

Dated: 5th December 2013

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT
(JOHN STREET, STOCKPORT TOWN CENTRE) (PERMIT PARKING PLACES)
AND (REVOCATION) ORDER 2013**

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Council Solicitor
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**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT
(JOHN STREET, STOCKPORT TOWN CENTRE) (PERMIT PARKING PLACES)
AND (REVOCATION) ORDER 2013**

The Council of the Metropolitan Borough of Stockport ("the Council") in exercise of its powers under Section 1 (1), 2(1) to (3), 4(2) 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 1984 Act and with the 1991 Act, hereby makes the following Order:-

1(1) In this Order:-

"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;

"John Street Parking Permit" means a permit issued by the Register Office at the Town Hall, John Street Stockport showing the registration number of the vehicle for which it has been issued and the date(s) on which it is operative.

"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;

"Relevant Position" in respect of a Plaza Permit means the front windscreen or the fascia of the relevant vehicle

- (2) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
2. Save as provided in Articles 3 and 4 of this Order no person shall, except upon the direction of a constable in uniform or of a civil enforcement officer, cause or permit any vehicle to wait at any time on the sides of lengths of road specified in Schedule 2 to this Order.
3. Nothing in Article 2 of this Order shall render it unlawful to cause or permit any vehicle to wait on the sides of lengths of road referred to in that Article for so long as it may be necessary to enable:-

- (a) a person to board or alight from the vehicle;
 - (b) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said sides of lengths of road; or
 - (iv) the laying, erection, alteration or repair, in or on land adjacent to the said sides of lengths of road, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of and telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;
 - (d) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125 Postal Services Act 2000;
 - (e) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said sides of lengths of road;
 - (f) the vehicle to wait at or near to any premises situated on or adjacent to the said sides of lengths of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral;
 - (g) the vehicle to be used for fire brigade, ambulance or police purposes; or
 - (h) goods to be loaded onto or unloaded from the vehicle.
4. Nothing in Article 2 of this Order shall render it unlawful to cause or permit a vehicle which displays, in the Relevant Position, a John Street Parking Permit to wait on the sides of lengths of road referred to in Schedule 1 to this Order.
5. The restrictions in Column 1 of Schedule 3 to this Order which are depicted on the Plan(s) marked with the Area Code(s) in Column 2 of Schedule 3 and which are appended to the Metropolitan Borough Council of Stockport (Permitted Parking Area and Special Parking Area) (Waiting Restrictions and Street Parking Places) Consolidation Order 2010 are hereby deleted from that Order.

CONTRAVENTION OF ORDER

6. Contravention

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.

7. Penalty Charge Notice

In the case of vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a civil enforcement officer to issue a penalty charge notice which shall include the information required by the 1991 Act.

8. Manner of payment of Penalty Charge

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.

9. Indications as evidence

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.

10. Removal of vehicle

Where a civil enforcement officer has removed or caused to be removed a vehicle in accordance with Article 6 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.

11. Restriction on removal of notices

Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 7, no person, not being the driver of the vehicle, a police constable in uniform, a civil enforcement officer or some other person duly authorised by the Council, shall remove the notice from the vehicle unless authorised to do so by the driver.

COMMENCEMENT & CITATION

12. This order shall come into operation on the 6th January 2014 and may be cited as the Metropolitan Borough Council of Stockport (John Street Stockport Town Centre) (Permit Parking Places) and (Revocation) Order 2013.

SCHEDULE 1
Permit only parking

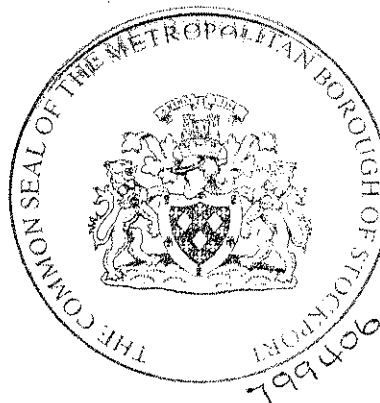
John Street, south side, from a point 12 metres east of the easterly kerb line of Wellington Road South for a distance of 10.5 metres in a easterly direction.
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SCHEDULE 2
Revoke Pay and Display Parking places

Column 1	Column 2
John Street, south side, from a point 12 metres east of the easterly kerb line of Wellington Road South for a distance of 10.5 metres in a easterly direction.	Area Code L24

Dated this: 5th December 2013

The COMMON SEAL of the COUNCIL)
of the METROPOLITAN BOROUGH OF)
STOCKPORT was hereunto affixed in)
the presence of:-)



Mayor

Council Solicitor/Authorised Signatory