

**THE COUNCIL OF THE BOROUGH OF MILTON KEYNES (THE COUNCIL OF
THE BOROUGH OF MILTON KEYNES (CENTRAL MILTON KEYNES) (ON-
STREET STANDARD RATE PAY AND DISPLAY PARKING PLACES) ORDER
2005) VARIATION ORDER 2011**

The Council of the Borough of Milton Keynes ("the Council") in exercise of the powers of the said Council under Sections 45, 46, 49, 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 hereby makes the following Order: -

PART 1

IMPLEMENTATION, CITATION, DEFINITIONS AND REVOCATIONS

1. This Order shall come into operation on the 31st day of January 2011 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 Standard Pay and Display Parking Places) Order 2005) Variation Order 2011".
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. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into effect of this Order any provisions of any Orders mentioned in Schedule 12 hereto are hereby revoked to the extent stated in that Schedule.

PART 2

VARIATIONS

4. The Council of the Borough of Milton Keynes (Central Milton Keynes) (On-Street Standard Rate Pay and Display Parking Places) Order 2005 ("The Principal Order") is varied as provided by the following provisions of this Order:-
5. **The title of the Principal Order is revoked and replaced with:-**

THE COUNCIL OF THE BOROUGH OF MILTON KEYNES (CENTRAL MILTON KEYNES) (ON-STREET STANDARD RATE PAY AND DISPLAY AND PAY BY MOBILE PHONE PARKING PLACES) ORDER 2005
6. **The following definitions are inserted into Part 1 of the Principal Order:-**

“Pay by mobile 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.

7. A new PART 2A is inserted into the Principal Order as follows:-

PART 2A

PAY BY MOBILE PHONE PARKING PLACES

1. In addition to the provisions of Articles 7, 8, 9, 10, 12, 13, 14 and 15 each of the lengths of road specified in Schedules 1, 1A, 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 mobile phone parking space for passenger vehicles, dual purpose vehicles and goods vehicles.
2.
 - (1) The charge for a vehicle parked in a pay by mobile phone parking space shall be as specified in Schedule 5.
 - (2) In addition to the provisions of Article 18(2) the parking charge may also be payable on the leaving of a vehicle in a parking space as referred to in Schedules 1, 1A, 2 and 3 via the pay by mobile phone parking system and the provisions of Articles 18(3) to (7) and 19 shall not apply to that vehicle.
 - (3) Provided that where only one of the methods of payment referred to in Article 18(2) is available, that method shall be used for payment of the parking charge.
3.
 - (1) Where a vehicle has been left in a parking space referred to in Schedules 1, 1A, 2 and 3 using the pay by mobile 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, 1A, 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 mobile 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 9 of the Principal Order.

8. The title **SCHEDULE 1** of the Principal Order is revoked and replaced with:-

SCHEDULE 1

**ON-STREET STANDARD RATE PAY AND DISPLAY AND PAY BY
MOBILE PHONE PARKING PLACES**

**EXCEPT WITHIN THE MARKED BICYCLE / MOTOR CYCLE AND
DISABLED PERSONS' PARKING PLACES**

**BETWEEN 7.00 AM AND 6.00 PM ON EVERY DAY OF THE WEEK
EXCEPT ON BANK HOLIDAYS**

9. The title **SCHEDULE 2** of the Principal Order is revoked and replaced with:-

SCHEDULE 2

**ON-STREET STANDARD RATE PAY AND DISPLAY AND PAY BY
MOBILE PHONE PARKING PLACES**

**EXCEPT WITHIN THE MARKED BICYCLE / MOTOR CYCLE AND
DISABLED PERSONS' PARKING PLACES**

**BETWEEN 8.30 AM AND 6.00 PM ON EVERY DAY OF THE WEEK
EXCEPT ON BANK HOLIDAYS**

10. The title SCHEDULE 3 of the Principal Order is revoked and replaced with :-

SCHEDULE 3

**ON-STREET STANDARD RATE PAY AND DISPLAY AND PAY BY
MOBILE PHONE PARKING PLACES**

**EXCEPT WITHIN THE MARKED BICYCLE / MOTOR CYCLE AND
DISABLED PERSONS' PARKING PLACES**

**BETWEEN 8.30 AM AND 6.00 PM ON EVERY DAY OF THE WEEK
EXCEPT ON BANK HOLIDAYS**

11. Item 6 in SCHEDULE 6 of the Principal Order is revoked and replaced with:-

SCHEDULE 6

PERMIT AND PERMIT SCRATCH CARD CHARGES

<u>PERMIT / SCRATCH CARD</u>	<u>PERIOD</u>	<u>CHARGE</u>
6. Hotel Guests/Conference Attendee Permit Scratch-Cards	1 day	£5.00

PART 3

REVOCATIONS

12. The following Order IS HEREBY REVOKED to the extent stated below:

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

- (1) The following items from SCHEDULE 1 ARE HERBY REVOKED IN
THEIR ENTIRETY:-

PS80a, PS80b, PS80c, PS80d, PS88a, PS88b, PS88c, PS88d, PS88e,
PS88f, PS88g, PS88h, PS89a, PS89b, PS89c, PS89d, PS89e, PS89f,

PS89g, PS89h, PS89i, PS89j, PS89k, PS89l, PS89m and PS89n

(2) **SCHEDULE 1A is HEREBY REVOKED IN ITS ENTIRETY**

THE COMMON SEAL of the **COUNCIL OF THE
BOROUGH OF MILTON KEYNES** was hereunto
affixed this 27th day of January 2011
in the presence of :-



19363

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PRINCIPAL SOLICITOR – CORPORATE LAW AND LITIGATION