

NORTH YORKSHIRE COUNTY COUNCIL

(VARIOUS ROADS, RIPON/BOROUGH OF HARROGATE/RIPON CENTRAL AREA)

(PARKING AND WAITING)

AMENDMENT 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 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:-

- 1 This Order shall come into operation on 31 March 2008 and shall be cited as "North Yorkshire County Council (Various Roads, Ripon/Borough of Harrogate/Ripon Central Area) (Parking and Waiting) Amendment Order 2008".
- 2 This Order hereby amends the following Traffic Regulation Orders:-
 - North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) Order 2002
 - North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No.2) Order 2003
 - North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No.3) Order 2003
 - North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No.4) Order 2003
 - North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No.5) Order 2004
 - North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No.6) Order 2004
 - North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No.7) Order 2004
 - North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No.9) Order 2004
 - North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No.10) Order 2005
 - North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No.11) Order 2005
 - North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No.12) Order 2005
 - North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No.13) Order 2007
 - North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No.14) Order 2007
 - North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No.15) Order 2007

North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No.16) Order 2008

North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No.17) Order 2008

North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No.18) Order 2008

North Yorkshire County Council (Ripon Central Area) (Parking and Waiting) Order 2002

North Yorkshire County Council (Various Roads, Ripon) (Parking and Waiting) Order 2002

North Yorkshire County Council (Various Roads, Ripon) (Parking and Waiting) (No.1) Order 2002

North Yorkshire County Council (Various Roads, Ripon) (Parking and Waiting) (No.2) Order 2002

North Yorkshire County Council (Various Roads, Ripon) (Parking and Waiting) (No.3) Order 2003

North Yorkshire County Council (Various Roads, Ripon) (Parking and Waiting) (No.4) Order 2003

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North Yorkshire County Council (Various Roads, Ripon) (Parking and Waiting) (No.9) Order 2004

North Yorkshire County Council (Various Roads, Ripon) (Parking and Waiting) (No.10) Order 2004

North Yorkshire County Council (Various Roads, Ripon) (Parking and Waiting) (No.12) Order 2005

North Yorkshire County Council (Various Roads, Ripon) (Parking and Waiting) (No.14) Order 2007

North Yorkshire County Council (Various Roads, Ripon) (Parking and Waiting) (No.15) Order 2006

North Yorkshire County Council (Various Roads, Ripon) (Parking and Waiting) (No.16) Order 2007

North Yorkshire County Council (Various Roads, Ripon) (Parking and Waiting) (No.17) Order 2007

3 By this Order the Traffic Regulation Orders specified in Article 2 of this Order shall be modified as follows:-

(1) In Part 1 ("General"), the following expressions shall be inserted:-

"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;

"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;

"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;

"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;

"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;

"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) That Part of the Orders relating to "Penalty Charge and Payment" shall read as follows:-

(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 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.”
- (3) Any reference to a “Parking Attendant” shall be removed and replaced by a reference to a “Civil Enforcement Officer”.
- 4 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.

THE COMMON SEAL of NORTH)
YORKSHIRE COUNTY COUNCIL)
was hereunto affixed this 10th)
day of March 2008 in the presence)
of:-)



Elle Woods
AUTHORIZED
SIGNATORY