

RB 34390

THE ROTHERHAM BOROUGH COUNCIL
(OFF STREET PARKING PLACES)
CONSOLIDATION ORDER 2008
(REPLACEMENT ORDER) 2008

Made on the 18th December 2008
Coming into force on the 22nd December 2008

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**THE ROTHERHAM BOROUGH COUNCIL
(OFF-STREET PARKING PLACES)
CONSOLIDATION ORDER 2008
(REPLACEMENT ORDER) 2008**

Rotherham Borough Council in exercise of its powers under Sections 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (as amended), the Traffic Management Act 2004, the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and all other enabling powers and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act and in pursuance of the Road Traffic (Permitted Parking Area and Special Parking Area)(Metropolitan Borough of Rotherham) Order 2005 hereby makes the following Order:-

1 COMMENCEMENT AND CITATION

This Order shall come into force on the 22nd day of December 2008 and may be cited as "The Rotherham Borough Council (Off-Street Parking Places) Consolidation Order 2008 (Replacement Order) 2008.

The whole of the Borough of Rotherham was designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Areas and Special Parking Areas) (Metropolitan Borough of Rotherham) Order 2005 taking effect in accordance with paragraph 8(4) of Schedule 8 of the 2004 Act.

2 INTERPRETATION

2.1 In this Order:-

"the 1984 Act" means the Road Traffic Regulation Act 1984;

"the 2004 Act" means the Traffic Management Act 2004;

"the 2007 General Regulations" means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"Apparatus" means a ticket-issuing machine provided in accordance with section 35(3) of the 1984 Act as a means of indicating the time of arrival and permitted length of stay;

"Charge" means a charge payable when leaving a Vehicle in a Parking Place during the Charging Hours;

"Charge Certificate" means the statement that the Penalty Charge has been increased by 50 per cent in accordance with Regulation 21 of the 2007 General Regulations;

"Charging Hours" means any period specified in columns 5 & 6 of Schedule 1 to this Order as a period during which a Charge is payable for a Vehicle left in a Parking Place;

"Civil Enforcement Officer" means a person employed by the Enforcement Authority under section 76 of the 2004 Act for the enforcement of road traffic contraventions;

"Disabled Person's Badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"Disabled Persons Parking Bay" means a Parking Bay reserved for Disabled Persons Vehicles only;

"Disabled Person's Vehicle" means a Vehicle which displays in the relevant position a Disabled Person's Badge;

"Driver" in a Parking Place means the person driving the Vehicle at the time it was left in the Parking Place or the person deemed to be the driver under the terms of this Order;

"Enforcement Authority" means Rotherham Borough Council;

"Invalid Carriage", "Motor Vehicle", or "Motor Cycle" and "trailer" have respectively the same meanings as in section 136 of the 1984 Act provided that for the purposes of this Order the term "Motor Cycle" shall be deemed to include only a solo Motor Cycle;

"Owner" in relation to a Vehicle 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;

"Parking Bay" means any area of a Parking Place indicated by lines or other markings which is provided for the leaving of a Vehicle;

"Parking Place" means an area of land provided by the Council under s32(4) of the 1984 Act for use as a parking place and specified by name in column 1 of Schedule 1 to this Order;

"Permit" means a permit issued for a specific period of time for the parking of a specified Vehicle in a specified Parking Place which has been issued under the provisions set down in article 5 of this Order;

"Permit Holder" means a person to whom a Permit has been issued;

"Penalty Charge" means a Penalty Charge imposed under Part 6 of the 2004 Act, the level of which is set by the Enforcement Authority under the provisions of section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guideline on Levels of Charges) (England) Order 2007;

"Penalty Charge Notice" means a Penalty Charge Notice issued and served by a Civil Enforcement Officer or posted by the Enforcement Authority pursuant to the provisions of section 78 of the 2004 Act and the 2007 General Regulations;

"Reduced Penalty Charge" means a Penalty Charge reduced by 50%;

"Registered Keeper" means the person in whose name the Vehicle was registered under the Vehicle Excise and Registration Act 1994;

"Relevant Date" means the date upon which a Vehicle is or was parked in any Parking Place, Parking Space or Parking Bay or upon which any event occurs or occurred in breach of any of the provisions of this Order or to which this Order relates;

"Traffic Manager" is the person appointed under Section 17(2) of the Traffic Management Act 2004 to perform such tasks as the Enforcement Authority consider will assist them to perform their network management duty;

"Vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer.

- 2.2 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

3 USE OF PARKING PLACES

- 3.1 Each Parking Place 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 specified in column 3 of Schedule 1 in such positions as are specified in column 2 of Schedule 1 on such days as are specified in column 4 of Schedule 1 and during such hours of operation specified in column 5 of Schedule 1 for such maximum period as specified in column 6 of Schedule 1.

