

MOLE VALLEY DISTRICT COUNCIL

**THE MOLE VALLEY DISTRICT COUNCIL
(OFF-STREET PARKING PLACES)
(AMENDMENT NO. 7) ORDER 2004**

DATED *13th* APRIL 2004

**Council Offices
Pippbrook
Dorking
Surrey RH4 1SJ**

MOLE VALLEY DISTRICT COUNCIL

THE MOLE VALLEY DISTRICT COUNCIL (OFF-STREET PARKING PLACES)(AMENDMENT NO. 7) ORDER 2004

The Mole Valley District Council ("the Council") in exercise of its powers under Section 35(1) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and under the Road Traffic Act 1991 ("the 1991 Act"), and of all other enabling powers, with the consent of the Surrey County Council in accordance with Section 39(3) of the Act and after consulting the chief officer of police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

PART I

GENERAL

Commencement and Citation

1. (1) This Order shall come into operation on the 26th day of April 2004 and may be cited as the Mole Valley District Council (Off-Street Parking Places) (Amendment No. 7) Order 2004.
- (2) The Mole Valley District Council (Off-Street Parking Places) Order 1997, as amended, is hereby further amended and shall be construed as and where necessary in accordance with the provisions of this Order.

PART II

AMENDMENTS

Provisions relating to Excess charges

2. The Mole Valley District Council (Off-Street Parking Places) Order 1997 (as amended) (the Order) shall be further amended as follows:
 - (1) The preamble to the Order shall be amended by inserting after the reference to "Part IV of Schedule 9 to the Act" the following:

"and under the Road Traffic Act 1991 ("the 1991 Act")".
 - (2) In Article 2(1) under the heading "Definitions and Interpretation" the reference to "excess charge" shall be substituted by

"penalty charge"

and the following shall be added to the definition thereof:

"as amended from time to time in compliance with Section 74 and Schedule 3 to the 1991 Act".
 - (3) In Article 2(1) under the heading "Definitions and Interpretation" the following shall be added:

"PENALTY CHARGE NOTICE or PCN means a penalty charge notice issued or served by a parking attendant pursuant to the provisions of Section 66 and Schedule 3 to the 1991 Act

- (4) In the heading to Article 28 the reference to "Excess" shall be substituted by:

"Penalty"

- (5) The whole of Article 28 shall be replaced by the following:

"(1) If a vehicle is left in a parking place in contravention of or non-compliance with any Article of this order a penalty charge shall be payable by the owner (subject to the provisions of section 66 and Schedule 6 of the 1991 Act) for each day of the said contravention or non-compliance.

(2) The penalty charge shall be £60 on the issue of a PCN subject to being discounted to £30 if payment is received by the Council as provided in Article 29 within 14 days of the issue of the PCN.

(3) Where a penalty charge has been incurred a parking attendant may attach to the vehicle in a conspicuous position a PCN which shall comply with the requirements of Section 66(3) of the 1991 Act."

- (6) Article 29 shall be replaced by the following:

"Payment of a penalty charge to the Council shall either be by cheque, banker's draft, postal order or by cash in person, which shall be delivered or sent by post to Pippbrook, Dorking or the Help Shop, 25/29 High Street, Leatherhead so as to reach the relevant Department/Office of the Council (as stated on the PCN) not later than 4.15 pm. on the date specified in the PCN, but should the said Council Department/Office be closed on the said date specified the period for receiving payment shall be extended until 4.15 pm. on the next full day on which the Department/Office is open."

- (7) In Article 30(2) there shall be inserted before the reference to "notice" the word:

"penalty"

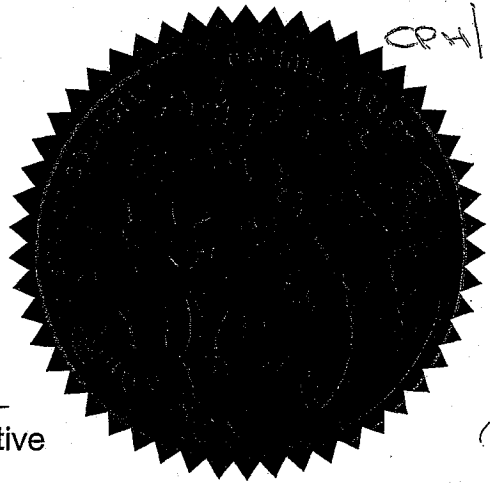
- (8) In Column (6) of the Schedule to the Order the reference to "EXCESS CHARGE" shall be substituted by:

"PENALTY CHARGE"

and the reference to "£35" shall be substituted by:"£60"

THE COMMON SEAL of the MOLE
VALLEY DISTRICT COUNCIL was hereunto
affixed this 13th day of April 2004
in the presence of:-

Heather Korwell
Clerk and Chief Executive



CPH/7050