

WEST BERKSHIRE DISTRICT COUNCIL (PROHIBITION AND RESTRICTION OF WAITING AND LOADING, PARKING PLACES AND RESIDENTS' PARKING) (CONSOLIDATION) ORDER 2009 (AMENDMENT NO 18) ORDER 2015

WEST BERKSHIRE DISTRICT COUNCIL in exercise of its powers under Sections 1(1), 2(1) to (3), 3(2) and 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 ("the 1984 Act") and all relevant powers under Part 6 of the Traffic Management Act 2004 and all enabling powers in accordance with the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1999 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 which amends and varies WEST BERKSHIRE DISTRICT COUNCIL (PROHIBITION AND RESTRICTION OF WAITING AND LOADING, PARKING PLACES AND RESIDENTS' PARKING) (CONSOLIDATION) ORDER 2009 ("the Principal Order")

Commencement and Citation

1. This amendment Order shall come into operation on the 17th day of April 2015 and may be cited as WEST BERKSHIRE DISTRICT COUNCIL (PROHIBITION AND RESTRICTION OF WAITING AND LOADING, PARKING PLACES AND RESIDENTS' PARKING) (CONSOLIDATION) Order 2009 (AMENDMENT NO 18) ORDER 2015

2. In this Amendment Order except where the context otherwise requires "the Principal Order" shall mean WEST BERKSHIRE DISTRICT COUNCIL (PROHIBITION AND RESTRICTION OF WAITING AND LOADING, PARKING PLACES AND RESIDENTS' PARKING) (CONSOLIDATION) ORDER 2009

3. Any reference in this Amendment Order to any enactment shall be construed as reference to that enactment as amended by any subsequent enactment

4. The Interpretation Act 1978 or any replacing Act shall apply for the interpretation of this Order as it applies for the interpretation of any Act of Parliament

5. The Principal Order is hereby amended with the inclusion of the following definitions:
Article 2 (definition to allow for Pay by Phone and any future payment schemes) between "Administration fee" and "authorised cab rank" insert the following:
"Approved Method of Payment" means payment by credit, debit, pre-paid or any other electronic card or payment by phone through a scheme organised through the Council
between "pay & display area" and "penalty charge" insert the following:
"pay by phone" means a method of payment of the parking charges as directed by notice at the parking place involving notification by phone of the relevant registration number of the vehicle, location of the parking place, credit or debit card details and any other details as the Council may from time to time require;

6. The Principal Order is hereby amended to add under Part VIII the additional clause:

"42. The Council may at its discretion decide that where no valid pay & display ticket can be obtained from a ticket machine within a pay & display or pay by phone area vehicles may be parked in the parking place but payment of the appropriate charge must be made using an alternative approved method of payment"

7. The Principal Order is hereby amended with the following additional wording:

"9. Save as provided within Article 9(c) (ii), (d) and (h) 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, or when the person in control of the vehicle is required by law to stop or is obliged to stop to avoid an accident or is prevented from proceeding by circumstances outside of their control, cause or permit a vehicle to wait in the lengths of the road identified on the plans as a bus stop area or authorised cab rank area during the hours specified on the plans"

"In Articles 10(2), 10(4) and 12(1) and 12(6) after the words "pay & display" in these Articles add the additional words "or pay by phone"

"In Article 12(3) add before the words "the driver of a vehicle" the words "save for payment by an alternative method where tickets are not issued"

"In Article 12(4) after the words "initial charge has not been paid" add the words "unless the Council has been notified by its appointed contractor that the charge has been paid by an alternative method of payment"

8. The Principal Order is hereby amended by the deletion of Article 6

9. West Berkshire District Council (Prohibition and Restriction of Waiting and Loading, Parking and Residents' Parking Places) (Consolidation) Order 2009 (Amendment No 14) Order 2013 will be amended to delete the following plans:

1. in Article 5 Plan A072 is replaced by Plan A071
2. in Article 6 Plan A071 is replaced by Plan A070
3. in Article 6 Plan BY39 is deleted

THE COMMON SEAL OF WEST BERKSHIRE

DISTRICT COUNCIL hereunto affixed this

13th day of April

is authenticated by:

2015

Authorised Signatory

