

WEST LANCASHIRE DISTRICT COUNCIL

The West Lancashire District Council (Off-Street Parking Places)
(Consolidation) Order 2008

The West Lancashire District Council (hereinafter referred to as “the Council”) in exercise of its powers under Sections 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the 1984 Act”) and Part IV of the Traffic Management Act 2004 (hereinafter referred to as “the 2004 Act”) and all Regulations and Orders made in exercise of the powers conferred by the 2004 Act and all other enabling powers with the consent of Lancashire County Council (hereinafter referred to as “the County Council”) in accordance with Section 39 of the 1984 Act, and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby make the following Order:-

PART I

General

Operation Date and Citation

1. (1) This Order shall come into operation on 31st March 2008 and may be cited as the West Lancashire District (Off-Street Parking Places) (Consolidation) Order 2008.

(2) The District Council of West Lancashire (Off-Street Parking Places) (Consolidation) Order 2004 and amendment thereto are hereby revoked.

Definitions and Interpretations

2. (1) In this Order except where the context otherwise requires, the following expressions have meanings hereby respectively assigned to them:-

“Council” means the Council of the District of West Lancashire;

“charging hours” means the period between 8.30am and 5.30pm on any day other than a Sunday, Christmas Day, Good Friday or a Bank Holiday unless stated as otherwise in the Schedule to this Order and means the hours during which a valid permit, disabled person’s badge or parking ticket should be displayed;

“civil enforcement officer” means a person authorised by or on behalf of the Council to supervise a parking place or places in accordance with Section 76 of the 2004 Act;

“disabled person’s badge” means a badge issued by a local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“disabled person’s vehicle” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“enactment” means any enactment, whether public, general or local, and includes any order, bylaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“goods vehicle” has the meaning given to it in Section 192 of the Road Traffic Act 1988;

“initial charge” has the meaning given to it in Section 46(1) of the 1984 Act;

“motor vehicle” has the same meaning as in Section 185(1) of the Road Traffic Act 1988 but includes but includes motorcycles with more than 2 wheels;

“motorcycle” has the same meaning as in Section 136(4) of the 1984 Act and Section 185(1) of the Road Traffic Act 1988;

“owner” in relation to a vehicle, means the person by whom such vehicle is kept and used and has the same meaning as in Section 111(3) of the 1984 Act and Section 101(8) of the 1984 Act;

“parking bay” means an area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;

“parking charge” means the cost of purchasing a parking ticket at the respective parking places as set out in Column 1 of the Schedule to this Order;

“parking place” means the area of land specified by name and more particularly described in Column 1 of the Schedule to this Order and shown on the plans annexed hereto provided by the Council under Section 32(1) of the 1984 Act for use as a parking place;

“parking ticket” means a device as defined in Section 35(3B) of the 1984 Act purchased from and issued by a pay and display machine;

“pay and display machine” means an apparatus of a type and design approved by the Secretary of State for Transport for the purposes of this Order as referred to in Section 35(3) of the 1984 Act being apparatus designed to receive payment of the parking charge;

“penalty charge” means a charge as stated in Article 31 of this Order as amended from time to time in compliance with the provisions of Section 77 and Schedule 9 of the 2004 Act;

“penalty charge notice” means a notice issued or served by a civil enforcement officer pursuant to the provisions of Regulation 8(1) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“permit” means a permit issued by the Council in accordance with the provisions of Article 8 of this Order;

“permit holder” means a person to whom a permit has been issued in accordance with the provisions of Article 8 of this Order;

“permitted hours” means in relation to a parking place, the period during which a charge is payable at that parking place;

“relevant position” means:-

- A. in connection with the display upon a vehicle of a parking ticket or parking permit:-
 - i. if the vehicle is fitted with a front windscreen the parking ticket or parking permit shall be exhibited with the obverse side facing forwards on the near side of the vehicle and immediately behind the windscreen either attached to it or upon the dashboard or fascia so that the same is readable from the outside of the vehicle; or
 - ii. in the case of a vehicle not fitted with a front windscreen or dashboard or fascia the parking ticket or parking permit shall be exhibited in a conspicuous position on the front or near side of the vehicle
- B. in connection with the display upon a vehicle of a disabled person’s badge or parking disc means the position defined in Section 4 of the Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

“trailer” has the same meaning as in Section 185(1) of the Road Traffic Act 1988.

