

**THE WIGAN BOROUGH (DECriminalISATION OF PARKING) (WIGAN ROADS)  
(TRAFFIC REGULATION CONSOLIDATION) (AMENDMENT NO.2) 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 No.2) Order 2004 and shall come into operation on 1<sup>st</sup> September 2004.

2. In this Order:-

“the Wigan Roads Order” means The Wigan Borough (Decriminalisation of Parking)(Wigan Roads)(Traffic Regulation Consolidation) Order 2004.

“the Wigan Roads No.2 Order” means The Wigan Borough (Decriminalisation of Parking)(Wigan Roads No.2)(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 words shall be deleted from Article 3 of the Wigan Roads Order:

““excess charge” means the sum defined in Article 20(2);”

5. The following words shall be deleted from Article 3 of the Wigan Roads Order and the Wigan Roads No.2 Order:

“initial charge” means the sum defined in column 6 of the 6<sup>th</sup> Schedule in respect of any particular parking place;

“initial period” means the length of time for which an initial charge has been paid PROVIDED THAT if a greater value of coins are inserted into the ticket machine than the maximum initial charge could be for a parking place then the initial period shall be the maximum stay for the parking place stated in the 6<sup>th</sup> column of the 6<sup>th</sup> Schedule;

6. The following shall be inserted in Article 3 of the Wigan Roads Order and the Wigan Roads No.2 Order –

“relevant charge” means the sum defined in column 6 of the 6<sup>th</sup> Schedule in respect of any particular parking place;

“relevant period” means the length of time for which a relevant charge has been paid PROVIDED THAT if a greater value of coins are inserted into the ticket machine than the maximum relevant charge could be for a parking place then the relevant period shall be the maximum stay for the parking place stated in the 6<sup>th</sup> column of the 6<sup>th</sup> Schedule;

7. The following words in Article 3 of the Wigan Roads Order and the Wigan Roads No.2 Order:

““parking ticket” means a ticket dispensed by a ticket machine on the payment of the initial charge;”

shall be substituted with:

““parking ticket” means a ticket dispensed by a ticket machine on the payment of the relevant charge;”

8. For Articles 18 and 19 of the Wigan Roads Order and the Wigan Roads No.2 Order there shall be substituted -

“18. Amount of Relevant charge at Parking Places

The relevant charge for a vehicle in a parking place during the charging hours shall, subject as hereinafter provided, be as set out in column 6 of the 6<sup>th</sup> Schedule to this Order against the side and length of road specified in that Schedule;

19. Payment of the Relevant Charge in Parking Places Where Ticket Machines are Installed

- (1) The relevant charge payable in a parking place where a ticket machine is installed shall be payable on the leaving of a vehicle by the insertion into the ticket machine of coins of the denomination marked on the ticket machine and/or on a tariff board adjacent to the ticket machine to the value of the relevant charge.

- (2) Any parking ticket shall be displayed in the relevant position on the vehicle for which it was issued and said ticket shall be so displayed on the vehicle so that the time shown on the front of the said ticket is clearly visible from the front of the vehicle.
- (3) Payment of the relevant charge specified in Article 18 shall be indicated by the issue by a ticket machine relating to that parking place of a parking ticket indicating the payment of that relevant charge has been paid and by the display of that parking ticket on the vehicle in accordance with the provisions of Article 19(2).
- (4) The day and time shown on any parking ticket issued in the parking places as being the day and time in respect of which the relevant charge has been paid shall be presumed unless the contrary is proved to be the day and time in respect of which such relevant charge was paid.
- (5) If at any time while a vehicle is left in a parking place no parking ticket indicating that the relevant charge has been paid in respect of the day on which the vehicle is so left, is displayed on that vehicle in accordance with the provisions of Article 19 (2) it shall be presumed unless the contrary is proved that the relevant charge has not been paid.”

9. For Articles 25, 26 and 27 of the Wigan Roads Order there shall be substituted -

“25. Vehicles to Leave Parking Place after Expiry of Relevant Charge

No person shall display on a vehicle left in a parking place a parking ticket for a relevant period other than one commencing when the vehicle was first left in that parking place unless the vehicle has first been taken away from that parking place in accordance with Article 26 below.

26. Interval Before Vehicle Again to be Left

No vehicle which has been taken away from a parking place, after the relevant charge has been incurred, shall until the expiration of one hour from the time it was taken away again be left in that parking place during the charging hours.

27. Manner of Standing in Parking Places

Every vehicle left in a parking place in respect of which the relevant charge has been incurred shall so stand:

- (a) if the parking place is not in a one-way street, that the left or near side of the vehicle is adjacent and parallel to the left-hand edge of the carriageway;
- (b) if the parking place is in a one-way street, that the left or near side of the vehicle is adjacent and parallel to the left-hand edge of the carriageway or that the right or off-side of the vehicle is adjacent and parallel to the right-hand edge of the carriageway; and
- (c) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 0.30 metre.

and in any case so that the vehicle is wholly within any parking place.”

10. For Articles 21, 22 and 23 of the Wigan Roads No.2 Order there shall be substituted -

“21. Vehicles to Leave Parking Place after Expiry of Relevant Charge

No person shall display on a vehicle left in a parking place a parking ticket for a relevant period other than one commencing when the vehicle was first left in that parking place unless the vehicle has first been taken away from that parking place in accordance with Article 22 below.

22. Interval Before Vehicle Again to be Left

No vehicle which has been taken away from a parking place, after the relevant charge has been incurred, shall until the expiration of one hour from the time it was taken away again be left in that parking place during the charging hours.

23. Manner of Standing in Parking Places

Every vehicle left in a parking place in respect of which the relevant charge has been incurred shall so stand:

- (a) if the parking place is not in a one-way street, that the left or near side of the vehicle is adjacent and parallel to the left-hand edge of the carriageway;
- (b) if the parking place is in a one-way street, that the left or near side of the vehicle is adjacent and parallel to the left-hand edge of the

carriageway or that the right or off-side of the vehicle is adjacent and parallel to the right-hand edge of the carriageway; and

- (c) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 0.30 metre.

and in any case so that the vehicle is wholly within any parking place.”

- 12. Where the word “initial” occurs in Articles 32(2) and 34(1) of the Wigan Roads Order and Articles 28(2) and 30(1) of the Wigan Roads No.2 Order there shall be substituted the word “relevant”.
- 13. Where the words “an initial” occur in column 6 of schedule 6 to the Wigan Roads Order or in column 6 of schedule 6 to the Wigan Roads No.2 Order they shall be substituted by the words “a relevant”.
- 14. The words “after which time the excess charge shall apply” shall be deleted whenever they occur in column 6 of schedule 6 to the Wigan Roads Order or in column 6 of schedule 6 to the Wigan Roads No.2 Order.
- 13. 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 12<sup>th</sup> day of August 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