi) where the charging authority or its agent has reasonable cause to believe that the information provided upon registration for a Road User Charging Account is materially incorrect;

## **Charges**

### **11(a) Daily Charge:**

- (1) Save as provided by Article 10 of this Order, any vehicle used or kept on a designated road within the charging area on any charging day during any part of the charging hours shall be subject to a daily charge of £2.00. Such a daily charge may be varied in accordance with Part III, Chapter I, Section 170 of the 2000 Act.
- (2) Payment of a daily charge must be made either:-
  - (a) before 18:00 hours on the charging day concerned; or
  - (b) on a day falling within the period of 64 consecutive days immediate preceding that charging day.
- (3) A daily charge imposed by this charging scheme shall be paid to the charging authority, or its agent, by:
  - (a) post;
  - (b) telephone;
  - (c) in person;
  - (d) any means as directed in the terms and conditions of a Road User Charging Account; or
  - (e) any means as may be otherwise directed by appropriate signage located within the charging area.

and in each case must be received in full by the charging authority no later than 18:00 hours on the charging day concerned.

- (4) The charging authority may vary the charging scheme on a designated road or part of a designated road within the charging area on a charging day during any part of the charging hours in accordance with section 170 of the 2000 Act, as amended.
- (5) The charging authority may suspend the charging scheme on a designated road or part of a designated road within the charging area

on a charging day during any part of the charging hours in accordance with section 172(A) of the 2000 Act, as amended.

- (6) Paragraph (2) of this article does not apply to any non-chargeable vehicle or any vehicle included in a Road User Charging Account.

#### **11(b) Road user Charging Accounts:**

- (1) The operation of a Road User Charging Account under Article 11(a) paragraph (3) of this Article shall be on such terms and conditions as the charging authority or its agent may in each case determine.
- (2) The charging authority or its agent may, by notice in writing, serve on an account holder at the address shown on their Road User Charging Account, a notice withdrawing a vehicle's details from the register if it appears that any of the events set out in Article 10 paragraph (3) has occurred.

#### **Non Chargeable Vehicles**

12. (1) The vehicles provided for in Schedule 2 to this order shall be classed as non-chargeable vehicles which are automatically exempt from the daily charge and do not need to apply to the charging authority, or its agent, to obtain exemption from the daily charge.
- (2) The vehicles provided for in Schedule 3 of this Order are not automatically exempt from the daily charge but are entitled to apply to the charging authority, or its agent, to obtain exemption from the daily charge on the basis that they are non-chargeable vehicles.

#### **Contravention and Enforcement**

##### **13(a). Penalty Charges:**

- (1) A penalty charge of £50 is payable in respect of a vehicle upon which a daily charge has been imposed and where such daily charge has not been paid to the charging authority in full before 18:00 hours on the day that daily charge was imposed.
- (2) A penalty charge payable under Article 13(1) will be issued in accordance with Article 7 of the 2013 Regulations which is:
  - (i) payable in addition to the daily charge;
  - (ii) served by first class post upon the registered keeper of the vehicle requesting payment in full within the period of 28 days beginning with the date on which a penalty charge notice, relating to the daily charge that has not been paid in full, is served;
  - (iii) reduced by one half provided it is paid in full prior to the end of the fourteenth day of the period referred to in Article 13(2)(ii);
  - (iv) increased by one half if not paid in full before a charge certificate to which it relates is served by the charging authority in accordance with regulation 17 of the 2013 Regulations.

- (3) Where a penalty charge becomes payable under Article 13(1) the charging authority, or its agent, shall serve a Penalty Charge Notice in accordance with the 2013 Regulations.
- (4) The 2013 Regulations (Article 7) sets out the procedure for making representations against a penalty charge notice and appealing a decision by the charging authority not to accept such representations. The also set out how the charging authority will enforce an unpaid penalty charge (in respect of which either representations have not been made, have been made and rejected or where an unsuccessful appeal to an adjudicator has been made).

