

**THE BOROUGH OF LUTON  
OFF STREET PARKING PLACES  
(VARIOUS ELECTRIC VEHICLE RECHARGING BAYS)  
ORDER 2011**

The Council of the Borough of Luton ("The Council") in exercise of its powers under Sections 1, 2, 4, 32, 35, 35A, 44, 45, 46, 46A, 47, 49, 53, 63A, 66, 117 and 124 (1) (c) and (d) of the Road Traffic Regulation Act 1984 ("the Act of 1984") and Part IV of Schedule 9 of the Act of 1984 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984 as amended and of all other enabling powers hereby makes the following Order:

**1. Commencement and Title**

- 1.1 This Order shall come into force on 12<sup>th</sup> September 2011 and may be cited as Luton Borough Councils Off Street Parking (Various Electric Vehicle Recharging Bays) Order 2011

**2. Interpretation**

- 2.1 In this Order:

"Civil Enforcement Officer" means a person authorised by or on behalf of the Council to supervise and carry out enforcement in respect of any Electric Vehicle Recharging Bay covered by this Order

"delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery and collection

"disabled person's vehicle" has the same meaning as in section 142(1) of the Act of 1984

"disabled person's badge or parking disc" has the same meaning as given in regulation 3(1) of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000

"driver" means in relation to a vehicle waiting in an Electric Vehicle Recharging Bay the person driving the vehicle at the time it was left in that Electric Vehicle Recharging Bay;

"Electric Vehicle" means a motor vehicle which is powered by a battery supplying electricity to the motor

"Electric Vehicle Recharging Bay" means those five bays designated as such in accordance with Articles 3, and the First Schedule

"Electric Vehicle Registered Member" means a person who has registered on the Evalu8 network or an affiliated member organisation

"Evalu8 Membership Scheme" means the scheme of membership provided by the Evalu8 network or an affiliated member organisation

"Motor Vehicle" has the same meaning as in section 136 of the Act of 1984

“Penalty Charge” means a charge set by the Council under the provisions of the Traffic Management Act 2004, the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007

“Penalty Charge Notice” means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of the Traffic Management Act 2004, the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007

“Recharging” means the connection to the recharging post located in the Electric Vehicle Recharging Bay

“vehicle” includes any Motor Vehicle and Electric Vehicle in accordance with the provisions of this Order

2.2 In this Order any reference 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 unless otherwise specified

2.3 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of any Act of Parliament

### **3. Designation of Electric Vehicle Recharging Bays**

3.1 Each parking place listed in columns (b) and (c) of Schedule 1 of this Order shall be designated as an Electric Vehicle Recharging Bay subject to the restrictions listed in column (d) of Schedule 1 in accordance with Articles 3.2, 3.3, 4.1 and 4.2 below.

3.2 Each parking place designated as an Electric Vehicle Recharging Bay in the First Schedule shall be subject to the restriction that there shall be limited waiting of ten (10) hours

3.3 The Electric Vehicle Recharging Bays set out in the First Schedule shall be available to be booked by Electric Vehicle Registered Members in accordance with the Evalu8 Membership Scheme

### **4. Vehicles for which the Electric Vehicle Recharging Bays are designated**

4.1. The Electric Vehicle Recharging Bays so designated in the First Schedule shall be for the sole use as a bay for the Recharging of an Electric Vehicle.

4.2 The Electric Vehicle Recharging Bays identified in the First Schedule to this Order are for the sole use of Electric Vehicle Registered Members only.

### **5. Qualification to become a Registered Member**

- 5.1. Any person who is the driver of an Electric Vehicle may apply to become a member of the Evalu8 network or an affiliated member organisation

## **6. *Contraventions***

- 6.1 No vehicle may be parked in an Electric Vehicle Recharging Bay except for purposes of Recharging and in accordance with the provisions of this Order;
- 6.2 If any vehicle is parked in an Electric Vehicle Recharging Bay specified in the Schedule to this Order without complying with the requirements of this Order a contravention shall have occurred and a Penalty Charge shall be payable;
- 6.3 A Penalty Charge shall be paid in accordance with the instructions on the Penalty Charge Notice;
- 6.4 Where a Penalty Charge Notice has been attached to a vehicle in accordance with this Order no person not being the Driver of the vehicle a Civil Enforcement Officer a Police Constable in uniform or person authorised by the Council shall remove the Penalty Charge Notice from the vehicle until the vehicle is removed from the Electric Vehicle Recharging Bay

