

WARWICKSHIRE COUNTY COUNCIL

(DISTRICT OF STRATFORD ON AVON)
(PERMITTED PARKING AREA AND SPECIAL PARKING AREA)

(WAITING RESTRICTIONS AND STREET PARKING PLACES)

CONSOLIDATION ORDER 2004

The Warwickshire County Council (hereinafter referred to as "the Council") in exercise of the powers conferred by Sections 1(1), 2(1) to (3), 4(2), 19, 32, 35, 45, 46, 47, 49, 53 and 124 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984, (hereinafter referred to as "the 1984 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 Road Traffic Act 1991, hereby make the following Order:-

PART 1
CITATION AND INTERPRETATION

1. This Order shall come into operation on 4th October 2004 and may be cited as the Warwickshire County Council (District of Stratford on Avon) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions and Street Parking Places) Consolidation Order 2004.

2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"access way" means a length of road which enables a vehicle to have access to or egress from land or premises in or adjacent to the road and which is marked by road markings complying with diagram 1026.1 in the 2002 Regulations;

"authorised agent" means the parking services contractor appointed by or duly authorised to act on behalf of the Council for the purposes of the supervision and enforcement of this Order;

"authorised cab rank" means any area of carriageway which is comprised within and indicated by a road marking complying with diagram 1028.2 of Schedule 6 to the 2002 Regulations;

"authorised officer" means the Director of Planning Transport & Economic Strategy for the Council or any other officer of the Council or Stratford on Avon District Council (to whom the Council has delegated all relevant powers) to be designated by the Council;

"bus" has the same meaning as in Regulation 22 of the 2002 Regulations;

“bus stop area” means any area of carriageway intended for the waiting of buses, which is comprised within and indicated by a road marking complying with either diagram 1025.1 or diagram 1025.3 and incorporating the words “Bus Stop” in Schedule 6 and a sign complying with diagram 975 of Schedule 6 to the 2002 Regulations;

“carriageway” means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

“delivering” and “collecting” in relation to any goods includes checking the goods for the purpose of their delivery or collection;

“disabled person’s badge” and “disabled person’s vehicle” have the same meanings as in the Local Authorities Traffic Orders (Exemption for Disabled Persons (England) Regulations 2000;

“driver” in relation to a vehicle waiting in a parking place or authorised parking place or on a road or length of road, means the person driving the vehicle at the time it was left in that parking place or road or length of road;

“enactment” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;

“doctor” is a person registered as a “fully registered medical practitioner” under the provisions of the Medical Act 1983;

“goods” means goods or burden of any description and includes postal packets of any description;

“goods vehicle” means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, and unless it is an articulated vehicle within the meaning of Section 38 of the Act, is not drawing a trailer;

“immobilisation device” has the same meaning as in Section 104(9) of the Act of 1984;

“loading” means the loading or unloading of goods to or from a vehicle;

“motor car”, “motorcycle” and “invalid carriage” have the same meanings as in Section 136 of the Act of 1984;

“owner” in relation to a vehicle means the person by whom such vehicle is kept and used;

“parking attendant” means a person authorised by or on behalf of the Council to supervise and carry out enforcement in respect of any parking area;

“parking disc” means a disc, issued by a local authority, 125 millimetres square coloured blue, and capable of showing the quarter hour period during which a period of waiting begins;

“parking place” means a road or length of road designated as a parking place by this Order;

“parking space” means a space in a parking place which is provided for the leaving of a vehicle;

“passenger vehicle” means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer;

“penalty charge” and “reduced penalty charge” means a charge set by the Council under the provisions of Section 66 of the Road Traffic Act 1991 and with the approval of the Secretary of State for Transport which is to be paid to the Council within 28 days beginning with the date of the notice or 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice;

“penalty charge notice” means a notice issued or served by a parking attendant pursuant to the provisions of Section 66 of the Road Traffic Act 1991;

“permit” means a permit issued under the provisions of Article 21;

“permit holder” means a person to whom a permit has been issued;

“permitted hours” means the hours identified on the plans;

“plans” mean the plans attached to this Order and listed on the revision sheet;

“relevant position” has the same meaning as in The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“resident” means a person whose usual residence is at premises the postal address of which is in a road or part of a road identified as a residents’ parking zone on the plans;

“revision sheet” means the sheet attached to this Order comprising a list of the plans;

“specified charge for parking” means the fee payable for parking in a parking place as displayed on or adjacent to the ticket machine relating to that parking place;

“Stratford on Avon District” in relation to this Order means the Stratford on Avon District as designated by the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Warwickshire) (District of Stratford on Avon) Order 2004;

“the 2002 Regulations” means the Traffic Signs Regulations and General Directions 2002;

“ticket machine” means apparatus or devices of a type and design approved by the appropriate Minister in accordance with Section 35(3) of the Act.

