

**THE ROTHERHAM BOROUGH COUNCIL
(OFF STREET) (PARKING PLACES)
CONSOLIDATION ORDER 2011**

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 ("the RTRA 1984") (as amended), the Traffic Management Act 2004 ("the TMA 2004"), the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 ("CEoPC 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 RTRA 1984 and in pursuance of the Road Traffic (Permitted Parking Area and Special Parking Area)(Metropolitan Borough of Rotherham) Order 2005 made by the Secretary of State for Transport hereby makes the following Order:-

1 COMMENCEMENT AND CITATION

This Order is made on the 23rd day of June 2011 and shall come into force on the 4th day of July 2011 and may be cited as "The Rotherham Borough Council (Off-Street) (Parking Places) Consolidation Order 2011.

2 INTERPRETATION

2.1 In this Order:-

"Charge"	means a charge payable when leaving a vehicle in a parking place during the charging hours;
"Charging Hours"	means any period specified in columns 5 and 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 an officer employed by the Council under the provisions of s76 of the TMA 2004;
"Convenience Charge"	means a charge which may be payable to the service provider for the use of the telephone parking system;
"Council"	means Rotherham Borough Council;
"Disabled Person"	has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) England Regulations 2000;
"Disabled Person's Badge"	has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) England Regulations 2000;
"Disabled Person's Vehicle"	means a Vehicle lawfully displaying a Disabled Person's Badge;
"Driver"	in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in the parking place;
"Goods Vehicle"	means a vehicle which is constructed or adapted for use for the carriage of goods or burden of any description;
"Hand-Held Device"	means a wireless hand-held computer or computer terminal programmed to interface with the telephone payment system;
"Motorcycle" and "Invalid Carriage"	have the same meaning as in section 136 of the RTRA 1984 and includes any motor vehicle with less than 4 wheels;

"Owner"	in relation to a vehicle means a 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 Registered Keeper;
"Parking Bay"	means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking bay;
"Parking Place"	means an area of land provided by the Council under section 32(1) of the RTRA 1984 for use as a parking place and specified by name in column 1 of Schedule 1 to this order;
"Penalty Charge"	means a penalty charge imposed under Part 6 of the TMA 2004 the level of which is set by the Council under the provisions of section 77 and Schedule 9 of the TMA 2004 and the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007;
"Penalty Charge Notice"	means a penalty charge notice issued by a Civil Enforcement Officer or posted by the Council pursuant to the provisions of section 78 of the TMA 2004 and the CEoPC General Regulations 2007;
"Permit"	means a valid permit which has been issued to a person employed by the Council pursuant to Article 6 of this order for the parking of a specified vehicle in a specified parking place or places;
"Permit Holder"	means a person to whom a Permit has been issued;
"Relevant Date"	means the date upon which any vehicle is or was parked in any parking place, parking space, parking bay, and upon which any event occurs or occurred in breach of any of the provisions of this Order or to which this Order relates;
"Registered Keeper"	means the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994;
"Service Provider"	means the body appointed and authorised by the Council to administer, maintain and operate on its behalf the receipt of the charges specified in column 7 of Schedule 1 of this Order using the telephone payment system;
"Telephone Payment System"	means the system used to facilitate and monitor the payment of the charges specified in column 7 of Schedule 1 of this order using mobile telephone communication with the service provider in accordance with instructions given on signs at parking places where the system is in operation;
"Ticket Machine"	means the apparatus or device approved in accordance with section 35(3) of the RTRA 1984 for the payment of a charge at a parking place;
"Vehicle"	means a motor vehicle and a motor vehicle means a mechanically propelled vehicle intended or adapted for use on roads and has the same meaning as in section 136 of the RTRA 1984 and trailer means a vehicle drawn by a motor vehicle;

2.2 For the purposes of this Order a Vehicle shall be regarded as displaying a Disabled Person's Badge in the relevant position if:-

- (a) in the case of a Vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that the front part of the badge showing the expiry date and serial number is clearly legible and visible from outside of the Vehicle; or
- (b) in the case of a Vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the Vehicle so that the front part of the badge showing the expiry date and serial number is clearly legible and visible from outside of the Vehicle;

