

**THE COUNCIL OF THE BOROUGH OF MILTON KEYNES
(CENTRAL MILTON KEYNES)
(ON-STREET PREMIUM RATE PAY AND DISPLAY PARKING PLACES)
ORDER 2005**

The Council of the Borough of Milton Keynes ("the Council") in exercise of its powers under Sections 1(1) and (2), 2(1) to (3), 3(2), 45, 46, 49, 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act of 1984") 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 21 January 2005 and may be cited as "The Council of the Borough of Milton Keynes (Central Milton Keynes) (On-Street Premium Rate and Display 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;

"disabled persons' badge" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"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;

"moped" means a two or three wheel vehicle fitted with an engine having a cylinder capacity not exceeding 50 cubic centimetres if of the internal combustion type and a maximum design speed of not more than 45 kilometres per hour;

"motor cycle" means a two-wheel vehicle with or without a sidecar, fitted with an engine having a cylinder capacity of more than 50 cubic

centimetres if of the internal combustion type and/or having a maximum design speed of more than 45 kilometres per hour;

"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;

"prepaid card" means a parking device in which is stored electronically an amount of credit and which, when inserted into a ticket parking meter adapted for that purpose, is debited with the amount of the charge;

"prescribed hours" means between those hours stated in Schedules 1, 2 and 3 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 Schedule it is the wording of the Schedule which shall prevail.

PART 2

VARIATIONS

5. 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 PS6 a in Schedule 1 is deleted.
 - (2) Item PS8 a in Schedule 1 is deleted.
 - (3) Item PS8 b in Schedule 1 is deleted.
 - (4) Item PS9 d in Schedule 1 is deleted.
 - (5) Item PS9 i in Schedule 1 is deleted.
 - (6) Item PS49 a in Schedule 1 is deleted.
 - (7) Item PS49 g in Schedule 1 is deleted.
6. The Council of the Borough of Milton Keynes (Central Milton Keynes) (On-Street Free and Limited Parking Places and Waiting Restrictions) Order 2002 is varied by deleting Item 13Dv in Schedule 3.
7. The Council of the Borough of Milton Keynes (Central Milton Keynes) (On-Street Premium Rate and Long Stay Pay and Display Parking Places) Order 2002 is varied as provided by the following provisions of this Order:-
 - (1) The heading of Schedule 1 is substituted as follows:

SCHEDULE 1

PREMIUM RATE PAY AND DISPLAY PARKING PLACES

**EXCEPT WITHIN THE MARKED BICYCLE/MOTOR CYCLE
AND DISABLED PERSONS' PARKING PLACES BETWEEN
7.00 AM AND 6.00 PM MONDAY TO FRIDAY**

- (2) Article 1 of Schedule 4 is substituted as follows:

**"CHARGE FOR PLACES
SPECIFIED IN SCHEDULE 1**

PERIOD

£0.25

15 minutes

and £0.25 for each successive period of 15 minutes

PART 3

PAY AND DISPLAY PARKING PLACES

8. (1) Each of the lengths of road specified in Schedule 1 and in Schedule 1A to this Order is authorised to be used during the prescribed hours, subject to provisions to this Part of this Order, as a pay and display parking place for passenger vehicles, dual purpose vehicles and goods vehicles.
- (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 pay and display parking place.
- (3) No person shall park any street trading vendors vehicle in a pay and display 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.
9. A vehicle which is present in a pay and display parking space specified in Schedule 1 and Schedule 1A at the commencement of the hours of operation of any restrictions imposed by this Order shall be deemed to have been left in that pay and display parking place at the commencement of that period of operation of that pay and display parking place.
10. (1) The limits of each pay and display parking place and of every pay and display parking space within a pay and display parking place and of any access way in a pay and display parking place shall be indicated on the road by the appropriate traffic signs;

- (2) Any vehicle standing in a pay and display parking space shall stand wholly within the limits so marked or, if the length of the vehicle precludes the vehicle being positioned in that manner, so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle;
- (3) The Council shall install and maintain in proper working order at least one ticket parking meter in such position as it thinks fit in the vicinity of a pay and display parking space.
11. The driver of a vehicle using a pay and display 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.
12. (1) Each area on a highway which is described in Schedule 1 and in Schedule 1A to this Order is designated as a parking place for mopeds and motorcycles. -
- (2) No charge for parking in any pay and display parking space specified in Schedule 1 and in I Schedule 1A to this Order, the use of which has not been suspended, shall be payable by any moped or motorcycle.
13. No charge for parking in any pay and display parking space, the use of which has not been suspended, shall be payable by any disabled persons' vehicle which displays in the relevant position a disabled persons' badge.
14. For the purposes of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 if:
- (1) the badge is exhibited on the dashboard or facia of the vehicle so that the front of the badge is clearly legible from the outside of the vehicle; or
- (2) where the vehicle is not fitted with a dashboard or facia, the badge is exhibited in a conspicuous position on the vehicle so that the front of the badge is clearly legible from the outside of the vehicle.

