

**NORTH YORKSHIRE COUNTY COUNCIL**

**(PROHIBITION OF WAITING AND LOADING AND PROVISION OF PARKING)**  
**(VARIOUS ROADS IN THE DISTRICT OF SCARBOROUGH) ORDER 2007**  
**(AMENDMENT NO 5) 2008**

North Yorkshire County Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1(1), 2(1) to (3), 4(2), 32(1), 35(1) and 45 of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 ("the 2004 Act) and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:-

- 1 This Order shall come into operation on 3 April 2008 and shall be cited as "North Yorkshire County Council (Prohibition of Waiting and Loading and Provision of Parking) (Various Roads in the District of Scarborough) Order 2007 (Amendment No 5) 2008".
- 2 This Order hereby amends the following Traffic Regulation Orders:-
  - "North Yorkshire County Council (Prohibition of Waiting and Loading and Provision of Parking) (Various Roads in the District of Scarborough) Order 2007";
  - "North Yorkshire County Council (Prohibition of Waiting and Loading and Provision of Parking) (Various Roads in the District of Scarborough) Order 2007 (Amendment No 1) Order 2007";
  - "North Yorkshire County Council (Prohibition of Waiting and Loading and Provision of Parking) (Various Roads in the District of Scarborough) Order 2007 (Amendment No 2) Order 2008";
  - "North Yorkshire County Council (Prohibition of Waiting and Loading and Provision of Parking) (Various Roads in the District of Scarborough) Order 2007 (Amendment No 3) Order 2008";
  - "North Yorkshire County Council (Prohibition of Waiting and Loading and Provision of Parking) (Various Roads in the District of Scarborough) Order 2007 (Amendment No 4) Order 2008";
- 3 By this Order the Traffic Regulation Orders specified in Article 2 of this Order shall be modified as follows:-
  - (1) In Article 4 the following expressions shall be inserted:-
    - "charge certificate" means the statement that the penalty charge has been increased in accordance with Regulation 21 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;
    - "civil enforcement officer" means any officer of the Council who is authorised to supervise and control vehicles in the parking place and enforce the provisions of this Order pursuant to Section 76 of the 2004 Act and Section 63A of the 1984 Act;
    - "higher level contraventions" are as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;
    - "lower level contraventions" means all parking contraventions which are not higher level contraventions as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;
    - "Owner" in relation to a Motor Vehicle means the person by whom such Motor Vehicle is kept and used;
    - "penalty charge" means a charge set by the Council in accordance with charges set by the Secretary of State under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council within 28 days beginning with the date of service endorsed upon the penalty charge notice in the manner set out in the penalty charge notice;

“penalty charge notice” means a notice issued or served by a civil enforcement officer or posted by the Council pursuant to the provisions of Section 78 of the 2004 Act and The Civil Enforcement of Parking Contraventions (England) Regulations 2007;

“reduced penalty charge” means a charge set by the Council in accordance with charges set by the Secretary of State under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council within 14 days following the date of service endorsed upon the penalty charge notice in the manner set out in the penalty charge notice;

“service” in respect of a penalty charge notice means the forms of service specified in regulations 9 and 10 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any amendment or re-enactment thereof;

“ticket machine” means any apparatus operated by the insertion of coins, bank notes, smart cards, tokens, credit or debit cards and that issues parking tickets indicating the payment of a charge, the date and time at which that charge was paid and the time by which the motor vehicle must leave the parking place.

- (2) The following Article shall be inserted immediately after the Article headed “Disc Parking”:-

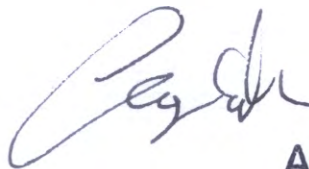
Penalty Charge and Payment

Where a Motor Vehicle parks in contravention of the provisions of Sections 19 or 21 of the Road Traffic Act 1988 (prohibition of parking of HGVs on Verges, central reservations and footways), and (driving or parking on Cycle Tracks)a penalty charge shall be payable by the owner for each day of the said contravention or non-compliance.

- (3) Any reference to a “Parking Attendant” shall be removed and replaced by a reference to a “Civil Enforcement Officer”.

- 4 The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any Order or regulations made or having effect as if made under the Act or by or under any other enactment.

THE COMMON SEAL of NORTH )  
YORKSHIRE COUNTY COUNCIL )  
was hereunto affixed this 19<sup>th</sup> )  
day of March 2008 in the presence )  
of:- )



**AUTHORISED  
SIGNATORY**



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