2.3 For the purposes of this Order a Vehicle shall be regarded as displaying a Permit in the relevant position if:-

(a) in the case of a Vehicle fitted with a dashboard or fascia panel, the Permit is exhibited thereon so that the date and other particulars shown on the Permit are clearly visible from the outside of the Vehicle at all times

or

(b) in the case of a Vehicle not fitted with a dashboard or fascia panel, the Permit is exhibited in a conspicuous position on the Vehicle so that the date and other particulars shown on the Permit are clearly visible on the Vehicle at all times.

2.4. Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.

2.5 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 columns 2 and 3 of Schedule 1 to this Order a Parking Place specified in column 1 is described as available for a Vehicle of a specified class and to wait in a specified position then the Driver of a Vehicle shall not permit that Vehicle to wait in a Parking Place unless it is of the class so specified and waits in the position so specified.

3.3 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 so specified in column 7 of Schedule 1 for each Parking Bay so occupied.

3.4 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 valid Permit in the relevant position as specified in Article 2.3 during the hours of operation specified in column 5 of Schedule 1 to this Order.

- 3.5 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 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.
- 3.6 Where there is a sign or surface marking within a Parking Place indicating that an area is available only for the leaving there of a Disabled Person's Vehicle the Driver of a Vehicle shall not permit it to wait in that Parking Bay unless it displays in the relevant position as specified in Article 2.2 a valid Disabled Person's Badge PROVIDED THAT the Vehicle immediately before or after the act of parking has been or is about to be driven or used by the Disabled Person to whom the Disabled Person's Badge has been issued or as the case may be used for the carrying of that Disabled Person(s) as a passenger(s).
- 3.7 Where there is a sign or surface marking within a Parking Place indicating that an area is available only for the leaving of Motor Cycles the Driver of a Vehicle shall not permit it to wait in that area unless it be a solo Motor Cycle.
- 3.8 Where there is a sign or surface marking within a Parking Place indicating that an area is available only for Permit Holders the Driver of a Vehicle shall not permit it to wait in that Parking Bay unless it displays in the relevant position as specified in Article 2.3 a valid Permit issued to the Driver in respect of that Vehicle.

4 PAYMENT OF CHARGES AT PARKING PLACES

- 4.1 The Charge for the leaving of a Vehicle in a Parking Place specified in column 1 of Schedule 1 during the Charging Hours shall be as specified in relation to that Parking Place in column 7 of Schedule 1 to this order;
- 4.2 The Charge referred to in paragraph 4.1 of this article shall be payable either:-
- (a) by the insertion of an appropriate coin or coins or pre-charged card into the Ticket Machine for the parking of a Vehicle in that Parking Place. No further coins shall be inserted into the Ticket Machine additional to the coin or coins inserted by way of payment of the Charge. Payment of the Charge shall be indicated by the issue of a numbered ticket showing the date and time of expiry and the vehicle registration number 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 the date and

time of expiry and registration number shown on the ticket can be clearly visible and readable from outside 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 date and time of expiry and registration number shown on the ticket can be clearly visible and readable from outside of the Vehicle at all times;

(b) by means of a Telephone Payment System using mobile telephone communication with the Service Provider for which payment may also include a Convenience Charge for use of the Telephone Payment System. Signs will be located at Parking Places where the Telephone Payment System is in operation and will provide information as to its operation and use. Payment of the Charge and Convenience Charge by the Telephone Payment System will be displayed on a Hand-Held Device indicating that the Charge and Convenience Charge have been paid in respect of that Vehicle and shall show the date and time of expiry of the parking period.