“traffic sign” means a sign of any size, colour and type prescribed or authorised pursuant to or having the effect as though prescribed or authorised pursuant to Section 64 of the Act of 1984;

3. Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order;
4. The prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act of 1984, or by or under any other enactment.
5. 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.
6. The provisions of this Order shall not apply to an authorised cab rank.
7. Insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act of 1984 and existing at the time when this Order comes into operation and which imposes a restriction or prohibition on waiting by vehicles other than buses in a bus stop area or grants an exemption from such restriction or prohibition, that provision of that Order shall prevail.

PART II
PROHIBITION AND RESTRICTION OF WAITING

8. Save as provided in Articles 9 to 12 of this Order no person shall, except in the case of an emergency upon the direction or with the permission of a police constable in uniform or a parking attendant, cause or permit any vehicle to wait on the roads or sides of the roads identified and for the periods identified (or, in the case of a road or side of a road where limited waiting is permitted, otherwise than during the period identified) on the plans.
9. Save as provided in Articles 17 and 19 of this Order, nothing in Article 8 shall render it unlawful to cause or permit any vehicle to wait in the lengths of road identified on the plans and therein designated "Loading Only", so long as it may be necessary for the purpose of enabling goods to be loaded on or unloaded from the vehicle during the periods identified on the plans.
10. (1) Nothing in Articles 8 and 9 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of roads or on the sides of road specified therein for so long as may be necessary to enable:
 - (a) a person to board or alight from the vehicle;
 - (b) goods to be loaded on to or unloaded from the vehicle;

- (c) 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 lengths or sides of road; and
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to the said lengths or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (d) the vehicle, if it cannot be conveniently be used for such purposes in any other road, to be used in the service of a local authority, water undertaker or a sewerage undertaker of the Environment Agency in pursuance of statutory powers or duties;
 - (e) the vehicle of a universal service provider (as defined in Section 4(3) and (4) of the Postal Services Act 2000) to be used for the purposes of delivering and/or collecting mail;
 - (f) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths or sides of road;
 - (g) the vehicle to wait at or near to any premises situated on or adjacent to the said lengths or sides of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral; or
 - (h) to enable the vehicle to be used for fire brigade, ambulance or police purposes;
11. Nothing in Articles 8 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking disc, on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began, to wait in any of the roads, lengths of road or on any sides of road identified on the plans where waiting is prohibited for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road or on the same side of road on the same day). Provided that in respect of the roads identified on the plans when loading is permitted at all times or limited to certain times such period lies entirely within the period during which loading is permitted.
12. Nothing in Article 8 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge to wait at the sides of the roads identified on the plans where limited waiting is permitted.

PART III
AUTHORISATION AND USE OF STREET PARKING PLACES

13. (1) The parts of roads identified on the plans are authorised to be used, subject to the following provisions of this Order, as parking places for vehicles in such positions, on such days and during such hours as identified on the plans. Provided the specified charge for parking is paid in the manner as set out in this Order.
- (2) Every vehicle left in a parking place in accordance with this Order shall so stand so that every part of the vehicle is wholly within the limits of the parking space.
- (3) Save as provided in Articles 18 and 19 of this Order, the driver of any vehicle parking that vehicle in a parking place to which this Order applies, shall pay the specified charge for parking on the leaving of the vehicle in the parking place by the insertion in the ticket machine relating to that parking place of a coin or coins of the appropriate denomination making up the amount of the specified charge for parking the period for which payment is being made.
- (4) The driver of the vehicle shall attach any ticket issued upon payment of the specified charge for parking, to the vehicle in respect of which it was issued, and shall ensure that the whole of the front of the ticket is clearly visible during the entire period that the vehicle is parked in the parking place.
- (5) Any person who wilfully avoids or seeks to avoid, or assists in avoiding, the payment of the appropriate charge at any parking place shall be guilty of an offence under this Order.
14. (1) Save as provided in Articles 18 and 19 of this Order, the driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in relation to that parking place and as identified on the plans.
- (2) Save as provided in Articles 18 and 19 of this Order, when a vehicle has left a parking place after waiting thereon the driver thereof shall not within the period specified in relation to that parking place and as identified on the plans after its leaving permit it to wait again upon that parking place.
15. (1) A driver of a vehicle shall not use a parking place so as unreasonably to prevent access to or egress from any premises adjoining the road, or the use of the road by any other persons, or so as to be a nuisance.
- (2) No vehicle may by virtue of this Order wait in any part of a parking place which is an access way.
16. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in a position in the parking place, and shall not start the engine except when about to change the position of the vehicle or to depart from the parking place.
17. No person shall use a vehicle while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skills or services.