(2) 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.

3. Any reference in this Order to a numbered Article is a reference to

the Article bearing that number in this Order and any reference in this Order to “the Schedule” is a reference to the Schedule to this Order.

PART II

Use of Parking Places

4. (1) Each parking place specified in the Schedule may be used, subject to the following provisions of this Order, in such a manner and on such days during such hours and subject to such changes as are specified in relation to it in the Schedule as a place to park all classes of motor vehicles except a goods vehicle, caravan, motor vehicle or trailer of an unladen weight exceeding 3500kg or any vehicle exceeding a height of 2.1 metres or a length of 5.0 metres.

(2) The Short Stay Car Park specified in the Schedule and named as Market Way Car Park is not available for car parking purposes on Thursday all day and Saturday all day or on other days determined by the Council from time to time so that it can be used in connection with the holding of markets.

(3) Where, within a parking place, there is a sign or surface markings which indicates that a parking bay is available only for:-

- (a) A disabled person's vehicle; or
- (b) A vehicle bearing a permit issued under Article 8

no person shall cause or permit a vehicle to wait in that parking bay unless it is a disabled person's vehicle or, a vehicle bearing such a permit, as the case may be.

(4) A vehicle left in a parking place shall be positioned within a parking bay.

5. (1) The Council may, by notice placed in or near a parking place, suspend the use of that parking place or any part thereof for any period and the driver of a vehicle shall not, without the consent of the Council, cause or permit that vehicle to wait in that parking place or any part thereof which is suspended, notwithstanding the provisions of Article 4 and the following paragraphs of this Article.

(2) The Council may, by notice placed in or near a parking place, designate that parking place or any part thereof for free use by vehicles waiting in connection with functions or purposes authorised by the Council and the driver of a vehicle shall not cause or permit that vehicle to wait in that parking place or part thereof so designated unless in connection with that function or purpose,

notwithstanding the provisions of Article 4 and the other paragraphs of this Article.

(3) Nothing in Article 4(4) relating to the position in which a vehicle may wait as specified in the Schedule shall apply to the following -

- i. vehicles in use for works of building, demolition, repair or maintenance to car parks or buildings adjacent to the car parks,
- ii. vehicles of the emergency services while in use for such purposes,
- iii. vehicles authorised by the Council for specified purposes.

(4) Nothing in Article 4(1) relating to the permitted class of vehicle as specified in the Schedule shall apply to the following –

- i. vehicles in use for works of building, demolition, repair or maintenance to car parks or buildings adjacent to car parks,
- ii. vehicles of the emergency services while in use for such purposes,
- iii. vehicles authorised by the Council for specified purposes.

(5) Nothing in Article 6 relating to the payment of charges shall apply to the following -

- i. vehicles of the emergency services while in use for such purposes,
- ii. vehicles authorised by the Council for specified purposes,
- iii. solo motorcycles when parked in areas marked as reserved for such vehicles,
- iv. vehicles in use for works of building, demolition, repair or maintenance to car parks or buildings adjacent to the car parks,
- v. motor vehicles displaying a disabled person's badge in the relevant position when waiting in a parking bay which is reserved for use by such vehicles as indicated by surface markings and/or by the display or signs.

(6) Where in a parking place signs are displayed and/or surface markings are laid for the purpose of indicating that a part of the parking place is reserved for use by a disabled person's vehicle which displays in the relevant position a disabled person's badge no

person shall cause or permit a vehicle to wait in that part of the parking place unless the vehicle is in use for the relevant purpose notwithstanding the provisions of Article 4(1) and the Schedule.

Amount and Payment of Charge

6. (1) The driver of a vehicle using a parking place at any time during which a charge is payable shall upon leaving the vehicle in the parking place pay the charge specified in the Schedule as appropriate by the insertion in a pay and display machine relating to that parking place of a coin or coins together making up the amount of the charge and, where more than one coin is required for payment of that charge, the coins shall be inserted in the parking meter or pay station one immediately after the other, provided that no such charge shall be payable by the driver of a vehicle left in that parking place which displays a permit issued in respect of that vehicle in accordance with the provisions of Articles 7 and 8.

(2) No person shall insert into a pay and display machine relating to the parking place in which a vehicle has been left any coin additional to the coin or coins inserted by way of payment of the initial charge in respect of that vehicle.

