

THE BOROUGH OF WARRINGTON (WELLFIELD STREET, FORSTER STREET AND FORSHAW STREET) (DISABLED PERSONS PARKING PLACES) ORDER 2007

The Warrington Borough Council (hereinafter referred to as "the Council"), in exercise of its powers under Sections 1, 2, 4, 32 and 35 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 -

"disabled person's badge" means a badge in the form prescribed by regulation 11 issued by a local authority for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person, and includes a replacement badge issued in accordance with regulation 7;

"delivering" and "collecting" in relation to any goods include checking the goods for the purpose of their delivery or collection;

"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;

"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;

"parking disc" means a device which -

- (a) is 125 millimetres square and coloured blue, if issued on or after 1st April 2000 or orange, if issued before that date;
- (b) has been issued by a local authority and has not ceased to be valid; and
- (c) is capable of showing the quarter hour period during which a period of waiting has begun.

"parking place" means an area on a highway designated as a parking place by Article 3 of this Order;

"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;

“relevant position” means;

(i) A disabled person’s badge is displayed in the relevant position when:-

- (a) the badge is exhibited on the dashboard or fascia of the vehicle, or;
- (b) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle, so that the front of the badge is clearly legible from the outside of the vehicle;

(ii) A parking disc is displayed in the relevant position when:-

- (a) the disc is exhibited on the dashboard or the fascia of the vehicle; or
- (b) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle, so that when marked to show the quarter period during which a period of waiting began, that period is clearly legible from the outside of the vehicle;

(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 – Designated Disabled Persons Parking Places

2. The lengths of roads and sides of roads specified in the Schedule to this Order are designated as parking places at all times, prohibiting any person parking a vehicle at any of the disabled person’s parking places unless a disabled person’s badge and a parking disc are displayed in the relevant position.

Part 3 – Exemptions

3. Nothing in Article 2 of this Order shall render it unlawful to cause or permit any vehicle to wait on the length of road referred to therein so long as may be necessary to enable: -

- (a) 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;
- (b) the vehicle to be used for fire brigade, ambulance or police purposes.

Part 4 – Penalty Charges

Contravention

4. 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 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 6 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 6 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 5th day of October 2007 and may be cited as "The Borough of Warrington (Wellfield Street Forster Street and Forshaw Street) (Disabled Persons Parking Places) Order 2007".

SCHEDULE – DISABLED PERSONS PARKING PLACES
(At all times)

Column 1

Column 2

Column 3

No. of Parking Place	Areas of Highway Designated as Disabled Persons Parking Places. Each area described below in this column, being an area forming part of the carriageway of a specified highway, is a Designated Disabled Persons Parking Place	Special Manner of Standing of Vehicle In Parking Place
1	All that part of the west side of Wellfield Street which is bounded on the west of the carriageway of that highway as extends from a point 6.6m south of its junction with Percy Street in a southerly direction for a distance of 5m, all measured along the said road and which has a width of 1.8m.	Parallel to the kerb
2	All that part of the north west side of Forster Street which is bounded on the north west side by so much of the edge of the carriageway of that highway as extends from a point 35m north east of Orford Lane in a north easterly direction for a distance of 5m, all measured along the said road and which has a width of 1.8m.	Parallel to the kerb
3	All that part of the south west side of Forshaw Street which is bounded on the south west side by so much of the edge of the carriageway of that highway as extends from a point 40m west of Battersby Lane in a westerly direction for a distance of 5m, all measured along the said road and which has a width of 1.8m.	Parallel to the kerb

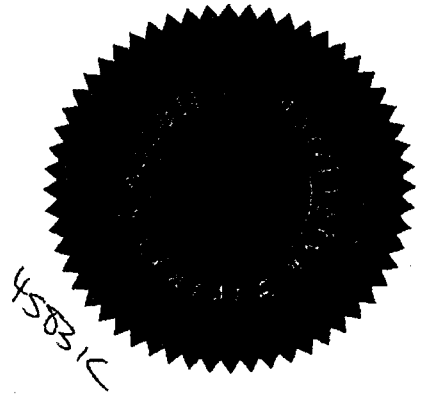


Given under the Common Seal of the Council of the Borough of Warrington this 1st day of October 2007.

