

**THE WIGAN BOROUGH (DECriminalISATION OF PARKING)
(OFF STREET PARKING PLACES) (AMENDMENT) ORDER 2004**

The Wigan Borough Council ("the Council") in exercise of its powers under Sections 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and under 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)(Off Street Parking Places) (Amendment) Order 2004 and shall come into operation on 1st July 2004.
2. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. The following shall be inserted in Article 2(1) of each of the orders listed in schedules 1 and 2 of this order and in Article 2(2) of the order listed in schedule 3 of this 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;"

4. The Articles listed in column 1 of the orders listed in column 2 of each of the schedules of this order are hereby revoked.
5. The words "and if a vehicle is so left in the parking place an additional amount of twenty pounds (hereinafter referred to as the "excess charge") shall be paid in accordance with the notice under paragraph (2) of this Article, and the excess charge shall be in addition to any penalty which may be imposed in respect of the contravention of this paragraph." in Article 7(1) of each of the orders listed in schedule 1 of this order are hereby revoked.
6. After the last numbered Article in each of the orders listed in each of the schedules to this order there shall be inserted the following Article –

"Penalty Charges

- (1) If a vehicle is left in a parking place in contravention of or in non-compliance with this Order a penalty charge shall be payable for each day of the said contravention or non-compliance 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."

- (5) 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 14th day following the day on which the Penalty Charge was incurred.
- (6) 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 28th day following the day on which the Penalty Charge was incurred."

In the event that either of the said 14th or 28th days referred to in paragraphs (5) and (6) of this Article 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. 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 10th 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

SCHEDULE 1

Column 1	Column 2
6, 7(2), 7(3) & 20	Wigan Borough (Off Street Parking Places) (Mona Street East Side Car Park, Wigan) Order 1992
6, 7(2), 7(3) & 19	Wigan Borough (Off Street Parking Places) (Mona Street West Side Car Park, Wigan) Order 1993
6, 7(2), 7(3) & 19	Wigan Borough (Off Street Parking Places) (Mona Street West Side Car Park No. 2, Wigan) Order 1996
6, 7(2), 7(3) & 20	Wigan Borough (Off Street Parking Places) (Church Street, District Office/Library and Lord Street Car Parks, Leigh) Order 1992
6, 7(2), 7(3) & 18	Wigan Borough (Off Street Parking Places) (Chapel Lane, Harrogate Street and Rodney Street Car Parks, Wigan) Order 1994
6, 7(2), 7(3) & 20	Wigan Borough (Off Street Parking Places) (Spinning Gate Car Park, Leigh) Order 1989
6, 7(2), 7(3) & 20	Wigan Borough (Off Street Parking Places) (Doctor's Nook Car Park, Leigh) Order 1991
6, 7(2), 7(3), 20 & 21	Wigan Borough (Off Street Parking Places) (Civic Centre, 50 Millgate, Station Road East and West Sides, Car Parks, Wigan) Order 1995

6, 7(2), 7(3), 19 & 20	Wigan Borough (Off Street Parking Places) (Pennington Flash Country Park, Car Park) Order 1992
6, 7(2), 7(3), 19 & 20	Wigan Borough (Off Street Parking Places) (Haigh Country Park, Car Park) Order 1993
6, 7(2), 7(3), 19 & 20	Wigan Borough (Off Street Parking Places) (Pennington Flash Country Park, Car Park) (Extension) Order 1995

SCHEDULE 2

Column 1	Column 2
20 & 21	Wigan Borough (Off Street Parking Places) (The Galleries Car Park, Wigan) Order 1991
21 & 22	Wigan Borough (Off Street Parking Places) (Station Road/Watkin Street Car Park, Wigan) Order 1984
20 & 21	Wigan Borough (Off Street Parking Places) (Riverway/Water Street Car Park, Wigan) Order 1991
20 & 21	Wigan Borough (Off Street Parking Places) (Mesnes Terrace and Millgate Multi-Storey Car Parks, Wigan) Order 1995

SCHEDULE 3

Column 1	Column 2
17 & 18	The Wigan Borough (Market Street and New Market Street, Wigan) (Off Street Parking Places) Order 1998