(3) No vehicle which has been taken away from a parking place during the permitted hours after an initial charge has been incurred shall again be left in that parking place during the permitted hours before the expiration of two hours from the time it was taken away.

(4) The ticket or permit referred to in paragraph (1) of this Article, shall be displayed in the relevant position on the vehicle in respect of which it was issued at all times during which the vehicle is left in the parking place. A vehicle shall not be left in a parking place if it displays an out-of-date or out-of-time parking ticket.

(5) Insofar as a motor vehicle is left in a parking place specified in the Schedule where a free parking period is available the driver thereof shall obtain a parking ticket and the parking charge for the free parking period shall for the purposes of the Order be deemed to have been paid.

[(6) the date of purchase expiry time and charge paid as stated on the parking ticket shall be conclusive evidence of those facts for the purposes of this Order and any legal proceedings taken thereunder.]

(7) Permits must be used only at the parking place in respect of which they were issued.

(8) Where a ticket or a permit has been displayed on a vehicle in accordance with Article 6(4) or Article 15, no person, not being the

driver of the vehicle, shall remove such ticket or permit from the vehicle unless authorised to do so by the driver of the vehicle.

Exemption from Parking Restrictions and/or Parking Charges

7. (1) The driver of a vehicle which is a disabled person's vehicle which displays in the relevant position a disabled person's badge as if it were a disabled person's badge shall be exempt from any parking charge under this Order;

(2) The driver of a vehicle which displays a valid current permit issued in accordance with Article 8 shall be exempt from any parking charge or any penalty charge in relation to the matters specified in Articles 6(1) and 29 only under this Order, in respect of the parking place specified in the Schedule to this Order.

Application for and Issue of Permits

8. (1) Any resident (which for the purposes of this Article, shall mean a person whose usual place of abode is at premises which do not have any off-street parking spaces and directly abut the parking place specified in the Schedule to this Order and named as The Stiles Car Park) who is the owner of a motor vehicle of a class which is by virtue of Article 4(1) permitted to use the parking places specified in this Order, may apply to the Council for the issue of a permit for the leaving of that vehicle in a parking bay in the Car Park named as The Stiles Car Park referred to in the Schedule and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied and shall be accompanied by a remittance for such charge specified in Article 12 as is appropriate in respect of the permit for which application is being made.

(2) The Council may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council such evidence in respect of an application for a permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any permit issued by them as they may reasonably require to verify that the permit is valid.

(3) On receipt of an application duly made under the foregoing provisions of this Article, and of the appropriate fee specified in Article 12 the Council, upon being satisfied that the applicant is a resident and is the owner of a vehicle of the class specified in paragraph (1) of this Article, shall issue to the applicant therefore:-

- (a) one permit for the leaving during the permitted hours in a parking bay in the parking places specified in the Schedule to this Order of the vehicle to which such permit relates by the owner of such vehicle or by any person

using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward. Provided that, subject to the provision of Article 10 of this Order, the Council shall not issue a permit to any person/resident which would be valid for any period during which any other permit issued to that person/resident is or would be valid;

(b) one protective cover for the display therein of a permit.

Surrender, Withdrawal and Validity of Permits

9. (1) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article.

(2) The Council may, by notice in writing served on the permit holder either by hand or by sending the same by the recorded delivery service to the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode, withdraw a permit if it appears to the Council that any one of the events set out in paragraphs 3(a), 3(b) or 3(d) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.

(3) The events referred to in the foregoing provisions of Article are:-

- (a) the permit holder ceasing to qualify for the permit (amongst other things, by virtue of no longer being a resident);
- (b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
- (c) the withdrawal of such permit by the Council under the provisions of paragraph (2) of this Article;
- (d) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class referred to in Article 8(1) of this Order;
- (e) the issue of a duplicate permit by the Council under the provisions of Article 10 of this Order;
- (f) the permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article.

(4) Without prejudice to the foregoing provisions of this Article, a permit shall cease to be valid at the expiration of the period specified thereon

(which period shall be that in respect of which payment has been made) or on the occurrence of any one of the events set out in paragraphs (3)(a), (3)(b), (3)(c), (3)(d), (3)(e), of this Article, whichever is the earlier.