15. (1) The charge for a vehicle parked in a pay and display parking space shall be as specified in Schedule 2 to this Order.
- (2) Subject to the provisions of Article 19 of this Order, the charge shall be payable on the leaving of the vehicle in a pay and display parking space: -
- (a) by any combination of coins of appropriate denominations to the amount of the charge;
- (b) if the ticket parking meter is so constructed or adapted, by a prepaid card of which the remaining credit is not less than the amount of the charge.
- (3) Upon payment of the charge for a vehicle left in a pay and display parking place the driver of the vehicle shall display or cause to be displayed on the vehicle, in accordance with the provisions of paragraph (5) of this Article, the ticket issued by the ticket parking meter on payment of the charge in accordance with paragraph (2) of this Article.
- (4) Payment of the charge for a vehicle left in the pay and display parking place shall be indicated by the issue by a ticket parking meter relating to that parking place of a ticket indicating that a charge has been paid for that occasion, and by the display of that ticket in the manner specified in paragraph (5) of this Article.
- (5) The ticket referred to in paragraph (3) of this Article shall be displayed on the vehicle in respect of which it was issued at all times during which the vehicle is left during the prescribed hours in the pay and display parking place in the relevant position on the vehicle, provided that for the purposes of this Article, if a vehicle when first left in the parking place is exempt from payment of any charge by virtue of the provisions of Article 21 of this Order and continues to wait in that parking place otherwise than in accordance with those provisions, the charge shall be treated as having been incurred and shall be payable at the time when the vehicle ceased to wait by virtue of those provisions and all the provisions of this Part of this Order shall then apply accordingly.
- (6) For the purposes of this Order a vehicle shall be regarded as displaying a ticket indicating that a charge has been paid in the relevant position if the ticket is exhibited in a conspicuous position on the dashboard of the vehicle so that the particulars on that side of that ticket which bears the indication that a charge has been paid are clearly legible from the outside of the vehicle.
- (7) When a ticket has been displayed on a vehicle in accordance with the provisions of paragraphs (5) and (6) of this Article no person, not

being the driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver of the vehicle.

16. No person shall display on a vehicle left in a pay and display parking place during the prescribed hours any ticket issued by a ticket parking meter relating to that parking place other than the ticket issued by such a ticket parking meter upon payment of the charge in respect of that vehicle and which is valid for the period during which the vehicle is parked in the parking place.
17. If a vehicle is left in a pay and display parking place during the prescribed hours for longer than the period for which payment was made by the charge, a Penalty Charge Notice may be issued in accordance with the provisions of Part 4 to this Order.
18.
 - (1) If at any time while a vehicle is left in a pay and display parking place during the prescribed hours no ticket issued by a ticket parking meter relating to that parking place is displayed on that vehicle in accordance with the provisions of paragraphs (5) and (6) of Article 15 it shall be presumed unless the contrary is proved that the charge has not been paid and the driver of the vehicle may be issued with a Penalty Charge Notice in accordance with the provisions of Part 4 to this Order.
 - (2) Any ticket issued by a ticket parking meter relating to a parking place shall be presumed, unless the contrary is proved, to have been issued on the day shown on the ticket.
19. If on the leaving of the vehicle during the prescribed hours in a pay and display parking place there is on every ticket parking meter relating to that parking place a notice placed by a person authorised by the Council or by the Chief Officer of Police indicating that the ticket parking meter is out of order that vehicle shall be exempt from any charge.
20.
 - (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 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.

21. Nothing in this Part of this Order shall render it a contravention of this Order to cause or permit a vehicle to park during the prescribed hours in a pay and display parking place specified in Schedule 1 and in Schedule 1A for so long as may be necessary:

- (1) when the 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.

22. No person shall cause or permit a vehicle to wait in a pay and display parking place by virtue of the provisions of paragraph (4) of Article 21 above otherwise than:

(1) (a) unless the length of the vehicle precludes compliance with this paragraph, so that every part of the vehicle is within the limits of a pay and display parking space; or

(b) if the length of the vehicle precludes compliance with the preceding paragraph, so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle; and

(2) so that no part of the vehicle obstructs any access way other than from or to the premises referred to in paragraph (4)(h) of Article 21.

