

DATED

*15th June*

2006

**THE BOROUGH OF HYNDBURN**  
**(ABBAY STREET, ABBAY GRANGE,**  
**BLACKBURN ROAD, ARNDALE CENTRE MULTI-STOREY**  
**CAR PARK) (OFF STREET PARKING PLACES)**  
**(REVOCATION) ORDER 2006**

**HYNDBURN BOROUGH COUNCIL**  
**ACCRINGTON**

CWL/IAH/4777

LEGAL/TO/ABBAY STREET  
REVOCATION 2006

**THE BOROUGH OF HYNDBURN**  
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Hyndburn Borough Council (hereinafter referred to as "the Council") in exercise of its powers under Sections 32(1), 33(1)(4), 35, 35A and 39 of the Road Traffic Regulation Act 1984 as amended (hereinafter referred to as "the Act") and Part IV of Schedule 9 to the Act, Section 43 of the Road Traffic Act 1991 as amended and of all other enabling powers with the consent of Lancashire County Council in accordance with Section 39(3) of the Act and after consulting the Chief Officer of Police under Part III of Schedule 9 to the Act, hereby makes the following Order:-

**Part I – General**

1. This Order shall come into operation on the 28<sup>th</sup> June 2006 and may be cited as "the Borough of Hyndburn (Abbey Street, Abbey Grange, Blackburn Road, Arndale Centre Multi-Storey Car Park) (Off Street Parking Places) (Revocation) Order 2006".
2. (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order, and any reference in this Order to "the Schedule" is a reference to the Schedule to this Order.  
(2) In this Order except where the context otherwise requires, the following expressions have the meanings respectively assigned to them and the singular shall include the plural and vice versa:  
"driver, in relation to a vehicle entering, leaving or waiting in a parking place, means the person who was driving the vehicle at the time it was left in the parking place;  
"disabled person's vehicle" means a vehicle displaying a disabled person's badge in the circumstances prescribed in Regulations 13, 14, 15 or 16 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"owner", in relation to a vehicle, means the person by whom such vehicle is kept and used;

"parking bay" means any area of a parking place, which has been provided for the leaving of a vehicle and marked out as an area within the boundaries of which a vehicle should be parked

"parking place" means any area of land specified by name in column 1 of the Schedule, which has been provided by the Borough of Hyndburn under Section 32(1) of the Act for use as a parking place;

"parking attendant" means a person authorised by or on behalf of the Council to supervise any off street parking place and enforce regulations in any off street parking place

"prescribed hours" means the period between 8.00 a.m. and 6.00 p.m. on Mondays to Saturdays excluding Sundays and Bank Holidays

3. "The Borough of Hyndburn (Abbey Street, Abbey Grange, Blackburn Road, Arndale Centre Multi-Storey Car Park) (Off Street Parking Places) (Revocation) Order 2004" is hereby revoked with effect from the 28<sup>th</sup> June 2006.
4. The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Lancashire) Order 2004 came into force on the 6<sup>th</sup> September 2004. The effect of this Order is to designate the Borough of Hyndburn as a Special Parking Area pursuant to the Road Traffic Act 1991.

#### Part II – Use of Parking Place

5. The parking place specified by name in column 1 of the Schedule may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such positions on such days and during such hours as are specified in relation to that Schedule.
6. Where in the Schedule the parking place is described as available for vehicles of a specified class or in a specified position, the driver of that vehicle shall not permit it to

wait in that parking place unless it is of the specified class and in a position other than wholly within a parking bay.

7. Nothing in this Article shall restrict the power of the Council or the Police to close the parking place by Notice for preventing obstruction of the parking place on the occasion of any public procession, rejoicing or illumination, or where the parking place is thronged or likely to be obstructed.
8. The driver of a vehicle shall not permit it to wait continuously in a parking place for longer than three hours.
9. When a vehicle has left a parking place after waiting thereon the driver thereof shall not within two hours of its leaving, permit it to wait again within the parking place specified in column 1 of the Schedule.
10. A driver of a vehicle shall not use the parking place, when for preventing obstruction of the parking place the Council has, by notice on the occasion of any public procession, rejoicing or illumination or when the parking place is thronged or liable to be obstructed, closed that parking place and exhibited notice of such closing on or near the parking place.

