

CITY OF STOKE-ON-TRENT (TRAFFIC REGULATION) (NO.36) ORDER 2005

THE COUNCIL OF THE CITY OF STOKE-ON-TRENT in exercise of its powers under Sections 1, 45 and 46 of the Road Traffic Regulation Act 1984 (“the 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 :-**

The effects of this Order is as follows :-

1. To introduce a new charge of £7.00 per week payable to the Council for the issue of a Waiver Permit, which will allow vehicles to temporarily park, where parking restrictions apply on specified stretches of road for specific time periods throughout Stoke-on-Trent.

GENERAL

In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them;

“relevant position” means in relation to disabled persons badges or discs exhibited on the dashboard or fascia of the vehicle or if the vehicle does not have a dashboard or fascia exhibited in a conspicuous position on the vehicle so that the front of the badge or disc is clearly legible from the outside of the vehicle;

“relevant position” means in relation to permits

- (a) in the case of a vehicle fitted with a front windscreen, the permit is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen;
- (b) in the case of a vehicle not fitted with a front windscreen, the permit is exhibited in a conspicuous position on the front or near side of the vehicle;

“waiver permit” means a permit issued under the provisions of this Order.

PART 1

APPLICATION FOR, ISSUE AND ENFORCEMENT OF WAIVER PERMITS

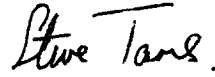
1. (1) Any person may apply to the Council for the issue of a waiver permit to leave a motor vehicle on the highway. This permit will allow a motor vehicle to temporarily park, where parking restrictions apply.
(2) Any such application shall be made on a form issued and obtainable from the Council and shall include the information required by that form and shall be accompanied by a remittance of such permit charge as specified in the First Schedule of this Order.
(3) The Council may at any time require an applicant for a waiver permit to produce to an Officer of the Council such evidence in respect of any application made to them as they may reasonably require to verify any particulars or information given to them or in respect of any waiver permit issued by them as they may reasonably require to verify that the waiver permit is valid.

6. Where a vehicle is parked or left on a section of highway without a valid waiver permit displayed in accordance with the provisions of this Order, and is not subject to any of the exemptions to this Order the driver of the vehicle shall pay to the Council an Additional Parking Charge as specified in Part X, Section 2 of "City of Stoke-on-Trent (Traffic Regulation) (No.5) Consolidation Order 2002", which is amended from time to time.
7. Any Additional Parking Charge due to the Council under Article 6 of this Part 1 of the Order shall be paid to the Council in the same manner as directed on the Penalty Charge Notice.
8. Where an Additional Parking Charge has been incurred in respect of a vehicle under Article 6 of this Part 1 of the Order, a Parking Attendant shall complete a Notice and attach it in a conspicuous place to that vehicle or hand or attempt to hand it to the driver of the vehicle.
9. Any Notice issued under Article 8 of this Part 1 of the Order shall include the following particulars: -
 - (a) the registration mark of the vehicle or where the vehicle is being used under a trade licence the number of the trade plate carried by the vehicle;
 - (b) the date and time at which the Parking Attendant first noticed that an Additional Parking Charge had been incurred under this Order;
 - (c) the reason for the Additional Parking Charge being incurred;
 - (d) a statement that an Additional Parking Charge of a stated amount is required to be paid;
 - (e) the manner in which and the time within which the Additional Parking Charge should be paid.
10. A Police Officer in uniform or a City Council Parking Attendant may in case of an emergency move or cause to be moved any vehicle displaying a waiver permit if they think fit in the circumstances.
11. To revoke those Parts of the Orders specified in the Schedule of Revocations hereto and hereby amend these Orders accordingly.
12. The Interpretation Act, 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
13. This Order shall come into operation on the 24th day of June 2005 and may be cited as "City Of Stoke On Trent (Traffic Regulation) (No.36) Order, 2005".

- (4) On receipt of the application made under paragraph (2) of this Article and of the appropriate fee specified in the First Schedule of this Order the Council, upon being satisfied that the applicant is bona fide, shall issue to the applicant a waiver permit for the leaving of a motor vehicle during the dates shown on the permit on the highway to which such a waiver permit relates.
 - (5) Any such waiver permit so issued shall remain the property of the Council at all times.
 - (6) The waiver permit shall cease to be valid at midnight on the expiry date specified on the permit.
 - (7) Where an application for a waiver permit fee is received and where a waiver permit is issued to any person or business upon receipt of a cheque, and the cheque is subsequently dishonoured the waiver permit shall cease to be valid.
2.
 - (1) If a waiver permit is mutilated, lost, destroyed or accidentally defaced or the figures or particulars on it have become illegible the waiver permit holder shall surrender it to the Council. The applicant may apply to the Council for the issue of a duplicate waiver permit for the appropriate administration charge stated in Part X Section 5 of "City of Stoke-on-Trent (Traffic Regulation)(No.5) Consolidation Order 2002", which is amended from time to time.
 - (2) If a waiver permit is lost or destroyed the waiver permit holder may apply to the Council for the issue to them of a duplicate waiver permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate waiver permit so marked and on such issue the original parking permit shall become invalid.
3.
 - (1) A waiver permit issued under Article 1(2) of Part 1 this Order shall be in a form prescribed by the Council and shall include the following particulars:
 - (a) the registration mark of the vehicle or property address in respect of which the waiver permit has been issued;
 - (b) the expiry date;
 - (c) an authentication that the waiver permit has been issued by the Council.
 - (d) The area of highway where the waiver permit is valid
 - (e) The Permit No.
4. At all times during which a vehicle is left in an area of highway which validates the waiver permit, the waiver permit shall be displayed in the relevant position on the front or near side of the vehicle. The permit will be displayed so that all particulars referred to in Article 3 of this Part 1 are readily visible from the front or near side of the vehicle.
5. Where a waiver permit has been displayed on or affixed to the vehicle in accordance with the provisions of Article 4 of this Part 1, no person not being the driver of the vehicle, shall remove the waiver permit unless authorised to do so.

DATED this 17th day of June 2005.

SIGNED ON BEHALF of the)
COUNCIL OF THE CITY)
OF STOKE-ON-TRENT)



authorised signatory

FIRST SCHEDULE
COST OF WAIVER PERMITS

<u>Length of Valid Permit</u>	<u>Cost</u>
1 week (7days)	£7.00
1 month (from date of issue)	£28.00
1 year (from date of issue)	£364.00