

NORTH YORKSHIRE COUNTY COUNCIL

(VARIOUS ROADS, BOROUGH OF HARROGATE) (PARKING AND WAITING)
(NO 19) ORDER 2008

North Yorkshire County Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1(1), 2(1) to (3), 4(2), 32(1) and 35(1) of the Road Traffic Regulation Act 1984 ("the 1984 Act") and the Traffic Management Act 2004 ("the 2004 Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby make the following Order:-

PART 1
GENERAL

1. (1) When used in this Order each of the following expressions has the meaning assigned to it below:-

"authorised parking place" means any parking place on a road authorised or designated by an Order made or having effect as if made under the Act or and which is comprised within and indicated by a road marking complying with either diagram 1032 or diagram 1022 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002;

"bus" has the same meaning as in regulation 22(2) of the Traffic Signs Regulations and General Directions 2002;

"bus stop area" means any area of carriageway intended for the waiting of buses and which is comprised within and indicated by a road marking complying with either diagram 1025.1 or diagram 1025.3 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002;

"charge certificate" means the statement that the penalty charge has been increased in accordance with Regulation 21 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"civil enforcement officer" means any officer of the Council who is authorised to supervise and control vehicles in the parking place and enforce the provisions of this Order pursuant to Section 76 of the 2004 Act and Section 63A of the 1984 Act;

"delivering" and or "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"disabled person" means a person who holds a disabled persons' badge in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (No. 682) (and in particular Regulation 4 thereof) or any re-enactment thereto;

"disabled person's parking bay" means any area of carriageway designated as a parking bay reserved for disabled person's badge holders and which is comprised within and indicated by a road marking complying with diagram 1028.3 or 1033 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002;

"disabled person's badge" means a badge issued in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended) (in particular Regulation 11 and the Schedule thereto) or under regulations having effect in Scotland and Wales under Section 212 of the Chronically Sick and Disabled Persons Act 1970 as referred to currently by the Local Authorities Traffic Orders (Exemptions for Disabled) (England) Regulations 2000 (No. 683) or any subsequent further re-enactments thereof;

"disabled person's vehicle" means a vehicle driven by a disabled person as defined in Regulation 4(2) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (No. 682);

“driver”, in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place (and shall, as appropriate, bear the meaning assigned by Section 142 of the 1984 Act);

“goods” shall mean items of any description which cannot easily be carried by one person and do not include goods that are not pre-ordered, shopping, small fragile goods or cash or other valuable securities which are being collected or delivered from a bank/building society;

“hackney carriage” has the same meaning as in section 38 of the Town Police Clauses Act 1847 as referred to in The Local Government (Miscellaneous Provisions) Act 1976 save further that reference to “plying for hire” shall be excluded from this definition; and “taxi” shall be construed to the extent that these terms are interchangeable;

“heavy commercial vehicle” has the same meaning as in section 138 of the 1984 Act and which has an operating weight exceeding 7.5 tonnes;

“higher level contraventions” are as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

“junction” means, unless otherwise indicated in this Order, the intersection of the general alignment of the highway boundaries of two roads;

“loading/unloading” means when a vehicle stops to load or unload bulky or heavy goods;

“lower level contraventions” means all parking contraventions which are not higher level contraventions as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

“motor car” shall mean and include any mechanically propelled vehicle not being a motor cycle or an invalid carriage, which is constructed itself to carry passengers of which the weight unladen does not normally exceed 3050 kilograms subject always to the inclusion of the extended meaning to this term given in Section 136 of the 1984 Act (and whether or not it is being used for business purposes);

“motor cycle” and “invalid carriage” have the same meanings respectively as in Section 136 of the Act;

“motor vehicle” means any class of mechanically propelled vehicle including motor cycles motor cars good vehicles and car derived vans, and shall bear the extended definition given thereto in Sections 136 and 137 of the 1984 Act (but shall not include any commercial vehicle as defined above or any heavy commercial vehicle as defined in Section 138 of the Act) (and whether of not it is being used for business purposes). Where reference is made to vehicle or motor vehicle in the Order these terms shall be deemed to have the same meaning and be interchangeable and to be interpreted accordingly;

“owner” in relation to a motor vehicle means the person by whom such motor vehicle is kept and used;

“parking disc” means:

- (a) in relation to Part IV of this Order, a device which is capable of showing the quarter hour period during which a vehicle arrived at a parking place; and
- (b) in relation to Part IV of this Order (Disabled Persons Parking Places), a device which:-
 - (i) is 123 millimetres square and coloured blue, issued on or after 1st April 2000, or orange if issued before that date;