(5) Where a permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such permit was issued either by hand or by sending the same by the recorded delivery service to the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode, require that person to surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.

Application for and Issue of Duplicate Permits

10. (1) If a permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall either surrender it to the Council or apply to the Council for the issue to him/her of a duplicate permit and the Council, upon the receipt of the permit, shall issue a duplicate permit so marked and upon such issue the permit shall become invalid.

(2) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue to him/her of a duplicate permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate permit so marked and upon such issue the permit shall become invalid.

(3) The provisions of this Order shall apply to a duplicate permit and an application therefore as if it were a permit or as the case may be an application therefore.

Form of Permits

11. A permit shall be in writing and shall include the following particulars:-

- (a) the registration mark of the vehicle in respect of which the permit has been issued;
- (b) the period during which, subject to the provisions of Article 9(4) of this Order, the permit shall remain valid;
- (c) an indication that the permit has been issued by the Council;

- (d) an indication that the charge appropriate to the period during which the permit shall remain valid has been paid to the Council in connection with the issue of the permit.

Amount of Charge for Permits

12. The charge in connection with the issue of a permit for the leaving of a vehicle in the parking places specified in the Schedule to this Order (and named as The Stiles Car Park) during the permitted hours shall, subject as hereinafter provided, be either –

- (a) £226.20 for any period during the permitted hours in any period of 6 calendar months running from the beginning of the month in which the permit first becomes valid;
- (b) £452.40 for any period during the permitted hours in any period of 12 calendar months running from the beginning of the calendar month in which the permit first becomes valid.

Payment of the Charge in Connection with the Issue of Permits

13. The charge in respect of the issue of a permit for the leaving of a vehicle in the parking places specified in the Schedule to this Order (and named as The Stiles Car Park) shall be payable in accordance with the provisions of Article 8(1).

Refund of Charge Paid in Connection with the Issue of a Permit

14. (1) A permit holder who surrenders a permit to the Council before the permit becomes valid shall be entitled to a refund of the charge paid in respect of the issue thereof.

(2) A permit holder who surrenders a permit to the Council after the permit has become valid shall be entitled to a refund of part of the charge paid in respect of the issue thereof calculated in accordance with the provisions of the following paragraph.

(3) The part of the charge which is refundable under the provisions of the foregoing paragraph shall be calculated as the sum equal to one twelfth of the figure specified at Article 12(b) of this Order for each complete calendar month of the period specified thereon as the period during which it shall be valid which remains unexpired at the time when the permit is surrendered to the Council.

Display of Permits

15. At all times during which a vehicle is left in the parking place specified in the Schedule and named as The Stiles Car Park during the permitted hours there shall be displayed in the protective cover referred

to in Article 8 on the front or near side of the vehicle a valid permit issued in respect of that vehicle so that all particulars referred to in Article 11 are readily visible from the front or near side of the vehicle.

PART III

Other Provisions

16. Where in a parking place signs are erected and/or surface markings are laid for the purpose of –

- (a) indicating the entrance to or exit from the parking place, or
- (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,

no person shall drive or cause or permit to be driven any vehicle
(i) so that it enters the parking place otherwise than by an entrance or leaves the parking place otherwise than by an exit, so indicated or (ii) in a direction other than that specified, as the case may be.

17. Where in a parking place signs are erected and/or surface markings are laid for the purpose of indicating that waiting is prohibited or that access to premises is to be kept clear no person shall cause or permit a vehicle to wait in that part of the parking place.

18. (1) If a vehicle is left in a parking place in a position other than in accordance with the foregoing provisions of this Order, a civil enforcement officer or other person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.

(2) If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from the parking place or arrange for such removal.

(3) For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a Police Officer in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.

(4) Any person altering, or causing the alteration of the position of a vehicle by virtue of paragraphs (1) or (3) of this Article, or removing or causing the removal of a vehicle by virtue of paragraphs (2) or (3) of this Article, may do so by towing or driving the vehicle or in such other

manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.

(5) Any person removing or arranging for the removal of a vehicle by virtue of paragraph (2) or (3) of this Article shall make such arrangements as considered to be reasonably necessary for the safety of the vehicle in the place to which it is removed.