18. Without prejudice to the provisions of Articles 13(3) and 14 of this Order, the following vehicles may be left in a parking place and any such vehicle shall be exempt from any specified charge for parking and any limitation on the period of waiting or return of the vehicle specified in this Order:-
- (a) an invalid carriage;
 - (b) a vehicle issued to a disabled person by the Department of Health in lieu of an invalid carriage;
 - (c) a vehicle which displays in the relevant position a disabled person's badge;
 - (d) a vehicle which displays in the relevant position a permit for that parking place issued under the provisions of Articles 21(2) or 21(4).
19. (1) Without prejudice to the foregoing provisions of this Order, any vehicle may wait anywhere on the carriageway in a parking place (unless the use of the parking place or part thereof has been suspended under Article 20) for so long as may be necessary:-
- (i) to enable a person to board or alight from the vehicle;
 - (ii) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
 - (iii) if the vehicle is a vehicle used for police, fire brigade or ambulance purposes, or a vehicle (other than a passenger vehicle) in the service of a local authority which is being used in pursuance of statutory powers or duties;
 - (iv) to enable it to be used in connection with the removal of any obstruction to traffic;
 - (v) to enable it to be used for the purpose of delivering or collecting postal packets as defined in Section 125 of the Postal Services Act 2000;
 - (vi) if the vehicle (not being a passenger vehicle) is waiting to enable it to be used for any purposes specified in Article 20(1)(b);
 - (vii) if the vehicle (not being a passenger vehicle) is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (viii) to enable it to be used in connection with posting or removing advertising material in the form of posters on or from, or cleaning windows or chimneys in, premises adjacent to the parking place in which the vehicle is waiting;
 - (ix) to enable goods to be loaded on to or unloaded from the vehicle;

- (x) to enable it to wait at or near to any premises situated adjacent to the parking place for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral; or
- (xi) if the vehicle is being used by a legally qualified general medical practitioner, a health visitor or a midwife when visiting premises near to the parking place;

and any such vehicle shall be exempt from any charge for parking

- (2) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act.
20. (1) Any person authorised by the council may suspend the use of a parking place or any part thereof whenever he consider such suspension reasonably necessary:-
- (a) for the purpose if facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place or any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus, telephone kiosk or traffic sign;
 - (c) for the convenience of occupiers or premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or any other special occasions.
- (2) A police constable in uniform may suspend for not longer than twenty-four hours the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
 - (3) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or the part thereof the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.
 - (4) No person shall cause or permit a vehicle to be left in any parking place during such period as there is in or adjacent to that parking place a traffic sign placed in pursuance of paragraph (3) of this Article.

Provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose specified in Article 19(1)(ii), (iv) or (v) to be left in the parking place during any such period, or for any other vehicle so left if that vehicle is left with the permission of the persons suspending the use of the parking place in pursuance of paragraph (1) of this Article, or of a police constable in uniform or of a parking attendant.

PART IV **PERMITS**

21. (1) Any resident who is the owner of a motor car or motor cycle may apply to the Council for the issue of a permit for the leaving of that vehicle in a parking place and any such application shall be made on a form issued by and obtainable from the Council and shall be accompanied by a remittance for such charge as provided by Article 22(1).
- (2) On receipt of an application made under the foregoing provision of this Article and the fee, the Council, upon being satisfied that the applicant is a resident and is the owner of a vehicle of the class specified in paragraph (1) of this Article, shall issue to that applicant one permit for the leaving of that vehicle in any parking place to which such permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward. Provided that in respect of the residents of any one household there shall not be in force at any one time more than three permits issued under the provisions of paragraph (1) of this Article.
- (3) Any resident may apply on such form, accompanied by such remittance as prescribed in Article 22(1), for the issue of a permit for use by visitors to the applicant's residence.
- (4) On receipt of an application made under the provisions of paragraph (3) of this Article and the fee, the Council shall issue to the applicant one permit for the leaving of any motor car or motor cycle in any parking place to which such permit relates by any visitor to the applicant's residence. Provided that in respect of the residents of any one household there shall not be in force at any time more than one permit issued under the provisions of paragraph (3) of this Article.
- (5) A doctor may apply to the Council for the issue of a permit in respect of each vehicle which shall be specified in the application and shall be accompanied by a remittance for such charge as provided by Article 22(2).
- (6) Upon receipt of an application duly made under the foregoing provision of this Article and the fee, the Council, may issue to the applicant permits for the leaving during the permitted hours in the parking place specified thereon of such vehicles specified in the application as they are satisfied are used by a doctor who has justified the need for special parking arrangements close to the surgery or consulting room shown on such application and to whom no suitable alternative parking facility is available.