- (ii) has been issued by a local authority and has not ceased to be valid;
and
- (iii) is capable of showing the quarter hour period during which a period of waiting began;

“parking place” means any part of a road authorised by this Order to be used as a parking place;

“passenger vehicle” means a motor vehicle (other than a motor cycle, an invalid carriage, goods vehicle or heavy commercial vehicle) as defined in this Order;

“penalty charge” means a charge set by the Council in accordance with charges set by the Secretary of State under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council within 28 days beginning with the date of service endorsed upon the penalty charge notice in the manner set out in the penalty charge notice;

“penalty charge notice” means a notice issued or served by a civil enforcement officer or posted by the Council pursuant to the provisions of Section 78 of the 2004 Act and The Civil Enforcement of Parking Contraventions (England) Regulations 2007;

“permit” means a written visitor or resident or business permit issued by the Council under the provisions of this Order;

“permit holder” means a person to whom a permit has been issued under the provisions of this Order;

“post office” and any reference to “post office vehicle” or “postal packets” shall be construed in the context of the Postal Services Act 2000 and the Consequential Amendments Order 2001 (No. 2001/648) and shall include therefore references to “universal service providers”, as the context shall require;

“quarter hour period” means a period of quarter of an hour starting at any hour or fifteen, thirty or forty-five minutes past the hour which can be shown on the parking disc;

“reduced penalty charge” means a charge set by the Council in accordance with charges set by the Secretary of State under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council within 14 days following the date of service endorsed upon the penalty charge notice in the manner set out in the penalty charge notice;

“registered keeper” means:-

- (a) the person whose name appears in the vehicle registration document or book of the vehicle in whose name the vehicle is registered, or
- (b) a person who has the permanent use of the vehicle vested in the name of his employer, or in the case of a leased vehicle in the name of the leasing company;

“relevant position” means (in conformity with Regulation 12 of SI 2000 No. 682) referred to above):-

- (a) in relation to a disabled person’s badge,
 - (i) in the case of a vehicle fitted with a dashboard or facia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside the vehicle; or
 - (ii) in the case of a vehicle not fitted with a dashboard or facia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part

1 of the badge is legible from outside the vehicle

- (b) in relation to a parking device or disc (in conformity with the said 2000 Regulations (SI 2000/1519; Regulation 4):-
 - (i) in the case of a vehicle fitted with a dashboard or facia panel the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle or
 - (ii) in the case of a vehicle not so fitted the disc is exhibited in a conspicuous position on the vehicle so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle
- (c) in relation to a permit
 - (i) in the case of a vehicle fitted with a front windscreen the permit is exhibited thereon on the near side of and immediately behind the windscreen and with the front facing forward so as to be legible from the outside of the vehicle; or
 - (ii) in the case of a vehicle not fitted with a front windscreen, the permit is exhibited in a conspicuous position on the vehicle;

"road" means the full width of the highway including the carriageway and footway;

"service" in respect of a penalty charge notice means the forms of service specified in regulations 9 and 10 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any amendment or re-enactment thereof;

"ticket machine" means any apparatus operated by the insertion of coins, bank notes, smart cards, tokens, credit or debit cards and that issues parking tickets indicating the payment of a charge, the date and time at which that charge was paid and the time by which the motor vehicle must leave the parking place;

"traffic sign" means a sign or marking of any size colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act;

"trailer" shall have the meaning assigned to it by Section 138(3) of the 1984 Act;

"the 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002;

"the 2004 Act" means the Traffic Management Act 2004.

- (2) Except where otherwise stated, any reference in this Order to a numbered article or Schedule is a reference to the article or Schedule bearing that number in this Order.
2. For the purposes of this Order any reference to a length of road shall be construed as a reference to the length specified in column 4 of the Schedules to this Order of the side or sides of road specified in respect of that length in column 3 thereof in relation to the road named in respect of that side or those sides in column 2 of those Schedules.

PART II **PROHIBITION AND RESTRICTION OF WAITING**

3. Save as provided in article 4 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform, or of a Civil Enforcement Officer, cause or permit any vehicle to wait at any time in any length of road specified in Schedule 1 to this Order.