(6) The Council may as respects a vehicle which has been removed from a parking place in pursuance of this Article, if it appears to it to have been abandoned, sell or otherwise dispose of the vehicle in accordance with the Removal and Disposal of Vehicles Regulations 1986 as amended from time to time.

19. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or depart from the parking place.

20. No person shall use the vehicle while it is in a parking place in connection with the sale of any article to persons in or near the parking place or in connection with selling or offering for hire of his/her skills or services, for any purpose in connection with trade or business or any form of advertisement.

21. No person shall use any part of the parking place or any vehicle left in a parking place –

- (a) for sleeping or camping purposes;
- (b) for eating or cooking purposes; or
- (c) for the purposes of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

22. No person shall use a parking place as a means of passage proceeding from one road to another road.

23. The driver of a motor vehicle using a parking place shall not sound any horn or other similar instrument except if necessary when about to change the position of the vehicle in or to depart from the parking place.

24. No person shall except as otherwise provided by this Order drive any vehicle in a parking place other than for the purpose of leaving the vehicle in a parking place or for the purpose of departing from the parking place, or for access to premises adjacent to the parking place by agreement with the Council.

25. No person shall in a parking place wantonly shout or otherwise make or cause to be made any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.

26. No person shall in a parking place use any threatening abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.

27. In a parking place no person shall –

- (a) erect or cause or permit to be erected any tent, booth, stand, building, or other structure without the written consent of the Council;
- (b) light or cause or permit to be lit any fire;
- (c) play or take part in any game.

28. The Council may suspend the application of all or any of the foregoing provisions to any parking place or part thereof and may consent to the use of that parking place or part thereof for the specified purposes.

PART IV

Penalty Charge at Parking Places

29. If a vehicle is left in a parking place in contravention of a non-compliance with any Article of this Order a Penalty Charge shall be payable by the owner (subject to the provisions of Regulation 5 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007) for each day of the said contravention or non-compliance.

30. In the case of a vehicle in respect of which a Penalty Charge has been incurred, it shall be the duty of a civil enforcement officer to attach to the vehicle in a conspicuous position, or give to the person appearing to him/her to be in charge of the vehicle a Penalty Charge Notice which shall include the following particulars –

- (a) the date on which the notice is served;
- (b) the name of the Council;
- (c) the registration mark of the vehicle, or where the vehicle is being used under a trade licence, the number of the trade licence carried by the vehicle;

- (d) the date and time at which the alleged contravention occurred;
- (e) the grounds on which he/she believes that a penalty charge is payable;
- (f) the amount of the penalty charge;
- (g) that the penalty charge must not be paid later than the last day of the period of 28 days beginning with the date on which the penalty charge notice was served;
- (h) that if the penalty charge is paid not later than the last day of the period of 14 days beginning with the date on which the notice is served, the penalty charge will be reduced by the amount of any applicable discount;
- (i) the manner in which the penalty charge must be paid;
- (j) that if the penalty charge is not paid before the end of the period of 28 days referred to in (g) above, a notice to owner may be served by the Council on the owner of the vehicle;
- (k) that a person on whom a notice to owner is served will be entitled to make representations to the Council against the penalty charge and may appeal to an adjudicator if those representations are rejected; and
- (l) that, if representations against the penalty charge are received at such address as may be specified for the purpose before a notice to owner is served –
 - (i) those representations will be considered;
 - (ii) but that, if a notice to owner is served notwithstanding those representations, representations against the penalty charge must be made in the form and manner and at the time specified in the notice to owner.

31. The Penalty Charge shall be –

- (a) in the sum as prescribed in Band 2 of Table 1 of the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007);
- (b) on the issue of a “charge certificate” in accordance with Regulation 21 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 the Penalty Charge shall be increased as prescribed in Band 2 (columns 6 and 7) of Table 1 of the Civil Enforcement of

Parking Contraventions (Guidelines on Levels of Charges)
(England) Order 2007.

32. (1) Payment of the Penalty Charge to the Council's contractor shall either be by cheque, postal order, credit card or debit card.

(2) Payments can be sent by post, by telephone or via the internet as appropriate so as to reach the relevant office of the Council's contractor as stated on the Penalty Charge Notice.

(3) Payment must be made by the date specified on the Penalty Charge Notice but should the said office of the Council's contractor be closed on the said date specified the period for receiving payment may be extended until the next full working day.

