

NEWARK & SHERWOOD DISTRICT COUNCIL

**ROAD TRAFFIC REGULATION ACT 1984
TRAFFIC MANAGEMENT ACT 2004**

**Newark & Sherwood District Council (Civil Enforcement Off Street
Parking Places) Order 2017**

**Karen White
Kelham Hall
Newark
Notts
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NEWARK AND SHERWOOD DISTRICT COUNCIL
(CIVIL ENFORCEMENT OFF-STREET PARKING PLACES)
ORDER 2017

Newark and Sherwood District Council (hereinafter called “the Council”) in exercise of its powers under Sections 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended (“the 1984 Act”) and under the Traffic Management Act 2004 as amended (“the 2004 Act”) and of all other enabling powers, with the consent of the Nottinghamshire County Council in accordance with section 39(3) of the 1984 Act and after consultation with the Chief Constable of Nottinghamshire Constabulary in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

PART I
GENERAL

Commencement and Citation

1. This Order shall come into operation on the 2nd day of MARCH 2017 and may be cited as the Newark and Sherwood District Council (Civil Enforcement Off-Street Parking Places) Order 2017. The Newark and Sherwood District Council (Civil Enforcement Off-Street Parking Places) Order 2017 Plans and Schedule of Charges are incorporated into this Order.

Interpretation

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

“Alternative Approved Method of Payment” means cashless payments, park and phone, payment by debit or credit card facilitated by on site or remote verification by, for example, card reader or mobile phone text or phone call or decrementing in accordance with the scale of charges advertised at that Parking Place as described in Article 23(ii);

“Bank Holiday” has the same meaning as described in the ‘Banking and Financial Dealings Act 1971 (C.80). The first Monday of May shall be treated as if it were a Bank Holiday for the purposes of this Order;

“Civil Enforcement Officer” or “Parking Attendant” means a person authorised by or on behalf of the Council to supervise the Parking Places and enforce the restrictions imposed by this Order;

“Charging Days”, means those days other than Christmas Day and Easter Sunday, which are as specified at each Parking Place respectively;

“Charging Hours”, means the period as specified at each Parking Place on all charging days;

“Council” means Newark and Sherwood District Council;

“Disabled Persons’ Badge” means a badge issued by any Local Authority in accordance with the provisions of the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons Regulations 2000) or a badge having effect under those regulations as if it were a Disabled Person’s Badge;

“Driver” in relation to a Parking Place means the person driving the Vehicle at the time it was left in the Parking Place;

“Expiry Time” is the time indicated on the Pay and Display Ticket and is the time by which the Vehicle must leave the Parking Place;

“Goods Vehicle” has the same meaning as that ascribed to it in Schedule 6 of the Road Traffic Act 1988 (RTA 1988);

“Loading Bay” means an area of a Parking Place, which is provided for the leaving of a Vehicle of a class specified and indicated by markings on the surface of the Parking Place or signed or otherwise indicated by signs in the Parking Place to undertake Loading and Unloading of Goods;

“Loading/Unloading” refers to when a Vehicle is parked wholly in a Parking Place or Parking Bay marked for that purpose on site, for the purpose of delivering or collecting goods or merchandise or Loading or Unloading the vehicle at premises adjacent to the Parking Place or Parking Bay and the Vehicle does not park for more than twenty minutes or such longer period as a duly authorised officer of the Council may authorise;

“Motorcycle” refers to a solo Motorcycle only and excludes any Motorcycle which has a side-car or trailer, or which has more than two wheels;

“Owner” in relation to a Vehicle means the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the Vehicle was left in the Parking Place in question;

“Parking Bay” means an area of a Parking Place, which is provided for the leaving of a Vehicle of a class specified and indicated by markings on the surface of the Parking Place or signed or otherwise indicated by signs in the Parking Place;

“Parking Permit” means a season ticket, contract permit, business permit or resident’s permit of a type and design issued by the Council;

“Park and Phone” means a method of payment of the parking charge involving registration of payment by phone or electronic means and, on first use, registration of the relevant registration number of the vehicles, location of the parking place, credit or debit card details or any such other details as the Council may from time to time require which is accepted by the Council as a valid method of payment for the relevant time of use of the parking place;

“Parking Place” means the areas of land shown on the Plans and provided by the Council pursuant to Section 32(1) of the 1984 Act for the purpose of Vehicle parking and not closed (in part or in whole) by a notice, sign or barrier, erected or displayed thereon by authority of the Council in accordance with Article 13 of this Order;