Exemptions

4. (1) Nothing in article 3 of this Order shall render it unlawful to cause or permit any vehicle to wait in any length of road specified in Schedule 1 to this Order for so long as may be necessary to enable:-
- (a) a person to board or alight from the vehicle or
 - (b) goods to be loaded on or unloaded from the vehicle or
 - (c) the vehicle if it cannot conveniently be used for such purposes in any other road to be used in connection with any of the following operations:-
 - (i) building, industrial or demolition operations
 - (ii) the removal of any obstruction to traffic
 - (iii) the maintenance, improvement or reconstruction of any length of road specified in the said Schedule or
 - (iv) the laying, erection, alteration or repair, in or in land adjacent to, any length of road specified in the said Schedule of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line or telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (v) the delivery or collection of postal packets as defined in Section 87 of the Post Office Act 1953 at or from premises fronting any length of road specified in the said Schedule.
 - (d) the vehicle if it cannot conveniently be used for such purpose in any other road to be used in the service of a local authority or a water authority for the purpose of the performance of the statutory functions of such authority;
 - (e) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to any length of road specified in the said Schedule;
 - (f) the vehicle to wait at or near to any premises situated on or adjacent to any length of road specified in the said Schedule for so long as is reasonably necessary to enable the vehicle to be used for or in connection with the purposes of any wedding or funeral taking or to take place from or at any such premises;
 - (g) the vehicle to be used for fire brigade, ambulance or police purposes.
- (2) Nothing in article 3 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge whilst such vehicle is being used by or for the convenience of a disabled person and 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) to wait in any of the lengths of road referred to in that article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road on the same day).

PART III **AUTHORISATION AND USE OF PARKING PLACES**

- 5 Each of the lengths of road specified in Schedules 2 and 3 to this Order is authorised to be used, subject to the following provisions of this Order, as a parking place during the prescribed periods for such vehicles as are passenger vehicles, dual purpose vehicles, vehicles/ light trailers, motor cycles or invalid carriages within the positions marked for them and shall be an authorised parking place.

- 6 The driver of a vehicle shall not permit it to wait in a parking place on any of the lengths of road specified in Schedules 2 and 3 to this Order during the prescribed periods unless it is of the class of vehicle specified in Article 5 of this Order and in such a position as specified.
- 7 It is hereby declared that (for the avoidance of doubt) that the Council shall (in its sole discretion) have the power to carry out the following actions, namely:-
- (i) to cause the limits of each and any parking place designated by this Order to be indicated on the carriageway by placing and maintaining thereon traffic signs of any size colour and type prescribed or authorised under Section 64 of the 1984 Act;
 - (ii) to place and maintain on or in the vicinity of each such parking place, traffic signs of any size colour and type prescribed or authorised under Section 64 of the 1984 Act indicating that such parking place may be used during the prescribed hours for the leaving of vehicles only as specified in this Order; and
 - (iii) to carry out such work as is reasonably required for the purposes of the satisfactory operation of these designated parking places.
- 8 (a) Subject to the provisions of Article 13 of this Order the driver shall, on the arrival of the vehicle at a parking place during the prescribed periods exhibit on the vehicle in accordance with the following provisions of the Article a parking disc.
- (b) The parking disc shall be exhibited on the vehicle:-
- (i) where the vehicle is fitted with a front glass windscreen extending across the vehicle to the near side, facing towards on the near side of the glass of such windscreen, either immediately in front or behind the glass;
 - (ii) where the vehicle is not fitted with a front glass windscreen as specified in the preceding sub-paragraph on the near side of the vehicle facing towards the near side of the road and not less than two feet six inches and not more than six feet six inches above the surface of the carriageway in the immediate vicinity.
- (c) The parking disc, while exhibited on the vehicle, shall so be placed that the arrival time shown on the front of the said disc is clearly visible to a person standing at the near side of the vehicle.
- 9 The driver of a vehicle shall, on exhibiting the parking disc on the vehicle in accordance with the provisions of the last preceding Article, set the parking disc so that it indicates the quarter hour period during which the vehicle arrived at the parking place.
- 10 (a) The driver of a vehicle specified in Article 5 shall not permit it to wait continuously in a parking place:-
- (i) between the hours of 9.00am and 5.00pm Monday to Saturday inclusive (except for a Bank Holiday being a public holiday) for longer than 15 minutes return prohibited within 2 hours on the lengths of road specified in Schedule 2 to this Order;
 - (ii) between the hours of 9.00am and 5.00pm Monday to Saturday inclusive (except for a Bank Holiday being a public holiday) for longer than 90 minutes return prohibited within 2 hours on the lengths of road specified in Schedule 3 to this Order;

Such periods ("the prescribed hours") being calculated as commencing from the arrival time indicated on the parking disc set in accordance with the provisions of the preceding Article.