### Part III – General Management of a Parking Place

11. A vehicle remaining in a parking place shall be at the owner's or driver's risk and the Council shall not be liable for loss or damage to the vehicle or its contents howsoever such loss or damage may arise other than loss or damage occasioned by the act, default, omission or neglect of the Council or its servants or agents.
12. In a parking place the driver of a vehicle shall comply with any instructions which may be given by a parking attendant, and in particular he shall remove the vehicle from the parking place on being asked so to do.
13. When a vehicle is left in a parking place in contravention of any of the provisions contained in this Order or when the owner or the driver of a vehicle shall have failed to comply with any of Articles 12, 21 or 22 hereof a person authorised by the Council may

thereupon remove the vehicle or arrange for it to be removed from the parking place and the Council may recover the expenses reasonably incurred in so doing from the owner of the vehicle.

14. Any persons removing a vehicle by virtue of Article 13 of this Order may do so by towing or driving the vehicle or in such manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it as aforesaid.
15. Any person removing a vehicle from a parking place by virtue of Article 13 of this order shall leave it or cause it to be left on another car park under the control of the Council and shall notify the last known registered owner of the vehicle (if ascertainable) of the place where the vehicle has been left as soon as may be reasonably be possible thereafter. It shall be sufficient notification to the last known owner if a prepaid letter is sent to his last known address by the recorded delivery service.
16. In cases of emergency any person duly authorised by the Council may move or cause to be moved to any place that he may think fit any vehicle that has been left in the parking place.
17. Where in a parking place signs are erected or surface markings are laid for the purpose of:-
  - (a) indicating the entrance to or exit from the parking place, or,
  - (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,no person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated, or (ii) in a direction other than so specified.
18. No person shall, except with the permission of a person 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 purpose of departing from the parking place.

#### Part IV – Other Provisions

19. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle Excise and Registration Act 1994 unless there is in relation to the use of a vehicle by the driver such a policy of insurance as complies with the requirements of the Road Traffic Act 1988.
20. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position or to depart from the parking place.
21. No person shall use a vehicle, while it is in a parking place, in connection with the sale or offering for sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.
22. No person shall use any part of the parking place or any vehicle left in a parking place:-
  - (i) for sleeping, camping or cooking; or
  - (ii) for the purpose of servicing, repair or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
23. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.
24.
  - (1) Where a driver parks a vehicle in a parking place as specified in column 1 of the Schedule in accordance with Articles 5-16 inclusive of this Order then the Council will make no charge;
  - (2) Where a driver fails to comply with the provisions of Articles 5-16 inclusive of this Order a charge (hereinafter referred to as "the Standard Charge") shall be payable to the Council forthwith by the driver of that vehicle and he shall be

deemed to have contravened or failed to comply with the provisions of this Order and the provisions of Section 66 and Schedule 6 of the Road Traffic Act 1991 as applied by Section 43 of the Road Traffic Act 1991.

25. (1) The Standard Charge shall be £60.00 unless subsequently amended by resolution of the Council, notice of which shall be published in a local newspaper within 21 days of the Council Resolution a certified copy of which shall be affixed to this Order;
- (2) The Standard Charge shall be paid within 28 days following the day on which a Penalty Charge Notice (hereinafter referred to as "a PCN") was issued, but if payment is made within 14 days of the date of a PCN then the Standard Charge will be reduced by 50%.
26. In the case of a vehicle in respect of which the Standard Charge may have been incurred, it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position a PCN which shall state:-
- (i) the registration mark of the vehicle, or where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle, together with the make model and colour of the vehicle
  - (ii) the grounds on which the parking attendant believes that a penalty charge is payable with respect to the vehicle;
  - (iii) the amount of the penalty charge which is payable;
  - (iv) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of a PCN
  - (v) that if the Penalty Charge is paid before the end of the period of 14 days beginning with the date of a PCN, the amount of the penalty charge will be reduced by the specified proportion;

- (vi) that if the Penalty Charge is not paid before the end of the 28 day period, a notice to owner may be served by the local authority on the person appearing to them to be the owner of the vehicle;
  - (vii) the address to which the penalty charge must be sent be sent.
27. When a PCN has been attached to a vehicle in accordance with the provision of Article 26, no person not being the driver of the vehicle or person duly authorised by the Council shall remove a PCN from the vehicle unless authorised to do so by the driver.
28. The driver of a disabled person's vehicle shall be exempt from the provisions of Articles 8 and 9 of this Order.