“Pay and Display” means a type of Parking Place where upon parking the Vehicle in a Parking Bay and prior to leaving the Parking Place a Pay and Display Ticket must be purchased at the level of charge and for the required period in accordance with the scale of charges advertised at that Parking Place as described in Article 23(i) of this Order;

“Pay and Display Ticket” means a ticket issued by a Ticket Machine located in the Parking Place in which the Vehicle has been parked or issued by a person nominated by the Council on payment of a charge and valid for a parking period as advertised at that Parking Place in accordance with Article 23(i) of this Order. The Pay and Display Ticket must be displayed prominently on the Vehicle, where appropriate, in accordance with Article 24 of this Order;

“Pay on Foot/Pay on Exit” means a Parking Place where an entry ticket is taken at the entry barrier to access the Parking Place. Prior to leaving the Parking Place, this Ticket is then inserted in to a Ticket Machine located in the Parking Place and the correct payment for time parked in the Parking Place is made. The Ticket machine produces an exit ticket which is then used to raise the barrier on exit;

“Penalty Charge” means the charge set by the Council 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. The Penalty Charge Notice will state the level at which the Penalty Charge will be set;

“Penalty Charge Notice” means a notice issued by or served by a Civil Enforcement Officer pursuant to the provisions of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Plans” means the plans annexed to this Order and numbered CE/002 to CE/054, which identify the Parking Places affected by this Order;

“Public Holiday” means Christmas Day, Good Friday and any other day designated by the Government as a public holiday;

Restricted Areas

“Restricted areas” means an area of the parking place or a parking bay which is marked in either yellow or white; by either cross hatchings, kerb blips, double or single yellow lines, or; signposted in such a manner, to clearly indicate to a user of the parking place or parking bay that a vehicle is not permissible to park.

“Relevant Position” means

- (a) in respect of a Vehicle displaying a valid Disabled Person’s Badge:
 - (i) in the case of a Vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 (the front of the badge), is legible from outside the Vehicle; or
 - (ii) in the case of a Vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the Vehicle so that Part 1 of the badge is legible from outside the Vehicle;

- (b) in respect of a Vehicle displaying a Pay and Display Ticket or Parking Permit:
 - (i) the ticket or permit is exhibited on the inside surface of the windscreen or in a clearly visible position so that it is facing forwards and can be easily seen and read from the front or side of the Vehicle; or
 - (ii) in the case of a Vehicle that is not fitted with a transparent windscreen, the ticket or permit is exhibited on the front of the Vehicle facing forwards and clearly visible; or

- (c) in respect of a Vehicle displaying a Hackney Carriage Plate:

- (i) the plate must be affixed to the vehicle in accordance with the instructions given within the licence as issued by the Council;

“Schedule of Charges” means the charges that are included in the schedule incorporated into this Order;

“Specified Proportion” means such proportion, applicable to all cases where a Penalty Charge Notice has been issued, as may be determined by the Local Authorities acting through the Joint Committee of the National Parking Adjudication Service;

“Parking Ticket” or “Pay and Display Ticket”, means the receipt for payment of the appropriate charge to be displayed within the Vehicle as Article 24;

“Ticket Machine” means an apparatus of a type and design approved by the appropriate Minister for the purpose of this order, being apparatus designed to indicate the time by a clock and to issue parking tickets which show that a payment has been made of an amount or for a period specified thereon and which specify the date and, either the time of such payment, or the time at which the Vehicle must leave the Parking Place;

“Vehicle” means any motorcar, Motorcycle or other mechanically propelled automobile;

3. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order and any reference to a plan is a reference to the Plans incorporated into this Order.
4. 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.

5. Unless the context otherwise requires, words denoting the singular shall include the plural and vice versa and words denoting the persons shall include either gender, bodies corporate, unincorporated associations and partnerships.
6. The Interpretation Act 1978 shall apply for the interpretation of this Order.

PART II

DESIGNATION AND USE OF PARKING PLACES

Designation

7. Each area of land or buildings as shown on the Plans may be used, subject to the provisions of this Order, as a place to leave Vehicles of such classes, in such positions, on such days, during such hours, for such period and on payment of such charges as are advertised at each Parking Place.

Class and position of Vehicle

8. Where by notice at a Parking Place, the Parking Place, or any Parking Bay within the Parking Place, is described as available for Vehicles of a specified class or Vehicles to be left in a specified location, no person shall permit a Vehicle to park in that Parking Place or as the case may be in any Parking Bay within the Parking Place:
 - (i) unless it is of the specified class;
 - (ii) that is parked beyond the Parking Bay markings; or
 - (iii) in a position other than that specified.

