

WOKING BOROUGH COUNCIL

**WOKING BOROUGH COUNCIL
(OFF-STREET PARKING PLACES) (PAY AND DISPLAY AND PAY ON FOOT ON
EXIT) ORDER 2005**

Woking Borough Council (hereinafter referred to as "the Council") in exercise of its powers under sections 32 and 35 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, (hereinafter referred to as "the Act"), and the Road Traffic Act 1991 (as amended) where generally or in relation to the Council's area (the 1991 Act) and of all other enabling powers with the consent of the County Council of Surrey in accordance with section 39(3) of the Act and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

PART I

GENERAL

Commencement and Citation

1. (a) This Order shall come into operation on the 25th day of July 2005, and may be cited as the Woking Borough Council (Off-Street Parking Places) (Pay and Display and Pay on Foot on Exit) Order 2005.
- (b) The Woking Borough Council (Off Street Parking Places) (Pay and Display) Order 1978, as amended, is hereby revoked.
- (c) Woking Borough Council (Sheer House and Woodlands Avenue, West Byfleet) (Pay and Display) Order 2000, as amended, is hereby revoked.
- (d) Woking Borough Council (Victoria Way Multi-Storey Car Park, Woking (Pay on Foot on Exit) Order 2004, as amended, is hereby revoked.

Definitions, Interpretation and General

2. (a) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"charging hours" means where indicated in the Scale of Charges the periods between 8 am and 10 pm on Mondays to Saturdays inclusive and where indicated in the Scale of Charges the period between 11 am and 5 pm on Sundays;

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (S.I. 2000 No. 682), and for the purposes of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when it is displayed in the manner prescribed by regulation 12 of those Regulations;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge;

"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;

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"invalid carriage" has the same meaning as in section 136 of the Act;

"owner" in relation to a vehicle means the person by whom such vehicle is kept and used;

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

"parking bay" means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;

"parking place" means any of the areas of land mentioned in column 2 of Schedule I being areas provided by the Council under section 32(1) of the Act for use as parking places;

"pay station" means an apparatus designed to accept tickets issued by a ticket machine, payment for the time used and issue receipts being an apparatus approved for such purpose by the Secretary of State;

"penalty charge" means the charge set by Surrey County Council under the provisions of the Road Traffic Act 1991 which is to be paid to the Council following the issue of a Penalty Charge Notice within twenty-eight days of the issue of that Notice;

"relevant position" means

- (i) in the case of a vehicle fitted with a front windscreen, on the inside of the windscreen facing forward;
- (ii) in the case of a vehicle not fitted with a front windscreen, on the front or near side of the vehicle in such a position as to be readily visible;

"reserved bay" means a bay which is reserved for a particular vehicle or class of vehicles, or for a particular person or class of persons, and which, by a sign or other writing, is designated a reserved bay;

"scale of charges" means the charges set out in Schedule II to this Order;

"ticket machine" means an apparatus designed to issue tickets indicating the date and time at which a vehicle enters a parking place, being apparatus approved for such purpose by the Secretary of State.

- (b) Except where otherwise stated, any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order.
- (c) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
- (d) Section 47(3) of the Act shall apply to this Order and reference therein to “parking meter” shall be construed as references to “ticket machine”.
- (e) The Council reserves the right:-
 - (i) to suspend all or part of this Order by means of appropriate signing;
 - (ii) to close a parking place, or any part of it, for any period and for any reason, and no driver of any vehicle shall use the parking place, or any part of it, when it is so closed.