23. (1) Any person authorised by the Council may suspend the use of a 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 pay and display parking place on any occasion of the removal of furniture or household effects to or from a shop, office depository or dwellinghouse;

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 pay and display parking place at times of weddings or funerals, or on other special occasions.

- (2) A police officer in uniform or traffic warden may suspend for not longer than twenty-four hours the use of a pay and display 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.
- (3) 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 pay and display 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.
24. On the suspension of the use of a pay and display parking place or any part thereof in accordance with the provisions of Article 23 of this Order:
- (1) 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 and loading by vehicles is prohibited;
- (2) the person authorising or causing such suspension may, if the use of the whole of the parking place is suspended, place or cause to be placed over or on all of the ticket parking meters which relate to that parking place a hood or other cover indicating that the use of a parking place is suspended.
25. (1) Save as provided in paragraph (2) of this Article no person shall cause or permit a vehicle to be left in a pay and display 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 paragraph (1) of Article 24 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 a 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 23 of this Order to be left in the pay and display 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

26. 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.

27. 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.

28. 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):

29. 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.

30. 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.

31. 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

PREMIUM RATE PAY AND DISPLAY PARKING PLACES

EXCEPT WITHIN THE MARKED BICYCLE/MOTOR CYCLE AND DISABLED
PERSONS' PARKING PLACES
BETWEEN 7.00 AM AND 6.00 PM EVERY DAY OF THE WEEK

SILBURY BOULEVARD

THE NORTH-WEST VEHICULAR ACCESSWAY – NORTH-WEST SIDE

PD54a From Grafton Gate East to the porte cochere south-west of
North Second Street.

THE NORTH-WEST VEHICULAR ACCESSWAY – SOUTH-EAST SIDE

PD54b From Grafton Gate East to the porte cochere south-west
of North Second Street.

SILBURY BOULEVARD

THE NORTH-WEST VEHICULAR ACCESSWAY – NORTH-WEST SIDE

PD55a From the porte cochere south-west of Saxon Gate (outside
Ashton House) to Saxon Gate.

THE NORTH-WEST VEHICULAR ACCESSWAY – SOUTH-EAST SIDE

PD55b From the porte cochere south-west of Saxon Gate (outside
Ashton House) to Saxon Gate.

SAXON GATE WEST

THE SOUTH-WEST VEHICULAR ACCESSWAY-SOUTH-WEST SIDE

PD56 Between the access road from Saxon Gate (between North Row
and Silbury Boulevard) and North Row.

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

PD58 From the porte cochere north-east of North Tenth Street to
Secklow Gate.

SCHEDULE 1A

PREMIUM RATE PAY AND DISPLAY PARKING PLACES

EXCEPT WITHIN THE MARKED BICYCLE/MOTOR CYCLE AND DISABLED
PERSONS' PARKING PLACES
BETWEEN 7.00 AM AND 6.00 PM MONDAY TO FRIDAY

SILBURY BOULEVARD

THE SOUTH-EAST VEHICULAR ACCESSWAY – NORTH-WEST SIDE

PD57a From the porte cochere south-west of Upper Seventh Street to
Upper Seventh Street.

THE SOUTH-EAST VEHICULAR ACCESSWAY – SOUTH-EAST SIDE

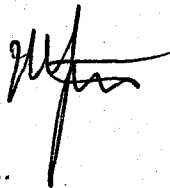
PD57b From the porte cochere south-west of Upper Seventh Street to
Upper Seventh Street.

SCHEDULE 2

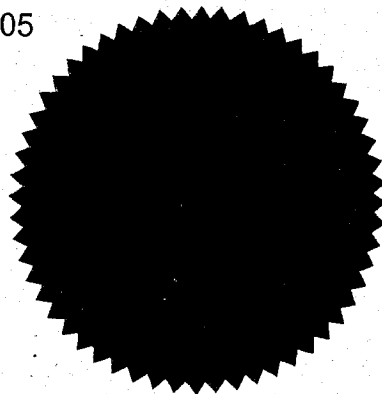
PAY AND DISPLAY PARKING PLACES CHARGES

<u>COLUMN 1</u>	<u>COLUMN 2</u>
<u>CHARGE FOR PLACES SPECIFIED IN SCHEDULE 1</u>	<u>PERIOD</u>
£0.25	15 minutes and £0.25 for each successive period of 15 minutes

