

**WIGAN BOROUGH COUNCIL**

**THE WIGAN BOROUGH (DECriminalISATION OF PARKING)  
(AMENDMENTS TO THE OFF STREET PARKING PLACES ORDERS - TRAFFIC  
MANAGEMENT ACT) ORDER 2008**

The Wigan Borough Council ("the Council") in exercise of its powers under Sections 32, 33 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and under the Traffic Management Act 2004 ("the 2004 Act") and of all other powers enabling it in that behalf makes the following Order:-

1. This Order may be cited as The Wigan Borough (Decriminalisation of Parking) (Amendments to the Off Street Parking Places Orders - Traffic Management Act) Order 2008 and shall come into operation on 31<sup>st</sup> March 2008.
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 deleted from Article 2 (1) of the following Orders:-
  - i) Wigan Borough (Off Street Parking Places)(Amendment to Chapel Lane Car Park, Wigan)(And Closure of Various Wigan Car Parks) Order 2005
  - ii) Wigan Borough (Off Street Parking Places)(Sovereign Road and Pepper Mill Lane, Wigan) Order 2006

and Article 2(2) of the following Order:-

The Wigan Borough (Market Street and New Market Street, Wigan) (Off Street Parking Places) Order 1998

"parking attendant" means a person authorised by or on behalf of the Council to supervise any parking place;

4. The following shall be deleted from Article 2 (1) of each of the Orders listed in Schedule One to this Order and from Article 2 (2) of the Order listed in Schedule Two to this Order:-

"penalty charge" and "reduced penalty charge" means a charge set by the Council under the provisions of section 66 of 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. The following shall be inserted as Article 2 (1) of each of the Orders listed in Schedule One to this Order and as Article 2 (2) of the Order listed in Schedule Two to this Order:-

"applicable discount" and "applicable surcharge" mean the amount of any discount or, as the case may be surcharge set in accordance with Schedule 9 of the Traffic Management Act 2004;

“civil enforcement officer” means an individual authorised by or on behalf of the Council to supervise on street/off street parking places and the roads/streets within the jurisdiction of Wigan Borough Council in accordance with the Traffic Management Act 2004;

“penalty charge” means a penalty charge relating to a parking contravention and payable in accordance with Regulation 4 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“penalty charge notice” means a notice which:-

- (a) was served in accordance with Regulation 9 or 10 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 in relation to a parking contravention; and
  - (b) complies with the requirements of the Schedule to the said Regulations which apply to it as well as to those of Regulation 3 of The Civil Enforcement of Parking Contravention (England) Representations and Appeals Regulations 2007;
6. All references to the Road Traffic Act 1991 in the Orders listed in Schedules One and Two to this Order shall be deemed to be deleted and the relevant provisions of the Traffic Management Act 2004 shall apply.
  7. All references to the term ‘parking attendant’ in the Orders listed in Schedules One and Two to this Order shall be deemed to be deleted and the term ‘civil enforcement officer’ shall be inserted in its place.
  8. The following Clauses of the last numbered Articles in each of the Orders listed in Schedules One and Two to this Order shall be deleted from each of the Orders:-
    - (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 14<sup>th</sup> day following the day on which the Penalty Charge was incurred.
- (6) If the Penalty Charge is not discharged in accordance with Articles 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> 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."

9. The following Clauses shall be added to the last numbered Article in each of the Orders listed in Schedule One and Two to this Order:-

- (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 The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 may then be issued by a civil enforcement officer in uniform in accordance with the Traffic Management Act 2004.
- (3) If a vehicle is left after a penalty charge has been incurred, a civil enforcement officer 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 79 of the Traffic Management Act 2004 and that vehicle shall only be released from the device on payment of the penalty charge, or as the case may be the applicable discount or surcharge.
- (4) Where a civil enforcement officer 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 by paying the applicable discount to the Council in the amount and manner prescribed on the Penalty Charge Notice
- (6) If the Penalty Charge is not discharged in accordance with paragraph (5) of this Article then the Penalty Charge shall be discharged by the driver of a vehicle in respect of which a Penalty Charge has been incurred by paying the full amount of the Penalty Charge in the amount and manner prescribed on the Penalty Charge Notice

10. Save as provided in relation to the above amendments the Orders listed in Schedules One and Two to this Order shall remain in force.

Dated this 18th day of March 2008

EXECUTED as a DEED by affixing  
THE COMMON SEAL of  
WIGAN BOROUGH COUNCIL

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~~Deputy Director of Legal and Property Services~~

ASSISTANT DIRECTOR

OF LEGAL AND PROPERTY SERVICES

SCHEDULE 1

216/08

Wigan Borough (Off Street Parking Places) (Mona Street East Side Car Park, Wigan) Order 1992
Wigan Borough (Off Street Parking Places) (Mona Street West Side Car Park, Wigan) Order 1993
Wigan Borough (Off Street Parking Places) (Mona Street West Side Car Park No. 2, Wigan) Order 1996
Wigan Borough (Off Street Parking Places) (Church Street, District Office/Library and Lord Street Car Parks, Leigh) Order 1992
Wigan Borough (Off Street Parking Places) (Chapel Lane, Harrogate Street and Rodney Street Car Parks, Wigan) Order 1994
Wigan Borough (Off Street Parking Places) (Spinning Gate Car Park, Leigh) Order 1989

Wigan Borough (Off Street Parking Places) (Doctor's Nook Car Park, Leigh) Order 1991
Wigan Borough (Off Street Parking Places) (Civic Centre, 50 Millgate and Station Road East and West Sides, Car Parks, Wigan) Order 1995
Wigan Borough (Off Street Parking Places) (Pennington Flash Country Park, Car Park) Order 1992
Wigan Borough (Off Street Parking Places)(Haigh Country Park, Car Park) Order 1993
Wigan Borough (Off Street Parking Places) (Pennington Flash Country Park, Car Park) (Extension) Order 1995
Wigan Borough (Off Street Parking Places)(The Galleries Car Park, Wigan) Order 1991
Wigan Borough (Off Street Parking Places)(Riverway/Water Street Car Park, Wigan) Order 1991
Wigan Borough (Off Street Parking Places)(Mesnes Terrace and Millgate Multi- Storey Car Parks, Wigan) Order 1995
Wigan Borough (Off Street Parking Places) (Amendment to Chapel Lane Car Park, Wigan)(And Closure of Various Wigan Car Parks) Order 2005
Wigan Borough (Off Street Parking Places)(Sovereign Road and Pepper Mill Lane, Wigan) Order 2006

## SCHEDULE 2

The Wigan Borough (Market Street and New Market Street, Wigan) (Off Street Parking Places) Order 1998
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