

**THE COUNCIL OF THE BOROUGH OF MILTON KEYNES
(THE COUNCIL OF THE BOROUGH OF MILTON KEYNES (CENTRAL
MILTON KEYNES) (ON-STREET PAY AND DISPLAY PARKING PLACES)
ORDER 1999) VARIATION ORDER 2009**

The Council of the Borough of Milton Keynes ("the Council") in exercise of its powers under Sections 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 AND CITATION

1. This Order shall come into operation on the 5th May 2009 and may be cited as "The Council of the Borough of Milton Keynes (The Council of the Borough of Milton Keynes (Central Milton Keynes) (On-Street Pay and Display Parking Places) Order 1999) Variation Order 2009".
2. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
3. 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 Articles it is the wording of the Articles which shall prevail.

PART 2

VARIATIONS

4. The Council of the Borough of Milton Keynes (Central Milton Keynes) (On-Street Pay and Display Parking Places) Order 1999 ("The Principal Order") is varied as provided by the following provisions of this Order:-
- 5.1 The following definitions are inserted into Part 1 of the Principal Order :

"Pay by Phone parking system" means a method of payment for parking within the Central Milton Keynes Area by electronic means via the use of a mobile phone or other such device.

"Central Milton Keynes Area" 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);

“Handheld device” means an electronic device which is programmed to interface with the Pay by Phone parking system and used by a CEO to assist in carrying out parking enforcement within the Central Milton Keynes Area;

“Mobile Phone” means wireless telegraphy apparatus (as defined in the Wireless Telegraphy Act 1949) designed or adapted for the purpose of transmitting and receiving spoken messages so as to provide a telephone which is connected to a public electronic communications network (within the meaning of the Communications Act 2003) and is not physically connected to a land line.

5.2 A new Part III is inserted into the Principal Order as follows:

PART III

PAY BY PHONE PARKING PLACES

23. In addition to the provisions of Articles 6, 7, 8, 9, 11 and 12 each of the lengths of road specified in Schedules 1 Part A and B, 2 and 3 of that Order are authorised to be used during the prescribed hours, subject to provisions to this Part of this Order, as a pay by phone parking space for passenger vehicles, dual purpose vehicles and goods vehicles.
24. (1) The charge for a vehicle parked in a Pay by Phone parking space shall be as specified in Schedule 4.
- (2) In addition to the provisions of Article 13(2) the parking charge may also be payable on the leaving of a vehicle in a parking space as referred to in Schedules 1 Part A and B, 2 and 3 via the Pay by Phone parking system and the provisions of Articles 13(3) to (7) and 14 shall not apply to that vehicle.
- (3) Provided that where only one of the methods of payment referred to in Article 13(2) is available, that method shall be used for payment of the parking charge.
25. (1) Where a vehicle has been left in a parking space referred to in Schedules 1 Part A and B, 2 and 3 using the Pay by Phone parking system an indication that payment has been made and the parking period for which payment has been made shall appear on a hand held device.
- (2) If any time while a vehicle is left in a parking space referred to in Schedules 1 Part A and B, 2 and 3 and no indication appears on a hand held device that payment of the parking charge has been made using the Pay by Phone system or an indication that the parking period for which payment was made has expired, it shall be presumed unless the contrary is proved, that either:-
- (a) The parking charge has not been duly paid in respect of that vehicle
or
- (b) The parking period for which payment was made has expired

and the driver of the vehicle may be issued with a Penalty Charge Notice in accordance with the provisions of Part 3.

6. The title of the Principal Order is varied to read as follows:

THE COUNCIL OF THE BOROUGH OF MILTON KEYNES (CENTRAL MILTON KEYNES) (ON-STREET PAY AND DISPLAY AND PAY BY MOBILE PHONE PARKING PLACES) ORDER 1999

THE COMMON SEAL of the COUNCIL OF THE BOROUGH OF MILTON KEYNES was hereunto affixed this 30th day of April 2009 in the presence of :-

18494



.....
HEAD OF LEGAL SERVICES AND MONITORING OFFICER