

**THE COUNCIL OF THE BOROUGH OF MILTON KEYNES  
(TICKFORD STREET (PART), NEWPORT PAGNELL)  
(FOOTWAY/CARRIAGEWAY PARKING PLACES) ORDER 2009**

The Council of the Borough of Milton Keynes ("the Council") in exercise of its powers under Sections 1(1), 2(1) and (2), 4(2) and 53 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 1<sup>st</sup> May 2009 and may be cited as "The Council of the Borough of Milton Keynes (Tickford Street (Part), Newport Pagnell) (Footway/Carriageway Parking Places) Order 2009".
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;

"charge certificate" has the meaning given by regulation 10(4) of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"Civil Enforcement Officer" has the same meaning as in Section 76 of the Traffic Management Act of 2004;

"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;

"enforcement authority" means the enforcement authority in relation to the alleged contravention in consequence of which the charge was incurred or the vehicle was immobilised;

"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 cm<sup>3</sup> if of the internal combustion type and a maximum design speed of not more than 45 km/h;

"motor cycle" has the same meaning as in Section 136 of the Act of 1984;

"notice to owner" subject to regulations 21(4) and 23(9) has the meaning given by regulation 19 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"owner" in relation to a vehicle includes any person who falls to be treated as the owner of the vehicle by virtue of regulation 5(3) of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"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" means a penalty charge relating to a parking contravention and payable in accordance with regulation 4 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"penalty charge notice" means a notice which was served by a Civil Enforcement Officer informing the driver of the vehicle that they are in contravention of a restriction and that a penalty charge is now owed, in accordance with Regulation 9 or 10 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 in relation to a parking contravention, and which complies with the requirements of the Schedule which apply to it as well as to those of Regulation 3 of the Representations and Appeals Regulations which so apply;

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

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

"regulation 10 penalty charge notice" has the meaning given by regulation 8(1) of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"restricted road" means a road which is subject to parking and waiting restrictions;

"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;

"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 plan annexed to this Order identifies the length of road subject to this Order, provided that where there is any inconsistency between the plan and the Schedule it is the wording of the Schedule which shall prevail.

## **PART 2**

### **FOOTWAY/CARRIAGEWAY PARKING PLACE**

5. (1) Each of the lengths of road specified in the Schedule 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 footway/carriageway parking place for motor vehicles.
- (2) No person shall park any street trading vendors vehicle in a footway/carriageway 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 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 Milton Keynes Council before doing so.
6. (1) The limits of each footway/carriageway parking place shall be indicated on the road by the appropriate traffic signs and road markings.
- (2) Any vehicle standing in a footway/carriageway parking place shall stand wholly within the limits so marked 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 9.
7. The driver of a vehicle using a footway/carriageway parking place shall stop the engine as soon as the vehicle is in position in the parking place, 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 place.
8. (1) A police officer in uniform or traffic warden or a civil enforcement officer may in case of emergency move or cause to be moved any vehicle left in a footway/carriageway 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.

9. Nothing in this Part of this Order shall render it a contravention of this Order to cause or permit a vehicle to park in a footway/carriageway parking place during the prescribed hours specified in the Schedule 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 dwelling house adjacent to the footway/carriageway parking place.
10. (1) Any person authorised by the Council may suspend the use of a footway/carriageway 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 footway/carriageway 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 a footway/carriageway parking place at times of weddings or funerals, or on other special occasions.
- (2) A police officer in uniform or traffic warden or civil enforcement officer may suspend for not longer than twenty-four hours the use of a footway/carriageway 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.
- (2) 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 a footway/carriageway 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.
11. On the suspension of the use of a footway/carriageway 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.
12. (1) Save as in paragraph (2) of this Article no person shall cause or permit a vehicle to be left in a footway/carriageway 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 or a civil enforcement officer 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 a footway/carriageway 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 or a civil enforcement officer.