- 3.2 Where in Schedule 1 to this Order a Parking Place described in column 1 is described as available for a Vehicle of a specified class described in column 3 then the Driver shall not permit that Vehicle to wait in a Parking Place unless it is of the class so specified.
- 3.3 The scale of charges on the coming into force of this Order for the purposes of Article 3.1 are set out in column 7 of Schedule 1 and may be varied by notice as set down by section 35C of the 1984 Act.
- 3.4 The Driver of a Vehicle who leaves that Vehicle in a Parking Place specified by name in column 1 of Schedule 1 to this Order during the Charging Hours shall pay the Charge as specified in the provisions contained in this Order and specified in column 7 of Schedule 1 or as varied by notice .
- 3.5 The Driver of a Vehicle who leaves that Vehicle in a Parking Place specified by name in column 1 of Schedule 1 where Permit holders may park in that Parking Place as specified in column 8 of Schedule 1 shall display a Permit during the hours of operation specified in column 5 of Schedule 1 to this Order.
- 3.6 The Driver of a Vehicle shall not wait or park on any line or hatched area or cause an obstruction or permit the Vehicle to wait in a Parking Place other than in a Parking Bay for the purpose of parking, except with the permission of the Enforcement Authority, Traffic Manager or a Civil Enforcement Officer and every part of the Vehicle must be within the limits of the Parking Bay and not more than one Vehicle shall occupy any one such Parking Bay.
- 3.7 The Driver of a Vehicle shall not permit it to wait in a Parking Place or part thereof that has been reserved by means of a sign or surface marking specifically for use by Disabled Persons, Motorcycles or Permit Holders.
- 3.8 A Disabled Persons Vehicle left in a Parking Bay shall display a Disabled Person's Badge.
- 3.9 The Disabled Persons Vehicle must be carrying a registered disabled person at the time the Disabled Vehicle enters the Parking Bay and that person (whether the Driver or a passenger) must be the person to whom the badge was issued.

4 PARKING PLACES WITH APPARATUS

- 4.1 The Driver of a Vehicle who leaves that Vehicle in a Parking Place described in Schedule 1 to this Order during the hours of operation shall on leaving the Vehicle in the Parking Place immediately pay the Charge as set out in column 7 of Schedule 1 to this Order or as varied by notice.

- 4.2 No Charge shall be payable by the Driver of a Disabled Persons Vehicle on which is exhibited a Disabled Person's Badge or by the Driver of a Vehicle exhibiting a Permit in accordance with the provisions of Articles 5 and 6 of this Order in relation to a Parking Place in Schedule 1.
- 4.3 The Charge referred to in Article 4.1 shall be paid by the insertion into the Apparatus provided in the Parking Place a coin or coins for the parking of a Vehicle in a Parking Place provided that if any payment is made over the Charge the Charge and the amount paid over the Charge shall be deemed to be the Charge.
- 4.4 Payment of the Charge for the Vehicle left in a Parking Place shall be indicated by the issue by the Apparatus of a numbered ticket showing the date and time of expiry and by the display of that ticket on the Vehicle in accordance with the following provisions:
- (i) in the case of a Vehicle which is fitted with a transparent windscreen by affixing the ticket to the inside surface of the windscreen or by placing it on the dashboard so that it can be easily visible from the front of the Vehicle at all times, or
 - (ii) in the case of a Vehicle which is not fitted with a transparent windscreen by affixing the ticket on the front or nearside of the Vehicle so that the ticket is visible and readable.
- 4.5 Any ticket purchased in accordance with the stated provisions is not transferable between one Vehicle and another or between one Parking Place and another.

5 PARKING PLACES FOR PERMIT HOLDERS

- 5.1 The Enforcement Authority may for a fee or otherwise issue or arrange for the issuing of a Permit allowing Vehicles to wait in a specified Parking Place for Permit Holders subject to the conditions of use and eligibility as set out in the provisions of this Order.
- 5.2 An application for a Permit if accompanied by a cheque bankers draft money order or postal order to the value of the appropriate fee for the time being can be made to Rotherham Borough Council, Bailey House, Rawmarsh Road, Rotherham, South Yorkshire and a Permit may be issued.
- 5.3 An employee of Rotherham Borough Council may apply for a Permit by application accompanied by a mandate for the appropriate fee for the time being to Rotherham Borough Council at the address specified in article 5.2

above and a Permit may be issued subject to compliance with any eligibility criteria for the time being in force.

5.4 A Permit shall be in writing and shall include the following particulars:-

- (i) the name of the Permit Holder's permitted Parking Place;
- (ii) the registration number of the Vehicle in respect of which the Permit has been issued;
- (iii) the period during which the Permit remains valid;
- (iv) an authentication that the Permit has been issued by the Council.

5.5 A Permit Holder shall pay the charge as is appropriate for the time being in connection with the issue of a Permit for parking a Vehicle in a Parking Place as designated by this Order during the permitted hours on the permitted days.

5.6 The Enforcement Authority may by notice in writing served on the Permit Holder withdraw a Permit issued under the provisions of this Article if it appears to the Enforcement Authority that any of the circumstances of the Permit Holder in respect of the issuing of the Permit have changed and one of the following has occurred.

- (i) where the Permit Holder was employed by Rotherham Borough Council and has ceased to be an employee for the purposes of the issuing of the Permit;
- (ii) the Permit Holder has ceased to be the Owner of the Vehicle in respect of which the Permit was issued;
- (iii) the Vehicle in respect of which the Permit was issued has been adapted in such a manner that it is not a Vehicle of the class specified in this Order;
- (iv) a duplicate Permit has been issued by the Enforcement Authority.

5.7 Where a Permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured the Permit shall cease to be of any effect and the Enforcement Authority shall by notice served on the person to whom such Permit was issued require that person to surrender the Permit to the Enforcement Authority within 48 hours of the receipt of the aforementioned notice.

5.8 The Enforcement Authority may at any time require a Permit Holder to produce to an officer of the Enforcement Authority such evidence in any matter relevant to the issuing of the Permit.

5.9 If a Permit is mutilated or defaced or the figures or particulars on it have become illegible the Permit Holder shall surrender it to the Enforcement

Authority and may apply to the for the issue of a duplicate Permit and the Enforcement Authority upon the receipt of the Permit if such receipt is accompanied by an application for a duplicate Permit shall issue a duplicate Permit so marked.