- (b) When a parking disc exhibited in pursuance of this Order is showing an exact quarter hour, then that time, or where the indicated time of arrival is not shown as an exact quarter hour, then the next quarter hour period indicated on a parking disc, as the case may be, shall be treated as evidence that the vehicle has been waiting in that parking place since the later time, in any proceedings for a contravention under paragraph (a) of

this Article.

- (c) Where in any proceedings for a contravention under paragraph (a) of this Article, it is not proved that the contravention has been committed, but it is proved that the parking disc had not been set in accordance with the last preceding Article, the Owner shall be deemed to have contravened the provisions of Article 11 of this Order.
 - (d) In any proceedings for a contravention under paragraph (a) of this article or articles 8 or 11, it shall be assumed, unless contrary is shown, that the parking disc is an approved device.
- 11 No person shall:-
- (a) alter the parking disc (or the indications given therein) exhibited on a vehicle which has been set in accordance with this Article whilst the said vehicle remains in the parking place; or
 - (b) knowingly exhibit on any vehicle any parking disc which has been otherwise altered, defaced, mutilated, or added to or upon which the figures or particulars have become illegible.
- 12 When a vehicle has left a parking place on any of the lengths of road specified in Schedules 2 and 3 to this Order after waiting thereon, the driver thereof shall not within two hours after its leaving that parking place permit it to wait again in any of the parking places specified in Schedules 2 and 3 to this Order.
- 13 (a) The driver of a two wheeled motor cycle not having a side car attached shall be exempt from the provisions of Articles 8, 9, 10 and 11 of this Order.
- (b) The following vehicles left in a parking place on any of the lengths of road specified in Schedules 2 and 3 to this Order during the prescribed periods shall be exempt from compliance with any limitation of time during when a vehicle may be left in such a parking place specified in the foregoing provisions of this Order:-
- (i) an invalid carriage;
 - (ii) a vehicle issued to a disabled person by the Department of Health and Social Security in lieu of an invalid carriage;
 - (iii) a vehicle left by the driver thereof, who is a person who on account of his severe physical disability has been given a notice in writing by the Council that he is exempt from any such compliance, if the notice is displayed on the vehicle in a conspicuous position;
 - (iv) a disabled person's vehicle which displays in the relevant position a disabled person's badge having effect as if it were a disabled person's badge;
 - (v) a vehicle left by the driver thereof being a vehicle which bears in a conspicuous position a permit issued by the Director of Development Services at Harrogate Borough Council, or a certificate signed by the Chief Executive and the Assistant Chief Executive (Legal and Democratic Services) of North Yorkshire County Council (after consultation with Harrogate Borough Council) stating that the vehicle is exempted under this provision – such certificates to be granted only in exceptional circumstances.

Powers to Suspend Use of Parking Places

- 14 Any Civil Enforcement Officer or other person duly authorised by the County Council or Borough Council may suspend the use of any parking place or any part thereof whenever he or she considers such suspension reasonably necessary as follows:-
- (i) for the purpose of facilitating the movement of traffic or promoting its safety;

- (ii) for the erection, maintenance or removal of any traffic sign adjacent to that parking place;
 - (iii) for the purpose of any building operation, demolition or excavation in or adjacent to any parking place or the maintenance improvement or reconstruction of any such parking place or the laying erection alteration removal or repair in or adjacent to the designated parking place of any sewer or of any main pipe or apparatus for the supply of gas water or electricity or of any telegraphic line or traffic sign;
 - (iv) for the cleansing of gullies in or adjacent to that parking place;
 - (v) for the convenience of occupier of premises adjacent to any parking place on any occasion of the removal of furniture from one dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (vi) on any occasion of any public procession rejoicing or illumination, or where the streets are thronged or liable to be obstructed.
- 15 Without prejudice to the generality of any other statutory provision, a Police Constable in uniform may suspend for not longer than 24 hours the use of any parking place or any part thereof designated by this Part of this Order whenever he or she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

Traffic Signs and Cones

- 16 Any person, Civil Enforcement Officer, Police Officer or other authorised person who causes suspension of the use of any parking place or any part thereof in accordance with Articles 14 and 15 of this Order, shall thereupon place or cause to be placed in or adjacent to that designated parking place or the part thereof, the use of which is suspended, a traffic sign or cone indicating that waiting by motor vehicles is prohibited.
- 17 No person shall cause or permit a motor vehicle to be left in any part of a parking place so long as during such period there is in or adjacent to that designated parking place a traffic sign or cone placed in pursuance the preceding Articles of this Order.