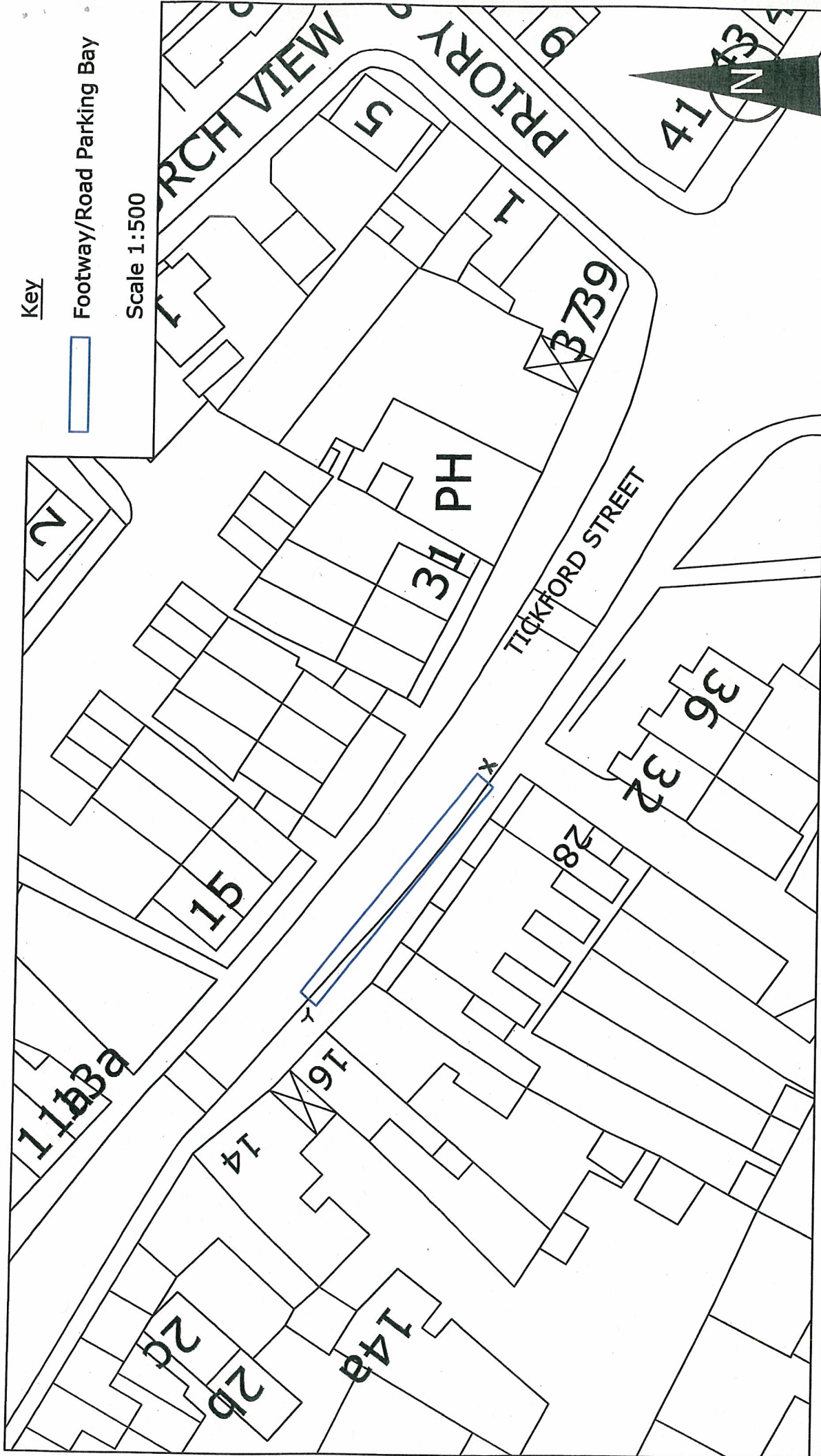
### **PART 3**

#### **ENFORCEMENT OF RESTRICTIONS**

13. 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.
14. The Council shall appoint Civil Enforcement Officers whose duty it shall be to patrol and enforce the waiting and parking restrictions imposed by the Articles of this Order.
15. Where a Civil Enforcement Officer is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a civil enforcement area, 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 Part 6 of the Traffic Management Act 2004.
16. Where a Civil Enforcement Officer is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a civil enforcement area, an enforcement authority may serve a regulation 10 penalty charge notice ("regulation 10 PCN") by post in accordance with Part 6 of the Traffic Management Act 2004.
17. Upon issue of a PCN or regulation 10 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 or regulation 10 PCN, the fee shall be one half of the amount stated on the PCN or regulation 10 PCN.
  - (2) For fourteen days thereafter, the charge incurred will be the whole of the amount stated on the PCN or regulation 10 PCN.
  - (3) Twenty-eight days after issue of the PCN or regulation 10 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 or regulation 10 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 or regulation 10 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 PCN or regulation 10 PCN 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.



This map is reproduced from Ordnance survey material with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings.  
Milton Keynes Council - 10019593 - 2009

Map referred to in The Council of The Borough of Milton Keynes  
(Tickford Street (Part), Newport Pagnell)  
(Footway/Carriageway Parking Places) Order 2009

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

*[Signature]*

HEAD OF LEGAL SERVICES AND MONITORING OFFICER

18490





**SCHEDULE**

**FOOTWAY/CARRIAGEWAY PARKING PLACES**

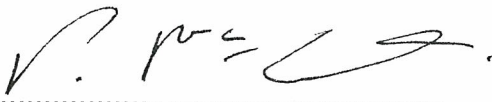
**24 HOURS OF EVERY DAY**

TICKFORD STREET, NEWPORT PAGNELL – SOUTH-WEST SIDE

FC1 From a point 2 metres north-west of a point in line with the eastern boundary wall of No.28 Tickford Street for a distance of 26 metres in a north-westerly direction and a width from a point 0.6 metres south-west of the face of the existing kerbline marked on plan as X and a point 1 metre south west of the face of the existing kerbline marked on plan as y, a width throughout the length of the parking place of 2 metres.

THE COMMON SEAL OF the **COUNCIL OF  
THE BOROUGH OF MILTON KEYNES** was  
hereunto affixed this 28 day of April 2009  
in the presence of:-



  
.....

HEAD OF LEGAL SERVICES AND MONITORING OFFICER