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NORTHAMPTONSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

**NORTHAMPTONSHIRE COUNTY COUNCIL (OFF-STREET PARKING PLACES)
(COUNTRY PARKS CAR PARKS) ORDER 2019**

Northamptonshire County Council (hereinafter referred to as "the Council") in exercise of the powers conferred on them by Sections 1, 2, 4, 32, 33 and 35 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the 1984 Act") and of Part IV of Schedule 9 to the 1984 Act and The Traffic Management Act 2004 (hereinafter referred to as "the 2004 Act") and all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby make the following Order:-

PART 1
GENERAL

Article 1. (1) This Order having been made on the 28th day of February 2019 and shall come into operation on the 11th day of March 2019 and may be cited as the "Northamptonshire County Council (Off-Street Parking Places) (Country Parks Car Parks) Order 2019"

(2) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"Approved device" means a device used for statutory purposes in accordance with the "Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007";

"Article" means of this Order;

"Caravan" has the same meaning as in Section 29(1) of the "Caravan Sites and Control of Development Act 1960";

"Civil enforcement" means enforcement of contraventions of this Order under the provisions of the 2004 Act and any regulations or Orders made under it;

"Civil Enforcement Officer" has the same meaning as Section 76 of the 2004 Act;

"Civil Enforcement Order" means any Order under the 2004 Act designating the District of Daventry, East Northamptonshire and the Borough of Wellingborough as a civil enforcement area for parking contraventions;

"Definition Plan" means the plan so entitled as attached to this Order;

"Disabled Person's Badge" means a badge issued by a local authority in accordance with the provisions of regulations made under Section 21 of the "Chronically Sick and Disabled Persons Act 1970" or a card issued by a member state of the European Union in compliance with 98/376/EC – council Recommendation of 4 June 1998 on a parking card for people with disabilities;

“Driver” in relation to a vehicle waiting in the parking place means the person who was driving the vehicle at the time it was left in the parking place;

“Owner” has the same meaning as in Section 92 of the 2004 Act;

“Parking” means leaving a vehicle statutory whether the driver leaves the vehicle or not, but excluding such times as the vehicle is statutory in Order to avoid a collision or by reason of circumstances beyond the driver’s control;

“Parking Place” means the area of land specified by name in column 1 of the Schedule 1 to this Order provided by the Council under Section 32 of the 1984 Act for use as a parking place;

“Parking Bay” means a part of the parking place marked out or any other appropriate means for the leaving of a vehicle;

“Parking Attendant” has the same meaning as defined in Section 63A of the 1984 Act;

“Parking Permit” means any or all of the types of document which may be issued or approved by, or on behalf of, the Council under Article 9 that allows a Vehicle to be parked in specified Parking Places and or bays;

“Penalty Charge” means a charge imposed by legislation in respect of parking contraventions that are subject to civil enforcement and which has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Penalty Charge Notice” has the same meaning as defined in 2004 Act, indication liability to a Penalty Charge;

“Relevant position” means:

- (a) in respect of a vehicle displaying a valid disabled person’s badge:-
 - (i) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon at all times on the dashboard or fascia with the obverse side facing forwards on the near side of and immediately behind the windscreen and is clearly legible from the outside of the vehicle, or
 - (ii) in the case of a vehicle not fitted with a front windscreen, dashboard or fascia the badge is exhibited at all times in a conspicuous position so that the front of the badge is clearly legible from outside of the vehicle.

- (b) in respect of a vehicle displaying a pay and display ticket, season ticket or parking permit:-
 - (i) the ticket or permit is exhibited on the dashboard or fascia at all times so that ALL of the details on the front of the

ticket or permit are clearly visible and can be easily seen and read from outside of the vehicle; or

- (ii) where the vehicle is not fitted with a dashboard or fascia, the tick or permit is exhibited in a conspicuous position at all times so that ALL of the details on the front of the ticket or permit are clearly visible and can be easily seen and read from outside of the vehicle.