33. The particulars given in the Penalty Charge Notice attached to a vehicle in accordance with Paragraph 1 of the Schedule to the Civil Enforcement of parking Contraventions (England) General Regulations 2007 and Regulation 3(2) of the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

34. When a Penalty Charge Notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no other person other than a person authorised by the Council in that behalf or the owner or driver or a person authorised by the owner or driver in that behalf shall remove the Penalty Charge Notice from the vehicle in accordance with Regulation 11 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

35. (1) If at any time while a vehicle is left in a parking place specified in the Schedules no ticket is displayed on that vehicle in accordance with the provisions of Article 6(4) it shall be presumed, unless the contrary is proved, that the parking charge has not been paid.

(2) Any ticket issued by a pay and display machine shall be presumed, unless the contrary is proved, to have been issued on the day and time shown thereon.

PART V

Liabilities and Penalties

36. The Council accepts no liability for the loss or damage to vehicles or other property left in any vehicle of the Council's parking places to which this Order applies.

- (1) Any person who contravenes or fails to comply with any provision of this Order shall pursuant to Section 35A of the 1984 Act be guilty of an offence.
- (2) Any person who with intent to defraud interferes with a pay and display machine or operates or attempts to operate it by the insertion of objects other than current coins of the appropriate denomination shall be guilty of an offence.

Common seal of West Lancashire District Council this 27th day of March 2008

THE COMMON SEAL OF WEST
LANCASHIRE DISTRICT
COUNCIL was hereunto affixed in
the presence of:-

Authorised Officer

THE WEST LANCASHIRE DISTRICT COUNCIL
(OFF-STREET PARKING PLACES) (CONSOLIDATION)
(AMENDMENT) (No. 1) ORDER 2008

The West Lancashire District Council (hereinafter referred to as “the Council”) in exercise of its powers under Sections 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the 1984 Act”) and Part IV of the Traffic Management Act 2004 (hereinafter referred to as “the 2004 Act”) and all Regulations and Orders made in exercise of the powers conferred by the 2004 Act and all other enabling powers with the consent of Lancashire County Council (hereinafter referred to as “the County Council”) in accordance with Section 39 of the 1984 Act, and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby make the following Order:-

1. The West Lancashire District Council (Off-Street Parking Places) (Consolidation) Order 2008 is hereby varied as follows:
 - (a) In Article 4 (2) by the removal of the following:

“The Short Stay Car Park specified in the Schedule and named as Market Way Car Park is not available for car parking purposes on Thursday all day and Saturday all day or on other days determined by the Council from time to time so that it can be used in connection with the holding of markets.”
 - (b) In the Schedule to this Order by the insertion of the following:
 - (i) The extension of the days or operation of at the Short Stay Car Park specified in the Schedule and named as Market Way Car Park to include Thursday all day and Saturday all day.
 - (ii) The inclusion of the access road known as “Abbotsford”, being the entrance from Wigan Road and Derby Street to the Long Stay Car Park specified in the Schedule and named as Derby Street Car Park, within the boundaries of the plan, and thus constituting part of, Derby Street Car Park;
 - (iii) The inclusion of the area formally known as “1-4 Abbotsford” within the boundaries of the plan, and thus constituting part of, the Long Stay Car Park specified in the Schedule and named as Derby Street Car Park;
 - (iv) The inclusion of the access road known as “Abbotsford” and the area formally known as “1-4 Abbotsford” within the days of operation of charges at the Long Stay Car Park specified in the Schedule and named as Derby Street Car Park.

2. The Order shall come into operation on 4th September 2008 and may be cited as The West Lancashire District Council (Off-Street parking Places) (Consolidation) (Amendment) (No. 1) order 2008.

Given under the Common Seal of the District Council of West Lancashire this 4th day of September 2008.