- 4.3 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. TICKET AND TELEPHONE PAYMENT SYSTEM AS EVIDENCE

5.1 In the case of a Vehicle left in a Parking Place, if there is either

- (a) no valid ticket displayed in accordance with Article 4.2(a)(i) & (ii) or
- (b) no indication displayed on the Hand-Held Device that payment of the Charge and Convenience Charge have been made in respect of that Vehicle using the Telephone Payment System or where the Hand-Held Device indicates that the payment period for which payment was made has expired it shall be presumed that either:
 - (i) the relevant Charge has not been duly paid in respect of that Vehicle in accordance with the provisions of Article 4(2)(a) of this Order;
 - (ii) the relevant Charge and Convenience Charge have not been duly paid in respect of that Vehicle in accordance with the provisions of Article 4(2)(b) of this Order; or
 - (iii) the parking period for which payment was made using the Telephone Payment System has expired.

6. PARKING PLACES FOR PERMIT HOLDERS

- 6.1 The Council 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.
- 6.2 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.
- 6.3 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 the Council at the address specified in article 6.2 above and a Permit may be issued subject to compliance with any eligibility criteria for the time being in force.
- 6.4 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.
- 6.5 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.
- 6.6 The Council 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 Council 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 the 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 Council.
- 6.7 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 Council shall by notice served on the person to whom such Permit was

issued require that person to surrender the Permit to the Council within 48 hours of the receipt of the aforementioned notice.

- 6.8 The Council may at any time require a Permit Holder to produce to an officer of the Council such evidence in any matter relevant to the issuing of the Permit.
- 6.9 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 Council and may apply to the Council for the issue of a duplicate Permit and the Council 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.
- 6.10 If a Permit is lost or destroyed the Permit Holder may apply to the Council for the issue of a duplicate Permit and the Council upon being satisfied as to such loss or destruction shall issue a duplicate Permit so marked.
- 6.11 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.
- 6.12 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.
- 6.13 If an officer of the Council 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 Council on the Permit Holder at the address shown on the application made to the Council 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 Council shall revoke such Permit and shall not issue any further Permit.
- 6.14 Any Permit issued pursuant to Article 6 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.
- 6.15 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 Council.
- 6.16 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 as specified in Article 2.3 of this Order.

- 6:17 A Permit shall not entitle the Owner of the Vehicle to the reservation of an individual Parking Bay.

7 PARKING PLACES FOR DISABLED PERSONS' VEHICLES

- 7.1 A Disabled Person's Vehicle which displays in the relevant position described in Article 2.2 a valid Disabled Person's Badge shall be exempt from payment of the Charges set down in this order PROVIDED THAT the Vehicle immediately before or after the act of parking has been or is about to be driven or used by the Disabled Person to whom the Disabled Person's Badge has been issued or as the case may be used for the carrying of that Disabled Person(s) as a passenger(s).

- 7.2 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 TMA 2004 require any person getting into or out of the Vehicle to produce the badge for inspection and refusal to do so constitutes an offence.

8. PARKING PLACES FOR MOTORCYCLES

A person who is the Driver of a Motorcycle may only leave that Motorcycle within a Parking Place reserved for Motor Cycles.

9. PENALTY CHARGE AT PARKING PLACES

- 9.1 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 issue a Penalty Charge Notice which shall comply with the CEoPC General Regulations 2007.
- 9.2 The Penalty Charge has been set by the Council at Band 2 in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges)(England) Order 2007.
- 9.3 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 CEoPC General Regulations 2007.

- 9.4 Where a Penalty Charge has been incurred a Penalty Charge Notice may be served by post by the Council 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 CCoPC General Regulations 2007.
- 9.5 Payment of the Penalty Charge to the Council 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 Council 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 Council Department/Office be closed on the date specified the period for receiving payment may be extended until 4.30 p.m on the next working day.
- 9.6 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.

10. 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 Council, the Owner or a person in charge of the Vehicle shall remove the Penalty Charge Notice.

11. OTHER PROVISIONS

- 11.1 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.
- 11.2 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 goods services or articles for sale;
- (ix) for the driving of Vehicles above the speed of ten miles per hour or 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.

11.3 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.

11.4 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 Council.