The Common Seal of the **BOROUGH**)
OF WARRINGTON was hereunto)
affixed in the presence of)

Kawtops

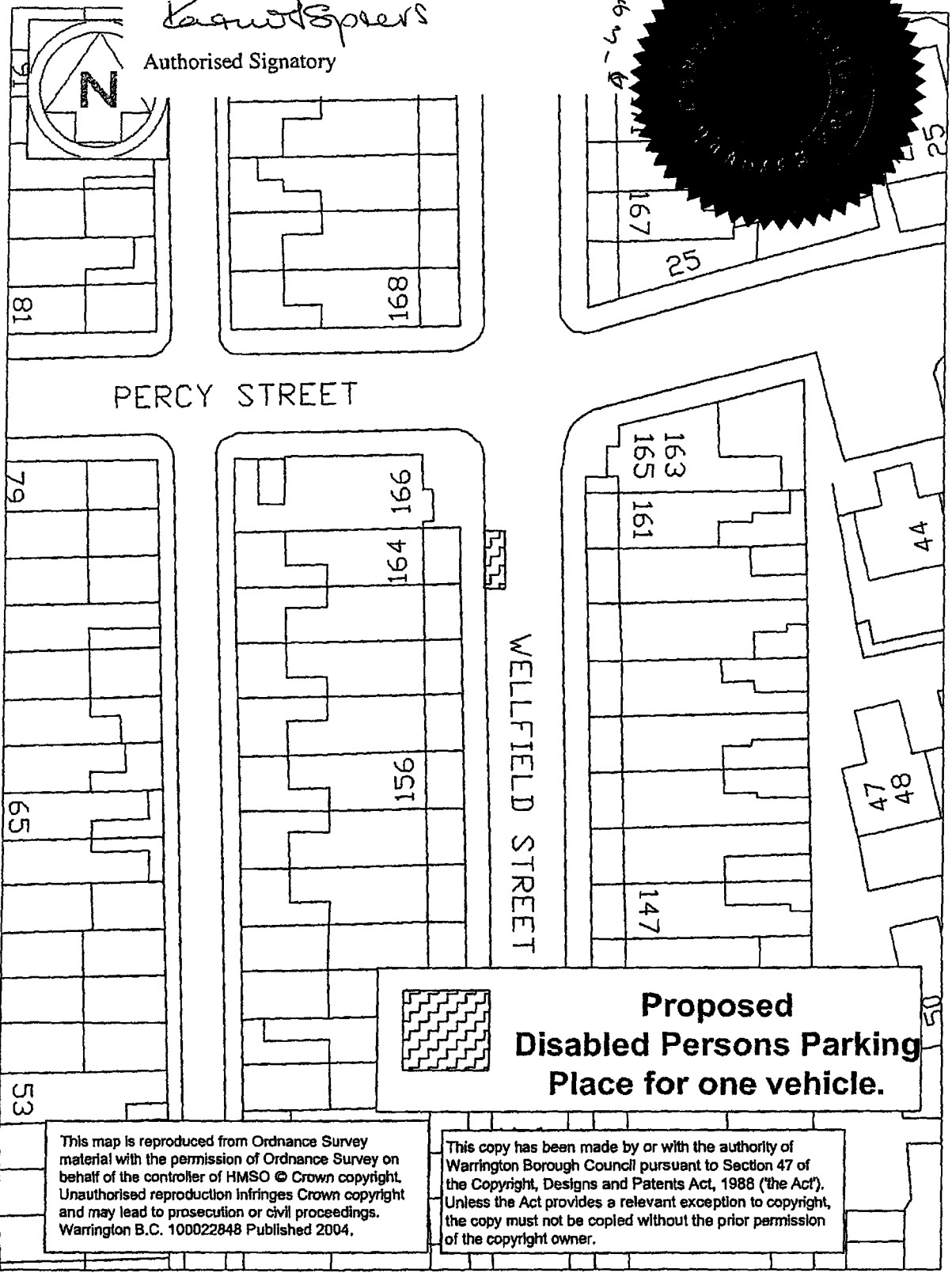
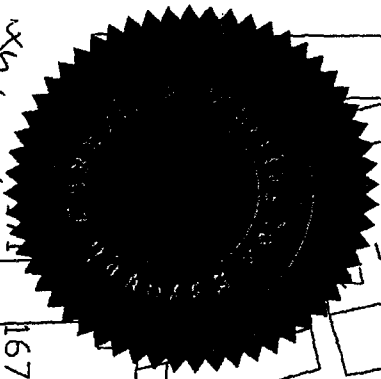
Authorised Signatory