#### Part V – Presumptions in Legal Proceedings

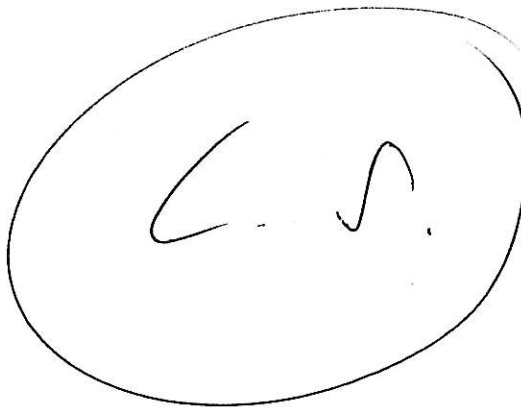
29. For the purposes of the institution of proceedings in respect of any alleged contravention or non-compliance with the terms of this Order against any person as being the owner of the vehicle at the relevant time; and in any proceedings, in respect of the alleged contravention or non-compliance with the terms of this Order, brought against any person as being the owner of the vehicle at the relevant time; it shall be presumed (notwithstanding that any person may not be an individual) that he was the driver of the vehicle at that time, and, accordingly, that acts or omissions of the driver of the vehicle at that time were his acts or omissions.
30. For the purposes of the provisions of this Order referred to in article 29 of this Order, the owner of a vehicle shall be taken to be the person by whom the vehicle is kept and used, and for the purpose of determining, in the course of any proceedings brought by virtue of those provisions, who was the owner of a vehicle at any time, it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994.
31. Notwithstanding the presumption in Article 30 of this Order it shall be open to the defence in any proceedings to prove that the person in whose name a vehicle was so registered at that particular time was not the person by whom the vehicle was kept at



that time, and to the prosecution to prove that the vehicle was kept by some other person at that time.

32. Notwithstanding the presumption in Article 30 of this Order and the provisions of Article 31 of this Order in relation to a vehicle which is the subject of a Hiring Agreement or a Consumer Credit Agreement, means the person in possession of the vehicle under that Agreement.

THE COMMON SEAL of THE COUNCIL )  
OF THE BOROUGH OF HYNDBURN was )  
hereunto affixed the 15th day of June )  
2006 in the presence of:- )



*SA/Hedges*

Solicitor on behalf of the Council

No. in Seal Book *13105*

### THE SCHEDULE

1 PARKING PLACE	2 POSITION IN WHICH VEHICLES MAY WAIT	3 CLASS OF VEHICLES PERMITTED TO PARK	4 DAYS OF OPERATION OF THE ORDER	5 HOURS OF DURATION OF THE ORDER	6 MAXIMUM PERIOD WHICH VEHICLES MAY WAIT
The car park situated at the rear of properties number 17 to 67 Abbey Street, Accrington known as Abbey Street Car Park, the car park situated at the junction of Cross Street with Black Abbey Street, Accrington known as Abbey Grange Car Park, the car parks situated to the south west and to the north east of Crawshaw Street, Accrington known as Blackburn Road Car Park and on floors 1 – 5 inclusive of the car park known as the Arndale Centre Multi-Storey Car Park, Accrington	Wholly within a parking bay	<p>(i) Motor cars, as defined in Section 136 (2) (a) of the Act</p> <p>(ii) Motor cycles as defined in Section 136 (4) of the Act</p> <p>(iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the laden or unladen weight of which does not exceed 1530 kilograms</p> <p>(iv) Disabled persons' vehicles</p>	Any day other than a Sunday or a Bank Holiday	8.00 a.m. to 6.00 p.m.	3 hours