

NORTHAMPTONSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

**THE NORTHAMPTONSHIRE COUNTY COUNCIL (ST. JAMES AREA,
NORTHAMPTON) (PROHIBITION OF WAITING AND PERMIT HOLDERS PARKING
PLACES) ORDER 2005 (AMENDMENT NO. 1) ORDER 2008**

Northamptonshire County Council, in exercise of their powers under Sections 1, 2, 3, 4, 32, 35 and 45 to 53 and Schedule 9 of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act, hereby order as follows :

1. This Order may be cited as "The Northamptonshire County Council (St. James Area, Northampton) (Prohibition of Waiting and Permit Holders Parking Places) Order 2005 (Amendment No. 1) Order 2008 and shall come into force on 31st March 2008.
2. The "Northamptonshire County Council (St. James Area, Northampton) (Prohibition of Waiting and Permit Holders Parking Places) Order 2005" is hereby amended as follows :
 - (a) All references to "Road Traffic Act 1991" are to be replaced with references to "Traffic Management Act 2004".
 - (b) the definition relating to "authorised officer" is amended by the substitution of the wording "parking attendant" with the wording "Civil Enforcement Officer".
 - (c) The definition relating to "goods" is to be substituted with the following definition:

"goods" includes postal packets, cash or other valuable securities of any description
 - (d) the definition for "parking attendant" is deleted and all references to "parking attendant" are changed to "authorised officer"
 - (e) the following definitions are added :

"authorised agent" means a parking services contractor appointed by and acting on behalf of the council for the purposes of the supervision and enforcement of the provisions of this Order.

"Civil Enforcement Officer" has the same meaning as that given in section 76 of the Traffic Management Act 2004
 - (f) the definition relating to "penalty charge" is substituted with the following definition :

"penalty charge" has the same meaning as that given in section 92 of the Traffic Management Act 2004

- (g) the definition relating to "penalty charge notice" is substituted with the following definition :

"penalty charge notice" means a notice showing the information required by the Schedule of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

- (h) the definition for "traffic warden" is deleted.

- (i) The definition relating to "owner" is substituted by the following definition:

"Owner" means the person by whom the vehicle is kept, which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994, is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered.

- (j) All references to "Traffic Warden" are deleted.

- (k) Article 23(3) is substituted with the following Article :

23(3). In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may be issued by a Civil Enforcement Officer or served by post in accordance with the requirements of the Traffic Management Act 2004.

- (l) Article 23(4) is substituted with the following Article :

23(4). The penalty charge shall be paid to the council by such method deemed appropriate by the council in accordance with the instructions on the penalty charge notice.

**THE COMMON SEAL of NORTHAMPTONSHIRE
COUNTY COUNCIL** was hereunto affixed 18/7/08
on the 6th day of March 2008
in the presence of :-

D. L. Simpson
Privacy and Freedom of Information
Head of Legal Services *Manager*
(The Officer appointed for this purpose)