Further Conditions on the Use of Parking Places

- 18 The driver of a motor vehicle using a parking place on any of the lengths of road specified in Schedule 2 and 3 to this Order shall stop the engine as soon as the vehicle is in position in the parking place and the engine shall not be started except when the position of the vehicle in the parking place is about to be changed or the vehicle is about to depart from the parking place.

Prohibition on use of parked vehicles for offer of sale of articles, goods or services

- 19 No vehicle shall be used while it is in a Parking Place in the connection with the sale of any article to persons in or near the Parking Place or in connection with the selling or offering for hire of the skill or services of any person (with the exception of street traders licensed by the relevant authority).

Powers to remove vehicles in Parking Places

- 20 (a) It is hereby declared for the avoidance of doubt and in pursuance of statutory powers in that behalf, if any vehicle is left in a position other than in accordance with the foregoing provisions of this Order, then a Police Constable, Civil Enforcement Officer or other person authorised by the Council in that behalf:-
- (i) may alter or cause to be altered, the position of the vehicle so that its position is in accordance with the said provisions; or
 - (ii) may alter or cause to be altered, the position of the vehicle or remove or arrange for the removal of the vehicle to a secure place in the manner and on the basis set out in this Article.
- (b) Any person or persons altering, or causing the alteration of, the position of any vehicle by

virtue of paragraph (1) (i) or (1) (ii) of this Article, may do so by towing or driving the vehicle or in such other manner as he or she or they may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.

- (c) Any person or persons removing or arranging for the removal of any vehicle by virtue of paragraph (1) (i) or (1) (ii) of this Article shall make such arrangements as he/she or others considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.

21 No person shall, except with the permission of a Police Constable, Civil Enforcement Officer or other person duly authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purposes of departing from the parking place.

22 Nothing in the foregoing provisions of this Part of the Order shall apply to a vehicle waiting during the prescribed hours in a parking place if:-

- (a) the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle or to load thereon or unload his personal luggage;
- (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
- (c) the vehicle is a vehicle being used for fire brigade purposes or ambulance or a vehicle (other than a passenger vehicle) in the service of a local authority or a vehicle in the service of a Police force or statutory undertaking in any case being used in pursuance of statutory powers or duties which require the vehicle to be close at hand for the purpose of such statutory powers or duties;
- (d) the vehicle is waiting only so long as is necessary to enable it to be used in connection with the removal of any obstruction to traffic;
- (e) the vehicle is waiting whilst postal packets addressed to premises to he parking place in which the vehicle is waiting are being unloaded from the vehicle to having been unloaded therefrom are being delivered, or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting.

PART IV **PENALTY CHARGE AND PAYMENT**

23. (1) Where a Motor Vehicle:-

- (a) waits, parks or is left on a Road in contravention of the foregoing provisions of this Order or otherwise contravenes or fails to comply with the provisions of this Order, insofar as it relates to a Motor Vehicle waiting, parking or being left on a Road; or
- (b) waits, parks or is left on a Road in contravention of any other Traffic Regulation Order the provisions of which are not consolidated into this Order or fails to comply with the provisions of any such Order insofar as it relates to a vehicle waiting, parking or being left on a Road; or
- (c) parks in contravention of the provisions of Sections 19 or 21 of the Road Traffic Act 1988 (prohibition of parking of HGVs on Verges, central reservations and footways), and (driving or parking on Cycle Tracks);

a penalty charge shall be payable by the owner for each day of the said contravention or non-compliance.

