

**THE COUNCIL OF THE BOROUGH OF MILTON KEYNES
(CENTRAL MILTON KEYNES) (ON-STREET FREE PARKING PLACES)
ORDER 2005**

The Council of the Borough of Milton Keynes ("the Council") in exercise of its powers under Sections 1(1), (2), 2(1) to (3), 3(2), 45, 46, 49 and 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("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, hereby makes the following Order:

PART 1

IMPLEMENTATION, CITATION AND DEFINITIONS

1. This Order shall come into operation on the 21st of January 2005 and may be cited as "The Council of the Borough of Milton Keynes (Central Milton Keynes) (On-Street Free Parking Places) Order 2005".
2. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:-

"access way" means a length of road sufficient to enable a vehicle to have access to and egress from land or premises in or adjacent to the road;

"Central Milton Keynes" means the area bounded by the West Coast Mainline Railway (the south-west side), Portway (the north-west side, between the said West Coast Mainline Railway and the north-east side of Marlborough Street), Marlborough Street (the north-east side, between Portway and Childs Way) and Childs Way (the south-east, between the north-east side of Marlborough Street and the said West Coast Mainline Railway);

"driver" in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;

"dual purpose vehicle" has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986;

"goods" includes postal packets of any description, cash or other valuable securities;

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

"goods vehicle" means a motor vehicle which is constructed or adapted for the carriage of goods of any description and which does not exceed 3.5 tonnes gross laden weight;

"parking attendant" has the same meaning as in Section 63A of the Road Traffic Regulation Act 1984;

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers

and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer;

"payment day" means the date by which payment should be made, as specified in the most recent notice received by the driver or owner of the vehicle;

"penalty charge" has the same meaning as in Section 66(2) of the Road Traffic Act 1991;

"penalty charge notice" means a notice dispensed by a parking attendant informing the driver of the vehicle that they are in contravention of a restriction and that a penalty charge is now owed;

"postal packets" has the same meaning as in Section 125 of the Postal Services Act 2000;

"prescribed hours" means between those hours stated in Schedule 1 to this Order;

"road" means a highway and any other road to which the public has access;

"statutory undertaker" has the same meaning as in Section 329 of the Highways Act 1980;

"street trading vendor's vehicle" means a vehicle constructed or adapted so as to enable hot or cold food to be prepared in and sold from the vehicle;

"taxi" has the same meaning as in Regulation 4 of the Traffic Signs and General Directions Act 1991;

"telecommunications apparatus" has the same meaning as in the Telecommunications Act 1984;

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the Act of 1984;

"user" in relation to a vehicle, means the person by whom such vehicle is owned, kept or used.

3. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
4. The plans annexed to this Order identify the lengths of road subject to this Order, provided that where there is any inconsistency between the plans and the Schedules it is the wording of the Schedules which shall prevail.

PART 2

VARIATIONS

5. The Council of the Borough of Milton Keynes (Central Milton Keynes) (On-Street Specific and Permit Parking Places) Order 2002 is varied as provided by the following provisions of this Order:

- (1) Item RP11 in Schedule 7 is substituted as follows:

RP11 SOUTH ROW - THE NORTH-WEST VEHICULAR
ACCESSWAY – NORTH-WEST SIDE

Between South Eighth Street and South Ninth Street.

RP11b SOUTH ROW (THE NORTH-WEST VEHICULAR
ACCESSWAY) – SOUTH-EAST SIDE

Between South Eighth Street and South Ninth Street.

- (2) Item RP12 in Schedule 7 is substituted as follows:

RP12 NORTH ROW - THE SOUTH-EAST VEHICULAR
ACCESSWAY – SOUTH-EAST SIDE

From North Twelfth Street to the porte cochere north-east of
North Twelfth Street

RP12b NORTH ROW - THE SOUTH-EAST VEHICULAR
ACCESSWAY – NORTH-WEST SIDE

Between Saxon Gate West and the south-eastern kerbline of the
porte cochere between North Seventh Street and Saxon Gate.

