

**TRAFFIC MANAGEMENT ACT 2004  
ROAD TRAFFIC REGULATION ACT 1984,  
(as amended)**

**BOROUGH OF READING  
(CIVIL ENFORCEMENT AREA)  
CONSOLIDATION ORDER 2011**

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## **THE BOROUGH OF READING**

### **(CIVIL ENFORCEMENT AREA) CONSOLIDATION ORDER 2011**

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The Reading Borough Council (hereinafter referred to as "the Council") in exercise of the powers conferred by Sections 1(1), 2(1) to (3), 4(2), 32, 33, 35, 39 45 and 46 of the Road Traffic Regulation Act 1984 ("the Act of 1984"), as amended and of all other powers thereunto enabling and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984 and Part 6 of the Traffic Management Act 2004, hereby make the following Order:-

#### **PART I CITATION AND INTERPRETATION**

1. This Order maybe cited as The Borough of Reading (Civil Enforcement Area) Consolidation Order 2011 and shall come into operation on the 31 January 2011.
2. The Orders listed in the Schedule to this Order shall be referred to as the 'Consolidation Orders' for the purpose of this Order.

#### **PART II CONSOLIDATION AND AMENDMENT**

3. The Consolidation Orders shall be amended as detailed in Articles 4 - 12 of this Order.
4. Any reference in the titles and Articles of the Consolidation Orders to 'Special Parking Area(s)' shall be removed and re-placed with 'Civil Enforcement Area'.
5. The pre-amble to each Order shall be amended by:-
  - a. the insertion of ss33 and 39 of the Road Traffic Regulation Act 1984
  - b. the removal of reference to the Road Traffic Act 1991 and the insertion of Part 6 of the Traffic Management Act 2004 ("the Act of 2004")
6. Where the following definitions appear they are hereby revoked from the Consolidation Orders.
  - a. "owner", in relation to a vehicle means a resident who is named in the vehicle registration document as the registered keeper of a goods or passenger vehicle or who has the use of such a vehicle in the course of his employment and who is entitled to use such a vehicle as though he were the registered keeper thereof;
  - b. "parking attendant", means a person authorised by or on behalf of the Council to supervise any parking area;

- c. "parking place", " means a road or length of road which is provided for the leaving of vehicles;
- d. "penalty charge" and "reduced penalty charge" means a charge set by the Council under the provisions of section 66 of the Road Traffic Act 1991 and with the approval of the Secretary of State for Transport which is to be paid to the Council within 28 days beginning with the date of the notice, or 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice;
- e. "penalty charge notice", means a notice issued or served by a parking attendant pursuant to the provisions of section 66 of the Road Traffic Act 1991;
- f. "permitted hours", means 24 Hours Monday to Sunday unless stated otherwise at the commencement of a Schedule;
- g. "relevant position", in respect of: -
  - (a) a disabled person's badge or a parking permit, means
    - (i) in the case of a vehicle fitted with a front windscreen, that the badge or permit is exhibited thereon with the front facing forward on the nearside of and immediately behind the windscreen; or
    - (ii) the case of a vehicle not fitted with a front windscreen, that the badge or permit is exhibited on the front or nearside of the vehicle;
  - (b) a disabled person's parking disc, means that the side showing the time is facing forward or outward and immediately behind the windscreen or side window nearest to the kerb
- h. "specified position" a vehicle left in a parking place during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand:-
  - (a) in the case of the parking place in relation to which special provisions as to the manner of standing of a vehicle in that place are specified in an item specified in a Schedule as to be in accordance with those provisions;
  - (b) in the case of any other parking place -
    - (i) if the parking place is not in a one-way street, that the left or near-side of the vehicle is adjacent to the left-hand edge of the carriageway;
    - (ii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres;
  - (c) so that every part of a vehicle is within the limits of a parking place;