(2) The penalty charge or reduced penalty charge shall be in the sum of the following

amounts:-

- (a) The penalty charge - Band 2 as set out in Section 1 of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 subject to payment being received by the Council as provided in paragraph (6) of this Part of the Order within 28 days beginning with the date of service of the penalty charge notice.
 - (b) The reduced penalty charge - a 50 per cent reduction of the penalty charge subject to payment being received by the Council as provided in as provided in paragraph (7) of this Part of the Order within 14 days beginning with the date of service of the penalty charge notice.
 - (c) On the issue of a charge certificate in accordance with the provisions of Regulation 21 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 to the effect that the penalty charge in question is increased by 50 per cent.
- (3) Service of a penalty charge notice or charge certificate by post is deemed effective on the second working day after the day of posting.
- (4) In the case of a motor vehicle in respect of which a penalty charge is payable under paragraph (1) of this Part of the Order a penalty charge notice, which shall comply with the requirements of Regulation 9 and the Schedule to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, may be issued by a civil enforcement officer and may accordingly be affixed to the motor vehicle in a conspicuous position or given to the person appearing to be in charge of the vehicle.
- (5) In the case of a motor vehicle in respect of which a penalty charge is payable under paragraph (1) of this Part of the Order a penalty charge notice, which shall comply with the requirements of Regulation 10 and the Schedule to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, may be issued by post by the Council if the owner of the vehicle drives the vehicle away before the civil enforcement officer has issued a penalty charge notice or the civil enforcement officer has been prevented from issuing a penalty charge notice.
- (6) Payment of the penalty charge to the Council shall be paid by electronic transfer, cash or by credit card or debit card, cheque or postal order in each case crossed and made payable to Harrogate Borough Council which shall be delivered or sent by post so as to reach the relevant Department/Office of the Council as stated on the penalty charge notice not later than 4:30pm, within 28 days beginning with the date of service of the penalty charge notice, but should the said Council Department/Office be closed on that day, the period for receiving payment may be extended until 4:30pm on the next full working day. Payment may also be made in person or by phone as detailed on the penalty charge notice.
- (7) Payment of the reduced penalty charge to the Council shall be paid by electronic transfer, cash or by credit card or debit card, cheque or postal order in each case crossed and made payable to Harrogate Borough Council which shall be delivered or sent by post so as to reach the relevant Department/Office of the Council as stated on the penalty charge notice not later than 4:30pm, within 14 days beginning with the date of service of the penalty charge notice, but should the said Council Department/Office be closed on that day, the period for receiving payment may be extended until 4:30pm on the next full working day. Payment may also be made in person or by phone as detailed on the Penalty Charge Notice.
- (8) The particulars given in the penalty charge notice attached to a vehicle, given to the person appearing to be in charge of the vehicle or issued by post by the Council in accordance with paragraphs (1) - (7) of this Part of the Order shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

REVOCATION OF EXISTING ORDERS

- 24 The Traffic Regulation Orders specified in Column 1 of Schedule 4 to this Order are hereby revoked to the extent specified in Column 2 of that Schedule, and to the extent that the provisions of this Order are inconsistent with, or incompatible with, the provisions of any other Order, Byelaws or enactment relating to traffic regulation in the Borough of Harrogate area not specifically referred to in the said Schedule, the provisions of this Order shall prevail for all purposes.

OPERATION OF THE ORDER

- 25 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 Order or regulations made or having effect as if made under the Act or by or under any other enactment.
- 26 This Order shall come into operation on 5 January 2009 and may be cited as "North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No 19) Order 2008".

ROADS IN THE TOWN OF BOROUGHBIDGE

SCHEDULE 1 WAITING PROHIBITED AT ALL TIMES WITH EXEMPTIONS

<u>Column 1</u> <u>Item</u>	<u>Column 2</u> <u>Road</u>	<u>Column 3</u> <u>Side</u>	<u>Column 4</u> <u>Length</u>
1	Horsefair, Boroughbridge	North West	From a point 29 metres south west of its intersection point with the projected south western kerb line of Fishergate, to a point 36 metres south west of its intersection point with the projected south western kerb line of Fishergate.
2	Horsefair, Boroughbridge	North West	From a point 46 metres south west of its intersection point with the projected south western kerb line of Fishergate, to a point 52 metres south west of its intersection point with the projected south western kerb line of Fishergate.
3	High Street, Boroughbridge	East	From a point 23 metres south of its junction with Hall Square, to a point 30 metres south of its junction with Hall Square.
4	High Street, Boroughbridge	East	From a point 40 metres south of its junction with Hall Square, to a point 95 metres north of its junction with St James Square.
5	High Street, Boroughbridge	West	From a point 91 metres south of its junction with Fishergate, to a point 66 metres north of the northern kerb line of St Helena.