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

K. Knott Speers
Authorised Signatory

25/6/07



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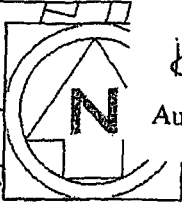
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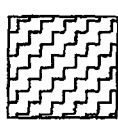
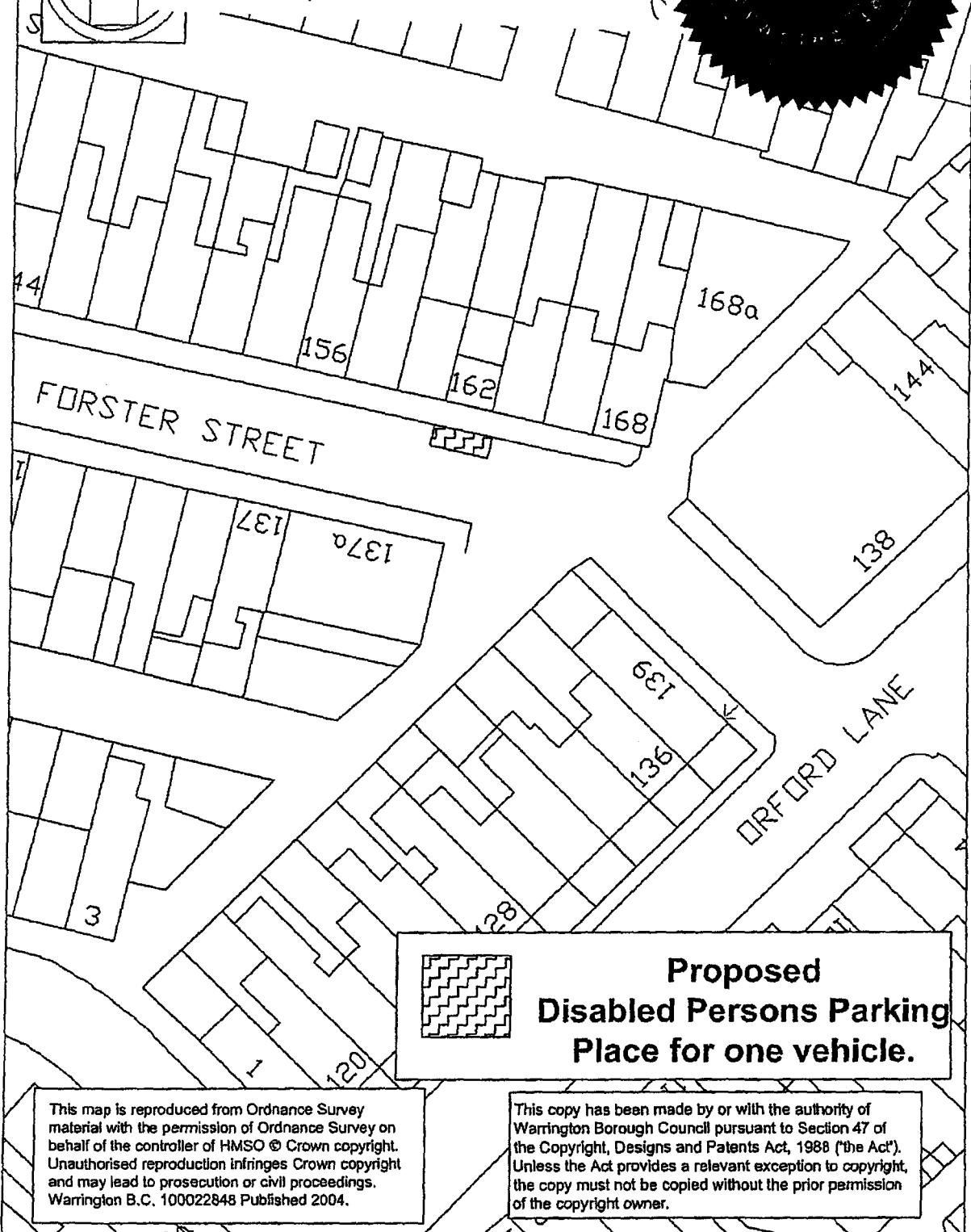
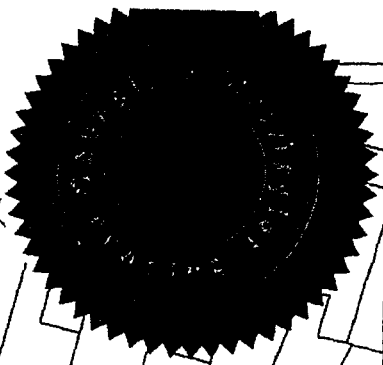


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Karwitspiers
Authorised Signatory

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**Proposed
Disabled Persons Parking
Place for one vehicle.**

