

HINCKLEY & BOSWORTH BOROUGH COUNCIL THE DISTRICT OF HINCKLEY & BOSWORTH (OFF-STREET PARKING PLACES) (VARIATION) (NO.4) ORDER 2022

Hinckley & Bosworth Borough Council (the "Council") in exercise of its powers under Section 32 and 35 of the Road Traffic Regulation Act 1984 (as amended) (hereinafter referred to as "the Act of 1984") Schedule 9 to the Act of 1984, the Traffic Management Act 2004 (hereinafter referred to as "the Act of 2004") and all other enabling powers and with the consent of Leicestershire County Council in accordance with Section 39 of the Act of 1984 and the Act of 2004

Part 1: Preliminary

1. Title

This Order may be cited as the District of Hinckley & Bosworth (Off-Street Parking Places) (Variation) (No.4) Order 2022.

2. Commencement and Effect

This Order shall come into operation on 31 May 2022.

Save as varied by this Order the District of Hinckley & Bosworth (Off Street Parking Places) Order 2014 (the "2014 Order") and the Hinckley & Bosworth (Off-Street Parking Places) (Variation) Order 2016 ("the 2016 Order") and the Hinckley & Bosworth Borough Council (Off Street Parking Places) (Variation No.2) 2016 ("the 2016 Order No.2") and the Hinckley & Bosworth Borough Council (Off Street Parking Places) (Variation) Order 2018 ("the 2018 Order") will continue to apply.

3. With effect from 31 May 2022 the 2014 order and the 2016 Order and the 2016 Order No.2 and the 2018 Order shall have effect with the following variations:

Part 2 Amendments

1. Reference in any of the above orders or variation orders to;

- a) The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, and
- b) The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007, and
- c) The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007,

shall be deleted and replaced by reference to The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) England) Regulations 2022, which said regulations shall apply from the date of the date of coming into force of this variation order

2. References in any of the above orders or variation orders to the Civil Enforcement of Road Traffic Contraventions (England) Representations and

Appeals Regulations 2007 shall be deleted and replaced by reference to The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) Regulations 2022 which said regulations shall apply from the date of the coming into force of this variation order.

3. Paragraph 25 of the 2014 order shall be deleted and replaced with the following wording;

Penalty Charge for Use of Car Parks

- “25. (1) If a motor vehicle is left in a parking place in contravention of or non-compliance with this Order a penalty charge or discounted penalty charge shall be payable by the driver of the motor vehicle.
- (2) The penalty charge or discounted penalty charge shall be in the sum of the following amounts:-
- (a) The penalty charges for higher level contraventions and all other contraventions as set out and defined in Part 1 of Schedule 3 of the Civic Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (as amended or superseded from time to time) shall apply to such contraventions subject to payment being received within 28 days beginning with the date of issue of the penalty charge notice.
 - (b) The discounted penalty charge – a fifty percent reduction of the penalty charge subject to payment being received within 14 days beginning with the date of issue of the penalty charge notice.
 - (c) If no payment is made within 28 days of the serving of the penalty charge notice the Council will issue a Notice to Owner advising of the unpaid charge
 - (d) If no payment is made within 28 days of the serving of the Notice to Owner the Council may issue a charge certificate in accordance with the provisions of Paragraph 1(4) of Part 1 of Schedule 3 of the Civic Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (as amended or superseded from time to time) this will result in the penalty charge being increased to the amount set out in the above Regulations (as amended from time to time)

- (3) Service of a penalty charge notice, notice to owner or charge certificate by post is deemed effective on the second working day after the day of posting.
- (4) Where a penalty charge has been incurred a civil enforcement officer may attach to the vehicle in a conspicuous position or hand to the driver a penalty charge notice which shall comply with the requirements of regulation 9 and Schedule 2 of The Civil Enforcement of Parking Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (as amended or superseded from time to time).
- (5) Where a penalty charge has been incurred, a penalty charge notice may be issued by post by the enforcement authority if the owner of the motor vehicle drives the motor 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, such a penalty charge notice shall comply with the requirements of Schedule 2 to The Civil Enforcement of Parking Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (as amended or superseded from time to time).
- (6) Payment of the penalty charge shall either be by electronic transfer, cheque, postal order or cash in person which shall be delivered or sent by post so as to reach the relevant Office of the Council as stated on the penalty charge notice not later than 4.30pm, by the date specified on the penalty charge notice but should the said Office of the Council be closed on the said date specified the period for receiving payment may be extended until 4.30pm, on the next full working day.
- (7) The particulars given in the penalty charge notice attached to the motor vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge”

**GIVEN under THE COMMON SEAL of THE BOROUGH COUNCIL OF HINCKLEY
& BOSWORTH on the 29 day of April 2022.**

**THE COMMON SEAL of THE BOROUGH COUNCIL OF
HINCKLEY & BOSWORTH
was hereunto affixed this in the presence of:**

Skenny

Authorised Officer

