

**OXFORDSHIRE COUNTY COUNCIL
(VARIOUS ROADS – CHERWELL DISTRICT) (MAP BASED) (PROHIBITION AND
RESTRICTION OF WAITING AND PERMITTED PARKING) ORDER 2021
(VARIATION No.1) ORDER 2021**

The Oxfordshire County Council in exercise of its powers under Sections 1(1), 2(1), 2(2), 4(2), 32(1), 35(1), 37, 45, 46, 49(4) and 53 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the RTRA 1984") and all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the RTRA 1984, and The Traffic Management Act 2004, Part 6 (as amended) make the following Order.

1. This Order may be cited as the Oxfordshire County Council (Various Roads - Cherwell District) (Map Based) (Prohibition and Restriction of Waiting and Permitted Parking) (Variation No.1) Order 2021 and shall come into force on the first day of November 2021.
2. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
3. The Oxfordshire County Council (Various Roads – Vale of White Horse District excluding the Parish of North Hinksey) (Map Based) (Prohibition and Restriction of Waiting and Permitted Parking) Order 2021 ("the 2021 Order") is amended in the manner and to the extent specified in the Schedule to this order.

GIVEN UNDER the Common Seal of the Oxfordshire County Council

this 11th day of October 2021.

SCHEDULE

Amendments to "the 2021 Order"

1.)

In the index of Parts:-

Part VII references to articles `32 to 35 - Excess Charges` are deleted.

New item reference is added as follows:

"32 Evidence of Periods of Stay"

A new title for Part XIII is inserted as follows:

**“PART XIII
CONTRAVENTIONS OF THE ORDER”**

85. Contraventions”

2.)

In article 2 `Definitions` the following items are added:

“contravention” means a failure to comply with the provisions of this Order, or of the relevant provisions of the Act of 2004;

“Civil Enforcement Officer” means a person authorised under Section 76 of the Traffic Management Act 2004 to undertake enforcement of parking contraventions (as defined in that Act);

“Parking Ticket” means either the ticket issued by a Ticket Machine or any authorised officer and indicating the payment of a Parking Charge, the period in respect of which that charge has been paid, and the time of the beginning or end of that period; and includes a Virtual Parking Ticket;”

“Penalty Charge” means a penalty charge imposed further to Part 6 of the Traffic Management Act 2004 and set by Oxfordshire County Council further to paragraph 3 of Schedule 9 to that Act;

“Penalty Charge Notice” means a notice issued by a Civil Enforcement Officer pursuant to regulations made further to Part 6 of the Traffic Management Act 2004;

“Virtual Parking Ticket” means a permission to park obtained by means of connectivity to the intranet or an appropriate application (`App`) via a mobile phone, or similar method (without the need to display a ticket) which gives the same rights and responsibilities as the issue of a ticket for display;”

3.)

In article 2 `Definitions` the following deletions are made:

~~“Excess Charge” means a penalty charge imposed and set by the Council;~~

~~“Excess Charge Notice” means a notice issued by a Parking Attendant or Traffic Warden;~~

~~“Parking Attendant” means a person authorised under Section 63A of the RTRA 1984 to supervise any Parking Place designated by this Order;~~

4.)

In article 2 `Definitions` the following is replaced:

Parking Ticket” means a ticket issued by a ticket machine or Civil Enforcement Officer pursuant to the provisions of this Order and indicating the payment of a Parking Charge, the Parking Period in respect of which such Parking Charge has been paid and the time of the beginning or end of that Parking Period;

5.)

In the Articles to the order, the words `Parking Attendant` are replaced with `Civil Enforcement Officer` at the following locations:

Article 4 third line
Article 6 (5)
Article 8 Line 4
Article 16 (7) Line 4
Article 18 (1) Line 1
Article 18 (2)
Article 19 (4) (f) Line 3
Article 21 Line 2
Article 22 Line 2
Article 26 Line 3
Article 27 Line 3
Article 40 Line 3
Article 41 Line 3
Article 70 Line 1
Article 71 Line 3
Article 72 Line 2
Article 73 Line 1 & 9
Article 74 Line 1
Article 77 Line 1
Article 80 Line 1 & 9
Article 81 Line 1

6.)

The below numbered articles are deleted and replaced as follows:

Restrictions on Parking – Parking Ticket

“28. Save as provided in Article 29 (Nil Parking Charge) and Articles 16, 17 and 30 (Exemptions), no person is to cause or permit any Vehicle to wait in a Payment Parking Place during the Chargeable Hours except upon the direction or with the permission of a Civil Enforcement Officer, the Council or a police constable in uniform:

- (1) unless there has been paid in accordance with Article 31 the Parking Charge selected according to the expected duration of the period of stay and the Parking Ticket so obtained for the Vehicle is:
 - (a) displayed in the Relevant Position on the Vehicle;
 - (b) is a Virtual Parking Ticket and
- (2) the Parking Period designated by that Parking Ticket has not expired.”