“Schedule” means a numbered Schedule contained within this Order;

“Season Ticket” means any or all of the types of document which may be issued or approved by, or on behalf of, the Council under Article 9 that allows a Vehicle to be parked in specified Parking Places and or bays for a predetermined period of time;

“Ticket” means a ticket issued by a ticket machine located in the parking place;

“Ticket Machine” means apparatus or a device used as a means to indicate the time at which a vehicle arrived at, and the time at which it ought to leave, the parking place, or one or other of those times;

“Trailer” means as in Section 136(1) of the 1984 Act;

“VAT” means Value Added Tax and includes any replacement or additional tax or duty that may be imposed by law on the supply of goods or services;

“Vehicle” means (unless the context otherwise provides) any class or description of motor vehicle as in Section 136 of the 1984 Act.

Article 2. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament

PART II

USE OF PARKING PLACE

Article 3. The areas of land specified by name in column 1 of Schedule 1 to this Order may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles in such positions and on such days and during such hours as are specified in this Order and in the said Schedule.

Article 4. The Council may from time to time determine restricted areas within the parking place and charge such sums for exclusive use thereof for such times and under such conditions as may be agreed between the Council and any licensee

Article 5. Where in this Order and the Schedule 1 hereto the parking place is described as available for vehicles of a specified class or in a specified

position, the driver of a vehicle shall not permit it to wait in the parking place:-

- (a) unless it is of the specified class identified in column 2 of Schedule 1; or
- (b) in a position other than that specified

Article 6. (1) Where within the parking place there is a ticket machine in operation the driver of a vehicle shall not permit it to wait in the parking place outside the validity period of the ticket or in any case for longer than the maximum period permitted for waiting specified in the Schedule 1 to this Order

(2) Any ticket issued is valid only until the time specified thereon and cannot be used consecutively or concurrently with other tickets issued subsequently or simultaneously

(3) Where within the parking place there is no ticket machine in operation the driver of a vehicle shall not permit it to wait for longer than the maximum period permitted for waiting specified in the Schedule 1 to this Order

(4) Where within the parking place there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled person's vehicle which displays at all times in the relevant position a disabled person's badge issued by any local authority in accordance with the provisions of the Disabled Persons' (Badges for Motor Vehicles) (England) Regulations 2000 or a badge having effect under those Regulations as if it were a disabled person's badge

(5) Where within the parking place there is a sign or surface marking which indicates that a parking bay is available only for use by a particular class of vehicle or user, no vehicle shall be permitted to stand or wait in that parking bay unless it is of that class or user

(6) Where in column 3 of the Schedule 1 to this Order a period is specified within which a vehicle may not return to the parking place, no person shall cause or permit a vehicle to return within the period so specified of having previously parked in the parking place

Article 7. The initial charge paid for a vehicle left in a parking place specified in column 1 of the Schedule 1 at any time shall be subject to the tariffs specified in Schedule 2 of this Order

Article 8. (1) Where within the parking place there is a ticket machine in operation the driver of a vehicle shall forthwith on leaving the vehicle in the parking place immediately obtain a ticket from the said ticket machine, this includes a vehicle displaying a valid disabled person's badge

(2) The ticket obtained in accordance with paragraph (1) of this Article shall be attached in a conspicuous relevant position at all times so that the particulars of such ticket are clearly visible to persons standing outside the vehicle

(3) The ticket obtained in accordance with paragraph (1) of this Article shall not be transferable from one vehicle to another

(4) The ticket obtained in accordance with paragraph (1) of this Article shall not be transferable between parking places specified in column 1 of the Schedule 1 of this Order

(5) A penalty charge will be payable in the event of contravention of Articles 5, 6, 8, 15, 16 and 18 of this Order. Such penalty charge shall be paid to the Council either by cheque, bankers draft, money order or postal order or such other method deemed appropriate by the Council which shall be delivered or sent by post to the Council at the address instructed on the penalty charge notice and in accordance with the instructions on that notice

Article 9. Parking permits and season tickets may be issued by, or on behalf of, the Council from time to time subject to charges in Schedule 2

