

MILTON KEYNES CITY COUNCIL

(CENTRAL MILTON KEYNES) (OFF-STREET PAY AT MACHINE AND PAY BY PHONE PARKING PLACES) ORDER 2023

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 (3), 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 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 10th day of November 2023 and may be cited as "Milton Keynes City Council (Central Milton Keynes) (Off-Street Pay at Machine and Pay by Phone Parking Places) Order 2023".
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
 - "Civil Enforcement Officer"** ("CEO") has the same meaning as in Section 76 of the Traffic Management Act of 2004;
 - "delivering"** and **"collecting"** in relation to any goods includes checking the goods for the purpose of their delivery or collection;
 - "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;
 - "Driver and Vehicle Licencing Agency"** means the Executive Agency of the Department for Transport charged with facilitating road safety and general law enforcement by maintaining registers of drivers and vehicles and the collection of vehicle excise duty (car tax);
 - "dual purpose vehicle"** has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986;
 - "electric vehicle"** means any vehicle which uses one or more electric motors for propulsion;
 - "goods"** includes postal packets of any description, cash or other valuable securities;
 - "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;
 - "Handheld device"** means an electronic device which is programmed to interface with the Pay by Phone parking system and virtual parking permit system and is

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;

"moped" means a two or three wheel vehicle fitted with an engine having a cylinder capacity not exceeding 50 cm³ if of the internal combustion type and a maximum design speed of not more than 45 kilometres per hour;

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

"motor vehicle" has the same meaning as

"off-street" means a private road or carriageway that is not adopted highway;

"parking attendant" has the same meaning as in Section 63A of the Road Traffic Regulation Act 1984;

"parking place" means an area marked out on the highway under the provisions of the Traffic Signs Regulations and General Directions 2002, within which the limits of a parking space (bay) is marked out for the parking of a single motor or electric vehicle;

"passenger vehicle" or **"motor vehicle"** means a 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;

"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;

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

"Penalty Charge" means a charge imposed in respect of a parking contravention as referred to in Part 6 of the Traffic Management Act 2004;

"Penalty Charge Notice" means a notice issued under the provisions of Part 6 of the Traffic Management Act 2004, informing the driver of a vehicle that they are in contravention of a restriction and that a penalty charge is now owed;

"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 Schedule 1 to this Order;

"road" means a length of carriage that is unadopted highway and available to for public use

"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;

"the Council" means Milton Keynes City Council;

"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 roads subject to this Order, provided that where there is any inconsistency between the plans and the Schedules it is the wording of the Schedules which shall prevail.

PART 2

OFF-STREET PAY AT MACHINE AND PAY BY PHONE PARKING PLACES

5. Each of the lengths of road specified in Schedule 1 of this Order is designated as a parking place for any motor vehicle, passenger vehicle or electric vehicle.
6. Each of the parking places specified in Schedule 1 to this Order is authorised to be used during the hours of 7.00 am and 6.00 pm by any vehicle which has paid the relevant charge at a payment machine or by the mobile phone parking system.
7. Any vehicle that has been left in a parking place specified in Schedule 1 of this Order, during the prescribed hours, shall pay the charge specified in Schedule 2 to this Order:
 - a) at a payment machine, subject to the provisions of Part 3 to this Order; or
 - b) by using the Pay by Mobile Phone Parking System, subject to the provisions of Part 4 to this Order.
8. Provided that where only one of the methods of payment referred to in paragraph (1) of this Article is available, that method shall be used for payment of the parking charge.
9. No charge for parking in a parking place specified in Schedule 1 of this Order, during the prescribed hours, shall be payable at a payment machine or by the mobile phone parking system by any moped or motorcycle.
10. No charge for parking in a parking place specified in Schedule 1 of this Order, during the prescribed hours, shall be payable at a payment machine or by the mobile phone parking system by any vehicle which clearly displays a valid disabled persons' badge "blue badge" under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, on the dashboard or fascia or in a

conspicuous position on the vehicle so that the front of the badge is clearly legible from outside of the vehicle.

