

## **SOUTH HAMS DISTRICT COUNCIL**

### **DISTRICT OF SOUTH HAMS (CIVIL ENFORCEMENT OFF STREET PARKING PLACES) CONSOLIDATION ORDER 2008**

South Hams District Council “the Council” in exercise of its powers under Sections 35 and 35(3A) of the Road Traffic Regulation Act 1984 (“the 1984 Act”) and paragraph 27 of Schedule 9 to the 1984 Act, Regulation 21 and Schedule 4 of the Local Authorities’ Traffic Orders (Procedure)(England and Wales) Regulations 1996 and the provisions of the Traffic Management Act 2004 (“the 2004 Act”) Part 6 and Schedule 7, part 1, paragraph 1 makes the following Order:-

#### PART 1 - GENERAL

##### 1. Commencement and Citation

This Order was made on the 27<sup>th</sup> day of March 2008 and shall come into operation on the 5th day of May 2008 and be cited as the District Of South Hams (Civil Enforcement Off Street Parking Places) Consolidation Order 2008

##### 2. Interpretation

In this Order, except otherwise stated in the context, the following expressions have the meanings respectively assigned to them and the Interpretation Act 1978 shall apply:

“Civil Enforcement Officer” means a person authorised by or on behalf of the Council to supervise the Off-Street Parking Places and enforce the restrictions imposed by this Order and has the same meaning as in the 2004 Act;

“Penalty Charge” means the charge under Section 77 of part 6 and schedule 9 of the 2004 Act, which is to be paid to the Council following the issue of a Penalty Charge Notice and within the period notified on the Penalty Charge Notice from the date of issue of that notice and has the same meaning as in Regulation 2(1) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Penalty Charge Notice” means a notice issued by or served by a Civil Enforcement Officer pursuant to the provisions of Regulations 9 and 10 (or either of them) of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, and has the same meaning as set out in Regulation 8(1) of those Regulations.

## PART 2- CONSOLIDATION OF PREVIOUS ORDERS

### 3. Consolidation of Off Street Car Parking Orders

This Order shall consolidate the following previously made Off Street Parking Orders:

- District of South Hams (Off Street Parking Places) Order 1999
- Amendment Order 1999
- Amendment Order 2000
- Amendment Order 2001
- Amendment Order 2003
- Amendment Order 2004 & Amendment (Number 2) Order 2004
- Amendment Order 2005
- Amendment Order 2006
- Amendment Order 2007
- Amendment The Nursery and Heath's Nursery Car Parks Order 2007
- Amendment Order 2008

## PART 3 – CONTRAVENTION AND PENALTIES

4. This Order expressly revokes all references to “Standard Charge” in the previous Orders in Part 2 above and replaces them with “Penalty Charge”.
5. If a Vehicle is left in a Parking Place without complying with the requirements of a previous Order subject to consolidation, a contravention shall have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice showing the information required by the 2004 Act may then be issued by a Civil Enforcement Officer in accordance with the requirements of the 2004 Act and any subsequent applicable secondary legislation.
6. In the case of a Vehicle in respect of which the Penalty Charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to either hand the Penalty Charge Notice to the Driver of the Vehicle, post the Penalty Charge Notice to the Owner of the Vehicle or attach the Penalty Charge Notice to the Vehicle in a conspicuous position.
7. If the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the Penalty Charge will be reduced by the applicable discount.
8. If the driver fails to pay the Penalty Charge by the end of the 28 day period, a Charge certificate may be served in accordance with the provisions of regulation 21 of part 5, The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

**THE COMMON SEAL** of **SOUTH HAMS** )  
 )  
**DISTRICT COUNCIL** was hereunto affixed )  
 )  
the        day of        2008 in        )  
 )  
the presence of:-        )

**Solicitor/Legal Executive**