- (7) The Council may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council such evidence as respect of an application for a permit as they may reasonably require to verify the particulars or information given to them or to verify that the permit is valid.
22. (1) The charge in connection with the issue of a permit under Articles 21(1) and 21(3) shall be twenty five pounds and shall be for a period of twelve months running from the beginning of the month in which the permit first becomes valid.
- (2) The charge in connection with the issue of a permit under Article 21(5) shall be ten pounds and shall be for a period of twelve months running from the beginning of the month in which the permit first becomes valid.
23. (1) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any of the events set out in paragraph (3a) of this Article in respect of a permit issued to a resident and paragraph 3(b) of this Article in respect of a permit issued to a doctor.
- (2) The Council may, by notice in writing served on the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's residence, withdraw a permit if it appears to the Council that any one of the events set out in paragraph 3 of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of such notice.
- (3) (a) The events referred to in the foregoing provisions of this Article are, in respect of a permit issued to a resident:-
- (i) the permit holder ceasing to be a resident;
- (ii) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
- (iii) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 21(1);
- (iv) the issue of a duplicate permit by the Council under the provisions of Article 24.
- (3) (b) The events referred to in the foregoing provisions of this Article are, in respect of a permit issued to a doctor:-
- (i) the vehicle or any vehicle in respect of which the permit was issued ceasing to be used by a doctor who can justify the need for special parking arrangements close to the surgery or consulting room shown on the application for that permit;
- (ii) the revocation of the designation of the parking place in respect of which the permit was issued;
- (iii) the issue of a revised permit or a duplicate permit by the Council under the provision of Article 24;

- (4) A permit shall cease to be valid on the day following the expiry date specified thereon or on the occurrence of any one of the events set out in paragraph (3a) or (3b) of this Article, whichever is the earlier.
- (5) Where a permit is issued to any person upon receipt of a cheque or the cheque is subsequently dishonoured, the permit shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such permit was issued by sending the same by the recorded delivery service to the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of residence, require that person to surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.
- (6) The Council may at any time require a permit holder to produce to an officer of the Council such evidence in respect of any permit issued by it that it may reasonably require.
24. (1) (a) A permit holder may at any time apply to the Council for a permit issued to him to be amended so as to relate to any other vehicle, in the case of a permit issued to a doctor, being a vehicle which is used by a doctor who is liable to be called of necessity to emergencies away from the surgery or consulting room shown on the application to the extent that the need for special parking arrangements can be justified.
- (b) Upon receipt of an application pursuant to paragraph (1a) of this Article and of the relevant permit, the Council may amend the permit accordingly, or to such extent as they think fit, or at their discretion issue a revised permit, and if a revised permit is so issued, the original permit shall become invalid and shall be surrendered to the Council.
- (2) If a permit is mutilated or accidentally defaced or the figures or particulars on it have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and apply to the Council for the issue to him of a duplicate permit and the Council, upon receipt of the permit if such receipt is accompanied by an application for a duplicate permit, shall issue a duplicate permit so marked and upon such issue the original permit shall become invalid.
- (3) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue to him of a duplicate permit and the Council upon being satisfied as to such loss or destruction, shall issue a duplicate permit so marked and upon such issue the original permit shall become invalid.
- (4) The provisions of this Order shall apply to a revised or duplicate permit to the same extent as they applied to the original permit.
25. (1) A permit holder who surrenders a permit to the Council before the permit becomes valid shall be entitled to a refund of the fee paid in respect of the issue thereof.

