

**THE COUNCIL OF THE BOROUGH OF MILTON KEYNES  
(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) VARIATION ORDER 2009**

The Council of Borough of Milton Keynes ("the Council") in exercise of the powers under Sections 45, 46, 49 and 53 and Part IV of Schedule 9 of the Road Traffic Regulations 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 5th day of 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 Premium Rate and Long Stay Pay and Display Parking Places) Order 2002) 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 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 Articles it is the wording of the Articles which shall prevail.
4. The plan annexed to this Order is hereby annexed to 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 and forms part of the Order.

**PART 2**

**VARIATIONS**

5. 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 ("The Principal Order") is varied as provided by the following provisions of this Order:-

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.

5.1). A new Part 3A is inserted into the Principal Order as follows:

### **PART 3A**

#### **PAY BY PHONE PARKING PLACES**

25(i). In addition to the provisions of Articles 8, 9, 10, 11, 13, 14 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.

25(ii). (1) The charge for a vehicle parked in a Pay by Phone parking space shall be as specified in Schedule 2.

(2) In addition to the provisions of Article 15(2), the parking charge may also be payable on the leaving of a vehicle in a parking space as referred to in Schedule 1 and Schedule 1 Part A via the Pay by Phone parking system and the provisions of Articles 15(4) to (7) and 16 shall not apply to that vehicle.

(3) Provided that where only one of the methods of payment referred to in Article 15(2) is available, that method shall be used for payment of the parking charge.

25(iii) (1) Where a vehicle has been left in a parking space referred to in Schedule 1 and Schedule 1 Part A 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 Schedule 1 and Schedule 1 Part A 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 4.

5.2) Item PD61 is inserted into Schedule 1, Part B of the Principle Order:

**SOUTH FIFTH STREET**

**SOUTH-WEST SIDE**

PD61 From its junction with Avebury Boulevard continuing for a distance of approximately 61.7 metres in a generally south-easterly direction.

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 PREMIUM RATE AND LONG STAY PAY AND DISPLAY AND PAY BY MOBILE PHONE PARKING PLACES) ORDER 2002**

**PART 3**

**REVOCATIONS**

7. The following Order is HEREBY REVOKED to the extent stated below:

**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**

The following item from Schedule 1, Part A is HEREBY REVOKED IN ITS ENTIRETY;  
PD16a

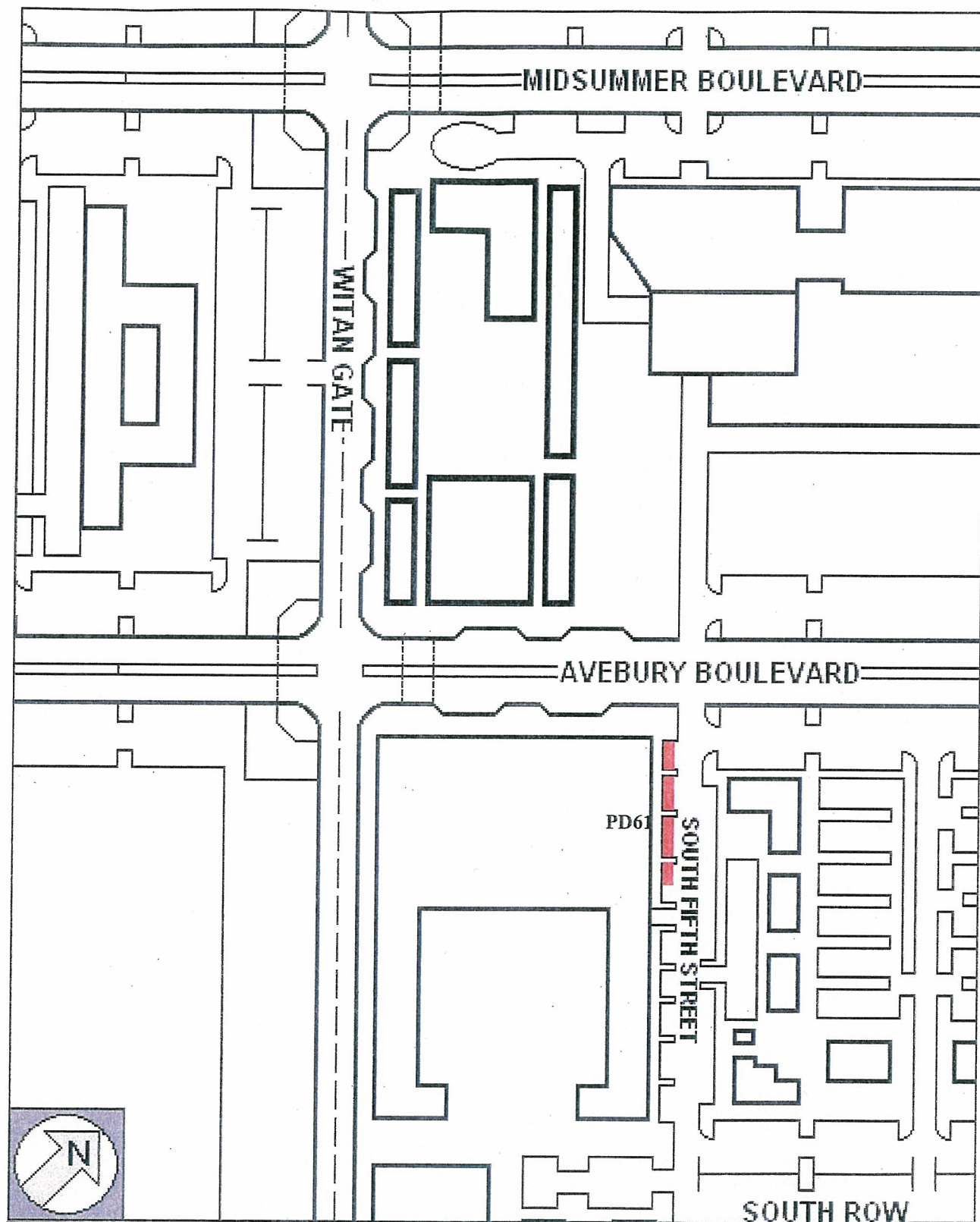
THE COMMON SEAL OF the **COUNCIL OF  
THE BOROUGH OF MILTON KEYNES** was  
Hereunto affixed this 30<sup>th</sup> day of April 2009  
In the presence of:-

18493




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





**Notes:**

-  Premium rate pay and display parking places
- PD61 TRO reference number

Map referred to in 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) Variation Order 2009

Not to Scale

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



18493