

THE MID SUSSEX DISTRICT COUNCIL
(OFF-STREET PARKING PLACES) ORDER 2006
(MINOR TMA NO. 1) ORDER 2008.

The Council of The District of Mid Sussex (hereinafter referred to as "the Council") in exercise of their powers under Sections 32, 35 and Part VI of Schedule 9 of the Road Traffic Regulation Act, 1984, as amended ("the Act") and of all other enabling powers, with the consent of West Sussex County Council and after consultation with the Chief of Police in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

1. This Order shall come into operation on the **29th** day of **September 2008** and may be cited as "The Mid Sussex District Council (Off-Street Parking Places) Order 2006 (Minor TMA No.1) Order 2008".
2. The "The Mid Sussex District Council (Off-Street Parking Places) Order 2006" ("the 2006 Order") is hereby amended by the substitution of the Articles in Schedule 1 and addition of the Articles in Schedule 2.

SCHEDULE 1
Articles to be substituted

1. Any reference in the 2006 Order to the Road Traffic Regulation Act 1991 as amended or to "the 1991 Act" shall now be a reference to the Traffic Management Act 2004.

2. **Interpretation**

"parking attendant" means a civil enforcement officer authorised by or on behalf of the Council to supervise the parking places and enforce the restrictions imposed by this Order;

"penalty charge" has the same meaning assigned to it by the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and shall be for the amount advertised by the Council and at the higher or lower rate as specified in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) General Regulations 2007;

"owner" means the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;

"Council" means the Mid Sussex District Council and includes any parking services contractors or authorised agent appointed by or acting on behalf of the Mid Sussex District Council;

"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.

3. **Article 6(3)**

If at any time whilst a vehicle is left in a parking place no ticket is displayed in that vehicle in accordance with Articles 4(5) and 5(3) it shall unless the contrary be proved be presumed that the charge specified in Article 4 has not been paid.

4. Article 7(2)

If a vehicle which is not displaying a disabled person's badge is left in a parking place during the charging hours for longer than the initial period for which payment was made then a penalty charge shall be payable.

5. Article 7(3)

If a vehicle which is not displaying a disabled person's badge is left in a parking place during the charging hours where no initial payment has been made in accordance with Article 4(3) or Article 5(2) then a penalty charge shall be payable.

6. Article 7(4)

If a vehicle which is not displaying a disabled person's badge is left in a parking place during the charging hours without displaying a valid ticket or period ticket in accordance with Article 6(1) then a penalty charge shall be payable.

7. Article 7(5)

If a vehicle is left in a parking place but not within one of the parking bays therein defined then a penalty charge shall be payable.

8. Article 7(6)

Tickets or period tickets are only valid for one vehicle (the vehicle of issue) and shall not be valid if displayed on any vehicle other than that on which they are first displayed. Use of a ticket issued for one vehicle on another vehicle will result in a penalty charge being payable on each of the vehicles involved.

9. Article 7(8)

The penalty charge shall be for the amount advertised by the Council and at the higher or lower rate as specified in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) General Regulations 2007.

10. Article 30

- (1) If a vehicle is left in a parking place without conspicuously exhibiting a parking disc during the operating hours, or the driver allows a vehicle to wait in a parking place for longer than the time permitted, during the operating hours, then a penalty charge shall be payable.
- (2) A penalty charge shall be payable if during the operating hours the time set on the parking disc in a vehicle, and exhibited at the time of arrival, is altered to allow the vehicle to remain in the parking place longer than the permitted time.

Articles to be added

1. Interpretation

"civil enforcement area" has the same meaning assigned to it by the Traffic Management Act 2004;

"civil enforcement officer" has the same meaning assigned to it by Part 6 of the Traffic Management Act 2004;

"parking contravention" has the same meaning assigned to it by the Traffic Management Act 2004;

2. Article 6(4)

Upon the expiry of a ticket issued on payment of the charge referred to in Article 4(2) the vehicle shall leave the parking place and shall not return to the parking place during the permitted hours within the no return period shown in that parking place.

3. Article 6(5)

Where a vehicle has been left in a parking place displaying the necessary ticket issued on payment of the charge referred to in Article 4(2) during the permitted hours neither the driver or any other person shall remove, add to or substitute such ticket with any other parking ticket.

4. Article 7(9)

If a vehicle returns to a parking place within the no return period as set out in Article 4(6) then a penalty charge shall be payable.

5. Article 7(10)

If a driver or any other person shall remove, add to or substitute a ticket with any other parking ticket as set out in Article 4(7) then a penalty charge shall be payable.

The COMMON SEAL of MID SUSSEX DISTRICT COUNCIL was hereunto affixed the 26th day of August 2008 in the presence of


 Authorised Signatory