PART II

USE OF PARKING PLACE

- 3. (a) The parking places specified by name in column 2 of Schedule I to this Order may be used, subject to the following provisions of this Order as parking places for such classes of vehicles, in such positions and on such days and during such hours as are specified in relation those parking places in the said Schedule.
- (b) If a vehicle (other than a motor cycle or a vehicle mentioned in Article 11) is left in those parking places numbered 1,2,3,4,5,7 and 8 in column 1 of Schedule I to this Order the driver shall pay the appropriate charge as set out in the Scale of Charges and in accordance with Article 9(a) being a charge for the estimated period within the charging hours during which the vehicle will remain in the parking place.
- (c) If a vehicle (other than a motor cycle or a vehicle mentioned in Article 11) is left in the parking place numbered 6 in column 1 of Schedule I to this Order, the driver shall pay the appropriate charge as set out in the Scale of Charges and in accordance with Article 9(b) and 9(c) and Article 10.
- (d) The driver of a vehicle shall not permit it to leave the parking place numbered 6 in column 1 of Schedule I to this Order, either without paying the appropriate charge as set out in the Scale of Charges and in accordance with Article 10(b) and 10(c) and, Article 11 or by following another vehicle through the exit barrier or by driving around the exit or entry barriers.
- (e) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person’s vehicle, the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled person’s vehicle which displays in the relevant position a valid disabled person’s badge.

- (f) (i) Where, within a parking place, there is a sign which indicates that certain areas are available only for the holders of car park season tickets between specific times, the driver of a vehicle shall not permit it to wait in such areas unless it is a vehicle on which is displayed in the relevant position a season display ticket which is valid at that date in that parking place.
 - (ii) The driver of such a vehicle as mentioned in (f) (i) above, shall not permit it to wait in areas where there is a sign which indicates that such areas are not available for season ticket holders.
 - (g) The driver of a vehicle shall not permit it to wait in a reserved bay within a parking place unless the bay has been specifically reserved (as indicated by a sign or other writing) for his or her particular class of vehicle or person.
 - (h) Where, within The Peacocks Car Park there is a sign which indicates that waiting in the drop-off area is restricted, the driver of a vehicle shall not permit it to wait in that area during the restricted hours.
4. The driver of a vehicle shall not permit it to wait in a parking place if it is:-
- (a) of a class other than that specified in relation to that parking place in Schedule I to this Order; or
 - (b) in a position other than that so specified in column 3 of Schedule I to this Order; or
 - (c) in a position where waiting is by notice declared to be prohibited; or
 - (d) in such a position as to cause a nuisance or obstruction to other vehicles and/or pedestrians; or
 - (e) positioned in or across bays marked with yellow hatching; or
 - (f) in excess of the limits specified in column 4 of Schedule I to this Order.
5. Irrespective of whether a penalty charge is incurred or paid the driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in column 6 of Schedule I to this Order in relation to that parking place.
6. (a) No person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.
- (b) The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle within or to depart from the parking place.
7. No person shall in a parking place:-

- (a) play any ball game or game using a ball;
 - (b) ride any bicycle, moped, scooter or motorcycle unless proceeding directly to or from an area designated or otherwise permitted to be used for the parking of these vehicles;
 - (c) be in the parking place other than for the purpose of parking a vehicle or purposes connected thereto;
 - (d) use any roller skates or blades, skate or snake board; or
 - (e) remain in the car park after being told to leave by an officer, employee or person engaged by the Council or police officer.
8. No person or company shall in a parking place:-
- (a) use a vehicle while it is in a parking place in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skills or services unless such person has been so authorised by the Council in writing;
 - (b) offer a vehicle for sale while it is in a parking place;
 - (c) carry out or permit the carrying out of any work of construction, repair or maintenance (including washing) on or to a vehicle in a parking place, except such as may be necessary to enable it to be moved from the parking place;
 - (d) place or cause to be placed on a vehicle while it is in a parking place any leaflet, handbill or advertising material other than a ticket or notice authorised elsewhere in this Order or by or on behalf of the Council;
 - (e) use any part of a parking place or any vehicle left in a parking place for sleeping or camping or cooking purposes;
 - (f) light any fire in a parking place, or erect any tent, booth, standing, building or structure in a parking place without the written consent of the Council;
 - (g) use any part of a parking place or any vehicle left in the parking place for vending including sales of food and car boot sales without the written consent of the Council.
9. Where, in any parking place, signs are erected or surface markings are laid for the purpose of:-
- (i) indicating the entrance to or exit from the parking place, or
 - (ii) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,

no person shall drive or permit to be driven any vehicle so that it enters or leaves the parking place otherwise than by using the entrance or exit indicated, or is driven in a direction other than the specified direction.

