

REC'D 19 MAR 2008

**ROAD TRAFFIC REGULATION ACT 1984  
IPSWICH BOROUGH COUNCIL (CIVIL ENFORCEMENT AREA) (AMENDMENT)  
(NO. 1) ORDER 2008**

WHEREAS IPSWICH BOROUGH COUNCIL ("the Council") wish to amend certain aspects of the:

Ipswich Borough Council (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, Loading Restrictions, Loading Areas and On-Street Parking Places) (Consolidation) Order 2005 as amended; and  
Ipswich Borough Council (Off-Street Parking Places) Order 2007; and  
Ipswich Borough Council (Permitted Parking Area and Special Parking Area) (On-Street Parking Places) (Zone 3) Experimental Order 2006 as amended; and  
Ipswich Borough Council (Permitted Parking Area and Special Parking Area) (On-Street Parking Places) (Zone 1) Experimental Order 2007 by :-

IPSWICH BOROUGH COUNCIL under arrangements made with Suffolk County Council in accordance with Regulations made under Section 19 of the Local Government Act 2000, in exercise of their powers under Sections 1, 2, 3, 4, 9, 32, 33, 35, 39, 45, 46, 47, 49, 53 and 55 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, and Part 6 of the Traffic Management Act 2004 ("the 2004 Act") HEREBY MAKE THE FOLLOWING ORDER:

**COMMENCEMENT AND CITATION**

1. This Order may be cited as the Ipswich Borough Council (Civil Enforcement Area) (Amendment) (No. 1) Order 2008 and shall come into force on 31 March 2008.
2. The Ipswich Borough Council (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, Loading Restrictions, Loading Areas and On-Street Parking Places) (Consolidation) Amendment Order 2005 as amended shall have effect in full as if the same had been set out in full herein, save for the following amendments:-
  - (a) In the preamble the words "and of the Road Traffic Act 1991 ("the 1991 Act")" are deleted and the words "and Part 6 of the Traffic management Act 2004 ("the 2004 Act")" shall be inserted after the words "Part III of the 1984 Act".
  - (b) All references to the "Road Traffic Act 1991" and "the 1991 Act" are deleted.
  - (c) All references to "Permitted Parking Area and Special Parking Area" are deleted.
  - (d) All references to "Parking Attendant" are substituted by "Civil Enforcement Officer".
  - (e) All references to "Dyke Street" are substituted by "Dykes Street".

Certified a true copy of the original document

*[Signature]*  
 Legal Services  
 Ipswich Borough Council  
 Grafton House  
 Russell Road  
 Ipswich IP1 2DE

Date 17/3/08

(f) In Article 1.4 the interpretations of "Parking Attendant and "Special Parking Area" are deleted.

(g) In Article 1.4 the relevant interpretations therein shall be substituted by the following interpretations:

"owner" In relation to a vehicle, has the same meaning as in Section 92(1) of the 2004 Act, or the person who has the use of such vehicle in the course of his or her employment and is entitled to use the vehicle as if he or she was the registered keeper thereof.

"penalty charge" has the same meaning as Section 92(1) of the 2004 Act.

"penalty charge notice" has the same meaning as Section 8(1) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

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

"traffic sign" has the meaning given by Section 64 of the 1984 Act.

(h) In Article 1.4 the following interpretations shall be included:

"civil enforcement area" has the same meaning as in Section 8 of the 2004 Act

"civil enforcement officer" has the same meaning as in Section 76 of the 2004 Act

(i) Article 1.5A shall be inserted after 1.5 and shall read "Headings in this Order and Schedules and Map Schedules are for ease of reference only and are not part of the Order".

(j) In Article 2.2, for paragraph (b) substitute the following "(b) where a vehicle has been taken away from the parking place during the permitted hours, to be left again in a parking place in the same restricted road within two hours of the vehicle being removed."

The remainder of the Article 2.2 after paragraph (b) shall be deleted.

(k) In Article 2.5 the words in brackets following "not exceeding three hours" shall be substituted with the following words "(not being a period separated by an interval of less than one hour from a period of waiting by the same vehicle in the same road on the same day)."

(l) In Article 9.2 the words "the 1991 Act" be substituted with "the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 ("the 2007 Regulations") and the 2004 Act".

(m) The whole of Article 9.3 shall be substituted with the following: "The penalty charge notice shall be paid in accordance with the contents of the penalty charge notice as defined by the Schedule of Civil Enforcement of Parking Contraventions (England) General Regulations 2007".

(n) The whole of Article 9.7 shall be substituted with the following: "Where a penalty charge notice has been attached to a vehicle in accordance with Regulation 9 of the 2007 Regulations, any person other than the owner or person in charge of the vehicle or person duly authorised by the Council who removes the penalty charge notice shall be guilty of an offence under Regulation 11 of the 2007 Regulations."

(o) In Article 9.8 the words "Section 69(1) and (2) of the Road Traffic Act 1991" be substituted with "Section 79 of the 2004 Act and the 2007 Regulations", and the words "and that vehicle shall only be released from the device on payment of the penalty charge, or as such the case may be a reduced penalty charge, along with such release fee as may be required from the Council" shall be deleted.