- (d) that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.
  - i. "traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having the effect as though prescribed or authorised under Section 64 of the Act of 1984.
7. The following definitions shall be inserted into the Consolidation Orders in the relevant alphabetical Order:
- a. "civil enforcement officer" has the same meaning as in section 76 of the Act of 2004;
  - b. "owner", in relation to a vehicle, has the same meaning as in Section 92(1) of the Act of 2004 or the person who has the use of such a vehicle in the course of his/her employment and is entitled to use such a vehicle as though he/she were the registered keeper thereof
  - c. "parking place", has the meaning given by section 79(7) of the Act 2004;
  - d. "penalty charge", has the same meaning as in section 92(1) of the Act of 2004
  - e. "penalty charge notice" has the same meaning as in section 8(1) of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.
  - f. "permitted hours" means 24 hrs. Monday to Sunday unless stated otherwise in Article 5 to this Order;
  - g. "relevant position" in respect of :-
    - a) a parking permit, means
      - i) in the case of a vehicle fitted with a front windscreen, that the badge or permit is exhibited thereon with the front facing forward on the nearside of and immediately behind the windscreen; or
      - ii) the case of a vehicle not fitted with a front windscreen, that the badge or permit is exhibited on the front or nearside of the vehicle;
    - b) a disabled person's badge, in accordance with Section 12 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
  - h. "specified position" a vehicle left in a parking place during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand so that every part of the vehicle is within the limits of the parking place;

- i. "traffic sign" has the same meaning as in section 92(1) of the Act of 2004
8. Any reference to "Parking Attendant" within the Consolidations Orders, shall be replaced with "Civil Enforcement Officer"
9. Where the following wording appears in relation to any Part, which imposes waiting and loading restrictions:-

to a Disabled Person's Vehicle, displaying a Disabled Persons Badge in the relevant position, to wait in a disabled parking place specified in Schedule 8 at any time, for a period not exceeding 4 hours (not being a period separated by an interval of less than 2 hour from a previous period of waiting by the same vehicle in the same length of road on the same day), provided that the Disabled Person's Vehicle also displays in the relevant position, a Parking Disc (on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began);

It shall be revoked in its entirety from the Consolidation Orders and in its place the following text shall be inserted -

to a Disabled Person's Vehicle, displaying a disabled person's badge, in accordance with Section 12 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

10. Where the following text appears in the Consolidation Orders shall be revoked in its entirety:-
- Other than a bus to wait at any time on Mondays to Sundays inclusive, in a bus stand as specified in Schedule 402;
  - Other than a bus to wait between 7.30 a.m. and 8.45 a.m. on Mondays to Sundays inclusive, in a bus stand as specified in Schedule 403.
11. Where the following text appears in the Relevant Orders it shall be revoked in its entirety:-
- The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in, or to depart from, that parking place.
12. Where any Part entitled or referring to the Contravention of Orders appears in the Consolidation Orders it shall be revoked in its entirety and in its place the following text shall be inserted and numbered in accordance with the other provisions of that Order:
- (1) If a vehicle is left in a parking place during the permitted hours or in any road or length of road in contravention of any provision of this Order, a penalty charge shall be payable and/or the vehicle may be removed from that location in accordance with regulation 5C of The Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007.



- (2) A separate penalty shall become chargeable in respect of each new calendar date.
- (3) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by regulation 9 or 10 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 may then be issued by a civil enforcement officer in accordance with the said Act
- (4) If a vehicle is left after a penalty charge has been incurred, a civil enforcement officer or a person acting under his/her direction may attach to the vehicle an immobilisation device and a notice in accordance with regulation 12, 13 and 14 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and that vehicle shall only be released from the device on payment of the penalty charge, or as the case may be a reduced penalty charge, along with such release fees as may be required by the Council
- (5) Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article:-
  - (a) he shall provide for the safe custody of the vehicle;
  - (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
  - (c) the provisions of the Road Traffic Regulation Act 1984 as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article

Nothing in paragraphs (4) and (5) of this Article shall apply in respect of a vehicle displaying in the relevant position a valid disabled person's badge issued by any local authority.

THE COMMON SEAL of the READING  
BOROUGH COUNCIL was hereunto  
affixed this 20<sup>th</sup> day of June 2011  
in the presence of:-

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Minute	Cab 11/2/08 Min 137
Originator	CA
Seal No.	20/1
Checked	LS

  
Authorised Signatory

## **SCHEDULE**

### **ORDERS TO BE CONSOLIDATED**

Borough of Reading (Newtown Zone H) (Special Parking Area) (Waiting Restrictions and Parking Places) (No. 1) Order 2005

Borough of Reading (Caversham East Zone C) (Special Parking Area) (Waiting Restrictions and Parking Places) Consolidation Order 2006