

**RUTLAND COUNTY COUNCIL DISTRICT COUNCIL (PROHIBITION OF PARKING ON FOOTWAYS,
CYCLE TRACKS AND VERGES) EXPERIMENTAL ORDER 2019**

The Council of the County Borough of Rutland (hereafter referred to as 'the Council' makes this Order in exercise of its powers under section 9 of the Road Traffic Regulation Act 1984 (hereafter referred to as 'the Act of 1984') and Part IV of Schedule 9 of the Act of 1984 and after having consulted the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act of 1984, the Traffic Management Act 2004 and of all other enabling powers hereby makes the following Order:-

PART I - GENERAL

1 CITATION AND COMMENCEMENT

- 1.1 This Order may be cited as the '**RUTLAND COUNTY COUNCIL DISTRICT COUNCIL (PROHIBITION OF PARKING ON FOOTWAYS AND VERGES) EXPERIMENTAL ORDER 2019**' and shall come into effect on **18th April 2019** and remain in force for a period of not more than eighteen months until midnight on **18th October 2020**.

2 INTERPRETATION

- 2.1 In this Order the following words or expressions shall have the meanings assigned to them except where the content otherwise expressly required:-

"2004 Act"	means the Traffic Management Act 2004 and any provisions or any amendment or re-enactment thereof
"Authorised by the Council"	means a Police Constable in uniform or a person employed as a Civil Enforcement Officer by the Council for the purposes of civil parking enforcement
"Civil Enforcement Officer"	means a person authorised by or on behalf of the Council in accordance with Part 6 of the Traffic Management Act 2004
"Cycle Track"	means
"Footway"	means (a) A Footway as defined by section 329(1) of the Highways Act 1980 (b) Any land (not being a Footway under paragraph (a) above) which is situated between two carriageways; or (c) any grass Verge, garden or space not falling within the foregoing paragraph (a) or (b)
"General Regulations"	means The Civil Enforcement of Parking Contraventions (England) General Regulations 2007
"Higher Level Contraventions"	are as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof

“Lower Level Contraventions”	means all parking contraventions which are not higher level contraventions
“Order Area”	means the area around Rutland Water within the line edged red as shown in the plan annexed here at Schedule 1
“Road”	means all road, but not limited to carriageways, Footways, Verges, footpaths, lanes, bridleways and all highways maintainable at the public expense within the administrative area
“Universal Service Provider”	means a vehicle being used for the purpose of delivering and/or collecting postal packets, as described in section 4(3) of the Postal Services Act 2000
“Vehicle”	shall have the same meaning as ‘motor vehicle’ in the Road Traffic Regulation Act 1984
“Verge”	shall have the same meaning as in the Highways Act 1980

3. EFFECT

- 3.1 SAVE as provided in Article 3.2 and 3.3 of this Order no person except under the direction or with the permission of a person Authorised by the Council shall cause or otherwise permit a Vehicle to wait at any time on a Verge, Cycle Track or Footway in any road within the Order Area.
- 3.2 THE provisions described in Article 3.1 of this Order shall have effect only when the appropriate traffic sign is erected as required by the Traffic Signs Regulations and General Directions 2002 (as amended) or as may be otherwise authorised by the Secretary of State.
- 3.3 NOTHING in Article 3.1 of this Order shall render it unlawful to cause or otherwise permit any vehicle to wait on a Verge or Footway for so long as may be necessary to enable:-
- a) the Vehicle is being used in connection with any of the following operations, namely:-
 - i) any building or demolition works
 - ii) the removal of any obstruction to traffic
 - iii) the maintenance, improvement or reconstruction of the road
 - iv) the laying, erection, alteration nor repair in or on land adjacent to the road of any sewer or any main pipe or apparatus for the supply of gas, water or electricity or telegraphic infrastructure
 - b) the Vehicle is being used in the service of a local authority in pursuance of statutory powers or duties
 - c) the Vehicle is being used by a universal service provider
 - d) the Vehicle is being used by the police, fire or ambulance service in pursuance of their statutory powers or duties, or in response to an emergency
 - e) the driver of the Vehicle has been required to stop by a police constable or is obliged to stop so as to prevent an accident, or is prevented from proceeding by circumstances out of their control
 - f) the Vehicle to wait on a Verge or Footway while any gate or other barrier at the entrance to premises to which the motor vehicle requires access to or from which it has emerged is opened or closed, if it is not reasonably practicable for the vehicle to wait otherwise than on that Verge or Footway.

