

**THE WIGAN BOROUGH (DECriminalISATION OF PARKING)  
(WIGAN ROADS) (TRAFFIC REGULATION CONSOLIDATION) (AMENDMENT) ORDER 2004**

The Wigan Borough Council (“the Council”) in exercise of its powers under Sections 1, 2, 4, 32, 35, 45, 46, 47 and 49 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (“the 1984 Act”) and the Road Traffic Act 1991 (“the 1991 Act”) and of all other powers enabling it in that behalf hereby makes the following Order:-

1. This Order may be cited as "The Wigan Borough (Decriminalisation of Parking)(Wigan Roads) (Traffic Regulation Consolidation) (Amendment) Order 2004 and shall come into operation on 1<sup>st</sup> July 2004.
2. In this Order:-  
  
“the Consolidation Order” means The Wigan Borough (Decriminalisation of Parking)(Wigan Roads)(Traffic Regulation Consolidation) Order 2004.
3. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
4. The following shall be inserted in Article 3 of the Consolidation Order –  
  
““penalty charge” and “reduced penalty charge” means a charge set by the Council under the provisions of section 66 of the 1991 Act which is to be paid to the Council within 28 days beginning with the date of the penalty charge notice, or 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice;  
  
“penalty charge notice” means a notice issued or served by a parking attendant pursuant to the provisions of section 66 of the 1991 Act containing the particulars therein required;”
5. Articles 18(2), 20, 21 and 22 of the Consolidation Order are hereby revoked.
6. For Article 23 of the Consolidation Order there shall be substituted -  
  
“23     Manner of Payment of Penalty Charge and Reduced Penalty Charge  
  
      (1)     A Penalty Charge can be discharged by the driver of a vehicle in respect of which a Penalty Charge has been incurred paying a Reduced Penalty Charge to the Council in the amount and manner prescribed on the Penalty Charge Notice (or the rear thereof) so as to reach the Council within the period ending at 4.00 p.m. on the 14<sup>th</sup> day following the day on which the Penalty Charge was incurred.  
  
      (2)     If the Penalty Charge is not discharged in accordance with Article 23(1) above then the Penalty Charge shall be discharged by the driver of a vehicle in respect of which a Penalty Charge has been incurred paying the full amount of the Penalty Charge in the amount and manner prescribed on the Penalty Charge Notice (or the rear thereof) so as to reach the Council within the period ending at 4.00 p.m. on the 28<sup>th</sup> day following the day on which the Penalty Charge was incurred.”

In the event that either of the said 14<sup>th</sup> or 28<sup>th</sup> day falls upon a day on which the offices of the said Legal and Property Services Department are closed, the period within which payment of the Penalty Charge or Reduced Penalty Charge shall be made, shall be extended until 4.00 p.m. on the next full day on which the said offices are open.”

7. After Article 93 of the Consolidation Order there shall be inserted the following Article –

“94 Penalty Charges

- (1) If a vehicle is left in a parking place during the permitted hours or in any road or length of road in contravention of any provision of this Order, a penalty charge shall be payable and/or the vehicle may be removed from that location.
- (2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by section 66(3) of the Road Traffic Act 1991 may then be issued by a parking attendant in uniform in accordance with section 66(1) of the said Act.
- (3) If a vehicle is left after a penalty charge has been incurred, a parking attendant in uniform or a person acting under his direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of section 69(1) and (2) 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 a reduced penalty charge, along with such release fee as may be required by the Council.
- (4) Where a parking attendant has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article:-
  - (a) he shall provide for the safe custody of the vehicle;
  - (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
  - (c) the provisions of the Road Traffic Regulation Act 1984 as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.

Nothing in paragraphs (3) and (4) of this Article shall apply in respect of a vehicle displaying in the relevant position a valid disabled person's badge issued by any local authority.”

9. The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any Regulations made or having effect as if made under the 1984 Act or the 1991 Act or by or under any other enactment.

Dated this 10<sup>th</sup> day of June 2004.

THE COMMON SEAL of )  
THE WIGAN BOROUGH COUNCIL )  
was hereunto affixed )  
in the presence of: )

Director of Legal and Property Services and Solicitor to the Council