**13(b) Charge Certificates:**

- (1) Where a penalty charge payable under Article 13(1) remains unpaid at the end of the relevant period, the charging authority may serve on that person a statement ("charging certificate") to the effect that the penalty charge in question is increased to the sum specified in the charging scheme under which it was incurred.
- (2) Where a charging certificate is issued under Article 13(b)(1) the charging authority, or its agent, shall serve in accordance with Article 17 of the 2013 Regulations.
- (3) Where a charge certificate has been served on any person and the increased penalty charge provided for in the charge certificate is not paid within the period of 14 days beginning with the date on which the charge certificate is served, the charging authority may, if a county court so orders, recover the increased penalty charge as if it were payable under a county court order.

**Powers to examine/enter or seize motor vehicles**

14. Persons authorised by the charging authority, being an employee of the charging authority, or an employee of its agent, are authorised to exercise their power in examining, entering or seizing motor vehicles where reasonable grounds are suspected that documents or equipment have been interfered with or falsified, in accordance with Part 6 of the 2013 Regulations.

**Saving**

15.
  - (1) Insofar as any provision of this Order conflicts with any provision which is contained in an Order made or having effect as if made under the Act or by or under any other enactment then the provisions of this Order shall prevail.
  - (2) 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 any other enactment.

**SCHEDULE 1**

**The Charging Area  
Durham City Peninsula  
(Plan)**



**SCHEDULE 2**  
**Automatically Exempted Non Chargeable Vehicles:**

A vehicle which falls within any of the following descriptions is a non-chargeable vehicle automatically exempted from the daily charge pursuant to Article 11a.(1).

- (a) any two wheeled mopeds or motorcycles (and sidecars);
- (b) any security/bullion vehicles;
- (c) any vehicles being used for the purpose of delivering or collecting postal packets in the service of a universal service provider;
- (d) any liveried police, fire & rescue service or ambulance vehicles;
- (e) any motor powered wheelchairs or scooters used by disabled persons;
- (f) any liveried Durham County Council vehicles;

**SCHEDULE 3**  
**Non-chargeable vehicles not automatically exempted**

The person in control of a vehicle which falls within any of the following descriptions must apply to the charging authority for inclusion on the Register of Non-Chargeable Vehicles in accordance with Article 10.

- (a) Vehicles in the ownership of residents' or visitors vehicles;
- (b) Vehicles owned or leased by local organisations.
- (c) Vehicles in the ownership of a valid disabled persons badge in the European Economic Area will remain registered until expiry of the Blue Badge. Upon receipt of the new Blue Badge it will be necessary to re-register.
- (d) Vehicles used by disabled persons that are exempt from vehicle excise duty (road tax) under the 'disabled' class.
- (e) Vehicles for more than one disabled person (for example Dial-A-Ride) which are exempt from vehicle excise duty (road tax).
- (f) NHS vehicles that are exempt from vehicle excise duty (road tax);
- (g) Roadside recovery vehicles registered with the DVLA and having a taxation class of 'recovery vehicle';
- (h) Liveried vehicles belonging to breakdown organisations on operational duty;
- (i) Hackney carriage and private hire vehicles;

- (j) Local bus service vehicles registered with Durham County Council;
- (k) The Mayor of Durham City's official vehicles;
- (l) Any non-liveried police, fire & rescue service or ambulance vehicle on operational duty;
- (m) Statutory undertakers in liveried vehicles on operational duty and undertaking works within the public highway;
- (n) Any vehicle used or kept within the charging area by virtue of having been required to comply with directions given by an enforcement officer.
- (o) Any vehicle used or kept within the charging area by visitors to a resident or local organisation for the purpose of vehicular access to premises during special events, including (but not limited to) weddings, funerals and religious services, with the prior approval of the charging authority.

GIVEN UNDER THE COMMONSEAL )  
 OF THE COUNTY COUNCIL OF DURHAM )  
 ON THE 19<sup>th</sup> DAY OF MARCH 2015 )



*John Horden*  
 .....  
 Authorised Sealing Officer

587808

Key



ANPR Coverage Area  
Charging Area

PATH L TRAFFIC/000 Parking Services/2 Contracts - Parking Services/5 - Road User Charge/3 - RUC 2011 - (ANPR)/Scheme Design & Consultation/Drawings

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Corporate Director  
Regeneration & Economic  
Development