Charge

10. (a) Subject to Article 10(d), a charge at the rate specified in Schedule II to this Order shall be paid by the driver of a vehicle (other than a motor cycle or a vehicle mentioned in Article 12):-
- (i) at the time of leaving the vehicle in the case of a vehicle left in those parking places numbered 1,2,3,4,5,7, and 8 in column 1 of Schedule I to this Order during the charging hours; or
 - (ii) on or before the commencement of the next ensuing charging hours in the case of a vehicle left in a parking place outside the charging hours and which vehicle remains in the parking place during the charging hours.
- (b) Subject to Articles 10(c) and 10(d) a charge at the rate specified in Schedule II to this Order shall be paid by the driver of a vehicle (other than a motor cycle or a vehicle mentioned in Article 12) before exiting the parking place numbered 6 in column 1 of Schedule I to this Order with the vehicle.
- (c) (i) Where the driver of a vehicle is unable to pay the charge all details of the driver and vehicle will be recorded and the driver shall be required to sign an undertaking to pay the said charge within seven days of the date of signing;
- (ii) if the charge is not paid within seven days the Council shall be entitled to charge an administrative charge of £20 which shall be payable within fourteen days of the said administrative charge falling due for payment;
- (iii) if payment of the charge and administrative charge is not received within the said fourteen days the Council shall be entitled to increase the administrative charge to £40;
- (iv) the administrative charge shall be paid to the Council either in cash or by cheque, banker's draft, money order or postal order which shall be delivered or sent by post so as to reach the Head of Environmental Services of the Council at the Civic Offices, Gloucester Square, Woking not later than 4.45 pm on any day in the period within which payment of the said charge shall be made.
- (d) No charge shall be payable by the driver of a vehicle left in a parking place if otherwise authorised by the Council or who affixes a season display ticket issued in accordance with Article 11(c) in respect of that vehicle which is valid at that date in that parking place, to the vehicle in the relevant position so that the particulars shown thereon are clearly visible from outside the vehicle.

11. (a) (i) The charge referred to in Article 10(a) shall be paid by the insertion in a ticket machine provided in a parking place of a coin or coins of the denomination of five pence, ten pence, twenty pence, fifty pence or one pound or notes to the value of £5 or £10 or £20 or a credit/debit card.
- (ii) Where a charge is specified for a period the whole of that charge shall be due and payable for use of the parking place for any part of that period.
- (iii) The amount of the charge paid for the vehicle left in a parking place shall be indicated by the issue by the ticket machine following insertion of the coins, in accordance with Articles 11(a)(i) and (a)(ii), of a ticket and the exhibition of that ticket on the vehicle in accordance with Articles 11(a)(iv) and 11(a)(v).
- (iv) Following payment of the charge the driver shall immediately exhibit on the vehicle the ticket issued by the ticket machine by affixing the ticket to the vehicle in the relevant position.
- (v) The ticket referred to in Article 11(a)(iv) shall be so exhibited that the time and other particulars shown thereon are clearly visible from outside the vehicle.
- (b) (i) The charge referred to in Article 10(b) shall be paid by taking a ticket issued from a ticket machine upon entering the parking place and retaining that ticket whilst the vehicle is waiting in the parking place.
- (ii) On returning to the parking place the ticket shall be inserted into a pay station which indicates the period during which the vehicle has been left in the parking place and the amount of charge due for the use of the parking place.
- (iii) Following payment of the charge the driver shall have a maximum of 20 minutes to return to the vehicle, drive to the exit barrier and upon insertion of the ticket in the ticket machine leave the parking place.
- (iv) Where a charge is specified for a period the whole of that charge shall be due and payable for use of the parking place for any part of that period.
- (c) The owner of a vehicle may
- (i) subject to season tickets being issued to applicants working in West Byfleet, on application to the Council purchase a season ticket with a related season display ticket in respect of that vehicle for a charge and in respect of the parking place known as Woodlands Avenue numbered 8 in column 1 of Schedule I to this Order; or
- (ii) subject to such limit or limits on the number of season tickets to be issued as may from time to time by resolution of the Council be determined, on application to the Council purchase a season ticket with related season display ticket and if applicable a proximity card in respect of that vehicle for a charge and in respect of certain car parks