11. A vehicle which is present in a parking place specified in Schedule 1 of this Order at the commencement of the hours of operation of any restrictions imposed by this Order shall be deemed to have been left in that parking place at the commencement of that period of operation of that parking place.
12. For the purpose of this Order any vehicle standing in a parking space within a parking place specified in Schedule 1 of this Order, 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.
13. The limits of each parking place specified in Schedule 1 of this Order shall be indicated on the road by the appropriate traffic sign.
14. The traffic signs within each parking place specified in Schedule 1 of this Order will indicate the restriction and the times of operation.
15. The limits of each parking space within a parking place specified in Schedule 1 of this Order, will be marked out in accordance with the current 'Traffic Signs Regulations and General Directions'.
16. The Council shall install and maintain in proper working order at least one payment machine in such position as it thinks fit in the vicinity of the parking place.
17. Nothing in this Order shall apply so as to permit a trailer whether or not attached to a vehicle, to park at any time in any parking places specified in Schedule 1 of this Order.
18. No person shall park any street trading vendors vehicle in a parking place specified in Schedule 1 of this Order, or use by any such vehicle while it is in such a parking place, in the 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 Article 5 of this Order and if the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is affected; or
 - b) shall apply if the person has obtained the written consent of the Council before doing so.
19. The driver of a vehicle using a parking place specified in Schedule 1 of this Order shall stop the engine as soon as the vehicle is in a 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 order to depart from the parking space.
20. (1) A police officer in uniform, traffic warden or CEO may in the case of an 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 Order shall render it a contravention of this Order to cause or permit a vehicle to park during the prescribed hours in a parking place specified in Schedule 1 of this Order 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, ambulance or military 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 parking place specified in Schedule 1 of this Order 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 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;
 - b) for the purpose of the maintenance, improvement or reconstruction of the parking place;
 - c) 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;
 - d) 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;
 - e) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed;
 - f) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.
- (3) A police officer in uniform, traffic warden or CEO may suspend for not longer than twenty-four hours the use of a parking place specified in Schedule 1 of this Order or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (4) 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 parking place specified in Schedule 1 of this Order 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 parking place specified in Schedule 1 of this Order 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 payment machines 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 parking place specified in Schedule 1 of this Order 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, a traffic warden or CEO 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, police or military 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 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, traffic warden or CEO.

PART 3

PROVISIONS FOR PAY AT MACHINE

26. Each of the parking places referred to in Schedule 1 of this Order, during the prescribed hours, subject to provisions to this Part of this Order, is authorised to be used by a vehicle which pays the standard tariff charge at a payment machine.
27. (1) The charge for a vehicle parked in a parking place referred to in Schedule 1 of this Order, during the prescribed hours, at a payment machine, shall be as specified in items 1 and 2 of Schedule 2 to this Order.
- (2) Subject to the provisions of Article 32 of this Order, the charge for each parking space referred to in Schedule 1 to this Order shall be payable at a payment machine:-
- (a) by any combination of coins of appropriate denominations to the amount of the charge;
 - (b) by a prepaid card of which the remaining credit is not less than the amount of the charge.
28. (1) Upon using a payment machine to park a vehicle in any parking place referred to in Schedule 1 of this Order, during the prescribed hours, the driver of the said vehicle shall be required to:
- a) enter the vehicle registration mark of the vehicle that has been left in the parking place;

- b) select the time duration required to park;
 - c) pay the relevant charge.
- (2) Where a vehicle has been left in a parking place referred to in Schedule 1 of this Order, during the prescribed hours, and has paid the parking charge at a payment machine, an indication that payment has been made and the parking period for which payment has been made shall appear on the CEO's hand-held device.
29. Subject to the provisions of Articles 7 (3) and (4), any vehicle that has been left in any parking place referred to in Schedule 1 of this Order, during the prescribed hours, that has not paid the standard tariff charge at the payment machine or by mobile phone subject to the provisions of Part 4 to this Order, may be issued a penalty charge notice.
30. Upon using a payment machine it is the onus of the driver to provide the correct information as prescribed in Article 28 (1) of this Order. Any incorrect information may result in the driver of the vehicle being issued with a Penalty Charge Notice.
31. Any vehicle that has been left in a parking place referred to in Schedule 1 of this Order, during the prescribed hours, that has purchased time by a payment machine, then on the expiry of the time purchased, the driver of a vehicle must either purchase additional time to park or remove the vehicle from the parking place.
31. If any time while a vehicle is left in a parking space referred to in Schedule 1 of this Order, during the prescribed hours, and no indication appears on a hand held device that payment of the parking charge has been made at a payment machine 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;
32. If on the leaving of the vehicle during the prescribed hours in a parking place referred to in Schedule 1 of this Order, there is on every parking machine 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 parking machine is out of order that vehicle shall be exempt from any charge.