- (3) Item RP5 in Schedule 7 is substituted as follows:

RP5 NORTH ROW – THE SOUTH-EAST VEHICULAR
ACCESSWAY – SOUTH-EAST SIDE

From North Twelfth Street to the port cochere north-east of
North Twelfth Street.

RP5b NORTH ROW – THE SOUTH-EAST VEHICULAR
ACCESSWAY – NORTH-WEST SIDE

From North Twelfth Street to the port cochere north-east of
North Twelfth Street.

- (4) Item RP6 in Schedule 7 is deleted.

6. The Council of the Borough of Milton Keynes (Central Milton Keynes) On-Street Standard Rate Pay and Display Parking Places and Various Permits) Order 2002 is varied as provided by the following provisions of this Order:

- (1) Item PS37a in Schedule 1 is deleted.

PART 3

FREE PARKING PLACES

7. (1) Each of the lengths of road specified in Schedule 1 to this Order is authorised to be used during the prescribed hours detailed in that Schedule, subject to the provisions to this Part of this Order, as a free parking place for passenger vehicles, dual purpose vehicles, goods vehicles, mopeds and motor cycles.
- (2) Nothing in paragraph (1) of this Article shall apply so as to permit a trailer, whether or not attached to a vehicle, to park at any time in any free parking place.
- (3) No person shall park any street trading vendor's vehicle in a free parking place or use any such vehicle while it is in such a parking place, in connection with the sale of any article to any person in or near the parking place or in connection with the selling or offering for hire of his skill or services, provided that nothing in this Article:
- (a) shall prevent the sale of goods from a vehicle if the vehicle is of a class specified in paragraph (1) of this Article and if the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected; or
- (b) shall apply if the person has obtained the written consent of the Council before doing so.
8. (1) The limits of each free parking place and of every free parking space within a free parking place, the hours of operation of the free parking place and the limits of any access way in a free parking place shall be indicated on the road by the appropriate traffic signs.
- (2) Any vehicle standing in a free parking space shall stand wholly within the limits so marked so that no part of the vehicle obstructs any access way.
9. The driver of a vehicle using a free parking place shall stop the engine as soon as the vehicle is in position in the parking space, and shall not start the engine of the vehicle except when about to change the position of the vehicle in or to depart from the parking space.
10. (1) A police officer in uniform or traffic warden may in case of emergency move or cause to be moved any vehicle left in a free parking place to any place he thinks fit.

- (2) Any person authorised to remove a vehicle or alter its position by virtue of paragraph (1) of this Article may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.
11. (1) Any person authorised by the Council may suspend the use of a free parking place or any part thereof whenever and for such duration as the Council considers such suspension reasonably necessary:
- a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - b) for the purpose of building, industrial or demolition operations;
 - c) for the purpose of the maintenance, improvement or reconstruction of the parking place;
 - d) for the purpose of the laying, erection or repair of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or any telecommunication system defined by the Telecommunications Act 1984;
 - e) for the convenience of occupiers of premises adjacent to the free parking place on any occasion of the removal of furniture or household effects to or from a shop, office depository or dwelling house;
 - f) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed;
 - g) for the convenience of occupiers of premises adjacent to the free parking place at times of weddings or funerals, or on other special occasions.
- (3) A police officer in uniform or traffic warden may suspend for not longer than twenty-four hours the use of a free parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