in accordance with the details set out in the Scale of Charges and that season ticket shall be valid in such parking places as are specified thereon during the period for which it is issued.

- (d) If the holder of a car park season ticket loses that ticket or associated proximity card issued in accordance with Article 11(c), the Council may in its absolute discretion issue a replacement season ticket or associated proximity card and shall be entitled to charge an administrative charge of £30 and to declare the original lost ticket or associated proximity card as invalid.
12. The driver of a vehicle on which is displayed in the relevant position a disabled person's badge or the driver of an invalid carriage, shall be exempt from any limitation of time specified in Schedule I to this Order and from the payment of any charge specified in the Scale of Charges.

Penalty Charge Notice

13. (1) If a vehicle (other than a motor cycle or vehicle mentioned in Article 12):
- (a) is left in a parking place during the charging hours either:-
 - (i) longer than the period for which payment was made as shown by the ticket exhibited on the vehicle in accordance with Articles 11(a)(iv) and 11(a)(v); or
 - (ii) at a time when no ticket is exhibited on the vehicle in accordance with Articles 11(a)(iv) and 11(a)(v) (unless Article 10(b) applies to the vehicle); or
 - (iii) at a time when no valid season display ticket is exhibited on the vehicle in accordance with Article 10(d); or
 - (iv) in a parking place during the charging hours for longer than the maximum period permitted for exiting as specified in Article 11(b)(iii); or
 - (b) is left in a parking place:-
 - (i) specified in Schedule I to this Order for longer than the maximum period permitted for waiting for pay and display parking specified in column 6 of that Schedule; or
 - (ii) in contravention of Articles 3(c), 3(e), 3(f), or 3(g);
 - (iii) where the exhibition of a ticket issued by a ticket machine is not in accordance with Articles 11(a)(iv) and (11(a)(v); or
 - (iv) in contravention of Articles 4(a), 4(b), 4(c), 4(d), 4(e) or 4(f);
 - (v) for longer than the maximum period permitted for waiting specified in column 6 of Schedule I to this Order and for each

subsequent 24 hour period that the vehicle remains unmoved;
or

- (c) is left in the parking place known as Sheer House numbered 3 in column 1 of Schedule I to this Order during the charging hours within three hours of being taken away from that parking place in contravention of Article 17; or
- (d) is left in the parking place known as Woodlands Avenue numbered 8 in column 1 of Schedule I to this Order during the charging hours on which is displayed additional tickets issued by a ticket machine after arrival and following payment as specified in Article 10(a)(i);

an additional amount [in either case 13(1)(a), 13(1)(b), 13(1)(c) or 13(1)(d)] (which additional amount is hereinafter referred to as the “penalty charge”) shall be payable by the driver, such amount being £30 if payment is made not later than the fourteenth day following the day on which the penalty charge was incurred and £60 if payment is made after the fourteenth day following the day on which the penalty charge was incurred. Provided that if the said fourteenth day falls on a day on which the Civic Offices of the said Council are closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.45 pm on the next full day on which the Civic Offices are open; or

- (e) leaves a parking place in contravention of Article 3(d)

an additional amount (which additional amount is hereinafter referred to as the “penalty charge”) shall be payable by the driver, such amount being £30 if payment is made not later than the fourteenth day following the day on which the penalty charge notice was attached to the vehicle or the date of the penalty charge notice sent by post to the address of the person believed to be the owner of the vehicle and £60 if payment is made after the said fourteenth day. Provided that if the said fourteenth day falls on a day on which the offices of the said Council are closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.45pm on the next full day on which the Civic Offices are open.

