

BOROUGH OF RUNNYMEDE (OFF STREET PARKING PLACES)

(AMENDMENT) (NO. 2) ORDER 2013

The Council of the Borough of Runnymede ("the Council") in exercise of its powers under Sections 32 and 35 (1) and (3) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers with the consent of the County Council of Surrey given under Section 39(3) of the Act and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:-

The Borough of Runnymede (Off Street Parking Places) Order 2008 (hereinafter referred to as "the Principal Order") shall have effect as if:-

1. The following was inserted after Article 4 (18) of the Principal Order:-

- (19) "credit card" has the same meaning as in Section 35A of the Road Traffic Regulation Act 1984;
- (20) "debit card" has the same meaning as in Section 35A of the Road Traffic Regulation Act 1984;
- (21) "pay by phone system" means the system operated and maintained by the Council's appointed service provider to accept and record the payments made by means of a credit or debit card or any other method of secure payment and transmitted by a mobile telephone or any other electronic system (inclusive of Internet apparatus) to obtain a period of parking in a parking place where the "pay by phone system" is operational and indicated by a Notice or Notices;
- (22) "hand held device" means a wireless hand held computer which is programmed to receive and record information transmitted by the "pay by phone system" and operated by a civil enforcement officer to facilitate the enforcement of parking places;
- (23) "location identification number" means the location number assigned to each parking place where the "pay by phone system" is in operation;
- (24) "mobile telephone" means any wireless telegraphy apparatus designed or adapted for the purpose of transmitting and receiving spoken or text messages so as to provide a telephone device which is connected to a public electronic communications network and is not physically connected to a land line;
- (25) "service provider" means the contractor or agent authorised by the Council to operate and accept the payment of parking charges by means of the "pay by phone system";
- (26) "transaction fee" means the fee paid to the "service provider" for each transaction under the "pay by phone system".

2. The following was inserted after Article 25 (8) of the Principal Order:-

- (9) In those parking places where a Notice or Notices in accordance with Article 25(10)(c) are displayed and where payment of a parking charge is made by credit card or debit card or any other method of secure payment by way of mobile telephone communication or any other electronic system communication the parking charge specified in columns 6 and 7 of Schedules 2, 4 to 13 and 15 to 17 of the Order shall be payable and a transaction fee to the service provider shall be payable and these payments shall be made by credit card or debit card or any other method of secure payment by way of mobile telephone communication or any other electronic system communication in accordance with Article 25(10).
- (10)(a) Where payment of a parking charge is made by credit card or debit card by way of mobile telephone communication or any other electronic system communication in pursuance of Article 25(9) the payee shall disclose the following:
 - i) the call number of the mobile telephone;
 - ii) the identification number and any such other details as may be requested by or on behalf of the Council relating to the credit card or debit card or other method of secure payment against which the parking charge is being paid;

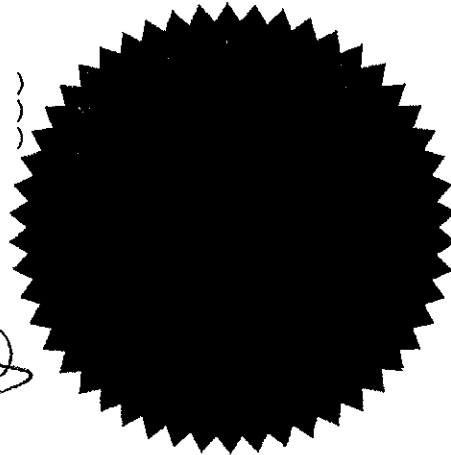
- iii) the location identification number of the parking place in respect of which payment is being made;
 - iv) the vehicle registration number of the motor vehicle being parked.
- (b) Where payment of a parking charge is made in accordance with Article 25(10) (a):
- i) the transaction fee shall be payable at the time which shall be 12 pence for each transaction plus an additional 10 pence for each transaction if the payee requires text confirmation;
 - ii) the parking charge specified in columns 6 and 7 of Schedules 2, 4 to 13 and 15 to 17 of the Order shall be payable at the time and the period of the parking charge shall commence on receipt by or on behalf of the Council of the details specified in Article 25 (10) (a).
- (c) The Council or the Council's service provider shall display a Notice or Notices in every parking place where the option of payment of the parking charge by the pay by phone system is available and the Notice or Notices shall display the location identification number of the car park in which it is sited and provide operational guidance on the payment of parking charges by the pay by phone system.
- (11) Payment of the charge for a vehicle left in a parking place where a Notice or Notices in accordance with Article 25(10)(c) are displayed shall be indicated by the registration of an electronic record made on the Council's pay by phone system resulting from an instruction transmitted by the payee by mobile telephone or any other electronic system communication to the Council or the Council's service provider verifiable by a civil enforcement officer on a hand held device, showing that a parking charge has been paid in the manner specified in Article 25(10) and the day and time by which the parking period for which payment was made will expire.
- (12) If at any time while a vehicle is left in a parking place where a Notice or Notices in accordance with Article 25(10)(c) are displayed during the permitted hours there is no electronic record registered on the Council's pay by phone system which can be verified by a civil enforcement officer on a hand held device to indicate that a parking charge has been paid in respect of that vehicle, it shall be presumed unless the contrary is proved that a parking charge has not been duly paid.
- (13) If a vehicle is left in a parking place where a Notice or Notices in accordance with Article 25(10)(c) are displayed during the permitted hours for longer than the period for which payment was made by means of the Council's pay by phone system as indicated on a hand held device or without payment of a charge being made by means of the Council's pay by phone system as indicated on a hand held device then a Penalty Charge of £50 shall be payable except that if payment is made within fourteen days of the date of the issue of a notice under Article 27(1) of the Order the Council will instead accept the sum of £25, unless the Penalty Charge relates to a contravention under Regulation 10 of the Civil Enforcement of Parking Contraventions (England) Regulations 2007, where the Council will instead accept the sum of £25 if payment is made within twenty one days of the date of the issue of a notice under Article 27(1) of the Order.

The Order may be cited as the "Borough of Runnymede (Off Street Parking Places) (Amendment) (No.2) Order 2013" and shall come into operation on 15 October 2013.

Given under the Common Seal of the Borough Council of Runnymede on the 7th day of October 2013.

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THE COMMON SEAL OF THE BOROUGH
COUNCIL OF RUNNYMEDE is hereunto
affixed and is authenticated by:



Paul Tunney

Chief Executive /
Corporate Head of Law and Governance