

**THE CITY OF PLYMOUTH (TRAFFIC REGULATION AND STREET PARKING
PLACES)(AMENDMENT No. 2008.06) ORDER 2008**

1. The Council of the City of Plymouth (hereinafter referred to as the Council) in exercise of its powers under section 35, part III and Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referred to as the 1984 Act) and all other powers enabling them in that behalf and following consultations in accordance with Schedule 9 of the 1984 Act and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996

HEREBY MAKE THE FOLLOWING ORDER

COMMENCEMENT AND CITATION

2. This Order shall come into operation on **31st March 2008** and be cited as The City of Plymouth (Traffic Regulation and Street Parking Places) Amendment No. 2008.06) Order 2008

INTERPRETATION

3. In this Order except where the context otherwise requires the expression 'The Principal Order' means the City of Plymouth (Traffic Regulation and Street Parking Places) (Consolidation) Order 2004 and all subsequent amendment Orders.

4. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of Acts of Parliament

AMENDMENTS TO PRINCIPAL ORDER

1. The Principal Order shall be read to incorporate the amendments set out in the Schedule to this Order
2. In all other respects the Principal Order remains unchanged

THE COMMON SEAL of
THE CITY OF PLYMOUTH
was hereunto affixed
in the presence of:




Authorised signatory of
Plymouth City Council

SCHEDULE

1. The interpretation section is to be amended as follows:
“Civil Enforcement Officer” – as defined in section 76 of the Traffic Management Act 2004
“Enforcement Authority” – means the Council
“Parking Attendant” – definition is to be removed
“Penalty Charge” to be amended to read:

"Penalty Charge" – means the amounts set within the Civil Enforcement of Parking Contraventions (Guidelines on levels of Charges) (England) Order 2007 being the higher and lower level charges at band 2 level or any amounts out within subsequent orders which may amend or vary the level of charges under the Traffic Management Act 2004

"Reduced Penalty Charge" to be amended to read:

"Reduced Penalty Charge" means the amounts set within the Civil Enforcement of Parking Contraventions (Guidelines on levels of Charges) (England) Order 2007 as the higher and lower penalty charges on band 2 level or any amounts set within subsequent orders which may amend or vary the level of charges under the Traffic Management Act 2004 such amounts will be reduced by a discount of 50% if paid not later than the last day of the period of 14 days beginning with the date on which the Penalty Charge was served

2 Amend Article 116 Part J to read:

"If a vehicle is left in any road or length of road contrary to this Order then a penalty charge shall be payable for each day or part of a day during which the vehicle is left and such sum shall be paid not later than the last day of the period of 28 days beginning with the date on which the Penalty Charge Notice was served

3. Insert new Article 117 to read:

"Subject to 118 below if not later than the last day of the period of 14 days beginning with the date on which the Penalty Charge Notice was served)

as provided in Article 116 the driver or some other person on their behalf pays the Reduced Penalty Charge to the Council then such lesser sum shall be accepted by the Council in satisfaction of the penalty charge

4 Insert new Article 118 to read:

"If a person liable to pay a Penalty Charge pays the Reduced Penalty Charge in accordance with Article 117 but subsequently submits an appeal against the Penalty Charge to the person body court and tribunal with the power to determine such appeals the Council reserves the right to request as part of that appeal process the payment of the full Penalty Charge less the amount of the Reduced Penalty Charge already paid

5. Amend Article 117 to be Article 119 and read:

"(1) In the case of a vehicle in respect of which a Penalty Charge may have been incurred a Civil Enforcement Officer shall:

(a) give notice of such penalty by attaching to that vehicle in a conspicuous position a notice ("Penalty Charge Notice") which shall include the following particulars:

- (i) the vehicle registration number the make and colour of the vehicle unless for any reason it is not reasonably possible to ascertain the make or to describe the colour.
- (ii) the detailed location of the vehicle (e.g. meter bay number; residents bay number; name of car park; or other description parking place; street name, side street; outside or opposite a particular address);