- (2) In the case of a vehicle in respect of which a penalty charge has been incurred, it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:-
 - (a) the grounds on which the parking attendant believes that a penalty charge is payable with respect to the vehicle;
 - (b) the amount of the penalty charge which is payable;
 - (c) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
 - (d) that, if the penalty charge is paid before the end of a period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion;

- (e) that, if the penalty charge is not paid before the end of the 28 day period, a notice to owner may be served by the Council on the person appearing to them to be the owner of the vehicle; and
 - (f) the address to which payment of the penalty charge must be sent.
- (3) In the case of a vehicle in respect of which a penalty charge has been incurred under Article 13(1)(e)
- (a) which has been seen by the Council to return to park in a parking place, a notice may be attached in a conspicuous position to the vehicle which has been identified as contravening Article 3(d) and
 - (b) which has not been seen by the Council to return to park in a parking place, a notice may be sent by post in a registered letter or by the recorded delivery service to the address of that person identified as the registered keeper of the vehicle

and the said notice shall include the following particulars:-

- (a) the grounds on which the parking attendant believes that a penalty charge is payable with respect to the vehicle;
 - (b) the amount of the penalty charge which is payable;
 - (c) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
 - (d) that, if the penalty charge is paid before the end of a period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion (as determined from time to time by the Council);
 - (e) that, if the penalty charge is not paid before the end of the 28 day period, a notice to owner may be served by the Council on the person appearing to them to be the owner of the vehicle; and
 - (f) the address to which payment of the penalty charge must be sent.
14. The penalty charge shall be paid to the Council either in cash or by cheque, banker's draft, money order or postal order which shall be delivered or sent by post or if payment is made by debit or credit card the details of which are telephoned to the Council so as to reach the Head of Environmental Services of the Council at the Civic Offices, Gloucester Square, Woking, not later than 4.45 pm on any day in the period within which payment of the said charge shall be made.
15. Where a ticket has been exhibited on a vehicle in accordance with Articles 11(a)(iv) and 11(a)(v), or a penalty charge notice has been attached thereto in accordance with Article 13 no person shall remove such ticket or penalty charge notice from the vehicle during the period of waiting of that vehicle in a parking place.

16. (1) If at any time while a vehicle is left in a parking place during the charging hours it is indicated by the ticket, exhibited on the vehicle in accordance with Articles 11(a)(iv) and 11(a)(v) that the vehicle has been left longer than the period for which payment was made it shall be presumed unless the contrary is proved that the charge has been duly paid and that the period for which payment was made has expired; and
 - (2) If at any time while a vehicle is left in a parking place during the charging hours, no ticket is exhibited on that vehicle in accordance with Article 11(a)(iv) and 11(a)(v), and Article 10(d) does not apply to the vehicle, it shall be presumed unless the contrary is proved that the charge specified in Schedule II to this Order had not been paid for the leaving of that vehicle.
17. Where a vehicle is left in the parking place known as Sheer House numbered 3 in column 1 of Schedule I to this Order during the charging hours
 - (a) for a period for which payment has been made between Monday and Friday the driver or person in charge of the vehicle shall not cause or permit the vehicle to return to wait in Sheer House within three hours; and
 - (b) on a Saturday the driver or person in charge of the vehicle shall not cause or permit the vehicle to return to wait in Sheer House within three hours.

Removal of Vehicle Left in a Parking Place

18. When a vehicle is left, or is being used, in a parking place in contravention of any of the provisions of Articles 4, 5 or 8, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place.