- 5.10 If a Permit is lost or destroyed the Permit Holder may apply to the Enforcement Authority for the issue of a duplicate Permit and the Enforcement Authority upon being satisfied as to such loss or destruction shall issue a duplicate Permit so marked.
- 5.11 The provisions of this Order shall apply to a duplicate Permit and an application for a duplicate Permit as if it were a Permit or as the case may be an application for a Permit.
- 5.12 A photographic copy of a Permit shall not be a valid Permit for the purposes of this Order and the provisions of this Order shall not apply.
- 5.13 If an officer of the Enforcement Authority identifies any misuse of a Permit issued under this Article or a Civil Enforcement Officer reports any misuse of a Permit issued under this Article the Permit Holder will be given 14 days from the date of issue of a notice served by the Enforcement Authority on the Permit Holder at the address shown on the application made to the Enforcement Authority for the issue of such Permit to cease such misuse and if such misuse continues after the period of 14 days from the date of issue of the notice the Enforcement Authority shall revoke such Permit and shall not issue any further Permit.
- 5.14 Any Permit issued pursuant to Article 5 of this Order shall be non-transferable between the Vehicle or Vehicles in respect of which it was issued and any other Vehicle unless specifically stated to the contrary and shall be valid only in the Parking Place and for the date or dates specified.
- 5.15 Nothing in this Order shall render it unlawful to cause or permit a Vehicle to park in any off street Parking Place if use of that Parking Place has not been suspended for so long as may be necessary to enable a Vehicle to be used for a purpose authorised and described on a Permit issued by the duly authorised officer on behalf of the Enforcement Authority.
- 5.16 (i) A Permit Holder who has been issued with a Permit may leave that Vehicle in a Parking Bay marked for Permit parking and shall display a Permit in the relevant position;
- (ii) For the purpose of this Order a Vehicle shall be regarded as displaying a Permit in the relevant position when the Permit is exhibited inside the windscreen of the Vehicle so that the date and other particulars shown are clearly visible from outside of the Vehicle at all times.

- 5:17 A Permit shall not entitle the Owner of the Vehicle to the reservation of an individual Parking Bay.

6 PARKING PLACES FOR DISABLED PERSONS' VEHICLES.

- 6.1 Any person with a Disabled Person's Badge and who is the Driver or passenger of a Vehicle may leave that Vehicle limited to the maximum time period allowed in that Parking Space in a Disabled Person's Parking Bay and shall display the Disabled Person's Badge in the relevant position with the expiry date and serial number clearly visible. For the purpose of this Order a Vehicle shall be regarded as displaying a Disabled Person's Badge in the relevant position when:-

- (i) the Disabled Person's Badge is exhibited on the dashboard or fascia of the Vehicle or;
- (ii) where the Vehicle is not fitted with a dashboard or fascia, the Disabled Person's Badge is exhibited in a conspicuous position on the Vehicle so that the front of the Disabled Person's Badge is clearly legible from outside the Vehicle.

- 6.2 Where it appears to a Civil Enforcement Officer that there is displayed on any Vehicle a badge purporting to be a Disabled Person's Badge, he may, under, section 94 of the 2004 Act require any person getting into or out of the Vehicle to produce the badge for inspection and refusal to do so constitutes an offence.

7. PARKING PLACES FOR MOTORCYCLES

Any person who is the Driver of a Vehicle of the following class that is a Motorcycle may only leave that Vehicle reserved for solo Motor Cycles.

8. PENALTY CHARGE AT PARKING PLACES

- 8.1 If a Vehicle is left in contravention of or non-compliance with this Order a Penalty Charge shall be payable for each day of the said contravention or non-compliance. In the case of a Vehicle in respect of which a Penalty Charge has been incurred a Civil Enforcement Officer shall serve the Penalty Charge Notice which shall comply with the 2007 General Regulations.

- 8.2 The Penalty Charge or Reduced Penalty Charge shall be set as follows:-

- (a) The Penalty Charge – Band 2 as set out in section 1 of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges)(England) Order 2007 or any amendment or re-enactment thereof

subject to payment being received by the Enforcement Authority as provided in Paragraph 6 of this Article not later than the last day of the period of 28 days beginning with the date on which the Penalty Charge Notice is served;

(b) The Reduced Penalty Charge – a 50 per cent reduction of the Penalty Charge subject to payment being received by the Enforcement Authority as provided in Paragraph 6 of this Article not later than the last day of the period of 14 days beginning with the date on which the Penalty Charge Notice is served;

(c) On the issue of a Charge Certificate in accordance with the provisions of Regulation 21 of the 2007 General Regulations the Penalty Charge shall be increased by 50 per cent;

- 8.3 Service of a Penalty Charge Notice or Charge Certificate by post is deemed effective on the second working day of posting.
- 8.4 Where a Penalty Charge has been incurred a Civil Enforcement Officer may attach to the Vehicle in a conspicuous position or hand to the Driver a Penalty Charge Notice which shall comply with the requirements of Regulation 9 and the Schedule to the 2007 General Regulations.
- 8.5 Where a Penalty Charge has been incurred a Penalty Charge Notice may be served by post by the Enforcement Authority if the Driver of the Vehicle drives the Vehicle away before the Civil Enforcement Officer has served a Penalty Charge Notice or if the Civil Enforcement Officer has been prevented from issuing a Penalty Charge Notice, provided that such a Penalty Charge Notice shall comply with the requirements of Regulation 10 and the Schedule to the 2007 General Regulations.
- 8.6 Payment of the Penalty Charge to the Enforcement Authority shall be by cheque, postal order, electronic transfer or cash in person which shall be delivered or sent by post so as to reach the relevant Department/Office of the Enforcement Authority as stated on the Penalty Charge Notice not later than 4.30 p.m. by the date specified on the Penalty Charge Notice but should the said Enforcement Authority Department/Office be closed on the said date specified the period for receiving payment may be extended until 4.30 p.m. on the next full day.
- 8.7 The particulars given in the Penalty Charge Notice attached to the Vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

