

**THE COUNCIL OF THE BOROUGH OF MILTON KEYNES
(THE COUNCIL OF THE BOROUGH OF MILTON KEYNES)
(CENTRAL MILTON KEYNES) (ON-STREET SPECIFIC AND PERMIT
PARKING PLACES) ORDER 2002) VARIATION ORDER 2017**

The Council of the Borough of Milton Keynes (hereinafter referred to as "the Council") in exercise of their 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 1st day of April 2017 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 Specific and Permit Parking Places) Order 2002) Variation Order 2017".
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 length of road subject to this Order, provided that where there is any inconsistency between the plan 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 Specific and Permit Parking Places) Order 2002 and forms part of that Order.

PART 2

VARIATIONS

5. The Council of the Borough of Milton Keynes (Central Milton Keynes) (On-Street Specific and Permit Parking Places) Order 2002 ("The Principal Order") is varied as provided by the following provisions of this Order:-
6. The following items are inserted into Part 2 of the principal Order:-

"Cashless Parking System" means a method of payment for parking by electronic means via the use of a mobile phone or computer or other such device;

“handheld device” means an electronic device which is programmed to interface with the cashless parking system and used by civil enforcement within Central Milton Keynes;

“coach” means a motor vehicle constructed or adapted to carry more than eight passengers (exclusive of driver);

7. **PART 6** of the principal Order is revoked and replaced with the following:-

PART 8

ENFORCEMENT OF RESTRICTIONS

94. 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 1994;
 - (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.
95. 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.

8. The following new **PART 6** is inserted is inserted into the principal Order:-

PART 6

PAY AND DISPLAY PARKING PLACES

76. (1) Each of the lengths of road specified in Schedule 4 to this Order is authorised to be used during the prescribed hours, subject to the provisions to this Part of this Order, as pay and display parking places for buses and coaches.
77. A vehicle which is present in a pay and display parking place specified in Schedule 4 hereto at the commencement of the hours of operation of any restrictions imposed by this Order shall be deemed to have been left in that pay and display parking place at that commencement of that period of operation of that pay and display parking place.
78. (1) The limits of each pay and display parking place and of every pay and display parking space within a pay and display parking

place and of any access way in a pay and display parking place shall be indicated on the road by the appropriate traffic signs;

- (2) Any vehicle standing in a pay and display parking space 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;
 - (3) The Council shall install and maintain in proper working order at least one ticket parking meter in such position as it thinks fit in the vicinity of a pay and display parking space.
79. The driver of a vehicle using a pay and display parking place shall stop the engine as soon as the vehicle is in 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 or to depart from the parking space.
80. (1) The charge for a vehicle parked in a pay and display parking space shall be payable on the leaving of the vehicle in a pay and display parking space:-
- (a) by any combination of coins of appropriate denominations to the amount of the charge;
 - (b) if the ticket parking meter is so constructed or adapted, by a prepaid card of which the remaining credit is not less than the amount of the charge;
 - (b) by the cashless parking system as specified in Part 7 to this Order
- (2) Upon payment of the charge for a vehicle left in a pay and display parking place the driver of the vehicle shall display or cause to be displayed on the vehicle, in accordance with the provisions of paragraph (5) of this Article, the ticket issued by the ticket parking meter on payment of the charge in accordance with paragraph (2) of this Article.
- (3) Payment of the charge for a vehicle left in the pay and display parking place shall be indicated by the issue by a ticket parking meter relating to that parking place of a ticket indicating that a charge has been paid for that occasion, and by the display of that ticket in the manner specified in paragraph (5) of this Article.
- (4) The ticket referred to in paragraph (3) of this Article shall be displayed on the vehicle in respect of which it was issued at all times during which the vehicle is left during the prescribed hours in the pay and display parking place in the relevant position on the vehicle, provided that for the purposes of this Article, if a vehicle when first left in the parking place is exempt from

payment of any charge by virtue of the provisions of Article 84 of this Order and continues to wait in that parking place otherwise than in accordance with those provisions, the charge shall be treated as having been incurred and shall be payable at the time when the vehicle ceased to wait by virtue of those provisions and all the provisions of this Part of this Order shall then apply accordingly.