Provided that in the event of a vehicle waiting in the parking place in contravention of Articles 4(b) 4(c), 4(d), 4(e) or 4(f) such person may either remove or arrange for the removal of such vehicle from the parking place as aforesaid, or may alter or cause to be altered the position of such vehicle within the parking place.
19. Where a vehicle left in a parking place has accumulated three or more unpaid penalty charge notices and the registered keeper has not been identified a person authorised in that behalf by the Council and with the agreement of the Council's Parking Services Manager may clamp and/or tow away the vehicle.
20. Any person removing a vehicle by virtue of Articles 18 or 19 may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it as aforesaid.
21. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of this Part of the Order he or she shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

22. Where a vehicle is clamped in a parking place in pursuance of Article 19 it shall be left in situ for a period of 72 hours from the date and time it was clamped and if not claimed the vehicle shall be towed away.
23. A vehicle clamped and/or towed away from a parking place in pursuance of Article 19 may be claimed upon payment of a charge levied on the person who was the last owner of the vehicle before it was clamped and/or removed from the parking place, such charge being determined by the Council and applicable when the vehicle is clamped.
24. The Council may, as respects a vehicle which has been or would at any time be towed away from a parking place in pursuance of Article 19, sell or otherwise dispose of the vehicle, depending upon its age and condition, and will endeavour to optimise the value of the disposal.

Provided that where a vehicle is towed away from a parking place a period of 28 days from the date of removal shall elapse before the Council can dispose of the vehicle.

25. Upon the disposal of a vehicle by the Council, the Council shall apply the proceeds of such disposal in or towards the satisfaction of any costs incurred by them in connection with the disposal including removal and storage.
26. In the event of any costs incurred by them in connection with the disposal of the vehicle not being satisfied by virtue of Article 25, the Council may recoup the balance of the costs from the person who was the last owner of the vehicle before it was removed from the parking place and disposed of in accordance with Article 24, except where that person satisfies the Council that he or she was not responsible for the vehicle being in the parking place from which it was removed, in which event the balance of the costs shall be payable by the person driving the vehicle at the time it was left in the parking place.
27. Any sums received by the Council on a sale of the vehicle after deducting any sum applied by virtue of Article 25 shall be payable to any person who satisfies the Council within a period of one year from the date of the sale of the vehicle that but for such sale the vehicle would have belonged to him and in so far as any such sums are not claimed within the said period they shall be paid into the general fund of the Council.
28. Where a vehicle left in a parking place in contravention of Article 4(f) has accumulated more than three unpaid penalty charge notices (excluding tickets which may be the subject of appeal) a person authorised in that behalf by the Council's Parking Services Manager may clamp the vehicle when next observed in any parking place regulated by the Council.
29. Where a vehicle left in a parking place except in contravention of Article 4(f) has accumulated more than six unpaid penalty charge notices (excluding tickets which may be the subject of appeal) and the keeper has been identified a person authorised in that behalf by the Council and with the agreement of the Council's Parking Services Manager may clamp the vehicle when next observed in any parking place regulated by the Council.
30. A vehicle clamped in a parking place in pursuance of Articles 19, 28 or 29 may be released upon (a) payment of all unpaid parking tickets and (b) payment of a

charge to be determined by the Council and applicable when the vehicle is clamped.

31. Any parking attendant or other person duly authorised by the Council or a police constable in uniform may move or cause to be moved in the case of an emergency to any place he thinks fit any vehicle left in a parking place.

PART III
DISPOSAL OF VEHICLES ABANDONED IN PARKING PLACES

32. The Council may, as respects a vehicle which has been or could at any time be removed from a parking place in pursuance of Article 18, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle in the manner provided by and subject to the provisions of sections 3, 4 and 5 of the Refuse Disposal (Amenity) Act 1978 and may subject as aforesaid recover the expenses and charges therein mentioned from any person responsible as therein defined.