3.4 THE provisions contained in this Order shall be in addition to and not to the degradation of any restrictions imposed by any other restriction made or having effect as if made under the Act of 1984 or any other enactment.

PART II – CONTRAVENTION OF THIS ORDER

4 Penalty Charge

- (1) Where a Vehicle is parked in contravention of any provision of this Order a penalty charge is payable in accordance with the 2004 Act as defined in Schedule 2.
- (2) Where an authorised officer has reason to believe that a penalty charge is payable with respect to a Vehicle he may serve a penalty charge notice which shall specify particulars in accordance with the relevant legislation and include
 - (a) the date on which the notice is served
 - (b) the name of the enforcement authority serving the penalty charge notice
 - (c) the registration mark of the motor vehicle involved in the alleged contravention
 - (d) the date and the time at which the alleged contravention occurred
 - (e) the amount of the penalty charge
 - (f) a statement that the penalty charge is required to be paid within 28 days beginning with the date on which the penalty charge notice was served
 - (g) the manner in which the penalty charge must be paid
- (3) The penalty charge shall be subject to an applicable discount for early payment or a surcharge for payment after a charge certificate has been issued set in accordance with the relevant legislation
- (4) If the period of 28 days specified in the penalty charge notice as the period within which the penalty charge is to be paid has expired without that charge being paid the enforcement authority may serve a notice to owner on the person who appears to have been the owner of the motor vehicle when the contravention occurred
- (5) Where a notice to owner is served on any person and the penalty charge to which it relates has not been paid before the end of the relevant period, the enforcement authority serving the notice may serve on that person a charge certificate to the effect that the penalty charge in question is increased by the amount of the applicable surcharge in accordance with the General Regulations or any amendment or re-enactment thereof
- (6) Where a charge certificate has been served on any person and the increased penalty charge provided for in the certificate is not paid before the end of the

period of 14 days beginning with the date on which the certificate is served, the enforcement authority may, if a County Court so orders, recover the increased charge as though it were payable under a County Court Order pursuant to the General Regulations

(7) Regulation 23 of the General Regulations makes provision in the event of an allegation that a penalty charge notice is invalid

(8) When a penalty charge notice has been attached to a motor vehicle in accordance with this Order no person other than a person authorised by the Council in that behalf or the driver or a person authorised by the driver in that behalf shall remove the penalty charge notice from the motor vehicle

5 Exemptions

Nothing in this Order shall apply to any Vehicle on an occasion when it is being used for fire and rescue service or ambulance or police purposes if the observance of a provision or provisions of this Order would be likely to hinder the use of that motor vehicle for the purpose for which it is being used on that occasion

Part III

6. MODIFICATION

6.1 Any provision of this Order may be varied without public notice to include any area within the administrative area by the Strategic Director for Places at Rutland County Council, in consultation with the Chief Officer of Police

