

**THE SOUTH TYNESIDE COUNCIL (PERMITTED PARKING AREA AND  
SPECIAL PARKING AREA) (TRAFFIC ORDER AMENDMENTS) (NO. 2)  
ORDER 2007**

The Council of the Borough of South Tyneside ("the Council") in exercise of its powers under Sections 1, 2, 3, 4, 19, 32, 35, 45, 49, 51, 53 and 92 of the Road Traffic Regulation Act 1984 ("the Act") and Part IV of Schedule 9 to the Act and all other enabling powers after consultation with the Chief Constable of Northumbria Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:

**Citation and commencement**

1. This Order shall come into operation on 5 March 2007 and may be cited as "The South Tyneside Council (Permitted Parking Area and Special Parking Area) (Traffic Order Amendments) (No. 2) Order 2007".

**Amendments to The South Tyneside Council (Parking Places) (Consolidation)  
(No. 2) Order 2006**

2. The South Tyneside Council (Parking Places) (Consolidation) (No. 2) Order 2006 is amended as follows.
3. In Part 1, Article 4 is amended as follows:-
  - (a) The expression "Parking Attendant" and the meaning assigned to it are substituted by:

"“Parking Attendant” means a person authorised by or on behalf of the Council under Section 63A of the Act to supervise and enforce the restrictions imposed by this Order”;
  - (b) The expressions "Initial Period", "Initial Charge" and "Excess charge" and the meanings assigned to them are deleted;
  - (c) The following expressions and the meanings assigned to them are inserted in appropriate alphabetical order in that Article:-
    - (i) "“Penalty Charge” and “Reduced Penalty Charge” mean a charge set by the Council under the provisions of Section 74 of the Road Traffic Act 1991 as applied and modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of South Tyneside) Order 2006 in accordance with guidance given by the Secretary of State for Transport which is to be paid in the manner described in the penalty charge notice within 28 days of the date of the notice or 14 days of the date of the notice in the case of a reduced penalty charge”; and

- (ii) ““Penalty Charge Notice” means a notice issued by a parking attendant pursuant to the provisions of Section 66 of the Road Traffic Act 1991 as applied and modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of South Tyneside) Order 2006”.

4. In Part II, Section A, Article 2 is amended as follows:-
- (a) Each reference to “initial charge” is substituted by “charge” and each reference to “an initial charge” is substituted by “a charge”;
  - (b) In Article 2(f), the words “, and an excess charge as specified in Section B, Article 27 of this Order” are deleted;
  - (c) In Article 2(h), the first reference to “initial” is deleted and the words “and an excess charge shall be payable in accordance with Section B Articles 26 to 29 of this Order” are deleted; and
  - (d) In Article 2(j), the words “under the Act of 1984” are deleted.
5. In Part II, Section A, Article 5, the words “an initial period” are substituted by “a period”.
6. In Part II, Section A, Article 6 is amended as follows:-
- (a) In Article 6(f), the words “police constable in uniform, a traffic warden or person authorised by the Council” are substituted by “parking attendant”;
  - (b) In Article 6(g), the words “traffic warden or other person authorised by the Council” are substituted by “parking attendant”; and
  - (c) In Article 6(h), the words “traffic warden” are substituted by “parking attendant”.
7. In Part II, Section B, Article 4, the words “a police constable in uniform, a traffic warden or” are deleted from the first place where they appear and the words “, a traffic warden” are deleted from the second place where they appear.
8. In Part II, Section B, Article 8 is amended as follows:-
- (a) In Article 8(a), the words “traffic warden or other person authorised in that behalf by the Council” are substituted by “parking attendant”, and the words “person authorised in that behalf by the Council” in the second paragraph are substituted by “parking attendant”; and
  - (b) In Article 8(b), the words “, traffic warden” are deleted.
9. In Part II, Section B, Article 22, the words “traffic warden” are substituted by “parking attendant”.

