

WARWICKSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE WARWICKSHIRE COUNTY COUNCIL (DISTRICT OF STRATFORD ON AVON)
(PERMITTED PARKING AREA AND SPECIAL PARKING AREA)
(WAITING RESTRICTIONS AND STREET PARKING PLACES)
CONSOLIDATION (VARIATION NO. 6) ORDER 2008

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"), the Traffic Management Act 2004 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:-

1. 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 as varied by subsequent orders (which said Order of 2004 as varied is hereinafter referred to as 'the Principal Order') is hereby varied in the manner and to the extent hereinafter provided.
2. In the first paragraph to the Principal Order, prior to the words "and of all other enabling powers", insert the words "the Traffic Management Act 2004".
3. In Article 2 to the Principal Order, delete the definitions of "authorised agent" and "authorised officer".
4. In Article 2 to the Principal Order, before the definitions of "delivering" and "collecting" insert:-

"charge certificate" means a statement that the penalty charge has been increased by fifty percent in accordance with Regulation 21 of the 2007 Regulations;

"civil enforcement officer" means an individual employed by the Council (or on its behalf by Stratford on Avon District Council) in accordance with section 76 of the 2004 Act to enforce road traffic contraventions or a parking attendant appointed by the Council (or on its behalf by Stratford on Avon District Council) in accordance with section 63A of the 1984 Act to supervise and carry out enforcement in respect of this Order;"

5. In Article 2 to the Principal Order delete the definitions of "disabled person's badge" and "disabled person's vehicle" and replace with:-

"disabled person's badge" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"disabled person's vehicle" has the same meaning as in The Motor Vehicles (Approval) (Amendment) Regulations 2004;"

6. In Article 2 to the Principal Order, before the definition of "enactment" insert:-

"enforcement authority" means Warwickshire County Council;"

7. In Article 2 to the Principal Order, after the definition of "enactment" insert:-
 "footway" has the same meaning as in Section 329 of the Highways Act 1980;"
8. In Article 2 to the Principal Order, delete the definition of "goods" and replace with:-
 "goods" means heavy or bulky goods or burden of any description and includes postal packets;"
9. In Article 2 to the Principal Order, in the definition of "home carer" delete the words "Social Services Department providing" and replace with the words "Adult Health & Community Services Directorate to provide".
10. In Article 2 to the Principal Order, delete the definitions of "motor car", "motorcycle" and "invalid carriage" and replace with:-
 "motor car", "motorcycle" "motor vehicle" and "invalid carriage" have the same meanings as in Section 136 of the Act of 1984;"
11. In Article 2 to the Principal Order, delete the definition of "parking attendant".
12. In Article 2 to the Principal Order, delete the definition of "parking space" and replace with:-
 "parking space" means a space within a parking place which is provided for the leaving of a vehicle and marked on the surface of the parking place by painted white lines which comply with the 2002 Regulations;"
13. In Article 2 to the Principal Order, delete the definitions of "penalty charge" and "penalty charge notice" and replace with:-
 "penalty charge" means the charges set by the enforcement authority in accordance with the 2007 Order which are to be paid not later than the last day of the period of 28 days beginning with the date on which the penalty charge notice was served;
 "penalty charge notice" means a notice served by a civil enforcement officer or by (or on behalf of) the enforcement authority in accordance with Regulations 9 or 10 of the 2007 Regulations;
 "reduced penalty charge" means the charges set by the enforcement authority in accordance with the 2007 Order which are to be paid not later than the last day of the period of 14 days beginning with the date on which the penalty charge notice was served;"
14. In Article 2 to the Principal Order, before the definition of "permit holder" insert:-
 "permit controlled zone" means a zone described in the Schedules to this Order;"
15. In Article 2 to the Principal Order, delete the definition of "resident" and replace with:-
 "resident" means a person whose usual residence is at premises the postal address of which is in permit controlled zone described in the Schedules to this Order;"

16. In Article 2 to the Principal Order, delete the definition of "specified charge for parking" and replace with:-

"specified charge for parking" means the fee of 50 pence for parking in a parking place in a pay & display area for a period not exceeding 30 minutes or the fee of £1.00 for parking in a parking place in a pay & display area for a period not exceeding 1 hour, or the fee of £1.50 for parking in a parking place in a pay & display area for a period not exceeding 1.5 hours or the fee of £2.00 for parking in a parking place in a pay & display area for a period not exceeding 2 hours in accordance with the provisions of this Order;"

17. In Article 2 to the Principal Order, before the definition of "ticket machine" insert:-

"the 2004 Act" means the Traffic Management Act 2004;

"the 2007 Order" means The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007;

"the 2007 Regulations" means The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;"

18. After Article 6 to the Principal Order, insert:-

"6A Except where otherwise stated, in this Order where a length of road is identified on the plans as "no waiting", "limited waiting" or "clearway" that restriction shall extend from the centre of the carriageway to the back of any adjoining footway and verge."

