

DATED: 3rd March 2005

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

(PERMITTED PARKING AREA AND SPECIAL PARKING AREA)

(WAITING RESTRICTIONS AND STREET PARKING PLACES) CONVERSION ORDER

2005

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The Metropolitan Borough Council of Stockport (hereinafter referred to as “the Council”) in exercise of the powers conferred by Sections 1(1), 2(1) to (3), 4(2) 32, 35 45 46 49 51 53 and 124 of and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 as amended (“the 1984 Act”), and the Road Traffic Act 1991 as amended (“the 1991 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 of 1984 and with the Road Traffic Act 1991, hereby makes the following Order:-

PART I

CITATION AND INTERPRETATION

1. This Order shall come into operation on the 4th April 2005 and may be cited as the Metropolitan Borough Council of Stockport (Permitted Parking Area and Special Parking Area) (Waiting Restrictions and Street Parking Places) Conversion Order 2005
2. Each of the orders referred to in the First Schedule to this Order shall have effect as though made in pursuance of the powers referred to in this Order and as though the provisions contained in the Second Schedule to this Order were included in each of the said orders
3. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament
4. Save where the contrary is indicated, any reference in this Order to:-
 - (a) this Order or another Order shall be construed as such a reference to this

Order or, as the case may be, such other Order, as the same may have been or may from time to time be amended, varied or supplemented;

- (b) a Statute or Regulation shall be construed as reference to such Statute or Regulations as the same may have been, or may from time to time be amended or re-enacted

SCHEDULE 1

- (i) The Metropolitan Borough Council of Stockport (Oakwood Avenue, Gatley) (Prohibition of Waiting) Order 2004 as amended ;
- (ii) The Metropolitan Borough Council of Stockport (Edgeley Park, Stockport) (Residents Privileged Parking Places) (Amendment) Order 2004 as amended;
- (iii) The Metropolitan Borough Council of Stockport (Bosden Fold/Mottram Fold/Chesworth Fold) (Prohibition of Waiting and Disabled Person's Parking Places) Order 2004 as amended;
- (iv) The Metropolitan Borough Council of Stockport (Oak Street, Hazel Grove) (Resident's Privileged Parking Places) (Amendment) Order 2004 as amended;
- (v) The Metropolitan Borough Council of Stockport (Manchester Road/Selby Street and Lloyd Street, Heaton Norris) (Prohibition of Waiting) Order 2004 as amended;
- (vi) The Metropolitan Borough Council of Stockport (Park Lane, Offerton) (Prohibition of Waiting) (Experimental) Order 2004 as amended; and
- (vii) The Metropolitan Borough Council of Stockport (Brabyns Brow, Marple Bridge, Stockport) (Prohibition of Waiting and Disabled Persons Parking Place) Order 2004 as amended
- (viii) The Metropolitan Borough Council of Stockport (Anfield Road, Cheadle Hulme)(Prohibition of Waiting)Order 2004 as amended

SCHEDULE 2

- (a) Except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"owner", in relation to a vehicle means the person by whom the vehicle is kept. In determining who was the owner at any time it shall be presumed that the owner was the person who is named in the vehicle registration document as the registered keeper of a goods light goods or passenger vehicle or the person who has the use of such a vehicle in the course of his / her employment and who is entitled to use such a vehicle as though he / she were the registered keeper thereof;

"parking attendant" means a person employed in accordance with section 63A of the 1984 Act to carry out the functions referred to therein ;

"penalty charge" has the same meaning as in section 82(1) of the 1991 Act and is £60 or such other charge as may be set by the Council under the provisions of section 74 of the 1991 Act in accordance with guidance given by the Secretary of State for Transport ;

"penalty charge notice" means a notice issued or served by a parking attendant pursuant to the provisions of section 66 of the 1991 Act;

CONTRAVENTION OF ORDER

Contravention

- (b) If a vehicle is left in a parking place during the permitted hours or in any road or length of road in contravention or without complying with the requirements of this Order a contravention shall have occurred and the penalty charge shall be payable and/or the vehicle may be removed from that location.

Penalty Charge Notice

- (c) In the case of vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a Parking Attendant to issue a penalty charge notice which shall include the information required by the 1991 Act.

Manner of payment of Penalty Charge

- (d) The owner of the vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to the Council as indicated on the penalty charge notice.

Indications as evidence

- (e) The particulars given in the penalty charge notice attached to a vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

Removal of vehicle

- (f) Where a parking attendant has removed or caused to be removed a vehicle in accordance with Article (b) or any other Article of this Order,
 - (a) he / she shall provide for the safe custody of the vehicle;
 - (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
 - (c) the provisions of the 1984 Act as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.
- (g) Nothing in Article (b) or any other Article of this Order shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.

Restriction on removal of notices

- (h) Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article (c), no person, not being the driver of the vehicle, a police constable in uniform, a parking attendant or some other person duly authorised by the Council, shall remove the notice from the vehicle unless authorised to do so by the driver.

THE COMMON SEAL of the)
METROPOLITAN BOROUGH COUNCIL OF)
STOCKPORT was hereunto affixed)
this 3rd day of March 2005)
in the presence of:-

Mayor

Council Solicitor and Secretary