- 11.5 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 Council may alter or cause to be altered the position of the Vehicle so that its position is in accordance with the said provisions.
- 11.6 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 Council may remove the Vehicle from that Parking Place or arrange for such removal.
- 11.7 For the purpose of meeting the requirements of an emergency, a person authorised by the Council 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.
- 11.8 Any person altering, or causing the alteration of, the position of a Vehicle by virtue of paragraph 11.5 of this Article, or removing, or causing the removal of, a Vehicle by virtue of paragraph 11.7 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.
- 11.9 Any person removing or arranging for the removal of a Vehicle by virtue of paragraph 11.6 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.
- 11.10 Where in a Parking Place signs indicate
- (i) the entrance to or exit from the Parking Place, or
 - (ii) 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.
- 11.11 No person shall except with the permission of a person authorised by the Council, 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.

11.12 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 Council 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.

11.13 No person shall leave a Vehicle in such a position so as to cause an obstruction to other Vehicles.

12. GENERAL PROVISIONS

12.1 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 Council.

12.2 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.

12.3 For the purpose of the institution of proceedings for any contravention under this order 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 Council shall be entitled to proceed against any other person whom the Council proves to be the Driver of the Vehicle at the Relevant Date.

12.4 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.

13. SUSPENSION OF PARKING PLACES OR PARTS THEREOF

13.1 A Civil Enforcement Officer on behalf of the Council 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 to 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 Council considers necessary;
- (iv) at the discretion of the Council whereby the Parking Place may be reserved for the parking of Vehicles being used by or engaged in the operations of the Council, 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.

13.2 Notwithstanding the provisions of this Order the Council 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 Council.

14. VALIDITY AND ENFORCEABILITY

If a court, the Department for Transport or any 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.

15. REVOCATIONS

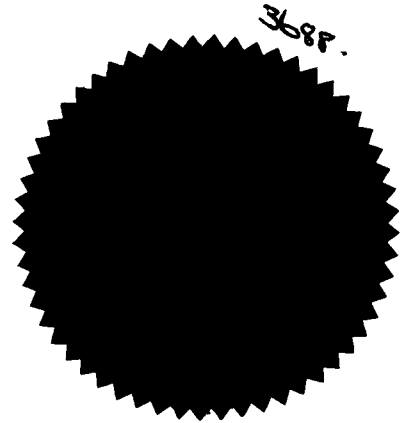
- 15.1 The Rotherham Borough Council (Off-Street Parking Places) Consolidation Order 2008 Replacement Order 2008 is revoked upon the implementation of this Order.

15.2 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.

The Common Seal of
Rotherham Borough Council
was hereunto affixed
in the presence of:-

R. Walker

Duly authorised officer



SCHEDULE 1
THE ROTHERHAM BOROUGH COUNCIL
(OFF-STREET) (PARKING PLACES)
CONSOLIDATION ORDER 2011

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	Mondays 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 £1.20p Up to 4 hours £2.80p	Yes

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
Former Clifton Hall Site i.e. land at the junction of Wharcliffe Street and Percy 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 £1.20p Up to 4 hours £2.80p Period exceeding 4 hours £6.50p	Yes
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 £1.20p Up to 4 hours £2.80p Period exceeding 4 hours £6.50p	Yes

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
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 £1.20p Up to 4 hours £2.80p	Yes
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	£1.80p	Yes

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
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 30 min. £0.50p Up to 1 hour £1.00p	No
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 30 mins £0.50p Up to 1 hour £1.00p Up to 2 hours £1.20p	No

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
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	£1.80p	Yes
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	£1.80p	Yes

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
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 £0.55p. Up to 2 hours £1.10p. Up to 4 hours £2.20p	Yes
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	Mondays to Saturdays inclusive Excluding Bank Holidays and Public Holidays	7.00 am to 7.00 pm	12 hours (ending not later than 7.00 pm)	Up to 2 hours £1.10p Up to 4 hours £2.80p Exceeding 4 hours £6.50p	Yes

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
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	Mondays to Saturdays inclusive Excluding Bank Holidays and Public Holidays	7.00 am to 7.00 pm	12 hours	£1.80p	Yes
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.	2 hours	Up to 2 hours £1.20p	Yes

SCHEDULE 2

REVOKED ORDER

The Rotherham Borough Council (Off Street Parking Places) Consolidation Order 2008 (Replacement Order) 2008
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