9. RESTRICTION ON REMOVAL OF PENALTY CHARGE NOTICE

When a Penalty Charge Notice has been fixed to a Vehicle, no person other than a person authorised on behalf of the Enforcement Authority, the Owner, or a person in charge of the Vehicle shall remove the Penalty Charge Notice.

10. OTHER PROVISIONS

- (1) No person shall drive a Vehicle into or onto a Parking Place unless:-
 - (i) the Driver is the holder of a licence authorising him/her to drive a Vehicle of its class or description on a road, or
 - (ii) the Driver is the holder of a provisional licence and is accompanied in that Vehicle by a person holding a licence of the type mentioned in (i) above
- (2) The Driver of a Vehicle shall not permit that Vehicle to wait in the Parking Place unless the Vehicle is licensed in pursuance of the provisions of the Vehicle (Excise) Act 1994 and unless there is in relation to the use of the Vehicle by the Driver such a policy of insurance as complies with the requirements of Part IV of the Road Traffic Act 1988.
- (3) The Driver of a Vehicle using the 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 the Parking Place.
- (4) No person shall use any part of the Parking Place or any Vehicle left in the Parking Place:-
 - (i) for sleeping or camping;
 - (ii) for cooking purposes or washing crockery cutlery clothing or any other article or things whatsoever;
 - (iii) for the purpose of servicing or maintaining or repair or washing any Vehicle or any part thereof other than is reasonably necessary to enable the Vehicle to depart from the Parking Place;
 - (iv) for the erection of any booth or stand, building or other structure;
 - (v) for the playing of ball games;
 - (vi) for roller-skating, skate boarding or go-karting;
 - (vii) for the operation of radio controlled machine;
 - (viii) in connection with the sale of any article to persons in or near the Parking Place or in connection with the sale or the offer for hire of any skill or services or affix place or otherwise leave on or affixed to any Vehicle using a Parking Place any leaflet or poster paper or similar material advertising or publicising good articles services or articles for sale;

- (ix) for the driving of Vehicles above the speed of ten miles per hour for driving around such Parking Place unnecessarily or driving recklessly or erratically;
 - (x) in such a manner as to generate any excessive engine noise or fumes or cause the tyres to skid unnecessarily;
 - (xi) for the placing of skips or similar storage receptacles or for the storing of goods rubbish or waste of any description howsoever short or long the period or;
 - (xii) for the purposes of holding thereon a pleasure fair;
- (5) A person using a Parking Place shall not:-
- (i) light or cause or permit to be lit any fire;
 - (ii) leave or permit to be left running the engine of a Vehicle any longer than is necessary for the parking of that Vehicle or for the purpose of changing position of the Vehicle or departing from the Parking Place;
 - (iii) if that person is the Driver of a Vehicle alight from or leave the Vehicle whilst the engine is running;
 - (iv) throw down drop or otherwise deposit in any Parking Place any item or article of rubbish or waste material so as to contribute to or tend to lead to the defacement of that Parking Place by litter;
 - (v) soil or deface remove replace or damage any wall or fence in or enclosing any Parking Place or any building, barrier, post, notice, sign, railing or other erection;
 - (vi) play any musical instrument or radio or wantonly shout or otherwise make any loud noise so as to cause disturbance or annoyance to other users of the Parking Place or to occupiers of premises in the neighbourhood;
 - (vii) use any threatening abusive or insulting language gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned;
 - (viii) commit any criminal offence;
 - (ix) ride or cause to be ridden any pedal-cycle or tricycle;
 - (x) fill any vehicle or container with petrol diesel, oil or other form of fuel or inflammable liquid.
- (6) The right of passage within a Parking Place is available to a person driving or being conveyed in a Vehicle and does not extend to pedestrians other than drivers of Vehicles and their passengers leaving or returning to their Vehicles and no rights of way whatsoever over the said Parking Place other than for the purpose of parking or removing Vehicles shall be deemed to have been granted by the Enforcement Authority.
- (7) If a Vehicle is left in a Parking Place in a position other than in accordance with the provisions of Article 3, a person authorised by the Enforcement Authority may alter or cause to be altered the position of the Vehicle so that its position is in accordance with the said provisions.

- (8) If a Vehicle is left in a Parking Place in contravention of any of the foregoing provisions of this Order a person authorised by the Enforcement Authority may remove the Vehicle from that Parking Place or arrange for such removal.
- (9) For the purpose of meeting the requirements of an emergency, a person authorised by the Enforcement Authority or a police constable in uniform may alter or cause to be altered the position of a Vehicle in a Parking Place or remove or arrange for the removal of a Vehicle from a Parking Place.
- (10) Any person altering, or causing the alteration of, the position of a Vehicle by virtue of paragraph 7 of this Article, or removing, or causing the removal of, a Vehicle by virtue of paragraph 8 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 the position of the Vehicle to be altered or the Vehicle to be removed.
- (11) Any person removing or arranging for the removal of a Vehicle by virtue of paragraph 8 of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the Vehicle in the place to which it is removed.
- (12) Where in a Parking Place signs
 - (i) indicating the entrance to or exit from the Parking Place, or
 - (ii) indicating that a Vehicle using the Parking Place shall proceed in a specified direction within the Parking Place,

no person shall drive or permit to be driven any Vehicle so that (i) it enters the Parking Place otherwise than by an entrance, or leaves the Parking Place otherwise than by an exit, so indicated, or (ii) it moves in a direction other than so specified.