Article 10. In the case of a vehicle in respect of which a penalty charge may have been incurred it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position a notice indicating the registration number of the vehicle or the number of the trade plate carried by the vehicle and a statement that the penalty charge is required to be paid with details of the manner in which and the time within which the charge should be paid and when any such notice is attached to a vehicle no person not being the driver of the vehicle or a person duly authorised by the Council shall remove the notice from the vehicle unless authorised to do so by the driver

Article 11. Subject to the proviso hereto, when a vehicle is left in the parking place in contravention of any of the provisions of this Order, an authorised officer may immobilise or remove the vehicle or arrange for it to be removed from the parking place provided that when a vehicle is waiting in the parking place in contravention of the provisions of Article 5(b) of this Order an authorised officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision

Article 12. Any person removing or altering the position of a vehicle by virtue of Article 11 of this Order 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

Article 13. When an authorised officer removes or makes arrangements for the removal of a vehicle from the parking place by virtue of Article 11 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle

Article 14. Should a vehicle parked in the parking place in contravention of this Order be removed or immobilised by an authorised officer a recovery charge and/or release fee will be payable before the vehicle is released. Nothing contained in this Order shall restrict the powers of an authorised officer pursuant to powers

contained in or regulations made under sections 100 to 106 inclusive of the 1984 Act in removing/immobilising a vehicle contravening a provision of this Order

- Article 15. Where in the parking place signs are erected or surface markings are laid for the purpose of indicating a restricted parking area no person shall drive or cause or permit to be driven any vehicle so that it enters or parks in such a restricted area unless permitted to do so
- Article 16. No person shall wait or park a vehicle in such way to causes an obstruction to other vehicles in a parking place
- Article 17. (1) An indication on a ticket of a date shall be treated as evidence of the date on which the ticket as expired
(2) An indication on a ticket of a time shall be treated as evidence of the time expiry of the period for which the ticket has been issued
- Article 18. Notwithstanding the provisions of this Order, the Council may by notice displayed on or near the parking place close the parking place or any part thereof for any period either generally or in respect of a particular class or classes of vehicles and the driver of any vehicle or of the particular class or classes of vehicles (as the case may be) shall not use the parking place of any part thereof which has been so closed.

THE COMMON SEAL of NORTHAMPTONSHIRE
COUNTY COUNCIL was hereunto affixed
on the 28th day of February 2019
in the presence of:-



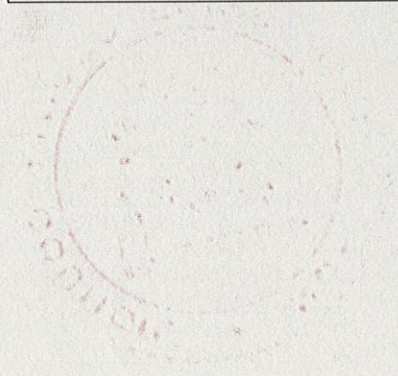
ANNE HOLTON

(The Officer appointed for this purpose)



SCHEDULE 1

1 Name of parking place (Car park)	2 Classes of vehicle	3 Maximum period for which vehicles may wait
1. Brixworth Country Park (as shown tinted mauve on the attached plan)	Motor cars within the provisions of Section 136(2) of the 1984 Act	12 hours
2. Barnwell Country Park (as shown tinted mauve on the attached plan)	Motor cycles as defined in Section 136(4) of the 1984 Act	
3. Fermyn Woods Country Park, Brigstock (as shown tinted mauve on the attached plan)		
4. Irchester Country Park (as shown tinted mauve on the attached plan)		
5. Sywell Country Park (as shown tinted mauve on the attached plan)		



SCHEDULE 2

Up to 4 hours	Cost
Motor Car	£3.00
Motor Cycle	Free
Up to 12 hours	Cost
Motor Car	£5.00
Motor Cycle	Free
Annual Season Ticket	Cost
Covering all five parks	£50.00
Parking in one named park	£37.00
Adding a second registration number to the season ticket at time of purchase. This option provides 2 numbers on a single ticket, not 2 tickets, and both vehicles must be registered to the same address	£5.10
A second season ticket at time of purchase of the first season ticket. Both vehicles must be registered to the same address	£10.00
Change or addition of registration number	£5.00