

BLABY DISTRICT COUNCIL

THE DISTRICT OF BLABY (OFF-STREET PARKING PLACES) (AMENDMENT) ORDER 2022

Blaby District Council in exercise of its powers under Sections 32, 33, 35, 35a and 38 of the Road Traffic Regulation Act 1984 and Parts I, III, IV, V and VI of Schedule 9 to the Act, the Traffic Management Act 2004 (“the 2004 Act”), all regulations and Orders conferred by the 2004 Act and of all other enabling powers, hereby makes the following Order:-

1. The District of Blaby (Off-Street Parking Places) (Amendment) Order 2022 (“the Amendment Order”) is intended to be supplemental to and amend The District of Blaby (Off-Street Parking Places) Order 2019 (“the Order”).
2. The Amendment Order shall come into force on 31 May 2022 and may be cited as The District of Blaby (Off-Street Parking Places) (Amendment) Order 2022
3. Definitions are set out in the Order.
4. Save as amended by the Amendment Order, the Order will remain in full force and effect.

PART 1 – GENERAL Amendments

Amend: Article 5 ““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;” to ““higher level contraventions” are as defined in The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 or any amendment or re-enactment thereof;”.

Amend: Article 5 ““Penalty Charge Notice” means a Penalty Charge Notice as defined in regulation 8 (1) of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.” to ““Penalty Charge Notice” means a Penalty Charge Notice as defined in The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.”.

Amend: Article 5 ““serve” 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, including the service of PCNs by post or any amendment or re-enactment thereof;” to ““serve” in respect of a Penalty Charge Notice means the forms of service specified in The Civil Enforcement of Road Traffic Contraventions (Approved

Devices, Charging Guidelines and General Provisions) (England) Regulations 2022, including the service of PCNs by post or any amendment or re-enactment thereof;”.

PART 2 – REGULATIONS Amendments

- Amend: Article 43.3(a) “The penalty charge for higher level contraventions - band 2 as set out in Section 1 of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (as amended or superseded from time to time) subject to payment being received within 28 days beginning with the date of issue of the Penalty Charge Notice.” to “The penalty charge for higher level contraventions as set out in The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (as amended or superseded from time to time) subject to payment being received within 28 days beginning with the date of issue of the Penalty Charge Notice.”.
- Amend: Article 43.3(b) “All other contraventions of the Order not so defined as higher level contraventions in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or re-enactment thereof, will be set at the lower level penalty charge as defined in those regulations.” to “All other contraventions of the Order not so defined as higher level contraventions in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 or re-enactment thereof, will be set at the lower level penalty charge as defined in those regulations.”.
- Amend: Article 43.3(e) “If no payment is made within 28 days of serving the Notice to Owner the Council may issue a Charge Certificate in accordance with the provisions of Regulation 21 of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (as amended or superseded from time to time). This will result in the penalty charge being increased by fifty percent.” to “If no payment is made within 28 days of serving the Notice to Owner the Council may issue a Charge Certificate in accordance with the provisions of The Civil 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 by fifty percent.”.

Amend: Article 43.5

“Where a contravention has occurred a Civil Enforcement Officer or any authorised 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 the schedule to The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (as amended or superseded from time to time).” to “Where a contravention has occurred a Civil Enforcement Officer or any authorised 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 The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (as amended or superseded from time to time).”.

Amend: Article 43.6

“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 Regulation 10 and the Schedule to The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (as amended or superseded from time to time).” to “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 The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (as amended or superseded from time to time).”.

SCHEDULE 3 Amendments

Amend: “The penalty charge for higher level contraventions will be set at Band 2 as defined in the provisions of The Civil Enforcement of Parking Contraventions (Guidelines on levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof.

All other contraventions of the Order not so defined as higher level contraventions in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof, will be set at the lower level penalty charge as defined in those Regulations.

If no payment is made within 28 days of the serving of a Penalty Charge Notice the Council may issue a Charge Certificate in accordance with the provisions of Regulation 21 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.”

To:

“The penalty charge for higher level contraventions will be set as defined in the provisions of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 or any amendment or re-enactment thereof.

All other contraventions of the Order not so defined as higher level contraventions in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 or any amendment or re-enactment thereof, will be set at the lower level penalty charge as defined in those Regulations.

If no payment is made within 28 days of the serving of a Penalty Charge Notice the Council may issue a Charge Certificate in accordance with the provisions of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.”.

IN WITNESS whereof the Blaby District Council have caused the Common Seal to be hereunto affixed the 25th day of May 2022.

THE COMMON SEAL of the BLABY)
DISTRICT COUNCIL was hereunto)
affixed the day and year first before)
written)



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