- (13) No person shall except with the permission of a person authorised by the Enforcement Authority, drive or permit to be driven any Vehicle in a Parking Place for any purpose other than for leaving that Vehicle in the Parking Place in accordance with the provisions of this Order or for the purpose of departing from the Parking Place.
- (14) If in any case owing to the presence of a Vehicle in a Parking Place an accident occurs whereby personal injury is caused to a person other than the Driver of that Vehicle or damage is caused to a Vehicle other than that Vehicle or to any other property whatsoever including the Parking Place itself the Driver of the Vehicle shall stop if required to do so by an officer, agent or servant of the Enforcement Authority or any other person having reasonable grounds for so requiring and give his or her name and address and also name and address of the Owner if applicable and the identification marks of the Vehicle and his or her certificate of insurance.

11. GENERAL PROVISIONS

- 11.1 Where the Driver of a Vehicle is alleged to be guilty of a contravention to which this Order applies the Owner of the Vehicle shall give such information as to the identity of the Driver as he may be required to give by or on behalf of the Enforcement Authority.
- 11.2 Any person shall if required as aforesaid give any information which it is in his power to give and which may lead to the identification of the Driver.
- 11.3 For the purpose of the institution of proceedings for any contravention under this it shall be conclusively presumed (notwithstanding that the person may not be an individual) that the Registered Keeper of the Vehicle at the Relevant Date shall pursuant to the provisions of Section 35(3) of the 1984 Act be deemed to be responsible for any contravention of or non-compliance with this Order unless the Registered Keeper can prove in proceedings:
- (a) that the Registered Keeper was neither the Owner or keeper of the Vehicle at the Relevant Date;
 - (b) that the Vehicle was being used at the Relevant Date without the consent of the Registered Keeper, provided that the Enforcement Authority shall be entitled to proceed against any other person whom the Enforcement Authority proves to be either the Owner or keeper or the Driver of the Vehicle at the Relevant Date instead of the Registered Keeper.
- 11.4 Where in any proceedings for failing to pay any Penalty Charge it is proved that the amount has become due or any part of that amount has not been duly paid the Court shall order that payment of the sum not paid and any sum ordered to be paid shall be recoverable as a debt.

12. SUSPENSION OF PARKING PLACES OR PARTS THEREOF

- (1) The Traffic Manager, a Civil Enforcement Officer on behalf of the Enforcement Authority may suspend the use of a Parking Place or any part thereof and the Charges specified in Article 4 of this Order may be suspended or varied:-
- (i) when it is considered such suspension or variation is reasonably necessary and a notice or Traffic Sign indicating in the case of suspension that the use of the Parking Place or that part thereof is suspended and that waiting by Vehicles is prohibited or in the case of temporary suspension or variation to those Charges specified in Article 4 of this Order and that the Charges are suspended or varied;

- (ii) for the purpose of any building operation, demolition or excavation in or adjacent to a Parking Place or the maintenance, improvement or reconstruction of the Parking Place, the laying, erection, alteration, removal or repair in or adjacent to the Parking Place of any sewer, main, pipe or apparatus for the supply of gas, water or electricity or telecommunications system so the running of which the Telecommunications Code contained in Schedule 2 to the Telecommunications Act 1984 for the time being applies or any statutory re-enactment or modification thereof;
 - (iii) for any purpose for which the Enforcement Authority considers necessary;
 - (iv) at the discretion of the Enforcement Authority whereby the Parking Place may be reserved for the parking of Vehicles being used by or engaged in the operations of the Enforcement Authority, the police and voluntary or other organisations or other statutory undertaking and any part of a Parking Place so designated shall be marked so as to identify that it is reserved for Vehicles being used by such persons or engaged in such operations.
- (2) Notwithstanding the provisions of this Order the Enforcement Authority may by notice displayed at or near a Parking Place close or reserve for any purpose a Parking Place or any part thereof for any purpose and no Driver of any Vehicle shall use such Parking Place or any part thereof when it is so closed or reserved except under the written permission of the Enforcement Authority.

13. VALIDITY AND ENFORCEABILITY

- (1) If a Court, the Department for Transport or its successor body, the National Parking Adjudication Service or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable such declaration shall not invalidate the remainder of this Order.

14. EXEMPTIONS

- (1) If at any time when a Vehicle is left during the Charging Hours in a Parking Place a notice has been affixed to the relevant Apparatus by a Civil Enforcement Officer or other person authorised by the Enforcement Authority indicating that the Apparatus is out of order or the Apparatus shows that it is out of order, the Vehicle shall be exempt from payment of the Charge provided that the Vehicle is removed from the Parking Place within one hour after the said Apparatus is back in working order.

- (2) If the Vehicle is not removed from the Parking Place within the period specified in paragraph (1) of this Article a Charge shall be deemed to be payable at the time that the Apparatus was brought back into working order and all the provisions of this Order shall apply.
- (3) The Driver of a Vehicle which displays in the relevant position a Disabled Person's Badge or a Permit shall be exempt from any payments specified in Article 4 of this Order.