Restrictions on Parking – Initial Period

“29. Save as provided in Articles 16, 17 and 30 (Exemptions), no person is to cause or permit any Vehicle to wait in any Payment Parking Place specified in column 1 of Schedule 7 during the Chargeable Hours, where the Parking Charge in column 2 of that Schedule is equal to “Nil”, except upon the direction or with the permission of a Civil Enforcement Officer, the Council or a police constable in uniform, for longer than the Parking Period specified in column 3 of that Schedule.”

Parking Ticket

“31. Other than where the Payment Parking Place has a Parking Charge specified in column 2 of Schedule 7 of Nil, the Parking Charge shall be paid and a Parking Ticket obtained,

- (1) (a) by the insertion into a Ticket Machine at or near the Payment Parking Place (or, if such machine is for the time being defective, at another machine at or near the Payment Parking Place) of a coin or coins, of appropriate denomination, to the amount of the Parking Charge, or
 - (a) a Virtual Parking Ticket is obtained
 - (b) by such other payment method as specified on a Ticket Machine;
- (2) A Virtual Parking Ticket (which will not be displayed) may be obtained by payment via internet connectivity, mobile telephone App or other means authorised by the Council.

provided that if for the time being a notice is displayed at the Parking Place so requiring, the Parking Charge shall be paid to, and a Parking Ticket obtained from a Civil Enforcement Officer.”

Article 32 is deleted and new article 32 inserted as follows:

“Evidence of Period of Stay

16. (1) For the purpose of ascertaining whether any Parking Period, in respect of which a vehicle left in a Parking Place during the Charging Hours has expired, the following information as to the time of the beginning or end of the Parking Period in respect of which the Parking Charge has been paid shall (without prejudice to any contrary evidence) be evidence of, as a case may be, the time

of the beginning of the period of stay of that vehicle or the time of the expiry of the Parking Period,

(1) in the case of a Parking Ticket issued from a Ticket Machine the information on the Parking Ticket, provided that the information on the Parking Ticket shall be compared to the time shown on the clock of the Ticket Machine from which the Parking Ticket was issued, or

(2) in the case of a Virtual Parking Ticket the information taken by an enforcement officer from any connectivity method used for the enforcement of Virtual Parking Tickets.”

Articles 33 to 35 inclusive re Excess Charges are deleted.

Article 42 is deleted and replaced as follows:

Special Provisions

- “42. (1) With regard to Car Club Parking Places, all references in Part VIII of this Order to Article 16 (Exemptions) shall take effect as references to Article 16 excluding Articles 16(4) (exemption for setting down and picking up passengers, Article 16(5) (exemption for loading or unloading Goods), and Article 16(6) (collection of waste).
- (2) When the provisions referred to in Article 42(2) cease to apply the following shall apply instead so that for the purpose of ascertaining whether any Visitors Period in respect of a Vehicle left in a Permit Parking Place during the Prescribed Hours has expired, the information on the Visitors Ticket displayed on the Vehicle as to the time of the beginning or end of the Visitors Period in respect of which the Visitors Charge has been paid shall (without prejudice to any contrary evidence) be evidence of, as the case may be, the time of the beginning of the period of stay of that Vehicle or the time of expiry of the Visitors Period provided that in the case of a Visitors Ticket issued from a Ticket Machine the information on the Visitors Ticket shall be compared with the time shown on the clock on the Ticket Machine from which the Visitors Ticket was issued.”

7.)

A new Part is added to the order as follows:

“PART XIII CONTRAVENTIONS OF THE ORDER”

85. (1) If a parking contravention (as defined in the Traffic Management Act

2004) is committed in contravention of any of the provisions of this order, a Penalty Charge will be payable.

(2) 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 the Council."

86. The notification of a Penalty Charge to be given in respect of a stationary Vehicle -

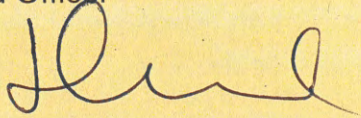
- (a) by a penalty charge notice affixed to the vehicle; or
- (b) by a penalty charge notice given to the person appearing to be in charge of the vehicle; or
- (c) where a Civil Enforcement Officer attempted to serve a penalty charge notice but was prevented from doing so by some person then the Council shall serve the penalty charge notice by post in accordance with the Act of 2004;
- (d) where a Civil Enforcement Officer has begun to prepare a penalty charge notice for service, but the vehicle concerned was driven away from the place it was stationary before the civil enforcement officer has finished preparing the penalty charge notice then the Council shall serve the penalty charge notice by post in accordance with the Act of 2004.

8.)

In Schedule 7, columns 4, 5 and 6 are deleted.

**THE COMMON SEAL of THE
OXFORDSHIRE COUNTY COUNCIL**
was hereunto affixed in the presence of:

Solicitor / Designated Officer



14/10/21