- (4) Without prejudice and in addition to all other enabling powers the Council shall have the power from time to time as it deems appropriate to close or suspend for as long as it considers necessary the use of any free parking place for the purpose of enabling such parking place to be used by exhibition or public information vehicles of official or quasi official authorities or bodies whose contents are intended to be and are made available for inspection by and for the public without any charge of any kind being made to the public.
12. On the suspension of the use of a free parking place or any part thereof in accordance with the provisions of Article 10 of this Order the person authorising or causing such suspension shall, if the use of the whole or of any part of the parking place is suspended, place or cause to be placed in or adjacent to that parking place a traffic sign indicating that the use of the parking place is suspended and that waiting, or waiting and loading by vehicles is prohibited.
13. (1) Save as in paragraph (2) of this Article no person shall cause or permit a vehicle to be left in a free parking place or part thereof during any period when there is in or adjacent to that parking place or part thereof a traffic sign placed in pursuance of Article 11 of this Order that the whole or part of that parking place has been suspended.
- (2) Subject to the overriding requirement that the person in control of the vehicle shall move it on the instruction of a police officer in uniform or traffic warden whenever such moving shall be necessary for the purpose of preventing obstruction, nothing in paragraph (1) of this Article shall render it a contravention of this Order to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose or eventuality specified in paragraph (1) of Article 10 of this Order to be left in the free parking place or part thereof during any such period when the use thereof has been suspended, or to any other vehicle so left if that vehicle is left with the permission of a police officer in uniform or a traffic warden.

PART 4

ENFORCEMENT OF RESTRICTIONS

14. The Council shall, on or in the vicinity of a restricted road:
- (1) Highlight each restricted area with notices, signs and road surface markings in accordance with the Traffic Signs Regulations and General Directions Act 1994;

- (2) Maintain and from time to time alter the said notices, signs and road-surface markings;
 - (3) Carry out such other work as is reasonably required for the purpose of the satisfactory operation of a restricted road.
15. The Council shall appoint parking attendants whose duty it shall be to patrol and enforce the waiting and parking restrictions imposed by the Articles of this Order.
16. Where a parking attendant is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a restricted road, he or she may attach to the vehicle in a conspicuous position or, at his or her discretion, hand the notice to a person whom he or she has reason to believe has incurred a penalty charge under this Order a Penalty Charge Notice ("PCN") in accordance with Section 66 of the Road Traffic Act 1991 (as amended).
17. Upon issue of a PCN, the procedure by which enforcement will be carried out will be:
 - (1) If payment is made within fourteen days of issue of the PCN, the fee shall be one half of the amount stated on the PCN.
 - (2) For fourteen days thereafter, the charge incurred will be the whole of the amount stated on the PCN.
 - (3) Twenty-eight days after issue of the PCN, the Council will serve a Notice to Owner stating that the Penalty Charge remains unpaid and that, if payment is not received within a further thirty-five days, it may be increased to one and one half times the amount stated on the PCN.
 - (4) After the said thirty-five days, the Council will serve on the owner of the vehicle a Charge Certificate, increasing the charge to one and one half times the amount stated on the PCN.
 - (5) Fourteen days later, the Council will register the debt with the Traffic Enforcement Centre at Northampton County Court, an Order for Recovery will be sent to the owner of the vehicle and the charge will be increased to include any fees incurred during registration.

- (6) After a further twenty-one days, the Council will obtain from the Traffic Enforcement Centre a Warrant allowing bailiffs to recover the debt. The warrant will be enforceable for twelve months from issue and any expenses incurred by the bailiffs, as set out in the Enforcement of Road Traffic Debts (Certified Bailiffs) Regulations 1993, will be added to the amount owed.
18. The penalty charge shall be paid to the Council either by cheque or postal order which shall be delivered or sent by post to the Council's authorised agent, by cash, credit or debit card, cheque or postal order in person at the said agent's office, or by credit or debit card over the telephone to the said agent's office so as to reach the agent during office hours on or before the payment day, provided that if the said payment day falls upon a day on which the said agent's office is closed, the period within which payment of the said charge shall be made to the Council shall be extended to the next full day on which the said agent's office is open.
19. The recipient of a Penalty Charge Notice may make representations against the enforcement of the penalty at any time until the registration of the debt at the Traffic Enforcement Centre. Such action may alter the progression of the process set out above.

SCHEDULE 1

FREE PARKING WITHOUT LIMIT OF TIME, EXCEPT WITHIN THE MARKED BICYCLE/MOTOR CYCLE AND DISABLED PERSONS' PARKING PLACES, PAY AND DISPLAY AND RESIDENTS PARKING AREAS

SOUTH ROW

THE NORTH-WEST VEHICULAR ACCESSWAY – SOUTH-EAST SIDE

FP12Db Between the porte cochere north-east of South Eighth Street and South Eighth Street.