(p) Map Schedules M2, P7, P10, Q7, T8, T11, V9 and X7 shall be substituted with the attached amended versions.

3. The Ipswich Borough Council (Off-Street Parking Places) Order 2007 shall have effect in full as if the same had been set out in full herein, save for the following amendments:-

(a) In the preamble the words "and of the Road Traffic Act 1991 ("the 1991 Act")" are deleted and the words "and Part 6 of the Traffic management Act 2004 ("the 2004 Act")" shall be inserted after the words "Part III of the 1984 Act".

(b) All references to the "Road Traffic Act 1991" and "the 1991 Act" are deleted.

(c) All references to "Parking Attendant" are substituted by "Civil Enforcement Officer".

(d) Article 2(1)(a) shall be inserted after (2(1) and shall read "Headings in this Order and schedules are for ease of reference only and are not part of the Order".

(e) In Article 2(2) the interpretations of "Parking Attendant" is deleted.

(f) In Article 2(2) the relevant interpretations therein shall be substituted by the following interpretations:

**“owner”** In relation to a vehicle, has the same meaning as in Section 92(1) of the 2004 Act, or the person who has the use of such vehicle in the course of his or her employment and is entitled to use the vehicle as if he or she was the registered keeper thereof.

**“penalty charge”** has the same meaning as Section 92(1) of the 2004 Act.

**“penalty charge notice”** has the same meaning as Section 8(1) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

(g) In Article 2(2) the following interpretations shall be included:

**“civil enforcement officer”** has the same meaning as in Section 76 of the 2004 Act.

(h) The whole of Article 7(2) shall be substituted with the following: “7(2) In the case of a vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to issue a penalty charge notice which shall include the information required by the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (“the 2007 Regulations”) and the 2004 Act. The penalty charge notice shall be paid in accordance with the contents of the penalty charge notice as defined by the Schedule of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

(i) The whole of Article 7(5) shall be substituted with the following: “Where a penalty charge notice has been attached to a vehicle in accordance with Regulation 9 of the 2007 Regulations, any person other than the owner or person in charge of the vehicle or person duly authorised by the Council who removes the penalty charge notice shall be guilty of an offence under Regulation 11 of the 2007 Regulations.”

4. The Ipswich Borough Council (Permitted Parking Area and Special Parking Area) (On-Street Parking Places) (Zone 3) Experimental Order 2006 as amended and the Ipswich Borough Council (Permitted Parking Area and Special Parking Area) (On-Street Parking Places) (Zone 1) Experimental Order 2007 shall both have effect in full as if the same had been set out in full herein, save for the following amendments:-

(a) In the preamble the words “and of the Road Traffic Act 1991 (“the 1991 Act”)” are deleted and the words “and Part 6 of the Traffic management Act 2004 (“the 2004 Act”)” shall be inserted after the words “Part III of the 1984 Act”.

(b) All references to the "Road Traffic Act 1991" and "the 1991 Act" are deleted.

(c) All references to "Permitted Parking Area and Special Parking Area" are deleted.

(d) All references to "Parking Attendant" are substituted by "Civil Enforcement Officer".

(e) In Article 1.3 the words following "Parking Zone 1" shall be substituted with "in the Civil Enforcement Area are hereby suspended".

(f) In Article 1.5 the interpretations of "Parking Attendant and "Special Parking Area" are deleted.

(g) In Article 1.5 the relevant interpretations therein shall be substituted by the following interpretations:

"owner" In relation to a vehicle, has the same meaning as in Section 92(1) of the 2004 Act, or the person who has the use of such vehicle in the course of his or her employment and is entitled to use the vehicle as if he or she was the registered keeper thereof.

"penalty charge" has the same meaning as Section 92(1) of the 2004 Act.

"penalty charge notice" has the same meaning as Section 8(1) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

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

"traffic sign" has the meaning given by Section 64 of the 1984 Act.

(h) In Article 1.5 the following interpretations shall be included:

"civil enforcement area" has the same meaning as in Section 8 of the 2004 Act

"civil enforcement officer" has the same meaning as in Section 76 of the 2004 Act.

(i) Article 1.5A shall be inserted after 1.5 and shall read "Headings in this Order and Schedules and Map Schedules are for ease of reference only and are not part of the Order".

(j) In Article 6.2 the words "the 1991 Act" be substituted with "the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 ("the 2007 Regulations") and the 2004 Act".

(k) The whole of Article 6.3 shall be substituted with the following: "The penalty charge notice shall be paid in accordance with the contents of the penalty charge notice as defined by the Schedule of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007".

(l) The whole of Article 6.7 shall be substituted with the following: "Where a penalty charge notice has been attached to a vehicle in accordance with Regulation 9 of the 2007 Regulations, any person other than the owner or person in charge of the vehicle or person duly authorised by the Council who removes the penalty charge notice shall be guilty of an offence under Regulation 1.1 of the 2007 Regulations."

(m) In Article 6.8 the words "Section 69(1) and (2) of the Road Traffic Act 1991" be substituted with "Section 79 of the 2004 Act and the 2007 Regulations".

THE COMMON SEAL of IPSWICH )  
BOROUGH COUNCIL was affixed )  
on 18 March 2008 )  
in the presence of:- )



  
Authorised Officer

  
Authorised Officer