

**THE COUNCIL OF THE BOROUGH OF MILTON KEYNES (CENTRAL
MILTON KEYNES) (PROHIBITION OF WAITING AND STOPPING) ORDER
2005**

The Council of the Borough of Milton Keynes ("the Council") in exercise of the powers of the said Council under Sections 1(1), 2(1) to (3) 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 hereby makes the following Order: -

PART 1

IMPLEMENTATION, CITATION AND DEFINITIONS

1. This Order shall come into operation on the 25th day of November 2005 and may be cited as "The Council of the Borough of Milton Keynes (Central Milton Keynes) (Prohibition of Waiting and Stopping) Order 2005".
2. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:-

"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);

"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;

"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 80(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 days and hours" means those days and 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;

"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.

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 plan annexed to this Order identifies 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

PROHIBITION OF WAITING AND STOPPING

5. No person shall except with the permission or under the direction of a police officer in uniform or a traffic warden, cause or permit any vehicle to wait or stop at any time outside a marked bay within the area of Central Milton Keynes specified in Schedule 1 to this Order.
6. Nothing in Article 5 of this Order shall render it a contravention of this Order to cause or permit a vehicle to wait or stop during the prescribed hours in the area specified in Schedule 1 to this Order, outside a marked bay for so long as may be necessary:
 - (1) when a person in control of the vehicle is required by law to stop or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstances outside his control;
 - (2) to enable a person to board or alight from the vehicle;
 - (3) to enable goods to be loaded or unloaded from the vehicle;
 - (4) to enable the vehicle if it cannot reasonably be used for such purpose in any other road to be used in connection with any of the following:
 - a) building, industrial or demolition operations;
 - b) the removal of any obstruction to traffic;
 - c) 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;

- d) use in the service of any undertaker, the Environment Agency or any public authority in pursuance of statutory powers or duties;
- e) use for police, fire brigade or ambulance purposes;
- f) use for the purpose of delivering or collecting postal packets as defined by Section 125 of the Postal Services Act 2000;
- g) the vehicle being specially constructed or adapted for the delivery or collection of money or valuable securities to be used for those purposes in relation to premises in the vicinity;
- h) the removal of furniture or household effects to or from a shop, office, depository or dwellinghouse adjacent to the pay and display parking place.

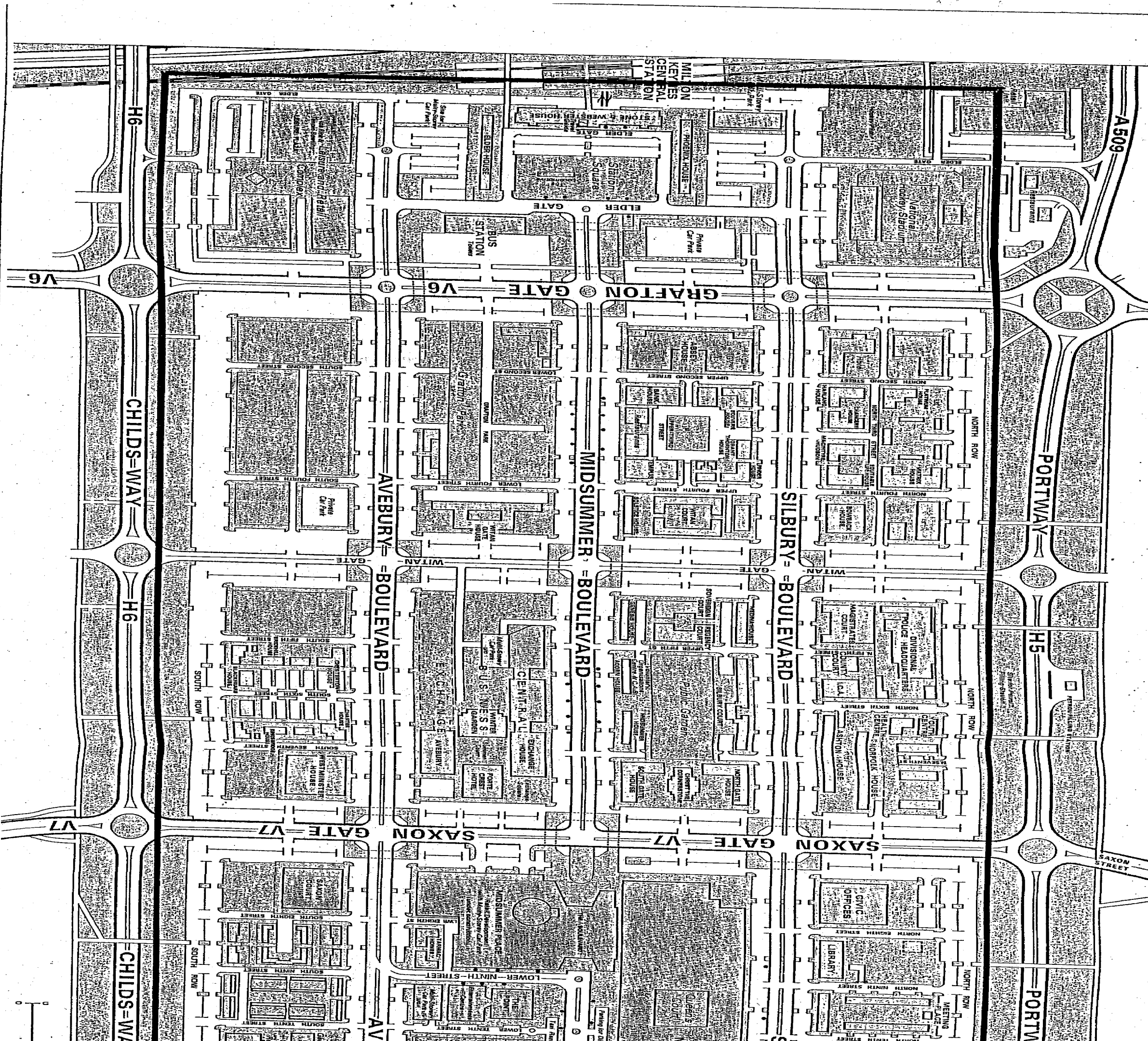
PART 3

ENFORCEMENT OF PROHIBITION

7. 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 2002;
 - (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.
8. The Council shall appoint parking attendants whose duty it shall be to patrol and enforce the restrictions imposed by the Articles of this Order.
9. 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).

10. 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.
11. 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.
12. 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.

CENTRAL MILTON KEYNES



Notes:

Prohibition of
Waiting and
Stopping

Map referred to in the Council of the Borough of Milton Keynes (The Council of the Borough of Milton Keynes) (Prohibition of Waiting and Stopping) Order 2005

The Common Seal of the Council of the Borough of Milton Keynes was hereunto affixed in the presence of:

HEAD OF LEGAL SERVICES AND MONITORING OFFICER

SCHEDULE 1

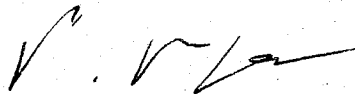
**PROHIBITION OF WAITING AND STOPPING OUTSIDE OF MARKED
PARKING BAYS IN CENTRAL MILTON KEYNES**

24 HOURS OF EVERY DAY

CENTRAL MILTON KEYNES

All roads in 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 side between the north-east side of Marlborough Street and the said West Coast Mainline Railway

THE COMMON SEAL of the COUNCIL OF THE
BOROUGH OF MILTON KEYNES was hereunto
affixed this 24th day of November 2005
in the presence of :-



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HEAD OF LEGAL SERVICES AND MONITORING OFFICER

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