Disabled person's Parking Bays

9. No person shall cause or permit a Vehicle to park in a Parking Bay marked for disabled persons unless the Vehicle displays a valid Disabled Person's Badge in the Relevant Position and immediately before or immediately after the act of

parking the Vehicle has been or is about to be used by the person(s) in respect of whom the Disabled Person's Badge has been issued. Where required the Vehicle shall also display the Disabled Badge clock in accordance with local regulations.

Taxi Ranks

10. No person shall cause or permit a Vehicle to park in a Parking Bay marked for Taxis unless the Vehicle displays a valid Hackney Carriage plate, issued by Newark and Sherwood District Council, in the Relevant Position.

Loading and Unloading bays

11. No person shall cause or permit a Vehicle to park in a Parking Bay marked as a Loading Bay unless the Vehicle is being used for the purpose of Loading or Unloading.

Motorcycle parking bays

12. No person shall cause or permit a Vehicle to park in a Parking Bay marked for Motorcycles unless the Vehicle is a Motorcycle.
13. Motorcycles may park free of charge in a designated motorcycle area marked "M/C" for a maximum of 8 hours. No return within a 24 hour period.

Restricted Areas

14. No person shall cause or permit a vehicle to park in a parking bay or area within the parking place which is defined as a restricted area.

Power to close or suspend Parking Places

15. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in a Parking Place:
 - (i) from closing a Parking Place or any part thereof for any period; and/or
 - (ii) from setting aside a Parking Place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular Vehicles or organisations.

16. Any person suspending the use of a Parking Place or any part thereof in accordance with the provisions of Article 14 shall thereupon place or cause to be placed in or adjacent to that Parking Place or that part thereof a notice or traffic sign indicating that the use of that Parking Place or that part thereof is suspended and that parking by Vehicles is prohibited.

17. No person shall cause or permit a Vehicle to be left in a Parking Place or any part thereof during such periods that the use of that Parking Place or that part thereof is suspended or during such period as there is in or adjacent thereto a notice or traffic sign placed by or on behalf of the Council in pursuance of Article 15.

Use of Parking Place

18. No person shall while a Vehicle is in a Parking Place use the Parking Place for any purpose other than parking the Vehicle, boarding or alighting from the Vehicle or taking articles out of or into the Vehicle and in particular but without prejudice to the generality of the foregoing provisions of this Article no person shall:
 - (i) carry out any work of construction, overhauling, cleaning or repair in respect of the Vehicle except as may be necessary to enable the Vehicle to be moved from the Parking Place;

- (ii) use a Vehicle while it is in a Parking Place in connection with the sale of any article (including the Vehicle itself) to persons in or near the Parking Place or in connection with the selling or offering for hire of his or another person's skills or services in any capacity, unless with the express written permission of the Council;
- (iii) except with the permission of an authorised officer of the Council or Civil Enforcement Officer drive any Vehicle in a Parking Place other than for the purpose of leaving that Vehicle in the Parking Place or for the purpose of departing from the Parking Place in accordance with the provisions of this Order.

Maximum Period of Stay

19. Where a Parking Place is described by a notice displayed within as being available for use on specified days, during specified hours or as being available for use for a maximum period of stay, no person shall permit a Vehicle to park in that Parking Place on any day, during such hours or for any period other or longer than those specified.

Period of no return

20. Where by notice on site a Parking Place is described as having a period within which a Vehicle may not return, no person shall permit a Vehicle to park in that Parking Place on any day, during such period.

Parked with engine running

21. The driver of a Vehicle using a Parking Place shall stop the engine as soon as the Vehicle is in the Parking Bay and shall not start the engine except when about to change the position of the vehicle in, or to depart from, the Parking Place.

Parked causing an obstruction

22. The driver of a Vehicle using a Parking Place shall not park the Vehicle in such a manner or place where it causes an obstruction to any other users of the Parking Place.

PART III CHARGES FOR PARKING

Payment

23. The driver of a Vehicle using a Parking Place shall upon leaving the Vehicle in the Parking Place pay the appropriate charge (if any) in accordance with the scale of current charges as advertised on site and that are specified in the Schedule of Charges to this Order.

Means of payment

24. The charges referred to in Articles 22, 24 and 30 shall be payable in the manner, as advertised at that Parking Place, or by payment to a person nominated by the Council.