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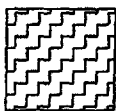
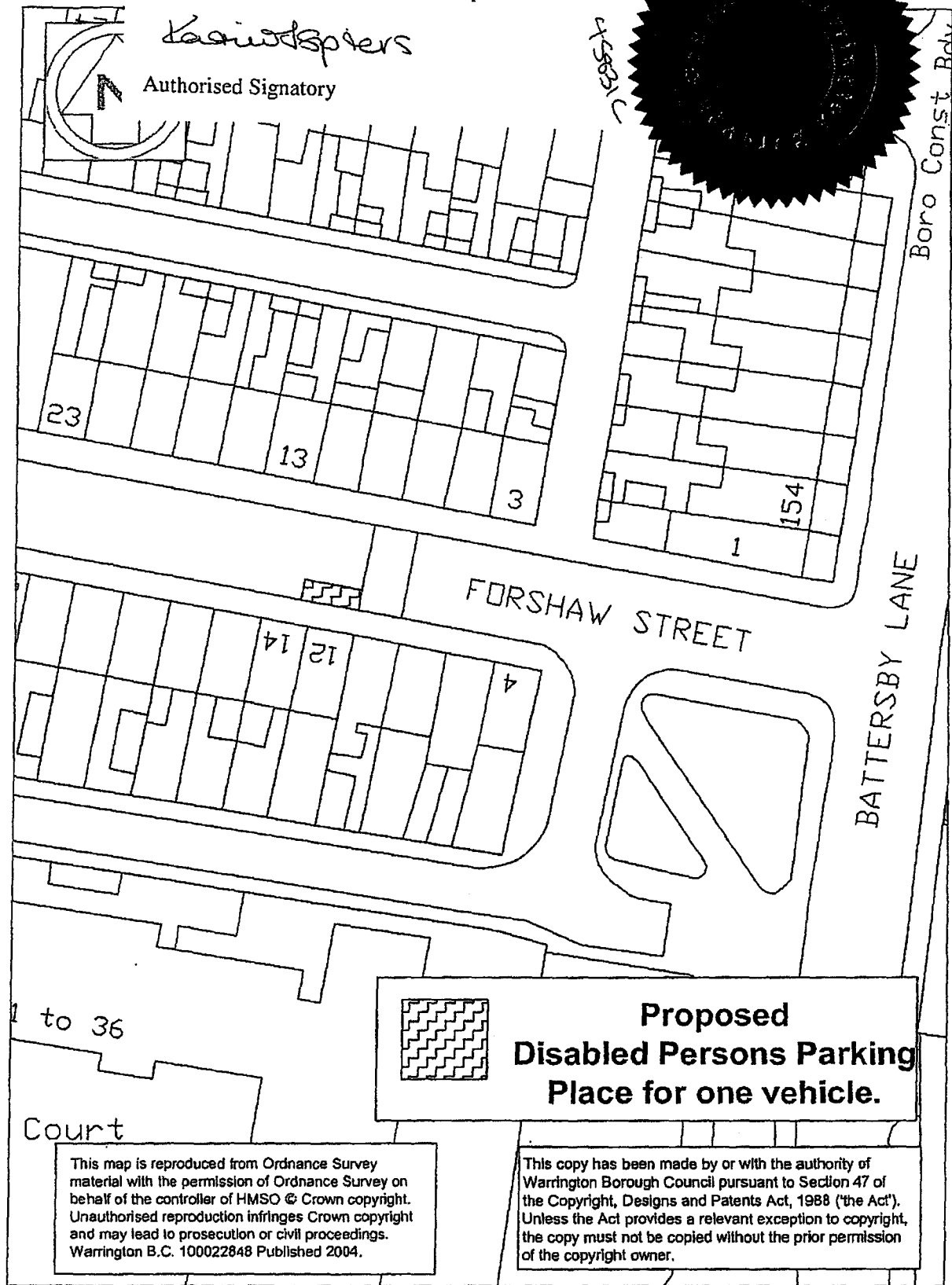
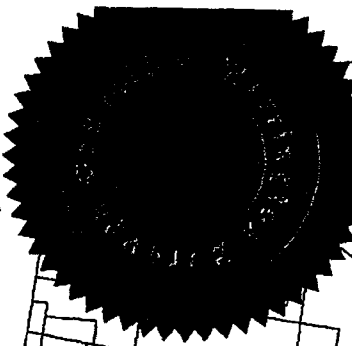
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Kainwitspiers

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Proposed Disabled Persons Parking Place for one vehicle.

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