15. REVOCATIONS

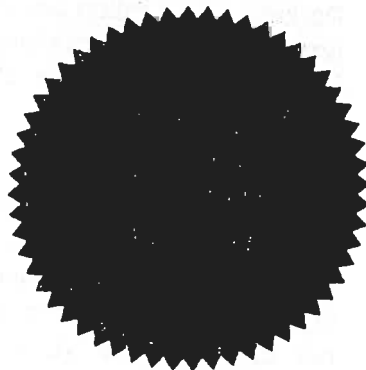
- (1) The existing Orders relating to Off Street Parking Places referred to in Schedule 2 to this Order are hereby revoked upon the implementation of this Order.
- (2) The Rotherham Borough Council (Off-Street Parking Places) Consolidation Order 2008 is hereby revoked upon the implementation of this Order.
- (3) The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if for the purposes of that Act this Order were an Act of Parliament and the Orders revoked by paragraph 1 of this Article were Acts of Parliament thereby repealed.

GIVEN under the Common Seal of
Rotherham Borough Council this
18th day of December 2008

Executed as a Deed by affixing
the Common Seal of
Rotherham Borough Council
in the presence of:-



Duly Authorised Officer



3321

SCHEDULE 1
(OFF-STREET PARKING PLACES) CONSOLIDATION ORDER 2008
(REPLACEMENT ORDER) 2008
SURFACE & MULTI-STOREY CAR PARKS

1 Name of Parking Place	2 Position In which a Vehicle may wait	3 Classes of Vehicles	4 Days of operation of Parking Place	5 Hours of operation of Parking Place	6 Maximum period for which Vehicles may wait	7 Scale of Charges	8 Permit Parking
Civic Surface Car Park, Rotherham.	Wholly within a Parking Bay or as indicated by a notice or notices	All Vehicles except: (a) Goods Vehicles exceeding 30 cwt unloaded weight (b) Passenger Vehicles adapted to carry more than 12 people exclusive of the Driver	Monday to Saturdays inclusive Excluding Bank Holidays and Public Holidays	8.00 am. to 6.00 pm	4 hours no return within 4 hours of the expiry of the numbered ticket issued on payment of the Charge	Up to 2 hours £1.10 Up to 4 hours £2.70 Up to 2 hours £1.10 Up to 4 hours £2.70 Period	
Former Clifton Hall Site i.e. land at the junction of Wharcliffe	Wholly within a Parking Bay or as indicated by a notice or notices	All Vehicles except: (a) Goods Vehicles exceeding 30	Monday to Saturdays inclusive Excluding Bank Holidays	8.00 am to 6.00 pm	10 hours		

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Street and Percy Street		cwt unloaded weight (b) Passenger Vehicles adapted to carry more than 12 people exclusive of the Driver	and Public Holidays			exceeding 4 hours £6.50	
Drummond Street	Wholly within a Parking Bay or as indicated by a notice or notices	All Vehicles except: (a) Goods Vehicles exceeding 30 cwt unloaded weight (b) Passenger Vehicles adapted to carry more than 12 people exclusive of the Driver	Monday to Saturdays inclusive Excluding Bank Holidays and Public Holidays	8.00 am to 6.00 pm	10 hours	Up to 2 hours £1.10 Up to 4 hours £2.70 Period exceeding 4 hours £6.50	

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Scala Car Park, Corporation Street) land at the junction of Corporation Street and Chantry Bridge	Wholly within a Parking Bay or as indicated by a notice or notices	All Vehicles except: (a) Goods Vehicles exceeding 30 cwt unloaded weight (b) Passenger Vehicles adapted to carry more than 12 people exclusive of the Driver	Monday to Saturdays inclusive Excluding Bank Holidays and Public Holidays	8.00 am to 6.00 pm	4 hours no return within 4 hours of the expiry of the numbered ticket issued on payment of the Charge	Up to 2 hours £1. 10 Up to 4 hours £2. 70	
Land at Sheffield Road, Rotherham	Wholly within a Parking Bay or as indicated by a notice or notices	All Vehicles except: (a) Goods Vehicles exceeding 30 cwt unloaded weight (b) Passenger Vehicles adapted to carry more than 12 people exclusive of the Driver	Monday to Saturdays inclusive Excluding Bank Holidays and Public Holidays	8.00am to 6.00 pm	10 hours	£1.60	

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Fitzwilliam Road (1) being land at the junction of Fitzwilliam Road with Rawson Road having an area of 1866 sq. mts.	Wholly within a Parking Bay or as indicated by a notice or notices	All Vehicles except: (a) Goods Vehicles exceeding 30 cwt unloaded weight (b) Passenger Vehicles adapted to carry more than 12 people exclusive of the Driver	Monday to Fridays inclusive Excluding Bank Holidays and Public Holidays	8.00 am to 6.00 pm	10 hours	£1.60	
Fitzwilliam Road (2) being land to the west side of Cottenham Road at its junction with Fitzwilliam Road having an area of approximately 2007 sq. mts	Wholly within a Parking Bay or as indicated by a notice or notices	All Vehicles except: (a) Goods Vehicles exceeding 30 cwt unloaded weight (b) Passenger Vehicles adapted to carry more than 12 people exclusive of the Driver	Monday to Fridays inclusive Excluding Bank Holidays and Public Holidays	8.00 am to 6.00 pm	10 hours	£1.60	