SCHEDULE 2
DISC PARKING

WAITING RESTRICTED TO 15 MINUTES BETWEEN THE HOURS OF 9.00 AM AND 5.00 PM,
MONDAY TO SATURDAY INCLUSIVE (EXCLUDING BANK HOLIDAYS) - RETURN PROHIBITED
WITHIN 2 HOURS

<u>Column 1</u> <u>Item</u>	<u>Column 2</u> <u>Road</u>	<u>Column 3</u> <u>Side</u>	<u>Column 4</u> <u>Length</u>
6	Horsefair, Boroughbridge	North West	From a point 10 metres south west of its intersection point with the projected south western kerb line of Fishergate, to a point 29 metres south west of its intersection point with the projected south western kerb line of Fishergate.
7	Horsefair, Boroughbridge	North West	From a point 36 metres south west of its intersection point with the projected south western kerb line of Fishergate, to a point 46 metres south west of its intersection point with the projected south western kerb line of Fishergate.
8	Horsefair, Boroughbridge	North West	From a point 52 metres south west of its intersection point with the projected south western kerb line of Fishergate, to a point 62 metres south west of its intersection point with the projected south western kerb line of Fishergate.
9	St James Square, Boroughbridge	North	From a point 24 metres west of its junction with Back Lane, to a point 33 metres west of its junction with Back Lane.

SCHEDULE 3
DISC PARKING

WAITING RESTRICTED TO 90 MINUTES BETWEEN THE HOURS OF 9.00AM AND 5.00PM,
MONDAY TO SATURDAY INCLUSIVE (EXCLUDING BANK HOLIDAYS) - RETURN PROHIBITED
WITHIN 2 HOURS

<u>Column 1</u> <u>Item</u>	<u>Column 2</u> <u>Road</u>	<u>Column 3</u> <u>Side</u>	<u>Column 4</u> <u>Length</u>
10	Fishergate, Boroughbridge	North East	From a point 12 metres south east of its junction with Horsefair, to a point 65 metres south east of its junction with Horsefair.
11	Fishergate, Boroughbridge	North East	From a point 70 metres south east of its junction with Horsefair, to a point 90 metres south east of its junction with Horsefair.

<u>Column 1</u> <u>Item</u>	<u>Column 2</u> <u>Road</u>	<u>Column 3</u> <u>Side</u>	<u>Column 4</u> <u>Length</u>
12	Fishergate, Boroughbridge	South West	From a point 20 metres south east of its junction with Horsefair, to a point 100 metres south east of its junction with Horsefair.
13	High Street, Boroughbridge	East	From a point 11 metres south of its junction with Hall Square, to a point 23 metres south of its junction with Hall Square.
14	High Street, Boroughbridge	East	From a point 30 metres south of its junction with Hall Square, to a point 40 metres south of its junction with Hall Square.
15	High Street, Boroughbridge	East	From a point 29 metres north of its junction with St James Square, to a point 95 metres north of its junction with St James Square.
16	High Street, Boroughbridge	West	From a point 9 metres south of its junction with Fishergate, to a point 34 metres south of its junction with Fishergate.
17	High Street, Boroughbridge	West	From a point 55 metres south of its junction with Fishergate, to a point 91 metres south of its junction with Fishergate.
18	High Street, Boroughbridge	West	From a point 40 metres north east of the northern kerb line of St Helena, to a point 66 metres north of the northern kerb line of St Helena.
19	St James Square, Boroughbridge	South	From a point 5 metres west of its junction with Church Lane, to a point 8 metres east of its junction with New Row.

SCHEDULE 4
REVOCATIONS

<u>Column 1</u> <u>Title of Order</u>	<u>Column 2</u> <u>Extent of Revocation</u>
North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) Order 2002	In so far as it relates to Schedules 12 and 13.

Given under **THE COMMON SEAL** of
NORTH YORKSHIRE COUNTY COUNCIL
this 22nd day of December 2008 in the
presence of:-