10. In Part II, Section B, Article 23 is deleted.
11. In Part II, Section B, Article 24, the words "or 23" are deleted.
12. In Part II, Section B, Article 25(c):-
  - (i) the words "'traffic warden" in paragraph (i) are substituted by "parking attendant"; and
  - (ii) paragraph (ii) is deleted.
13. In Part II, Section B, Articles 26 to 29 inclusive are deleted.
14. In Part II, Section B, the following Articles are inserted after the deleted Article 29:-
  - "30) If a vehicle is parked at any time in contravention of a provision of this Order, other than a provision relating to a moving traffic offence, a penalty charge shall be payable.
  - 31) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by Section 66 of the Road Traffic Act 1991 as applied and modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of South Tyneside) Order 2006 may then be issued by a parking attendant in accordance with the requirements of Section 66 of that Act."
15. In Part II, Section C, the following Article is inserted after Article 5:-
  - "6. Nothing in this Order shall amount to a contravention of any of the provisions of this Order insofar as it is done with the permission of or at the direction of a police constable in uniform."
16. In Schedules 20.01 to 24.05 inclusive, the words "Initial Period" in the heading of Column 5 are substituted by "Period of Parking" and the word "Initial" is deleted from the heading of Column 6 on each occasion where they appear.

**Amendments to The South Tyneside Council (Consolidation) (No. 2) (Prohibition and Restriction of Waiting) Order 2006**

17. The South Tyneside Council (Consolidation) (No. 2) (Prohibition and Restriction of Waiting) Order 2006 is amended as follows.
18. In Part 1, in the final Article, the following expressions and the meanings assigned to them are inserted in appropriate alphabetical order:-

- (i) ““Parking Attendant” means a person authorised by or on behalf of the Council under Section 63A of the Act to supervise and enforce the restrictions imposed by this Order”;
  - (ii) ““Penalty Charge” and “Reduced Penalty Charge” mean a charge set by the Council under the provisions of Section 74 of the Road Traffic Act 1991 as applied and modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of South Tyneside) Order 2006 in accordance with guidance given by the Secretary of State for Transport which is to be paid in the manner described in the penalty charge notice within 28 days of the date of the notice or 14 days of the date of the notice in the case of a reduced penalty charge”; and
  - (iii) ““Penalty Charge Notice” means a notice issued by a parking attendant pursuant to the provisions of Section 66 of the Road Traffic Act 1991 as applied and modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of South Tyneside) Order 2006”.
- 19. In Part II, Section A, Article 1, the words “police constable in uniform or of a traffic warden” are substituted by “parking attendant”.
  - 20. In Part II, Section B, Article 1(a), the words “police constable in uniform or of a traffic warden” are substituted by “parking attendant”.
  - 21. In Part II, Section C, Article 1(a), the words “police constable in uniform or a traffic warden” are substituted by “parking attendant”.
  - 22. In Part V, Section B, in Articles 1 and 2, the words “police constable in uniform or of a traffic warden” are substituted by “parking attendant”.
  - 23. At the end of Part V, the following Articles are inserted:-

**“PART VI**  
**CONTRAVENTIONS**

- 1) If a vehicle is parked at any time in contravention of a provision of this Order, other than a provision relating to a moving traffic offence, a penalty charge shall be payable.
- 2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by Section 66 of the Road Traffic Act 1991 as applied and modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of South Tyneside) Order 2006 may then be issued by a parking attendant in accordance with the requirements of Section 66 of that Act.

- 3) Nothing in this Order shall amount to a contravention of any of the provisions of this Order insofar as it is done with the permission of or at the direction of a police constable in uniform."

**Amendments to the South Tyneside Metropolitan Borough Council (Foreshore and Off Street Parking Places) Consolidation Order 1996**

24. The South Tyneside Metropolitan Borough Council (Foreshore and Off Street Parking Places) Consolidation Order 1996 is amended as follows.
25. Article 2 is amended as follows:-
- (a) The expression "Parking Attendant" and the meaning assigned to it are substituted by:
- ""Parking Attendant" means a person authorised by or on behalf of the Council under Section 63A of the Act to supervise and enforce the restrictions imposed by this Order";
- (b) The following expressions and the meanings assigned to them are inserted in appropriate alphabetical order in that Article:-
- (i) ""Penalty Charge" and "Reduced Penalty Charge" mean a charge set by the Council under the provisions of Section 74 of the Road Traffic Act 1991 as applied and modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of South Tyneside) Order 2006 in accordance with guidance given by the Secretary of State for Transport which is to be paid in the manner described in the penalty charge notice within 28 days of the date of the notice or 14 days of the date of the notice in the case of a reduced penalty charge"; and
- (ii) ""Penalty Charge Notice" means a notice issued by a parking attendant pursuant to the provisions of Section 66 of the Road Traffic Act 1991 as applied and modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of South Tyneside) Order 2006".
26. Article 18 is amended by the insertion of the words "parking attendant or any other" in paragraphs (1) and (2) immediately before the words "person authorised in that behalf by the Council".
27. Article 20 is amended by the insertion of the words "parking attendant or any other" immediately before the words "person authorised by the Council".
28. Article 21 is amended as follows:-