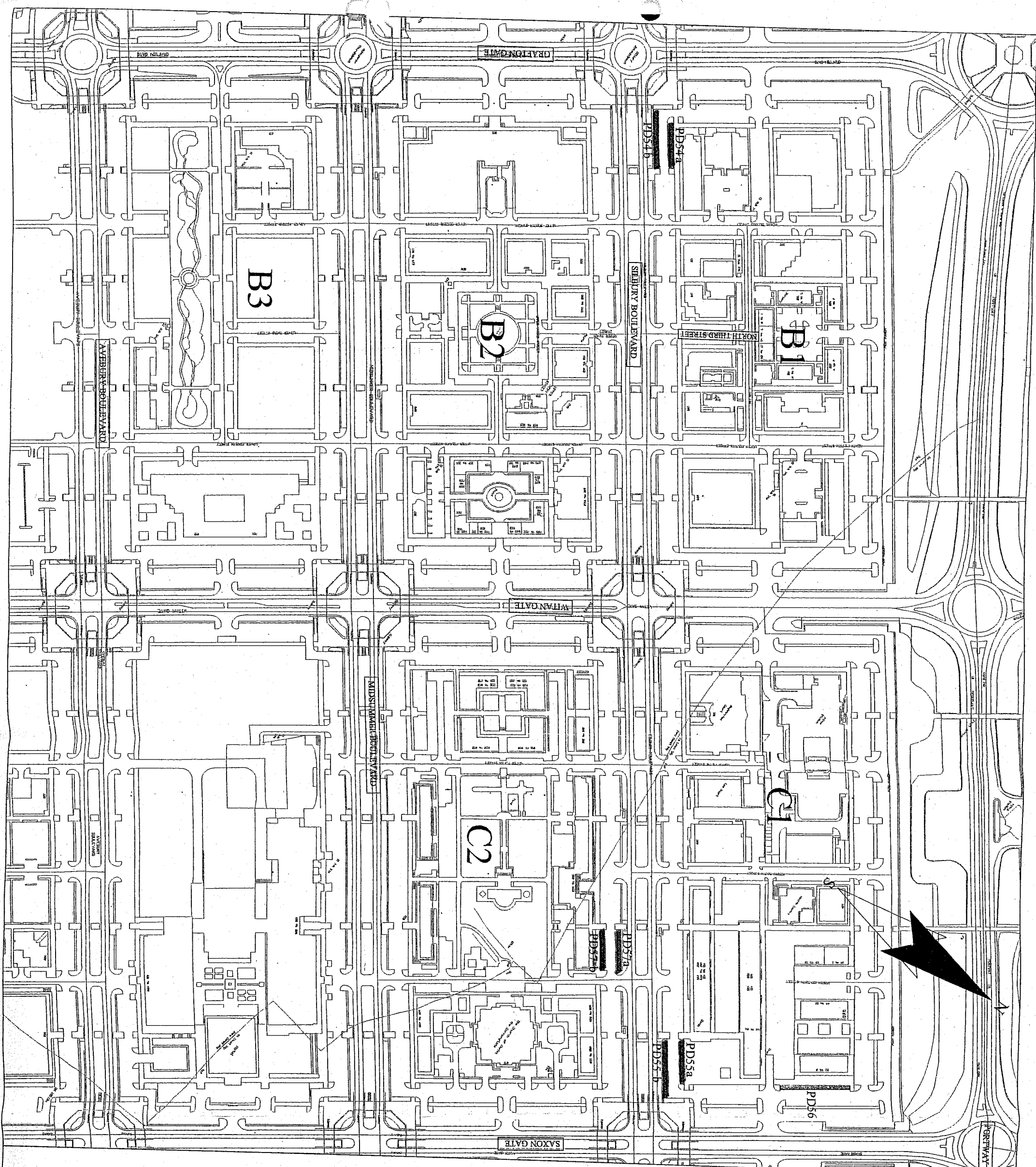
THE COMMON SEAL OF the COUNCIL OF
THE BOROUGH OF MILTON KEYNES was
hereunto affixed this 20th day of *January* 2005
in the presence of:-



.....
HEAD OF LEGAL SERVICES



15978



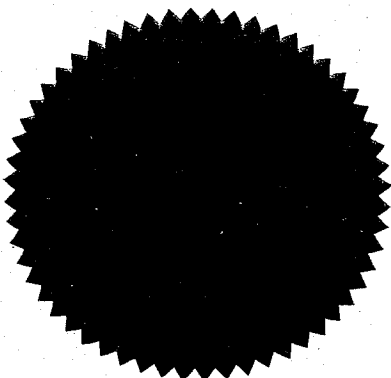
Map referred to in:-
Borough of Milton Keynes (Central Milton Keynes)(On Premium Rate Pay and Display
Parking Places) Order 2005

MAP 1

Scale: NTS

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

[Signature]
HEAD OF LEGAL SERVICES



15478

**Premium Rate
Pay and Display
7am to 6pm**
PD56 - TRO Reference Number

Notes

Drawing Number