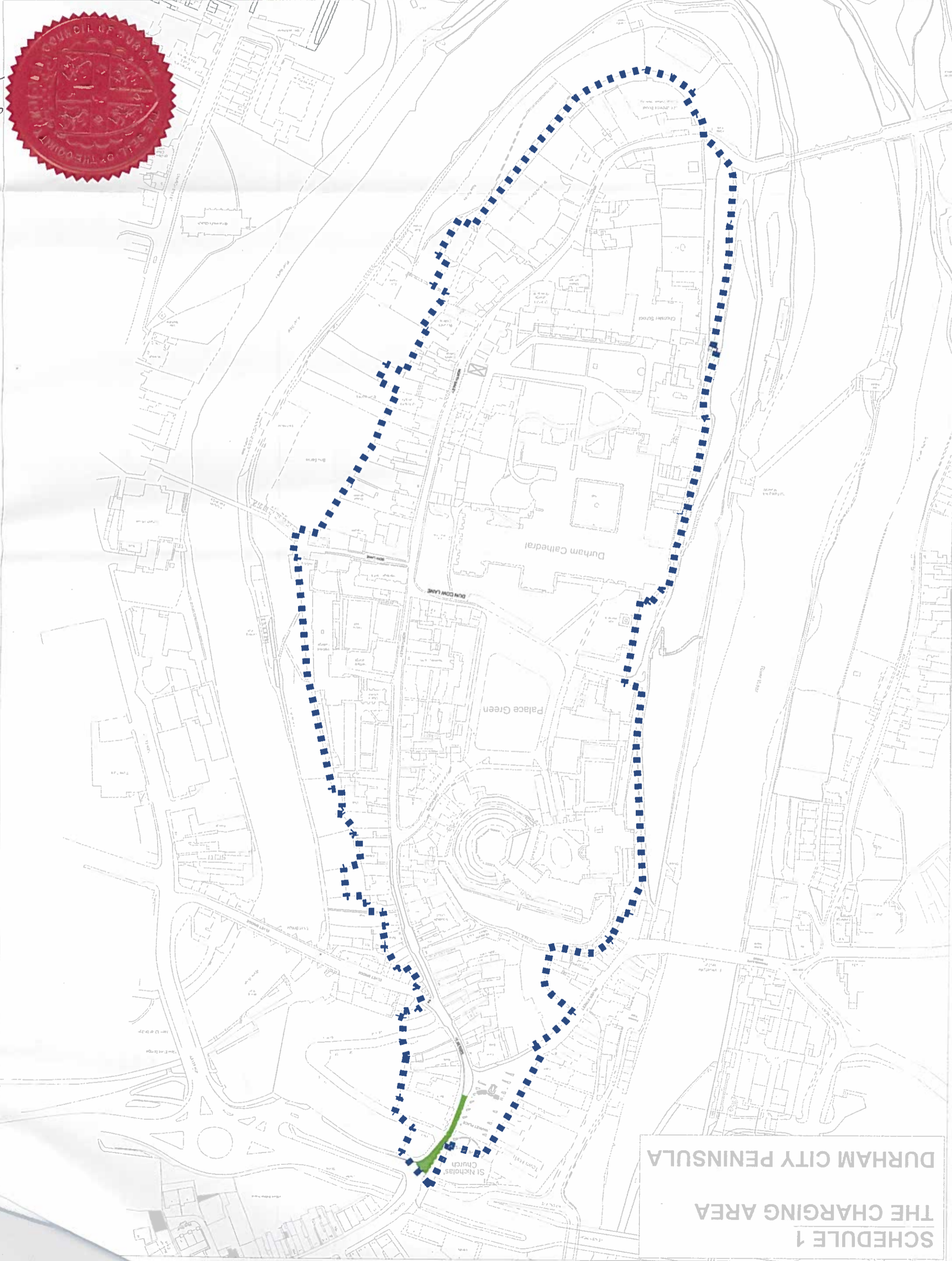
Strategic Traffic Management  
County Hall, Durham DH1 5UO



Date sealed:	
Drawn by:	M. Pellett
Date:	13 January 2014
Scale:	Not to scale

THE COUNTY COUNCIL OF DURHAM  
DURHAM CITY PENINSULA  
ROAD USER CHARGING SCHEME  
CHARGING AREA

SCHEDULE 1  
THE CHARGING AREA  
DURHAM CITY PENINSULA



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