

CHARNWOOD BOROUGH COUNCIL

BOROUGH OF CHARNWOOD (OFF-STREET PARKING PLACES) REPLACEMENT ORDER 2007 AMENDMENT ORDER NO. 2 2008

The Council of the Borough of Charnwood in the County of Leicester (hereinafter referred to as "the Council") in exercise of its powers under Sections 32 and 35 of the Road Traffic Regulation Act 1984 and Part IV of Schedule 9 to the Act, the Traffic Management Act 2004 and all other enabling powers and with the consent of the Leicestershire County Council in accordance with Section 39(3) of the Act and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act, HEREBY MAKES the following Order:-

- 1 (1) This Order is supplemental to the Borough of Charnwood (Off-Street Parking Places) Replacement Order 2007 ("the Original Order") which subject as hereinafter mentioned remains in full force and effect.

(2) This Order shall come into operation on 1st April 2008 and may be cited as the Borough of Charnwood (Off-Street Parking Places) Replacement Order 2007 Amendment Order No. 2 2008.

(3) Definitions and interpretation are as provided in the Original Order with the exception that the replacement amended or additional definitions set out or described in the Second Schedule hereto shall be read and construed as if the same were incorporated in Article 5 of the Original Order and any replaced or redundant wording of that said Article 5 as identified in the Second Schedule shall now be revoked to the extent that the same is inconsistent with such replacement amended or additional definitions.
- 2 Article 14 of the Original Order shall be amended by inserting the wording "in accordance with the tariff in force at any given time" after the words "and drop off points" at the end of line 4.
- 3 Article 22 of the Original Order shall be revoked and replaced by the following wording:

"22. (1) If a vehicle is left in a parking place in contravention of or non compliance with this Order a penalty charge shall be payable by the driver of the vehicle.

(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 within 28 days beginning with the date of issue of the penalty charge notice.
 - b. The reduced 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. 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 the penalty charge shall be increased by fifty percent.
- (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) 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 the schedule to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.
- (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 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, such a penalty charge notice shall comply with the requirements of Regulation 10 and the Schedule to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.
- (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.

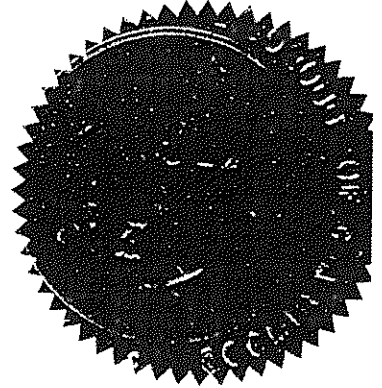
The particulars given in the penalty charge notice attached to the vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

23. In the event of the driver failing to pay a penalty charge within the period stipulated in this Order the Council may give notice in writing to the owner of the motor vehicle in respect of which the penalty charge was incurred requiring the owner to supply the identity of the driver."

SECOND SCHEDULE
(Amended or additional Definitions within Article 5 of Original Order)

1. The provided definition of "parking attendant" shall include "civil enforcement officer".

The COMMON SEAL of THE COUNCIL OF
THE BOROUGH OF CHARNWOOD
was hereunto affixed
this 15th day of June 2008
in the presence of:



Authorised Signatory
Cabinet minute 24 resolutions 1 and 4 14/06/2007
Delegated decision of DL&E [date]
Delegated powers DRM no. 3 page 3-40

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