- (iii) Contravention code and description of contravention;
 - (iv) the date and time of the contravention and the date and time of the Penalty Charge Notice is issued together with the number of the Penalty Charge Notice
 - (v) the amount of the Penalty Charge
 - (vi) a statement that the Penalty Charge is required to be paid not later than the last day of the period of 28 days beginning with the date on which the Penalty Charge Notice was served and that the Penalty Charge if paid not later than the last day of the period of 14 days beginning with the date on which the Penalty Charge Notice was served amount by which the Penalty Charge will be reduced which shall be the reduced Penalty Charge.
 - (vii) the manner in which the Penalty Charge should be paid (including the address, for posted payment);
 - (viii) a statement that failure to pay the Penalty Charge will result in a Notice to Owner being served on the persons who the Council believes to be the registered keeper or the owner of the vehicle and
 - (ix) the name of the enforcement authority
- (b) giving a Penalty Charge Notice to the person appearing to the Civil Enforcement Officer to be in charge of the vehicle; or
 - (c) such other means as Regulations made under section 78 of the Traffic Management Act 2004 may provide.

2. The Penalty Charge shall be paid to the Council not later than the last day of the period of 28 days beginning with the date on which the Penalty Charge

Notice was served using one of the methods of payment specified on the Penalty Charge Notice.

3. The Owner or Driver of a vehicle shall not seek to evade liability to pay the Penalty Charge by refusing to permit a Civil Enforcement Officer to attach a Penalty Charge Notice to his vehicle or by refusing to accept a Penalty Charge Notice issued by a Civil Enforcement Officer, nor by removing (or seeking to remove) the vehicle before the Civil Enforcement Officer has attached the Penalty Charge Notice to the vehicle in accordance with Article 119(i) of this Order.
4. Where the last day for payment of the Penalty Charge under any of the preceding provisions of this Article falls upon a day on which the Council's office, being the office specified on the Penalty Charge Notice for receiving payment of the Penalty Charge is closed the period for payment shall be extended until 4 pm on the next day on which such office is open to the public.
5. Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of this Article no person other than the owner or the driver of the vehicle, or a Civil Enforcement Officer, or any person duly authorised by the Council, shall remove the Notice from the vehicle.
6. Insert new Part M to read as follows:

Part M

POWER OF CIVIL ENFORCEMENT OFFICERS TO MOVE AND REMOVE VEHICLES

- (1) Where a Civil Enforcement Officer believes that any provisions of this Order have been contravened or not complied with in respect of a vehicle he may alter the position of that vehicle or move or cause it to be moved to another position.
- (2) When a vehicle is removed under the provisions of this Article the Civil Enforcement Officer or any other person authorised by the Council shall make such arrangements as he considers reasonably necessary for the safe custody of this vehicle.
- (3) Any person removing or altering the position of the vehicle by virtue of this Article may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable him to remove or alter its position as the case may be.
- (4) The Owner or Driver of any vehicle removed, moved or stored in consequence of any of the foregoing provisions of this Article shall pay to the Council its costs and disbursements incurred in carrying out such operations such payment to be made 'not later than the last day of the period of 14 days beginning with the date of being informed in writing by the Council of the amount of such costs and disbursements
- (5) In the case of emergency any person duly authorised by the Civil Enforcement Officer or a police constable in uniform may move or cause to be moved any vehicle.

7. Insert new Part N to read as follows:

Part N

Power of Civil Enforcement Officers to immobilise vehicles

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Where a Penalty Charge Notice has been served in accordance with Article 119 of this Order a Civil Enforcement Officer or a person acting under his direction may fix an immobilisation device to the vehicle concerned whilst it remains in the place where it was found in accordance with Part 3 The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

8. All reference to "Parking Attendant" in the Principal Order is to be amended to "Civil Enforcement Officer".

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