19. In Parts II, III, IV, V and VI of the Principal Order, each time the term "parking attendant" appears, delete this and replace with the term "civil enforcement officer".

20. In the Principal Order, delete Article 8 and replace with:-

"8. Save as provided within Articles 9 to 12(a) 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 civil enforcement officer, cause or permit a vehicle to wait:-

- (a) in the lengths of road identified on the plans as "no waiting" during the periods identified on the plans; or
- (b) in the case of a length of road identified on the plans as "limited waiting", for longer than the maximum period specified on the plans in relation to that length of road and provided that the number of hours specified on the plans for returning to wait in that length of road has elapsed since the termination of the last period of waiting (if any) by that vehicle on that length of road."

21. In the Principal Order, delete Article 10 and replace with:-

"10. (1) Except in respect of a bus stop area, 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:

- (a) to enable a person to board or alight from the vehicle;

- (b) whilst the driver is actively loading goods on to or unloading goods from the vehicle (except on those lengths of road identified on the plans as "no loading" or during the periods identified on the plans (if any));
- (c) to enable 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) to enable 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) to enable 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) to enable 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) to enable 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;"

22. In Article 12 to the Principal Order, delete the words "where limited waiting is permitted" and replace with the words "as limited waiting".

23. In the Principal Order, delete Article 13(4) and replace with:-

"13 (4) The driver of any vehicle parking that vehicle in a parking place in a pay & display area, shall place the ticket referred to in Article 13(3) above in the vehicle in respect of which it was issued, and shall ensure that the whole of the front of the ticket is clearly visible from the front of the vehicle during the entire period that the vehicle is parked in the parking place."

24. In Article 13(5) to the Principal Order, delete the words "an offence under" and replace with the word "contravening".

25. In Article 19(1) to the Principal Order, after the word "so", insert the word "long".
26. In the Principal Order, delete 19(1)(ix) and replace with:-
 - "(ix) whilst the driver of that vehicle is engaged in the activity of loading goods on to or unloading goods from that vehicle;"
27. In Article 19(xi) to the Principal Order, after the word "place", insert the words "to attend to a patient".
28. In Article 21(1) to the Principal Order, after the word "resident" insert the words "within a permit controlled zone".
29. In Article 21(2) to the Principal Order, after the words "parking place" insert the words "within the zone".
30. In Article 21(3) to the Principal Order, after the word "resident" insert the words "within a permit controlled zone".
31. In Article 21(4) to the Principal Order, after the words "parking place" insert the words "within the zone".
32. In Article 21(6)(a) to the Principal Order, after the words "registered guest house" insert the words "within a permit controlled zone".
33. In Article 21(6)(b) to the Principal Order, after the words "parking place" insert the words "within the zone".
34. In the Principal Order, delete Articles 35(1), 35(2) and 35(3) and replace with:-
 - "(1) If a vehicle is left in a parking place or waiting in any road or length of road or on a footway 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 the Schedule to the 2007 Regulations may then be served by a civil enforcement officer in accordance with Regulation 9 of the 2007 Regulations or by (or on behalf of) the enforcement authority in accordance with Regulation 10 of the 2007 Regulations.
 - (3) Save as provided in paragraph (5) of this Article, if a vehicle is left after a penalty charge notice has been served by a civil enforcement officer, a civil enforcement officer or a person acting under his direction may fix an immobilisation device to the vehicle and a notice in accordance with Regulation 12 of the 2007 Regulations 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, and the charge for release of the vehicle specified in Regulation 4 of the 2007 Order."

35. In the Principal Order, delete Article 35(4)(b) and replace with:-

"(b) the enforcement authority shall be entitled to recover from the person responsible such charges in respect of the removal, storage, and disposal of the vehicle as prescribed in Regulation 3 of the 2007 Order,"

36. This Order shall come into operation on the Thirty-First day of March 2008 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 (Variation No. 6) Order 2008".

GIVEN under the Seal of the Warwickshire County Council the 20th March 2008

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

A. Greta Feedham
Designated Officer



158/2008

DATED 20th March 2008

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PARKING AREA AND SPECIAL PARKING
AREA) (WAITING RESTRICTIONS AND STREET
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