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Wellgate North (land north of the Hare and Hounds Hotel, Wellgate)	Wholly within a Parking Bay or as indicated by a notice or notices	All Vehicles except: (a) Goods Vehicles exceeding 30 cwt unloaded weight (b) Passenger Vehicles adapted to carry more than 12 people exclusive of the Driver	Monday to Saturdays inclusive Excluding Bank Holidays and Public Holidays	8.00 am to 6.00 pm	1 hour no return within 2 hours of the expiry of the numbered ticket issued on payment of the Charge	Up to 20 min. £0.45 Up to 40 mins. £0.90 Up to 1 hour £1.30	
Douglas Street, land to the north east side of Douglas Street having an area of approximately 1100 sq. mts	Any position	All Vehicles except: (a) Goods Vehicles exceeding 30 cwt unloaded weight (b) Passenger Vehicles adapted to carry more than 12 people exclusive of the Driver	Monday to Saturdays inclusive Excluding Bank Holidays and Public Holidays	8.00 am to 6.00 pm	2 hours no return within 2 hours of the expiry of the numbered ticket issued on payment of the Charge	Up to 2 hours £1.10	

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Fitzwilliam Road (3) being land to the east side of Cottenham Road at its junction with Fitzwilliam Road having an area of approximately 3430 sq. mts	Wholly within a Parking Bay or as indicated by a notice or notices	All Vehicles except: (a) Goods Vehicles exceeding 30 cwt unloaded weight (b) Passenger Vehicles adapted to carry more than 12 people exclusive of the Driver	Monday to Fridays inclusive Excluding Bank Holidays and Public Holidays	8.00 am to 6.00 pm	10 hours	£1.60	
St. Ann's Road being land to the west side of St. Ann's Road at its junction with the north side of Carlisle Street having an area of approximately 3472 sq. mts.	Wholly within a Parking Bay or as indicated by a notice or notices	All Vehicles except: (a) Goods Vehicles exceeding 30 cwt unloaded weight (b) Passenger Vehicles adapted to carry more than 12 people exclusive of the Driver	Monday to Fridays inclusive Excluding Bank Holidays and Public Holidays	8.00 am to 6.00 pm	10 hours	£1.60	

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St. Ann's Road being land to the north west side of St. Ann's Road having an area of approximately 12,000 sq. mts.	Wholly within a Parking Bay or as indicated by a notice or notices	All Vehicles except: (a) Goods Vehicles exceeding 30 cwt unloaded weight (b) Passenger Vehicles adapted to carry more than 12 people exclusive of the Driver	Monday to Saturdays inclusive Excluding Bank Holidays and Public Holidays	8.00 am to 6.00 pm	All days	£1.60	
Land at Unity Place, Rotherham	Wholly within a Parking Bay or as indicated by a notice or notices	All Vehicles except: (a) Goods Vehicles exceeding 30 cwt unloaded weight (b) Passenger Vehicles adapted to carry more than 12 people exclusive of the Driver	Monday to Saturdays inclusive Excluding Bank Holidays and Public Holidays	8.00 am to 6.00 pm	4 hours no return within 4 hours of the expiry of the numbered - ticket issued on payment of the Charge	Up to 1 hour £0.55 Up to 2 hours £1.10 Up to 4 hours £2.70	

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Wellgate Multi-Storey Car Park	Wholly within a Parking Bay or as indicated by a notice or notices	All Vehicles except: (a) Goods Vehicles exceeding 30 cwt unloaded weight (b) Passenger Vehicles adapted to carry more than 12 people exclusive of the Driver	Monday to Saturdays inclusive	7.00 am to 7.00 pm	12 hours (ending not later than 7.00 pm)	Up to 2 hours £1.10 Up to 4 hours £2.70 Exceeding 4 Hours £6.50	
York Road, being land to the northern side of York Road having an area of approximately 4,000 sq.mts	Any Position	All Vehicles except: (a) Goods Vehicles exceeding 30 cwt unloaded weight (b) Passenger Vehicles adapted to carry more than 12 people exclusive of the Driver	Monday to Saturdays inclusive Excluding Bank Holidays and Public Holidays	7.00 am to 7.00 pm	All day	£1.60	

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Bailey House (1) land at the Junction of Centenary Way and Greasbrough Road comprising of an area of approximately 990 sq. mts.	Wholly within a parking bay, or as indicated by a notice or notices	All Vehicles except: (a) Goods Vehicles exceeding 30 cwt unloaded weight (b) Passenger Vehicles adapted to carry more than 12 people exclusive of the Driver	Monday to Saturday inclusive Excluding Bank Holidays and Public Holidays	9.00 am. to 4.00 pm.	7 hours	£1.60	Permit Parking

SCHEDULE 2

(OFF STREET PARKING PLACES) CONSOLIDATION ORDER 2008 (REPLACEMENT ORDER) 2008 REVOKED ORDERS

The Rotherham Borough Council (off-street Parking Places) Order 1986

The Rotherham Borough Council (The Rotherham Borough Council (off-street Parking Places) Order 1986) (Partial Revocation No.1) Order 1989

The Rotherham Borough Council (The Rotherham Borough Council (off-street Parking Places) Order 1986) (Variation and Partial Revocation) Order 1991

The Rotherham Borough Council (The Rotherham Borough Council (off-street Parking Places) Order 1986 (Variation and Partial Revocation) Order 1993

The Rotherham Borough Council (The Rotherham Borough Council (off-street Parking Places) Order 1986)(Partial Revocation) Order 1994