- (2) A permit holder who surrenders a permit to the Council after the permit has become valid shall be entitled to a refund of that part of the charge paid in respect of the issue of the permit as is attributable to the period from the receipt by the Council of the surrendered permit to the expiry of the period for which the permit is issued.
26. A permit shall be in writing and shall include the following particulars:-
- (1) in the case of a permit issued under the provisions of Article 21(2) the words "Resident's Parking Permit" and the registration mark of the vehicle in respect of which the permit has been issued;
 - (2) in the case of a permit issued under the provisions of Article 21(4) the words "Visitor's Parking Permit";
 - (3) in the case of a permit issued under the provisions of Article 21(6) the registration mark of the vehicle in respect of which the permit has been issued and the number of the parking place to which the permit relates;
 - (4) the date on which, subject to the provisions of Article 23(4), the permit expires;
 - (5) an authentication that the permit has been issued by the Council;
 - (6) in the case of a permit issued under the provisions of Articles 21(2) and 21(4), a code identifying the streets to which such permit relates.
27. A parking place identified on the plans as a residents' parking zone may be used, subject to the provisions of this Order, for the leaving of such vehicles displaying in the manner specified in Article 29 of this Order, a valid permit relating to that vehicle and that parking place issued under Articles 21(1) or 21(3).
28. A parking place identified on the plans as a doctor's parking place, may be used, subject to the provisions of this Order, for the leaving of such vehicles as displaying in the manner specified in Article 29 of this Order, a valid permit relating to that vehicle issued under Article 21(6) and relating to that parking place.
29. At all times during which a vehicle is left in a parking place pursuant to Articles 27 and 28 of this Order there shall be displayed on the front of the vehicle a valid permit issued in respect of that vehicle so that all the particulars referred to in Article 26 are readily visible from the front of the vehicle.
30. Every vehicle left in a parking place in accordance with Articles 27 and 28 of this Order shall stand so that every part of the vehicle is wholly within the limits of the parking space.
31. When a permit has been displayed in accordance with the provisions of Article 29 of this Order, or where a penalty charge notice has been attached to the vehicle in accordance with Article 35 no person other than a parking attendant shall remove such permit or notice from the vehicle unless authorised to do so by the driver of that vehicle.

PART V
DESIGNATED PARKING PLACES FOR
DISABLED PERSONS' VEHICLES AND DOCTORS

32. (1) The lengths of road identified on the plans and therein designated "Disabled Badge Holders Only" may be used, subject to the provisions of this Order, as parking places for disabled persons' vehicles, in such positions as are identified on the plans.
- (2) Where within a parking place there is a sign or surface marking which indicates that a parking place is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in the parking place unless it is a disabled person's vehicle which displays in the relevant position a disabled person's badge.
33. Where within a parking place there is a sign or surface marking which indicates that a parking place is available only for a doctor, the driver of a vehicle shall not permit it to wait in the parking place unless it displays a valid permit for that vehicle in accordance with Article 29 of this Order.
34. Nothing in Articles 32 and 33 of this Order, shall render it unlawful to cause or permit any vehicle to wait in the parking place upon the direction or with the permission of a police constable in uniform or a parking attendant, or for so long as may be necessary for the reasons set out in Article 10(a), (c), (d), (e) and (h) of this Order.

PART VI
CONTRAVENTION OF ORDER

35. (1) If a vehicle is left in a parking place or on any road or length of road in contravention of any provision of this Order, a penalty charge shall be payable and/or the vehicle may be removed from that location. . Provided that when a vehicle is waiting and is not wholly within the limits of the parking space, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that it is wholly within the limits of the parking space.
- (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(3) of the Road Traffic Act 1991 may then be issued by a parking attendant in uniform in accordance with Section 66(1) of the said Act.
- (3) Save as provided in paragraph (5) of this Article, if a vehicle is left after a penalty charge has been incurred, a parking attendant in uniform or a person acting under his direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of Section 69(1) and (2) of the Road Traffic Act 1991 and that vehicle shall only be released from the device on payment of the penalty charge, or as the case may be a reduced penalty charge, along with such release fee as may be required by the Council.



(4) Save as provided in paragraph (5) of this Article, where a parking attendant has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article:-

- (a) he 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 Act (as amended) shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.

(5) Nothing in paragraphs (3) and (4) of this Article shall apply in respect of a vehicle displaying in the relevant position a valid disabled person's badge issued by any Local Authority.

36. All of the Traffic Regulation Orders imposing waiting prohibitions, restrictions and all street parking places orders which relate to roads within the District of Stratford on Avon made prior to this Order are hereby revoked.

GIVEN under the Seal of the Warwickshire County Council the 24th September 2004

The COMMON SEAL of the
Warwickshire County Council
was hereunto affixed in the
presence of:

HJ Board
Designated Officer

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)
)
)
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644/2004