FP12Dc Between the porte cochere north-east of South Eighth Street and South Ninth Street.

NORTH ROW

THE SOUTH-EAST VEHICULAR ACCESSWAY – NORTH-WEST SIDE

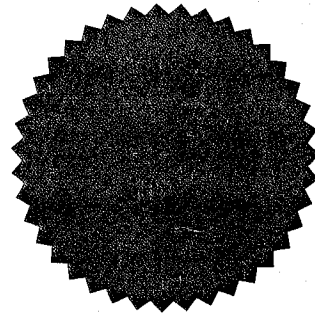
FP13Cy Between Saxon Gate West and the south-eastern kerbline of the porte cochere between North Seventh Street and Saxon Gate.

FP13Dv Between North Ninth Street and the porte cochere south-west of North Tenth Street.

FP13Ev Between North Twelfth Street and the south-west side of the porte
cochere between North Twelfth Street and North Thirteenth Street.

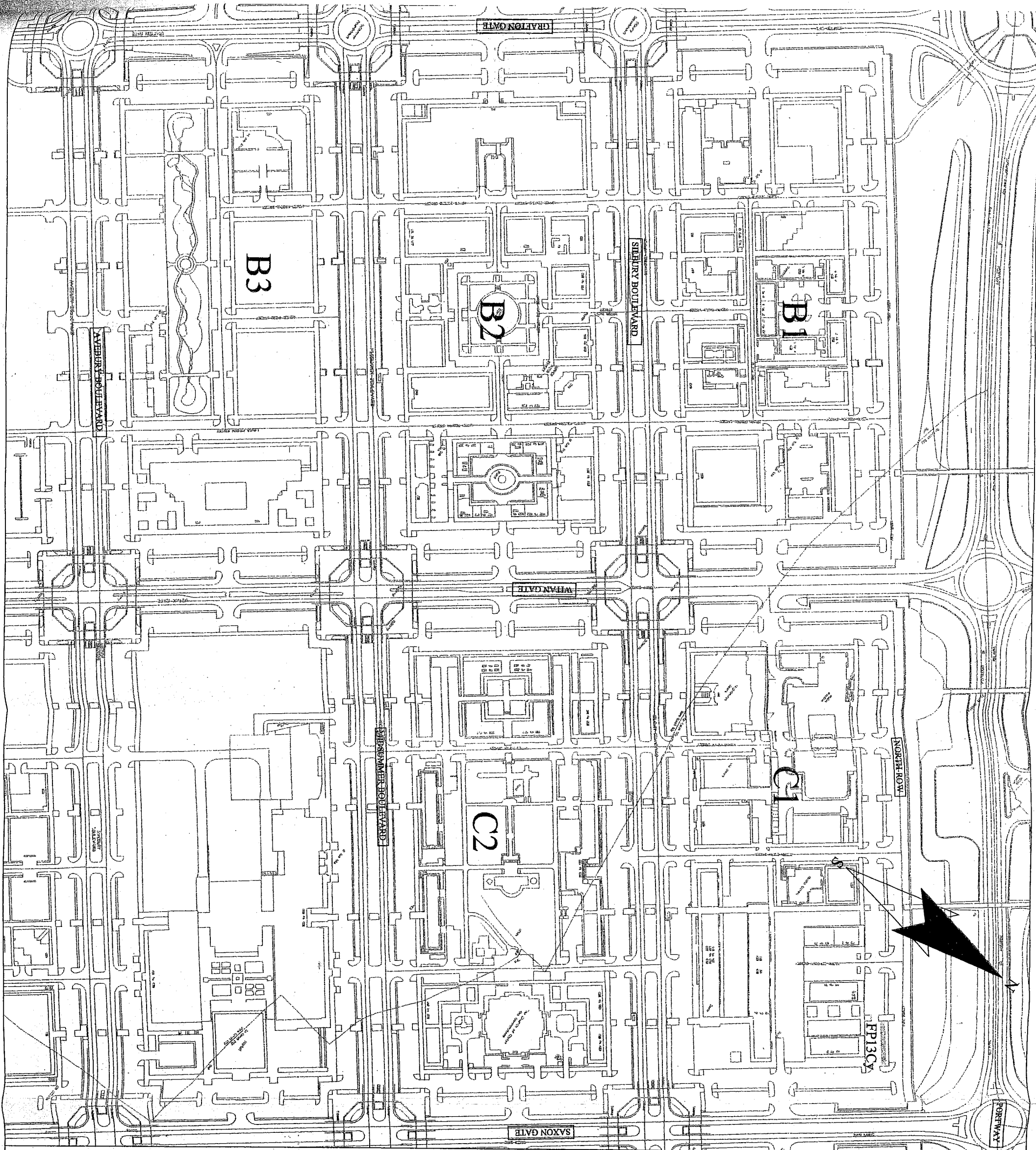
FP13Eu Between North Twelfth Street and the north-east side of the porte
cochere between North Eleventh Street and North Twelfth Street.