THE COMMON SEAL of)
THE WEST LANCASHIRE)
DISTRICT COUNCIL was)
hereunto affixed in the)
presence of:)

Authorised Officer

The West Lancashire District Council (Off-Street Parking Places) (Consolidation) Order 2008

SCHEDULE

SITUATION OF PARKING PLACE	CLASSES OF VEHICLE	DAYS OF OPERATION OF PARKING PLACE	HOURS DURING WHICH CHARGES ARE APPLICABLE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
Two Saints Car Park rear of Tesco Store and Church Street, Ormskirk	As specified in Article 4	Monday to Saturday inclusive	8.30 a.m. to 5.30 p.m.	2 hours in any period of 4 hours	For up to 1 hour or part thereof - no charge For up to 2 hours or part thereof – £1.00
Park Pool Car Park Park Road, Ormskirk	As specified in Article 4	Monday to Saturday inclusive	8.30 a.m. to 5.30 p.m.	4 hours in any period of 6 hours	For up to 1 hour or part thereof - 60p For up to 2 hours or part thereof – £1.00 For up to 3 hours or part thereof – £1.50 For up to 4 hours or part thereof - £1.80
Bus Station Car Park Moor Street, Ormskirk	As specified in Article 4	Monday to Saturday inclusive	8.30 a.m. to 5.30 p.m.	2 hours in any period of 4 hours	For up to 1 hour or part thereof – 60p For up to 2 hours or part thereof – £1.00
Hutton Way Car Park Hutton Way, Ormskirk	As specified in Article 4	Monday to Saturday inclusive	8.30 a.m. to 5.30 p.m.	9 hours	For up to 1 hour or part thereof – 60p

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Hutton Way Car Park Hutton Way, Ormskirk (continued)					<p>For up to 2 hours or part thereof – £1.00</p> <p>For up to 3 hours or part thereof – £1.50</p> <p>For up to 4 hours or part thereof - £1.80</p> <p>For up to 9 hours or part thereof - £2.90</p>
Market Way Car Park Off Moorgate, Ormskirk	As specified in Article 4	Monday to Saturday inclusive	8.30 a.m. to 5.30 p.m.	2 hours in any period of 4 hours	<p>For up to 1 hour or part thereof – 60p</p> <p>For up to 2 hours or part thereof – £1.00</p>
Lunesdale Car Park Moorgate, Ormskirk	As specified in Article 4	Monday to Saturday inclusive	8.30 a.m. to 5.30 p.m.	2 hours in any period of 4 hours	<p>For up to 1 hour or part thereof – 60p</p> <p>For up to 2 hours or part thereof – £1.00</p>
Wheatsheaf Car Park Leyland Way, Ormskirk	As specified in Article 4	Monday to Saturday inclusive	8.30 a.m. to 5.30 p.m.	2 hours in any period of 4 hours	<p>For up to 1 hour or part thereof – 60p</p> <p>For up to 2 hours or part thereof – £1.00</p>
The Stiles Car Park Ormskirk	As specified in Article 4	Monday to Saturday inclusive	8.30 a.m. to 5.30 p.m.	9 hours	For up to 1 hour or part thereof – 60p

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					<p>For up to 2 hours or part thereof – £1.00</p> <p>For up to 3 hours or part thereof – £1.50</p> <p>For up to 4 hours or part thereof - £1.80</p> <p>For up to 9 hours or part thereof - £2.90</p>
Hants Lane Car Park Hants Lane, Ormskirk	As specified in Article 4	Monday to Saturday inclusive	8.30 a.m. to 5.30 p.m.	9 hours	<p>For up to 1 hour or part thereof – 35p</p> <p>For up to 2 hours or part thereof – 50p</p> <p>For up to 3 hours of part thereof – 80p</p> <p>For up to 4 hours or part thereof – £1.00</p> <p>For up to 9 hours or part thereof - £1.50</p>

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Derby Street Car Park Derby Street, Ormskirk	As specified in Article 4	Monday to Friday inclusive	8.30 a.m. to 5.30 p.m.	9 hours	<p>For up to 30 minutes – no charge</p> <p>For more than 30 minutes - £10.00</p> <p>Permit Holders displaying a valid permit – no charge</p>
Derby Street Car Park Derby Street, Ormskirk Derby Street Car Park Derby Street, Ormskirk (continued)	As specified in Article 4	Saturday	8.30 a.m. to 5.30 p.m.	9 hours	<p>For up to 1 hour or part thereof – 35p</p> <p>For up to 2 hours or part thereof – 50p</p> <p>For up to 3 hours or part thereof – 80p</p> <p>For up to 4 hours or part thereof – £1.00</p> <p>For up to 9 hours or part thereof - £1.50</p> <p>Blue Badge Holders and Permit Holders displaying a valid permit – no charge</p>