Provided that the power of disposal conferred by this Article shall not be exercisable in the case of a vehicle in respect of those parking places numbered 4, 5, 6 and 7 in column 1 of Schedule I to this Order unless there have been taken by the Council such of the following steps as are applicable to the vehicle and there has elapsed a period of six weeks beginning with the taking of the first of those steps.

33. (i) Subject to the provisions of Article 39, where a vehicle carries a registration mark issued under the Vehicle Excise and Registration Act 1994 the Council shall apply in writing to the Driver Vehicle Licensing Office inquiring as to the owner of the vehicle and the address of that person.

(ii) The first step for the purposes of Articles 32 and 34 shall be taken to be the sending of the application in writing mentioned in (i) above.
34. The Council shall, where they are by virtue of the last preceding Article aware of the name and address of a person who it appears may be the owner of the vehicle, send a notice to that person at that address by post in a registered letter or by the recorded delivery service stating that it is the intention of the Council to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than two weeks from the date of the notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this Part of this Order) unless it is in the meantime removed by or on behalf of that person from such a place as may be specified by the Council in the said notice, or from such other place as may be subsequently notified in writing by the Council to that person.
35. If any person to whom a notice is sent in accordance with Article 34 informs the Council of the name and address of some other person who he alleges may be the owner of the vehicle, a notice stating the particulars mentioned in Article 34 shall be sent by post in a registered letter or by the recorded delivery service to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the owner of the vehicle.

36. Subject to the provisions of Article 39, where a vehicle does not carry a registration mark issued under the Vehicle Excise and Registration Act 1994, the first step to be taken by the Council shall be to apply in writing to the Chief Officer of the police force in whose area is the parking place from which the vehicle has been, or could at any time be, removed, inquiring who that officer considers is the owner of the vehicle and the address of that person.
37. If after steps have been taken under the foregoing provisions of this Part of this Order, the vehicle is not claimed, the Council shall make such further inquiries as they consider reasonable as to who may be the owner of the vehicle and the address of that person.
38. Where by virtue of Articles 36 and 37 the Council is informed of the name and address of a person who it is considered may be the owner of the vehicle, Articles 34 and 35 as respects the sending of notices shall apply in relation to that person at the address as they apply in relation to the persons mentioned in the said Articles 34 and 35.
39. Nothing in the foregoing provisions in this Part of the Order shall require the Council to take any such step as is therein mentioned for the purpose of inquiring who is the owner of a vehicle to which Article 32 applies, if they have found a person who satisfies them that he is in fact the owner of that vehicle and they have sent him at his address a notice in the manner and containing the particulars specified in Article 34, the sending of the notice being treated as the first step for the purpose of that Article and the said Article 32.
40. Upon the sale of the vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by them in connection with the disposal thereof and of any charge to payment of which they are entitled as regards the vehicle under section 102 of the Act.
41. In the event of any such costs incurred by them in connection with the disposal of the vehicle not being satisfied by virtue of the last preceding Article, the Council may recoup those costs so far as not satisfied from the person who was the last owner of the vehicle before it was removed from the parking place either in pursuance of Article 18 or after it had been disposed of by virtue of the power of disposal conferred by Article 32, except in a case where that person satisfies the Council that he was not responsible for the vehicle being in the place from which it was removed and in that case the person by whom the said costs shall be payable shall be the person driving the vehicle at the time the vehicle was left in that place.
42. Any sums received by the Council on a sale of the vehicle after deducting any sum applied by virtue of Article 40 shall be payable to any person who satisfies the Council within a period of one year from the date of the sale of the vehicle that but for such sale the vehicle would have belonged to him, and in so far as any such sums are not claimed within the said period they shall be paid into the general fund of the Council.

GIVEN under the COMMON SEAL of)
WOKING BOROUGH COUNCIL)
dated this day of July 2005)

Mayor

Chief Executive