PART 4

PROVISIONS FOR PAY BY PHONE

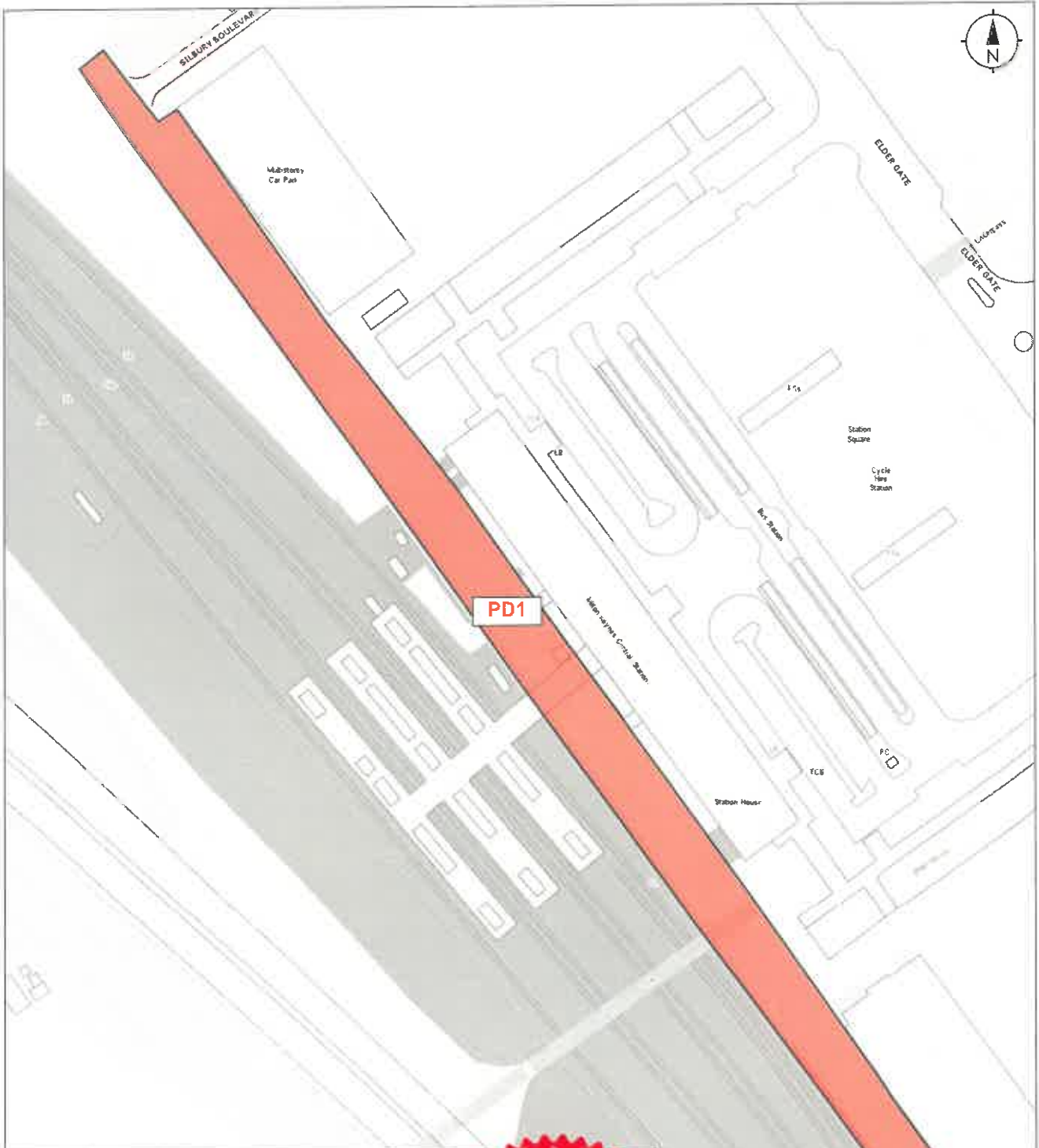
33. Each of the parking places referred to in Schedule 1 of this Order, during the prescribed hours, subject to provisions to this Part of this Order, is authorised to be used by a vehicle which pays the standard tariff charge using the Councils pay by mobile phone parking system.

34. The charge for a vehicle parked in a parking space referred to in Schedule 1 of this Order, during the prescribed hours, using the Councils pay by mobile phone parking system, shall be as specified in items 1 and 2 of Schedule 2 to this Order.
35. (1) Upon using the Councils pay by mobile phone parking system to park a vehicle in any parking place referred to in Schedule 1 of this Order, during the prescribed hours, the driver of the said vehicle shall be required to provide the following information:
- a) the make of the vehicle that has been left in the parking place;
 - b) the colour of the vehicle that has been left in the parking place;
 - c) the registration mark of the vehicle that has been left in the parking place;
 - d) the location code of the parking place which is identified on the traffic signs within the parking place;
 - e) the time duration required to park.
- (2) Where a vehicle has been left in a parking space referred to in Schedule 1 of this Order, during the prescribed hours, 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.
36. Subject to the provisions of Articles 7 (3) and (4), any vehicle that has been left in any parking place referred to in Schedule 1 of this Order, during the prescribed hours, that has not paid the standard tariff charge using the Councils pay by mobile phone parking system or at the payment machine subject to the provisions of Part 3 to this Order, may be issued a penalty charge notice.
37. Upon using the pay by mobile phone system it is the onus of the driver to provide the correct information as prescribed in Article 35 (1) of this Order. Any incorrect information may result in the driver of the vehicle being issued with a Penalty Charge Notice.
38. Any vehicle that has been left in a parking place referred to in Schedule 1 of this Order, during the prescribed hours, that has purchased time via the pay by mobile phone system, then on the expiry of the time purchased, the driver of a vehicle must either purchase additional time to park or remove the vehicle from the parking place.
39. If at any time while a vehicle is left in a parking space referred to in Schedule 1 of this Order, during the prescribed hours, and no indication appears on a hand held device that payment of the parking charge has been made at a payment machine 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.