THE COMMON SEAL OF THE RUTLAND

COUNTY COUNCIL DISTRICT COUNCIL was hereunto

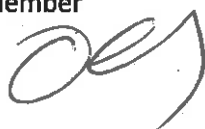
affixed this day of 2019

in the presence of

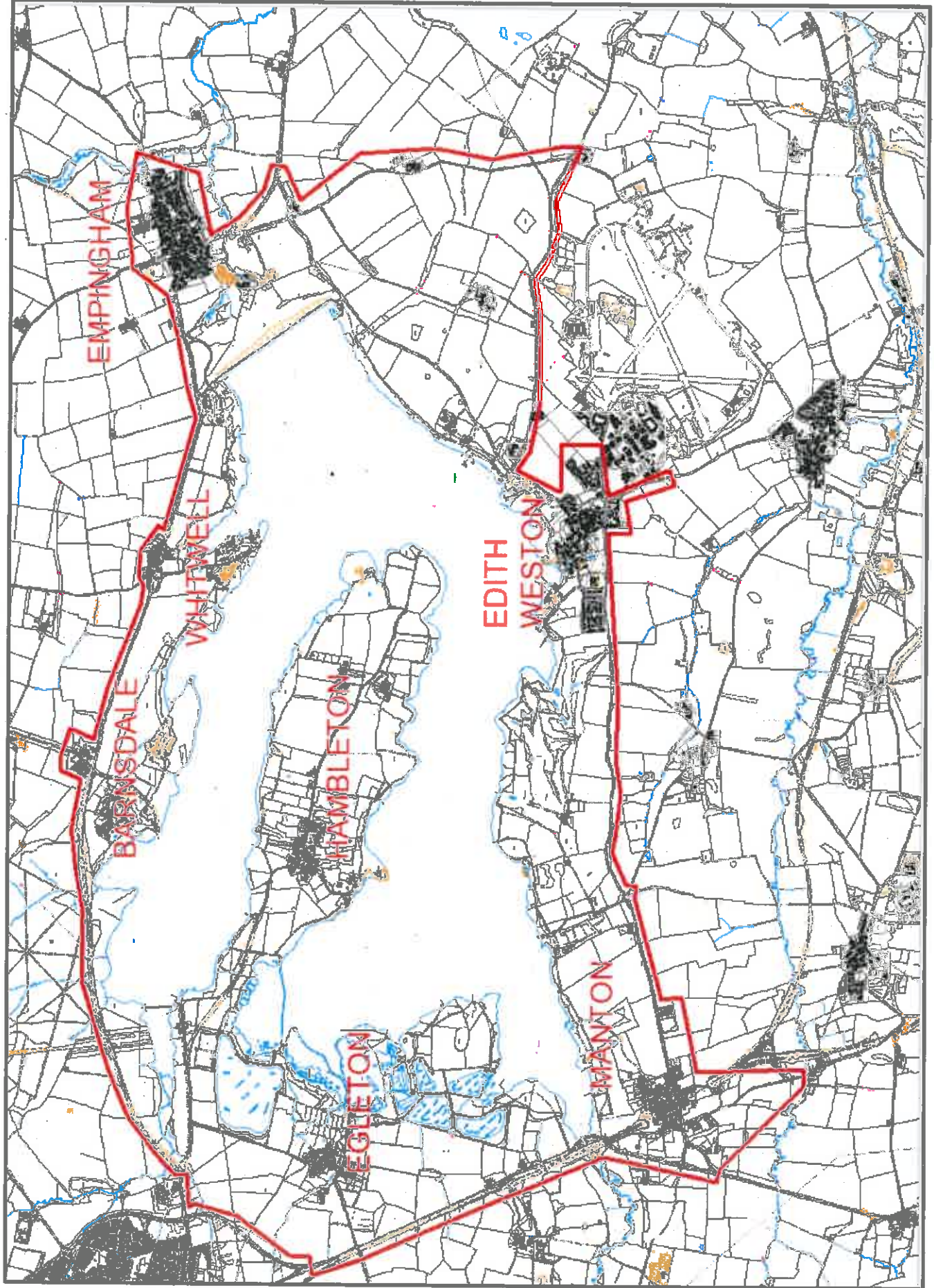
Chief Executive



Chairman/Elected Member



Schedule 1
Rutland Water Area Plan



Schedule 2 – PENALTY CHARGE

Where a Vehicle is parked in contravention of any provision of this Order a penalty charge is payable in accordance with the 2004 Act as detailed in this Schedule 2

The penalty charge for Higher Level Contraventions will be set at Band 2 as defined in the provisions of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof

The penalty charge for Lower Level Contraventions will be set at Band 2 as defined in the provisions of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof

