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THE BOROUGH OF WARRINGTON (LANGFORD WAY) (PROHIBITION OF WAITING) ORDER 2007

The Warrington Borough Council (hereinafter referred to as "the Council"), in exercise of its powers under Sections 1, 2, and 4 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") and by virtue of the Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Warrington) Order 2006 (Statutory Instrument No. 3421 2006) 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 makes the following Order: -

Part 1 – Citation and Interpretation

1. (1) In this Order –

“driver”, in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;

“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 any enactment;

“motorcycle” has 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. It is presumed (unless the contrary is proved) that the owner is the person in whose name the vehicle is registered 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 authorised by or on behalf of the Council to supervise the restrictions and prohibitions imposed by this Order;

“passenger vehicle” means a motor vehicle (other than a motorcycle or invalid carriage) constructed or adapted solely for the carriage of not more than 12 passengers (exclusive of the driver) and their effects and not drawing a trailer;

“penalty charge” means the charge set by the Council under the provisions of The Road Traffic Act 1991 which is to be paid to the Council following the issue of a penalty charge notice and within 28 days of the issue of that 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;

(2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

Part 2 - Waiting Restrictions

2. Save as provided in Article 3 no person except with the direction or with the permission of a Parking Attendant, Police Constable in uniform or Police Community Support Officer in uniform cause or permit any vehicle to wait at any time on the sides of roads or in any length of road specified in Column 1 of the Schedule to this Order to the extent specified in Column 2 of the said Schedule.



Part 3 - Exemptions

3. (1) Nothing in Article 2 of this order shall render it unlawful to cause or permit any vehicle to wait on the roads or sides of roads referred to therein for so long as may be necessary to enable: -
- (a) a person to board or alight from a vehicle;
 - (b) goods to be loaded on 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 conjunction with any of the following operations: -
 - (i) building, industrial or demolition operation;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said roads or side roads;
 - (iv) the laying, erection, alteration or repair in, or on land adjacent to the said roads, or sides of roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunication apparatus as defined in paragraph 1(1) of the Telecommunications Act 1984
 - (d) 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 of a water authority in pursuance of statutory powers or duties;
 - (e) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953;
 - (f) the vehicle to be used for Fire Brigade, Ambulance or Police purposes;
- (2) Nothing in Article 2 of this Order shall render it unlawful to cause or permit a 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 the roads or sides of the roads referred to in the said Schedule to this Order for a period not exceeding 3 hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle on the same roads or sides of roads on the same day).

Part 4 – Penalty Charges

Contravention

4. If a vehicle is left in any road or length of road in contravention or without complying with the requirements of this Order a contravention shall have occurred and a penalty charge shall be payable and/or the vehicle may be removed from that location.

Penalty Charge Notice

5. In the case of vehicles in respect of which a penalty charge may have been incurred, it shall be the duty of the Parking Attendant to attach to the vehicle in a conspicuous position a notice which 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 grounds on which the Parking Attendant believes that a Penalty Charge is payable in respect of that vehicle;
 - (c) the amount of Penalty Charge required to be paid;

- (d) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion or amount;
- (e) that if the penalty charge is not paid before the end of the 28 day period a Notice to owner may be served by the Council on the person appearing to be the owner of the vehicle; and
- (f) the address to which payment of the Penalty Charge must be sent.

Manner of Payment of Penalty Charge

6. The penalty charge shall be paid to the Council within 28 days of the issue of the penalty charge notice either: -
- (a) by cheque, bankers' draft, money order or postal order delivered or sent by post as indicated on the penalty charge notice; or
 - (b) by cheque, postal order, in cash, by credit card or debit card in person at any Borough of Warrington Council office which accepts such payments; or
 - (c) by credit card or debit card over the phone using the number specified on the penalty charge notice.

Provided that, if the said twenty eight day falls upon a day on which the said Department or office is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.30 on the next full day on which the said Department is open.

7. If the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion.
8. If the owner fails to pay the penalty charge by the end of the 28 day period, a notice of owner may be served; and if the charge is not paid within a further 28 days it may be increased by 50% on the issue of a charge certificate in accordance with the provisions of paragraph 6 of schedule 6 of the 1991 Act.
9. Continuing failure to pay the penalty charge may result in a judgement in the County Court against the owner to enable the Council to recover the payments due.

Indications as Evidence

10. The particulars given in the penalty charge notice attached to a vehicle in accordance with Article 5 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

Restriction on Removal of Notices

11. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 5 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 keeper of the vehicle.



Immobilisation

- 12. If a vehicle is left after a penalty charge has been incurred, a parking attendant in uniform or a person acting under his/her direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of section 69(1) 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 reduced penalty charge, along with such release fee as may be required by the Council.
- 13. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.
- 14. This Order shall come into operation on the 30th day of July 2007 and may be cited as "The Borough of Warrington (Langford Way) (Prohibition of Waiting) Order 2007".

SCHEDULE

Column 1

Column 2

Langford Way

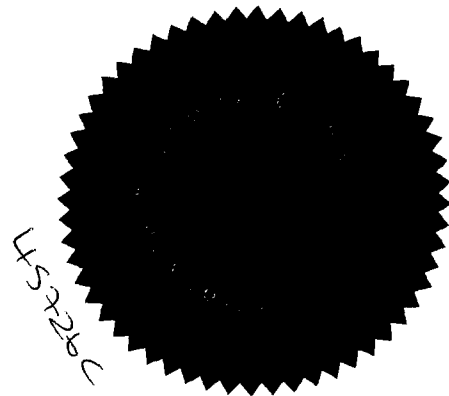
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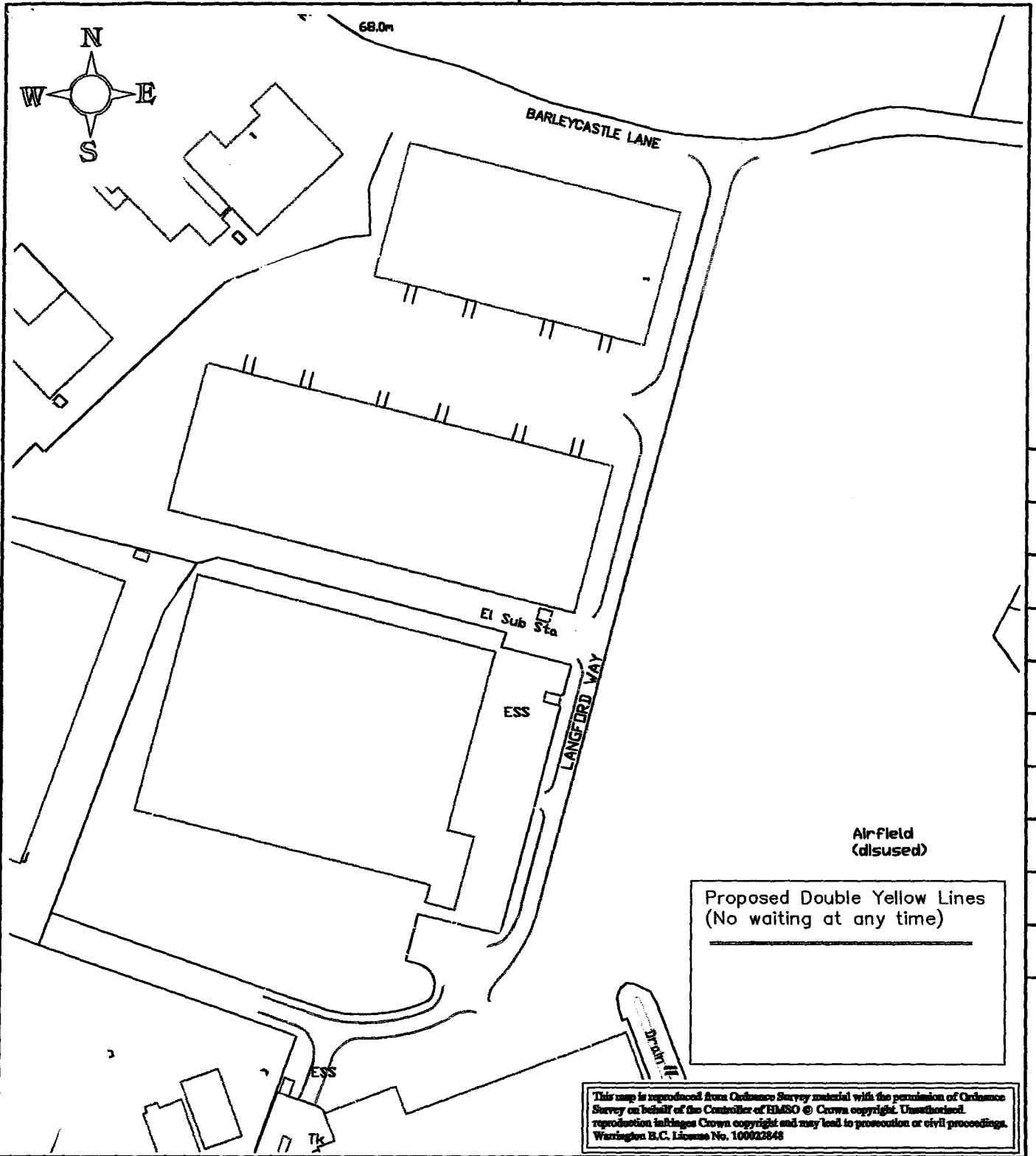
Given under the Common Seal of the Council of the Borough of Warrington this 23rd day of July 2007.

The Common Seal of **WARRINGTON**)
BOROUGH COUNCIL was hereunto)
affixed in the presence of:-)



Authorised Signatory





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Revn.	Revision Details	Rev by	Chk by	Date:

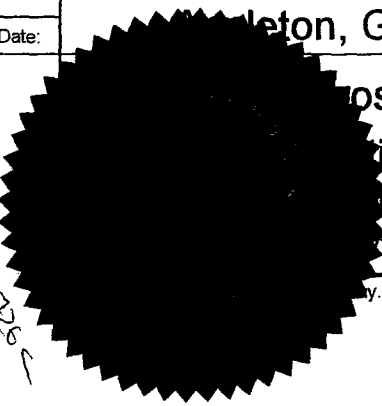
Drawn by K Moyles e-mail kmoyles@warrington.gov.uk
 Approved by Telephone 01925 442680
 Date Oct 06 Fax 01925 443255 Sheet 1 of 1
 Project

Langford Way
Warrington, Grappenhall & Thelwall

Proposed Experimental
Waiting Restrictions



ENVIRONMENT SERVICES
DIRECTORATE
 Palmyra House



Executed as a Deed by affixing the Common Seal of Warrington Borough Council in the presence of:

[Handwritten signature]

Authorised Signatory

Phase / Revision
 TRO217