- (i) The words "in accordance with the scale of charges specified in Column 7 of Schedule 1 to this Order" are inserted at the end of Article 21(1); and
  - (ii) Articles 21(2) and (3) are deleted.
- 29. Article 23 is deleted.
- 30. In Article 24, the words "in Columns 7 or 8" are substituted by "in Column 7".
- 31. In Article 26, the words "under Section 35 of the Act of 1984" are deleted.
- 32. In Article 31(1), the words "Where a notice has been attached to a vehicle in accordance with the provisions of Article 23 of this Order," are substituted by "Where a penalty charge notice has been attached to a vehicle,".
- 33. Article 32 is amended as follows:-
  - (i) Article 32(2) is deleted;
  - (ii) In Article 32(4), the words "or (2)" are deleted; and
  - (iii) In Article 32(5)(b), the words "or (ii) a police constable in uniform or traffic warden in pursuance of Paragraph (2) of this Article" are deleted.
- 34. In the heading to Article 35, the word "Offences" shall be substituted by "Contraventions".
- 35. In Article 35, the words ", 23" are deleted.
- 36. Article 37 is deleted.
- 37. In Article 40, the words "Police Officer, Traffic Warden or" are substituted by "parking attendant or other".
- 38. After Article 44, the following Articles are inserted:-
  - "Contraventions"
  - 45) If a vehicle is parked at any time in contravention of a provision of this Order, other than a provision relating to a moving traffic offence, a penalty charge shall be payable.
  - 46) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by Section 66 of the Road Traffic Act 1991 as applied and modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of South Tyneside) Order 2006 may then be

issued by a parking attendant in accordance with the requirements of Section 66 of that Act.

- 47) Nothing in this Order shall amount to a contravention of any of the provisions of this Order insofar as it is done with the permission of or at the direction of a police constable in uniform."

39. In Schedule 1, Column 8 is deleted.

#### **Other Orders**

40. The Articles contained in Schedule 1 to this Order are inserted as the final Articles into any Orders other than those referred to above which give effect to parking controls, waiting or loading restrictions in car parks or roads within the administrative area of the Council where they do not already appear.

#### **Conflict of Provisions**

41. Where a provision of this Order conflicts with a provision of any of the Orders referred to above or of any other Order giving effect to parking controls, waiting or loading restrictions in car parks or roads within the administrative area of the Council, the provision of this Order shall prevail.

#### **Revocation**

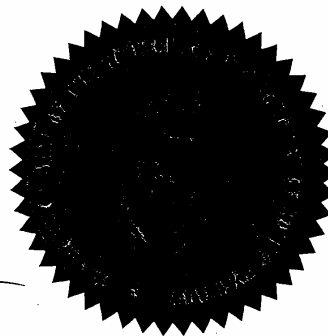
42. The South Tyneside Council (Permitted Parking Area and Special Parking Area) (Traffic Order Amendments) Order 2007 is hereby revoked.

Dated 15 February 2007

THE COMMON SEAL OF THE COUNCIL  
OF THE BOROUGH OF SOUTH TYNESIDE  
was hereunto affixed in the presence of:-



Head of Corporate Governance / ~~Legal Services Manager~~



SCHEDULE 1

ARTICLES TO BE INSERTED INTO OTHER ORDERS GIVING EFFECT TO  
PARKING CONTROLS, WAITING OR LOADING RESTRICTIONS IN CAR  
PARKS OR ROADS WITHIN THE ADMINISTRATIVE AREA OF THE  
COUNCIL OF THE BOROUGH OF SOUTH TYNESIDE

1. If a vehicle is parked at any time in contravention of a provision of this Order, other than a provision relating to a moving traffic offence, a penalty charge shall be payable.
2. In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by Section 66 of the Road Traffic Act 1991 as applied and modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of South Tyneside) Order 2006 may then be issued by a parking attendant in accordance with the requirements of Section 66 of that Act.