## **7. *Placing of Traffic Signs***

- 7.1 The Council shall:
  - (a) indicate the limits of each Electric Vehicle Recharging Bay on the road
  - (b) place and maintain on or in the vicinity of each Electric Vehicle Recharging Bay appropriate traffic signs indicating the requirements and any restrictions on the use of the Electric Vehicle Recharging Bay
  - (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of an Electric Vehicle Recharging Bay

## **8. *Manner of Standing in an Electric Vehicle Recharging Bay***

- 8.1 An Electric Vehicle left in an Electric Vehicle Recharging Bay shall stand within the marked lines

## **9. *Movement of Vehicles in Electric Vehicle Recharging Bays in Emergencies***

- 9.1 A Civil Enforcement Officer or Police Constable in uniform or person authorised by the Council may cause to be moved any motor vehicle left in an Electric Vehicle Recharging Bay which is in a dangerous position or causing an unnecessary obstruction

## **10. *Power to suspend use of Electric Vehicle Recharging Bays***

- 10.1 Any person authorised by the Council may suspend the use of an Electric Vehicle Recharging Bay whenever he considers such suspension reasonably necessary

- 10.2 Any person suspending the use of an Electric Vehicle Recharging Bay shall place in or adjacent to that Electric Vehicle Recharging Bay a traffic sign indicating that waiting by vehicles is prohibited

### **11. Restriction on Use of Motor Vehicles at Electric Vehicle Recharging Bays**

- 11.1 Whilst any vehicle is in an Electric Vehicle Recharging Bay any and all persons shall use such Electric Vehicle Recharging Bay for Recharging only and no person shall use the Electric Vehicle Recharging Bay for any purposes other than Recharging an Electric Vehicle
- 11.2 Whilst any Motor Vehicle is in an Electric Vehicle Recharging Bay no person shall use the Motor Vehicle for the advertisement and/or sale of any article, skill or service

### **12. Exemptions to this Order**

- 12.1 Any Motor Vehicle may wait at any time in an Electric Vehicle Recharging Bay (other than one that has been suspended in accordance with Article 11.1 of this Order) for so long as may be reasonably necessary to enable:
- a. a person to board or alight from a vehicle
  - b. goods to be loaded onto or unloaded from the vehicle
  - c. the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:
    - (i) building, industrial or demolition operations;
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction of the said lengths of roads; or
    - (iv) the laying, erection, alteration, repair in or on land adjacent to the Electric Vehicle Recharging Bay of any sewer or mains pipe, cable or apparatus for the supply of gas, water, electricity or of any telecommunications apparatus as defined in Paragraph 1 (1) of the Telecommunications Code contained in Schedule 2 to the Telecommunications Act 1984;
  - d. the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used for the service of a Local Authority or Water Authority in pursuance of statutory powers or duties
  - e. the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125 of the Postal Services Act 2000
  - f. the vehicle to be used for fire brigade, ambulance or Police purposes
  - g. the Motor Vehicle is being used by community health personnel or carers on duty and displays an identification that the driver is employed as such
  - h. the vehicle (not being a passenger vehicle) is in actual use in connection with the removal of furniture from one office or dwelling to another
  - i. the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or such waiting being necessary to avoid an accident;

- 12.2 An Electric Vehicle which displays a Disabled Person's Badge or Parking Disc may wait in an Electric Vehicle Recharging Bay referred to in Schedule 1 to this Order without incurring any Penalty Charge
- 12.3 Nothing in the forgoing provisions of these Articles 20 and 21 shall be taken as Authorising anything which would be in contravention of any regulations made or having effect under section 25 of the Act of 1984

**SCHEDULE 1**

<b>CAR PARK</b>	<b>LOCATION</b>	<b>RESTRICTION</b>
Vicarage Street (2 electric Vehicle Recharging Bays )	The 2 bays diagonally marked facing the railings adjacent to the pedestrian exit /access on Lea Road turning head area.	Limited waiting 10 hours Members Only Electric Vehicles only

THE COMMON SEAL of THE COUNCIL )  
 OF THE BOROUGH OF LUTON was )  
 hereunto affixed the 30th day of August 2011 in )  
 the presence of:- )



*Stephen Thackeray*  
 Authorised Signatory

*Richard J. King*  
 Authorised Signatory

MIN. REF.	Del Dawel
REG. No.	52725
INIT.	SC