

**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 AND PAY BY MOBILE PHONE PARKING
PLACES AND VARIOUS PERMITS) ORDER 2005) VARIATION
ORDER 2017 (No.2)**

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 9th day of June 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 Standard Rate Pay and Display and Pay by Mobile Phone Parking Places and Various Permits) Order 2005) Variation Order 2017 (No.2)".
2. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

PART 2

VARIATIONS

3. 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 and Various Permits) Order 2005 ("The Principal Order") is varied as provided by the following provisions of this Order:-
4. Part 2A of the Principal Order is revoked and replaced by the following:-

PART 3A

PAY BY MOBILE PHONE PARKING PLACES

- 28(i) In addition to the provisions of Article 7, 8 9, 10, 12, 13, 14 and 15 each of the lengths of road specified in Schedules 1, 1A, 2 and 3 of this Order are authorised to be used during the prescribed hours,

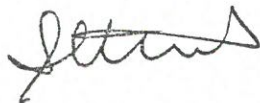
subject to provisions to this Part of this Order, as a Pay by Mobile Phone parking space for passenger vehicles, dual purpose vehicles and goods vehicles.

- 28(ii) (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 Schedule 2 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.
- 28(iii). (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
 - c) and the driver of the vehicle may be issued with a Penalty Charge Notice.
- 28(iv). (1) Where a vehicle has been left in a parking space referred to in Schedules 1, 1A, 2 and 3 of this Order and payment for parking has been made via the Pay by Mobile Phone parking system, it is the onus of the driver of that vehicle to check that all details in paragraphs (a) to (e) of this article are correct before submitting confirmation and payment.
- a) The Vehicle Registration Mark (VRM) is the same as the vehicle being left in a parking space referred to in Schedules 1, 1A, 2 and 3 of this Order;

- b) The colour of the vehicle is the same as the vehicle being left in a parking space referred to in Schedules 1, 1A, 2 and 3 of this Order;
 - c) The vehicle make is the same as the vehicle being left in a parking space referred to in Schedules 1, 1A, 2 and 3 of this Order;
 - d) The location is the same as identified on the parking signs and pay and display machine within the parking place referred to in Schedules 1, 1A, 2 and 3 of this Order;
 - e) The parking period for which payment is being made is correct.
- (2) Failure to check the details in paragraphs (a) to (e) of this article are correct before confirming payment may result in the driver of the vehicle being issued with a Penalty Charge Notice.
- 28(v). Where a penalty charge notice has been issued to a vehicle that has been left in a parking space referred to in Schedules 1, 1A, 2 and 3 of this Order, and payment has been made via the Pay by Mobile Phone parking system, and the driver of the said vehicle has submitted the details incorrectly, the Council will not refund any payment for the period purchased.

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THE COMMON SEAL of the **COUNCIL OF THE BOROUGH OF MILTON KEYNES** as hereunto affixed this 6th day of June 2017 in the presence of:-



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~~HEAD OF LEGAL SERVICES – LITIGATION & CHILD PROTECTION~~

Service Director
Legal & Democratic Services
& Monitoring Officer