THE COMMON SEAL OF the **COUNCIL OF
THE BOROUGH OF MILTON KEYNES** was
hereunto affixed this 20th day of January 2005 in
the presence of:-



15981

.....
HEAD OF LEGAL SERVICES

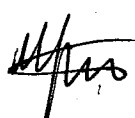


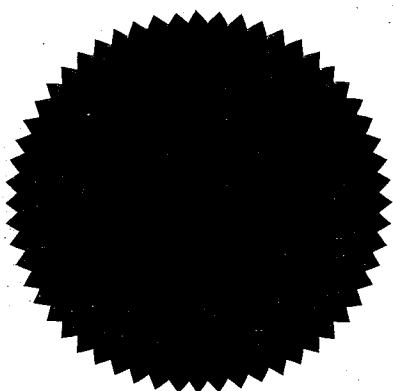
Map referred to in -
Borough of Milton Keynes (Central Milton Keynes)(On Street Free Parking Places) Order 2005

MAP 1

Scale: NTS

The common seal of the Council of the Borough of Milton Keynes
was hereunto affixed in the presence of:


HEAD OF LEGAL SERVICES



15981

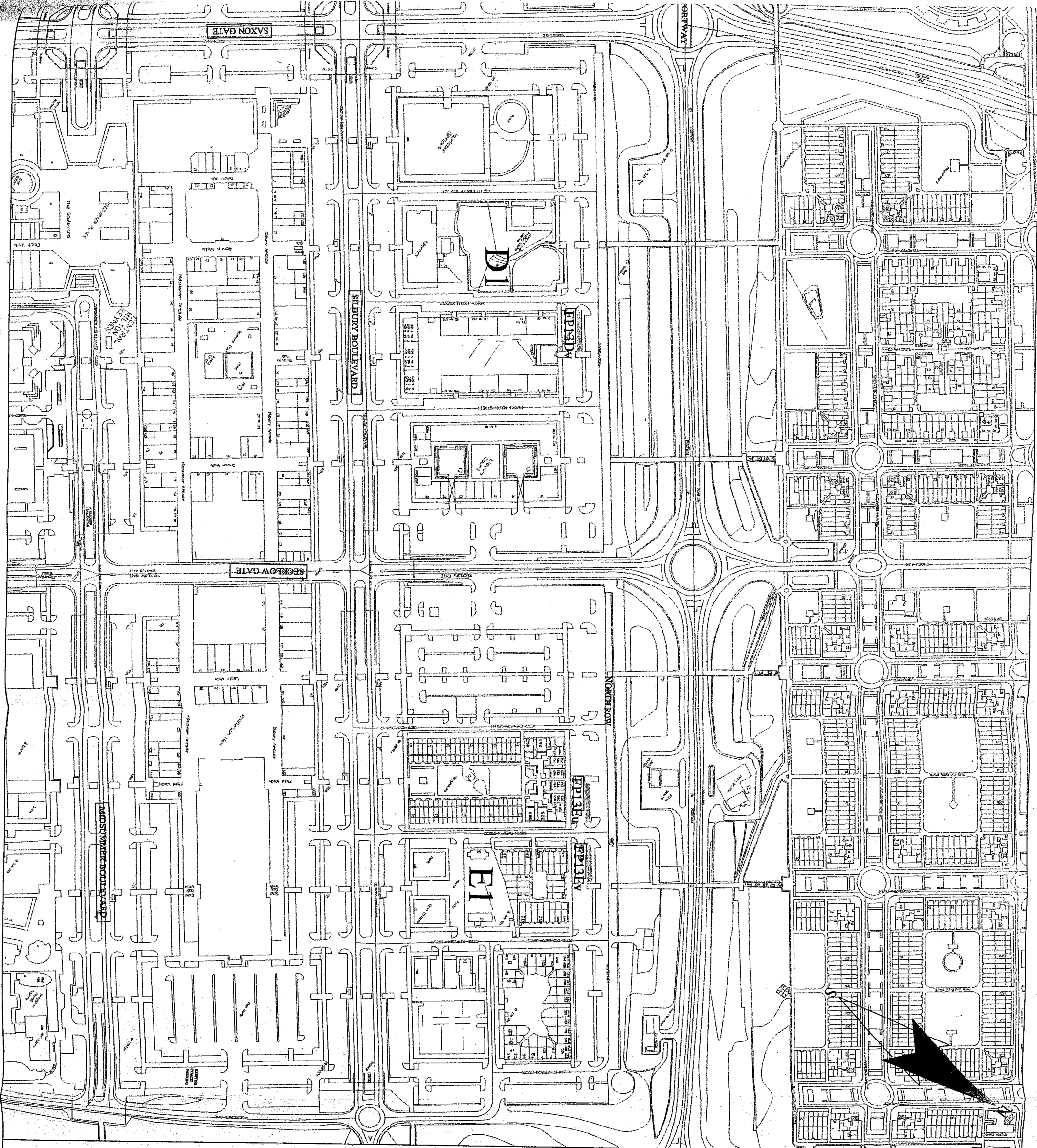
FP13Cy - TRO Reference Number

Free Parking Places

Notes

Drawing Number

ORDER 2005



Drawing Number

ORDER 2005

Notes

Free Parking Places

FP13Dv - TRO Reference Number

Do not scale this drawing

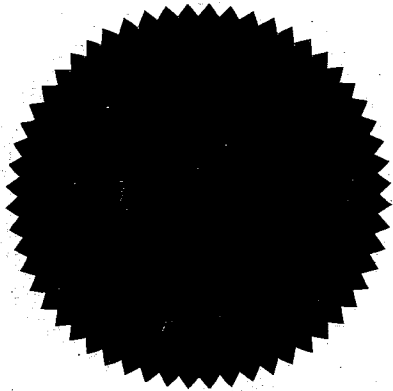
Map referred to in :-
Borough of Milton Keynes (Central Milton Keynes)(On Street Free Parking Places) Order 2005

