

THE BOROUGH OF WARRINGTON (OFF-STREET PARKING PLACES)
(CIVIL ENFORCEMENT) (AMENDMENT NO. 2) CONSOLIDATION
ORDER 2015

The Warrington Borough Council (hereinafter called "the Council") in exercise of its powers under Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended ("the 1984 Act") and of all other enabling powers and after consultation with the Chief Constable of Cheshire Constabulary in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

1. This Order shall come into operation on the 8th day of June 2015 and may be cited as "The Borough of Warrington (Off-Street Parking Places) (Civil Enforcement) (Amendment No. 2) Consolidation Order 2015".
2. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in the Order referred to in the Schedule to this Order.
3. 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.
4. Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting the persons shall include either gender, bodies corporate, unincorporated associations and partnerships.
5. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked by this Order were Acts of Parliament thereby repealed.
6. The making of this Order by the council is done so under the duty imposed by Section 122(1) of The Road Traffic Regulation Act 1984 to secure the expeditious, convenient and safe movement of vehicular and other traffic and the provision of suitable and adequate parking facilities on and off the Highway, insofar as practicable having regard to the matters in Section 122(2) of the said Act.
7. The Order specified in the Schedule to this Order is hereby varied or amended as detailed in the said Schedule.
8. 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.

SCHEDULE

The Borough of Warrington (Off-Street Parking Places) (Civic Enforcement) Consolidation Order 2008, is hereby further varied or amended as follows:-

ADDITIONAL DEFINITION/ARTICLES

(a) By the addition to Article 2 of the following definitions: -

“Virtual Parking Permit” means a non-physical permit permitting the driver of the vehicle to which the virtual permit relates to park that vehicle in such parking places and for such periods as the virtual permit permits, as the same may be deemed to be issued by the Council, on such terms and conditions as it may notify from time to time, subject to the applicant for the virtual permit first paying such charges using such payment mechanisms as the Council may notify from time to time;

“Visitor Parking Bay” means a parking bay marked for Visitors only.

(b) Article 12 is deleted and replaced by the following: -

12. No person shall cause or permit a vehicle to wait in a Parking Bay marked for disabled persons at the locations specified in Schedules 1, 2, 3 and 4 to this Order, unless the vehicle displays a valid Disabled Person’s Badge in the relevant position and immediately before or immediately after the act of parking the vehicle has been or is about to be used by the person(s) in respect of whom the Disabled Person’s Badge has been issued.

(c) By the addition of Article 12a and the following entry thereunder: -

12a. If no Disabled person’s parking bays are available at the locations specified in Schedules 2, 3 and 4 to this Order, the driver of a vehicle may park in any parking place and will be exempt from any such charge to which that parking place relates as long as the vehicle displays a valid Disabled Person’s Badge in the relevant position.

(d) By the addition of a “Virtual Permits” section under Part 3 of the Order and the following entry thereunder: -

- i) Where a staff permit holder has been issued with a Parking Permit to be used at the locations specified in Schedules 3 and 6 to this Order, this option may be discharged by the obtaining of a Virtual Parking Permit, as an alternative method;
- ii) A Virtual Parking Permit will be issued to all Staff Permit Holders parking at the locations specified in Schedules 3 and 6 to this Order upon payment of the appropriate charges as detailed under “Staff Contract Information” in the said Schedules. The driver shall abide

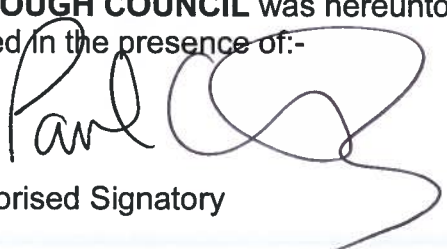
by the terms stipulated by the Council for the use of the Virtual Parking Permit;

- iii) A Virtual Parking Permit is only valid at the location in respect of which it was issued and up to the date of expiry. It must be registered on an account in an electronic database approved by the Council. Civil Enforcement Officers shall use such vehicle number plate recognition system as the Council may decide from time to time, linked to such database as the Council may use from time to time, for the purpose of establishing at any time whether a vehicle that has been left in a parking place is permitted, to the extent a Virtual Parking Permit has been issued;
- iv) If at any time while a vehicle is left in a parking place at a location specified in Schedules 3 and 6 to this Order, there is no indication that a Virtual Parking Permit has been issued it shall be presumed, unless the contrary is proved that the appropriate charge to obtain a Virtual Parking Permit in respect of that vehicle has not been duly paid;
- v) Where a Virtual Parking Permit has been issued to staff permit holders as an alternative method to a Parking Permit and remains valid, any requirement in this Order to the displaying of the Parking Permit on the vehicle to which it relates shall not apply;
- vi) (a) Where a Virtual Permit has been issued to staff permit holders parking at the location specified in Schedule 6 to this Order, no person shall cause or permit a vehicle to wait in a Visitor Parking Bay marked for Visitors Only;
- (b) Any visitors parking in a Visitor Parking Bay must be booked in by Support Services via the Councils internal recording database held by the Employee Services;
- vi) Any other provisions in this Order relating to the validity of a Parking Permit shall apply to a Virtual Parking Permit.

GIVEN under the Common Seal of the Council of the Borough of Warrington this 28th day of May 2015.

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

Authorised Signatory



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