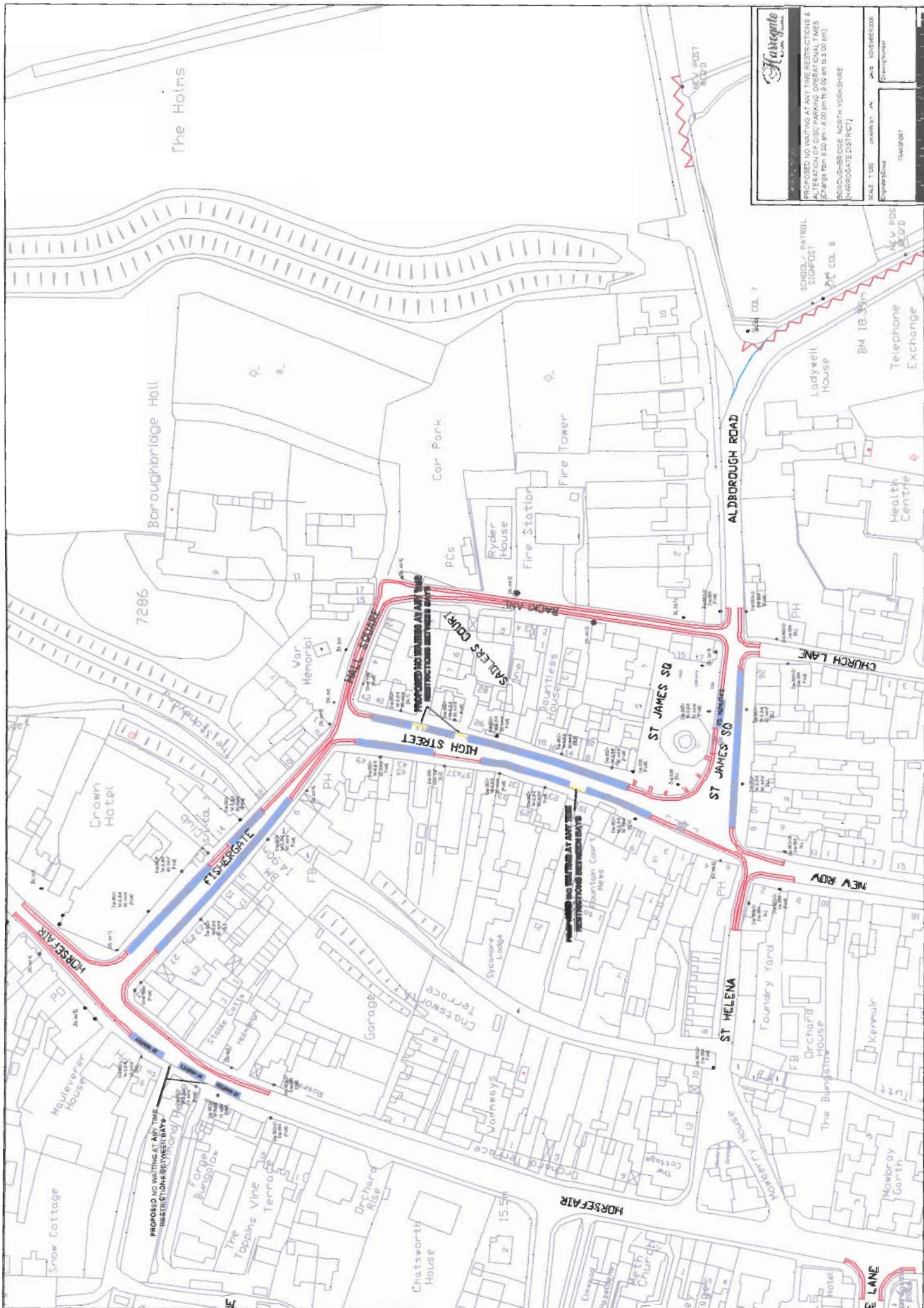
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**AUTHORISED
SIGNATORY**

Mapshare
 SCALE 1:500 COUNTY: AV DATE: NOVEMBER 2008
 Drawing Name: TOWNPLAN

PROPOSED NO WAITING AT ANY TIME RESTRICTIONS & ALTERATION OF DISC PARKING OPERATIONAL TIMES (Change from 8.00 am - 6.00 pm to 8.00 am to 5.00 pm)
 BUCKINGHAMSHIRE NORTH YORKSHIRE (HARROGATE DISTRICT)



The Holms

Boroughbridge Hall

7286

Crown Hotel

Snow Cottage

Chatsworth House

HORSEFAIR

ST HELENA

NEW RDW

CHURCH LANE

ALDBOROUGH ROAD

Telephone Exchange

NEW POS

SCHOOL, PATROL SIGNPOST

PC COL 8

PC COL 9

BM 18.35m

COL 7

NEW POST

PROPOSED NO WAITING AT ANY TIME RESTRICTIONS BETWEEN BAYS

PROPOSED DISC PARKING AT ANY TIME RESTRICTIONS BETWEEN BAYS

PROPOSED NO WAITING AT ANY TIME RESTRICTIONS BETWEEN BAYS

E LANE