MAP 2

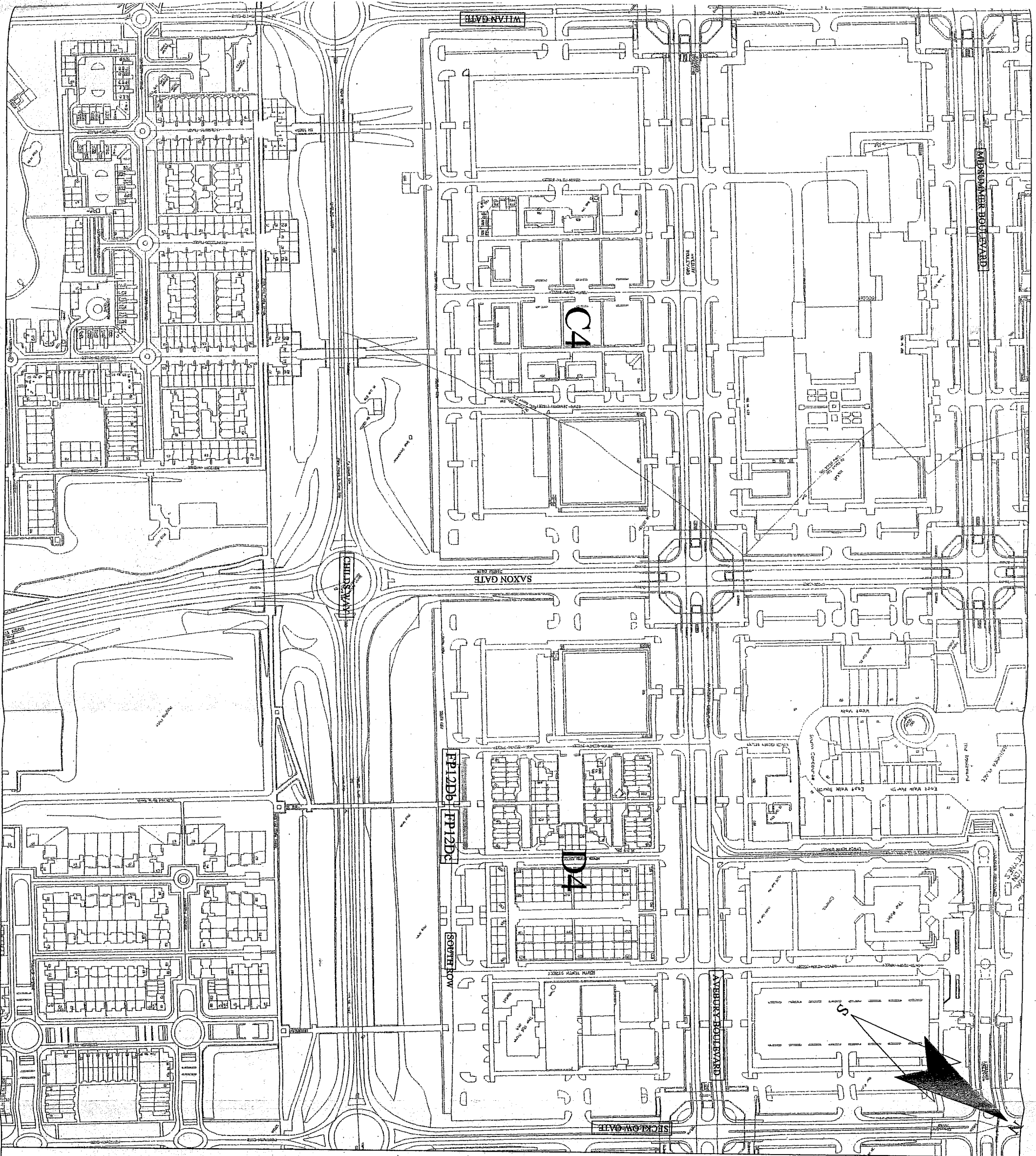
Scale: NTS

The common seal of the Council of the Borough of Milton Keynes
was hereunto affixed in the presence of:

HEAD OF LEGAL SERVICES



15981



Drawing Number

ORDER 2005

Notes

Free Parking Places

FP12Db - TRO Reference Number

Do not scale this drawing

Map referred to in **MAP 3** (The Council of the Borough of Milton Keynes (Central Milton Keynes) (On Street Free Parking Places) Order 2005)

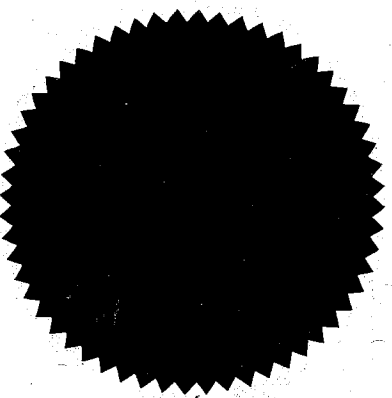
MAP 3

Scale: NTS

The common seal of the Council of the Borough of Milton Keynes was hereunto affixed in the presence of:

[Signature]

HEAD OF LEGAL SERVICES



15981