The Rotherham Borough Council (The Rotherham Borough Council (off-street Parking Places) Order 1986)(The Rotherham Borough Council (off-street Parking Places) Order 1986 (Variation) Order 1986) Variation Order 1995

The Rotherham Borough Council (The South Yorkshire County Council) (Parking Places, Rotherham (No.1) Order 1978) (The Rotherham Borough Council (off Street Parking Places) Order 1986 (Variation) Order 1996

The Rotherham Borough Council (The Rotherham Borough Council (off-street Parking Places) Order 1986)(Variation of Charging Hours) Order 1999

The Rotherham Borough Council (The Rotherham Borough Council (off-street Parking Places) Order 1986)(Variation) Order 2001

The Rotherham Borough Council (The Rotherham Borough Council (off-street Parking Places) Order 1986) (Variation) Order 2002

The Rotherham Borough Council (The Rotherham Borough Council (off-street Parking Places) Order 1986) (Variation) Order 2004

The Rotherham Borough Council (The Rotherham Borough Council (off-street Parking Places) Order 1986) (Variation) Order 2006

The Rotherham Borough Council (The Rotherham Borough Council (off-street Parking Places) Order 1986 (Variation) Order 2007

The Rotherham Borough Council (Wellgate Multi-Storey Car Park) Order 1992

The Rotherham Borough Council (The Rotherham Borough Council (Wellgate Multi-Storey Car Park) Order 1992) (Variation) Order 1993

The Rotherham Borough Council (The Rotherham Borough Council (Wellgate Multi-Storey Car Park) Order 1992) (Variation) Order 1993) (Variation) Order 1996

The Rotherham Borough Council (The Rotherham Borough Council (Wellgate Multi-Storey Car Park) Order 1992)(Variation) Order 2001

The Rotherham Borough Council (The Rotherham Borough Council (Wellgate Multi-Storey Car Park) Order 1992) (Variation) Order 2002

The Rotherham Borough Council (The Rotherham Borough Council (Wellgate Multi-Storey Car Park) Order 1992) (Variation) Order 2004

The Rotherham Borough Council (The Rotherham Borough Council (Wellgate Multi-Storey Car Park) Order 1992 (Variation) Order 2006

The Rotherham Borough Council (Market Street and Former Clifton Hall Site Parking Places) Order 1993

The Rotherham Borough Council (The Rotherham Borough Council (Market Street and former Clifton Hall Site Parking Places) Order 1993) (Variation) Order 1996

The Rotherham Borough Council (The Rotherham Borough Council (off-street Parking Places) Order 1986)(The Rotherham Borough Council (Market Street and former Clifton Hall Site Parking Places) Order 1993)(Charging Hours) Amendment Order 1998

The Rotherham Borough Council (Market Street and former Clifton Hall Site Parking Places) Order 1993) (Variation of Charging Hours) (Amendment) Order 1999

The Rotherham Borough Council (Market Street and former Clifton Hall Site parking Places) Order 1993) (Variation of Charging Hours) Order 1999

The Rotherham Borough Council (The Rotherham Borough Council (Market Street and former Clifton Hall Site parking Places) Order 1993) (Variation) Order 2001

The Rotherham Borough Council (The Rotherham Borough Council (Market Street and former Clifton Hall Site Parking Places) Order 1993) (Variation) Order 2002

The Rotherham Borough Council (The Rotherham Borough Council (Market Street and former Clifton Hall Site parking Places) Order 1993) (Variation) Order 2004

The Rotherham Borough Council (The Rotherham Borough Council (Market Street and former Clifton Hall Site Parking Places) Order 1993 (Variation) Order 2006

<p>The Rotherham Borough Council (Douglas Street Parking Places) Order 1999</p> <p>(The Rotherham Borough Council (Douglas Street Parking Places) Order 1999) (Variation) Order 2001</p> <p>The Rotherham Borough Council (The Rotherham Borough Council (Douglas Street Parking Places) Order 1999) (Variation) Order 2002</p> <p>The Rotherham Borough Council (The Rotherham Borough Council (Douglas Street Parking Places) Order 1999) (Variation) Order 2004</p> <p>The Rotherham Borough Council (The Rotherham Borough Council (Douglas Street Parking Places) Order 1999) (Variation) Order 2006</p>
<p>Rotherham Borough Council (The Rotherham Borough Council (St. Ann's and York Road, Rotherham Parking Places) Order 2002</p> <p>Rotherham Borough Council (The Rotherham Borough Council) (St. Ann's and York Road, Rotherham Parking Places) (Variation) Order 2006</p>
<p>The Rotherham Borough Council Parking Order 2005</p>
<p>Rotherham Borough Council (The Rotherham Borough Council) (Unity Place Parking Places) Order 2006</p> <p>Rotherham Borough Council (The Rotherham Borough Council)(Unity Place Rotherham Parking Places) (Variation) Order 2006</p>
<p>Rotherham Borough Council (The Rotherham Borough Council)(Sheffield Road Parking Places) Order 2006</p>
<p>Rotherham Borough Council (The Rotherham Borough Council) (Fitzwilliam Road and St. Anns Road) (Parking Places) Order 2006</p>
<p>Rotherham Borough Council (The Rotherham Borough Council) (Wellgate North, Rotherham) (Off-Street Parking Places) Order 2007</p>
<p>The Rotherham Borough Council (Office Sites, Rotherham) (Parking Places) Order 2006</p> <p>The Rotherham Borough Council (Office Sites, Rotherham) (Parking Places) Order 2006 (Amendment No.1) Order 2007 – Greasbrough Road</p>