

NORTH YORKSHIRE COUNTY COUNCIL

(VARIOUS ROADS, BOROUGH OF HARROGATE) (PARKING AND WAITING)
(NO 21) 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) and 4(2) of the Road Traffic Regulation Act 1984 ("the 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 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:-

"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;

"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 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 Persons) (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);

"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;

"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;

"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;

"Owner" in relation to a Motor Vehicle means the person by whom such Motor Vehicle is kept and used;

“parking disc” means in relation to article 4(2) of this Order (Exemptions for Disabled Persons’ Vehicles), a device which:-

- (a) is 125 millimetres square and coloured blue, issued on or after 1st April 2000 or orange, if issued before that date;
- (b) has been issued by a local authority and has not ceased to be valid; and
- (c) is capable of showing the quarter-hour period during which a period of waiting has begun;

“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;

“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) such as Royal Mail, as the context shall require;

“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;

“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 Regulation 4 of SI 2000/1519):-
 - (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;

“quarter-hour period” means a period of a 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;

“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.

- (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 Schedule 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 that Schedule.

PART 2

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 the Schedule 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 the Schedule 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 3

PENALTY CHARGE AND PAYMENT

- 5 (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 Article 5(6) 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 Article 5(7) 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 Article 5(1) 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 Article 5(1) 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 Articles 5(1) – (7) shall be treated as evidence in any proceedings relating to failure to pay such penalty charge."

PART 4

REVOCATION OF EXISTING ORDER

6. North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No 10) Order 2005 is hereby revoked in its entirety.

PART 5

OPERATION OF THE ORDER

7. 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.
8. This Order shall come into operation on 1 December 2008 and may be cited as "North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No 21) Order 2008".

THE SCHEDULE

ROADS IN KIRK DEIGHTON

<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	B6164	West	From the junction with the north channel line of Lime Kiln Lane (280R) northwards for 9 metres.
		West	From the junction with the south channel line of Lime Kiln Lane (280R), southwards for 12 metres.
2	B6164	West	From a distance 24 metres southwards, from the junction of Lime Kiln Lane and B6164 Main Street for 16 metres in a southerly direction.
3	Lime Kiln Lane	North	From the junction with the west channel line of the B6164 for 27 metres in a westerly direction.
4	Lime Kiln Lane	South	From the junction with the west channel line of the B6164 for 20 metres in a westerly direction.

Given under **THE COMMON SEAL** of)
NORTH YORKSHIRE COUNTY COUNCIL)
this 24th day of November 2008 in the presence)
of:-)



[Handwritten Signature]
**AUTHORISED
SIGNATORY**



North Yorkshire County Council
100017946 2006

Title: No Waiting at Anytime
Scale: Lime Kiln Lane and Main Street Kirk Deighton
Ref No:

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