PART 5

CONTRAVENTIONS AND ENFORCEMENT

40. Subject to the provisions of Article 21 to this Order, any vehicle that has been left in a parking place specified in Schedule 1 to this Order, during the prescribed hours, that is not positioned within the markings of a bay, may be issued a Penalty Charge Notice.
41. Subject to the provisions of Article 21 to this Order, any vehicle that has been left in a parking place specified in Schedule 1 to this Order, during the prescribed hours, that has not purchased time at a parking machine or by mobile phone parking system, shall be presumed unless the contrary is proved, to have parked without payment of the parking charge and may be issued a Penalty Charge Notice.
42. Subject to the provisions of Article 21, any vehicle that has been left in a parking place specified in Schedule 1 to this Order, during the prescribed hours, that has purchased time at a parking machine or by mobile phone parking system, and the time purchased has expired, then that vehicle may be issued a Penalty Charge Notice.
43. Subject to the provisions of Article 21 to this Order, any vehicle that has been left in a parking place specified in Schedule 1 to this Order, during the prescribed hours, where the parking place has been suspended and the vehicle is not exempt from parking there, then that vehicle may be issued a Penalty Charge Notice.
44. Subject to the provisions of Article 21 to this Order, any vehicle that has been left in a parking place specified in Schedule 1 to this Order, during the prescribed hours, in connection with the sale of any article to any person or the sale or offering for hire of his skill or services, then that vehicle may be issued a Penalty Charge Notice.
45. The Council shall, on or in the vicinity of any road provided for in this Order:
 - (1) provide traffic signs in accordance with the current 'Traffic Signs Regulations and General Directions';
 - (2) maintain and from time to time alter the said traffic signs;
 - (3) carry out such other work as is reasonably required for the purpose of the satisfactory operation of a road.
46. The Council shall appoint CEO's whose duty it shall be to patrol and enforce the parking restrictions imposed by the Articles of this Order.



Map referred to in Milton Keynes City Council (Central Milton Keynes) (Off-Street Pay at Machine and Pay by Phone Parking Places) Order 2023

This map is not to scale


The Common Seal of the Council of the Borough of Milton Keynes was hereunto affixed in the presence of:



245189

~~HEAD OF LEGAL SERVICES~~

DIRECTOR
LAW AND GOVERNANCE

 Off-Street Pay at machine and Pay by Phone Parking Place

 TRO reference number

SCHEDULE 1

OFF-STREET PAY AT MACHINE AND PAY BY PHONE PARKING PLACES

FOR USE BY VEHICLES THAT
PAY AT A MACHINE OR BY MOBILE PHONE

BETWEEN 7.00AM AND 6.00PM, EVERY DAY OF THE WEEK

EXCEPT WITHIN THE MARKED DISABLED PERSONS' PARKING PLACES

ELDER GATE

THE ACCESS ROAD AT THE REAR OF CENTRAL MILTON KEYNES STATION
PD1 Between Silbury Boulevard and Avebury Boulevard

SCHEDULE 2

PARKING CHARGES

	METHOD	TARIFF	PERIOD	APPLIED TO
1.	Pay at Machine Pay by Mobile Phone	£10.00 Monday to Friday 7am to 6pm	Up to a maximum permitted period for parking of 24 hours	Parking places specified in Schedule 1
2.	Pay at Machine Pay by Mobile Phone	£5.00 Saturday & Sunday 7.00am to 6.00pm	Up to a maximum permitted period for parking of 24 hours	Parking places specified in Schedule 1

Additional service charges may apply for each transaction

--- END ---

THE COMMON SEAL OF the **COUNCIL OF
THE BOROUGH OF MILTON KEYNES** was
hereunto affixed this 7th day of November
2023 in the presence of: -



245189

.....*SHARON BRIDGLANDS*..... DIRECTOR
~~HEAD OF LEGAL SERVICES~~ LAW AND GOVERNANCE