- (5) For the purposes of this Order a vehicle shall be regarded as displaying a ticket indicating that a charge has been paid in the relevant position if the ticket is exhibited in a conspicuous position on the dashboard of the vehicle, in accordance with Article 78 so that the particulars on that side of that ticket which bears the indication that a charge has been paid are clearly legible from the outside of the vehicle.
 - (6) When a ticket has been displayed on a vehicle in accordance with the provisions of paragraphs (5) and (6) of this Article no person, not being the driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver of the vehicle.
- 81. No person shall display on a vehicle left in a pay and display parking place during the prescribed hours any ticket issued by a ticket parking meter relating to that parking place other than the ticket issued by such a ticket parking meter upon payment of the charge in respect of that vehicle and which is valid for the period during which the vehicle is parked in the parking place.
 - 82. If a vehicle is left in a pay and display parking place during the prescribed hours for longer than the period for which payment was made by the charge, a Penalty Charge Notice may be issued.
 - 83.
 - (1) If at any time while a vehicle is left in a pay and display parking place during the prescribed hours no ticket issued by a ticket parking meter relating to that parking place is displayed on that vehicle in accordance with the provisions of paragraphs (5) and (6) of Article 80 it shall be presumed unless the contrary is proved that the charge has not been paid and the driver of the vehicle may be issued with a Penalty Charge Notice.
 - (2) Any ticket issued by a ticket parking meter relating to a parking place shall be presumed, unless the contrary is proved, to have been issued on the day shown on the ticket.
 - 84. If on the leaving of the vehicle during the prescribed hours in a pay and display parking place there is on every ticket parking meter 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 ticket parking meter is out of order that vehicle shall be exempt from any charge.

85. (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.
86. Nothing in this Part of 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 for buses specified in Schedule 4 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.
- 87. No person shall cause or permit a vehicle to wait in a pay and display parking place by virtue of the provisions of paragraph (4) of Article 86 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 pay and display 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 86.
- 88. (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;
 - (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 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;
 - (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 the pay and display parking place at times of weddings or funerals, or on other special occasions.

- (2) A police officer in uniform, traffic warden or CEO may suspend for not longer than twenty-four hours the use of a pay and display 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.
 - (3) 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 pay and display 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.
89. On the suspension of the use of a pay and display parking place or any part thereof in accordance with the provisions of Article 88 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 ticket parking meters which relate to that parking place a hood or other cover indicating that the use of a parking place is suspended.
90. (1) Save as provided in paragraph (2) of this Article no person shall cause or permit a vehicle to be left in a pay and display 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 paragraph (1) of Article 89 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 88 of this Order to be left in the pay and display 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.

9. The following new **PART 7** is inserted is inserted into the principal Order:-

PART 7

CASHLESS PARKING PLACES

91. (1) Each of the lengths of road specified in Schedule 4 to this Order is authorised to be used during the prescribed hours, subject to the provisions to this Part of this Order, as cashless parking places for buses and coaches.
92. (1) The charge for a vehicle parking in a cashless parking place shall be specified in Schedule 10A to this Order.
- (2) In addition to the provisions of Article 80(1) the parking charge may also be payable on the leaving of a vehicle in a parking space as referred to in Schedule 4 via a cashless parking system and the provisions of Articles 80(2) to (6) shall not apply to that vehicle.
- (3) Provided that where only one of the methods of payment referred to in Article 80(1) is available, that method shall be used for payment of the parking charge.
93. (1) Where a vehicle has been left in a parking space referred to in Schedule 4 using the cashless parking system an indication that payment has been made and the parking period for which payment has been made shall appear on a held hand devise.
- (2) If any time while a vehicle has been left in a parking space referred to in Schedule 4 and no indication appears on a hand held device that payment of the parking charge has been made using the cashless parking system or an indication that the parking period for which payment has been 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 8 to this Order.

10. The title of **SCHEDULE 4** is revoked and replaced with the following:-

SCHEDULE 4

ON-STREET PAY AND DISPLAY PARKING PLACES FOR BUSES AND COACHES

THE WHOLE 24 HOURS OF EVERY DAY

11. The following new **SCHEDULE 10A** is inserted is inserted into the principal Order:-

SCHEDULE 10A

PAY AND DISPLAY PARKING CHARGES

	<u>PARKING PLACES</u>	<u>PERIOD</u>	<u>CHARGE</u>
1.	FOR BUSES AND COACHES (As specified in Schedule 4)	24 hours	£10 per vehicle

---- END ----

THE COMMON SEAL of the
COUNCIL OF THE BOROUGH OF
MILTON KEYNES as hereunto
affixed this 28th day of March 2017 in
the presence of:-



JUDITH KNIGHT

SERVICE DIRECTOR FOR LEGAL AND DEMOCRATIC SERVICES

HEAD OF LEGAL SERVICES LITIGATION + CHILD PROTECTION