Pay and Display Parking and Alternative Approved Method of Payment Places

25. The driver of a Vehicle using a Parking Bay within the Pay and Display Parking Place, shall immediately upon parking the Vehicle in a Parking Bay, and prior to leaving the Parking Place:
- (i) purchase a Pay and Display Ticket at the level of charge and for the period required in accordance with the scale of charges as advertised at that Parking Place; or

- (ii) make arrangements to pay the appropriate fee through an Alternative Approved Method of Payment at the level of charge and for the period required in accordance with the scale of charges as advertised at that Parking Place.

Display of ticket

26. Once a Vehicle has been parked within a Pay and Display Parking Place the driver of the Vehicle shall if purchasing a Pay and Display Ticket in accordance with Article 23(i):
- (i) ensure that a valid Pay and Display Ticket has been obtained and is displayed at all times the vehicle is parked, to cover the entire period that the Vehicle is parked in the Parking Place; and
 - (ii) display the Pay and Display Ticket issued at that Parking Place in the Relevant Position on the Vehicle in respect of which it was issued.

Validity of Pay and Display Tickets

27. A Pay and Display Ticket is not transferable from one Vehicle to another and on transfer the ticket ceases to be valid.
28. A Pay and Display Ticket is valid only in the Parking Place in which it was issued. This is defined by the reference code of the Ticket Machine located in that Parking Place printed on the Pay and Display Ticket.

Expiry of parking period

29. The expiry of the period for which a charge for the use of a Parking Place has been paid shall be:

- (i) where a pay and display ticket has been purchased, when the time shown on the clock of the issuing ticket machine is later than the expiry time shown on the pay and display ticket displayed; or
 - (ii) where an Alternative Approved Method of Payment has been used, when the period for which payment has been made and recorded has been exceeded.
30. The expiry of the period for which a charge for the use of a Parking Place has been paid and where a Vehicle displays a valid Disabled Person's Badge in the Relevant Position and immediately before or immediately after the act of parking the Vehicle has been or is about to be used by the person(s) in respect of whom the Disabled Person's Badge has been issued shall be:
- (i) where a pay and display ticket has been purchased, when the time shown on the clock of the issuing ticket machine plus an additional period of three hours and thirty minutes is later than the expiry time shown on the pay and display ticket displayed; or
 - (ii) where an Alternative Approved Method of Payment has been used, when the period for which payment has been made and recorded plus an additional period of three hours and thirty minutes has been exceeded.

Pay on exit/Pay on Foot Parking Places

31. The driver of a Vehicle using a Pay On Exit/Pay On Foot Parking Place shall upon arriving at the Parking Place take a Parking Ticket from the Ticket Machine to establish the time of entry at the Parking Place and shall on return to the Vehicle prior to exit pay the appropriate fee at the Pay On Foot Ticket Machine or pay the person nominated by the Council or Civil Enforcement Officer on duty as the case may be at the exit point a parking fee at the level of charge and for the period required in accordance with the scale of charges advertised at that Parking Place.

No Pay and Display Ticket displayed

32. Except as provided for under Article 33, if at any time while a Vehicle is left in a Parking Place no Pay and Display Ticket is displayed on that Vehicle in the Relevant Position and in accordance with the provisions of Article 25, it shall be deemed that the charge has not been paid.
33. Where payment of the daily charge has been made through an Alternative Approved Method of Payment and no Pay and Display Ticket is produced by following the process, the driver of a vehicle shall be exempt from the requirement to display such a ticket.
34. If at the time when a Vehicle is left during the Charging Hours in a Pay and Display Parking Place and on the nearest Ticket Machine in that Parking Place there is a notice placed by any person duly authorised by the Council, indicating that the said Ticket Machine is out of order, then a ticket shall be obtained from another Ticket Machine within the same Parking Place (where another Ticket Machine is provided) or from a person nominated by the Council. Otherwise Article 31 shall prevail where there is no Ticket Machine or all Ticket Machines are out of order whether signed as such or not or if no person is nominated by the Council.
35. If under Article 33 no valid Pay and Display Ticket can be obtained and displayed Vehicles may be left in a Parking Place but may not be left for longer than the maximum period of parking in that Parking Place as advertised at the Parking Place.

Parking Permits

36. Parking Permits are available from the Council at the appropriate fee, for a Vehicle of a specific class and for a specific Parking Place subject to terms and conditions determined by the Council.

37. The driver shall abide by the terms and conditions stipulated by the Council for the use of the Parking Permit.
38. A Parking Permit is only valid in the Parking Place in respect of which it was issued and up to the date of expiry shown on the Parking Permit.
39. A Parking Permit remains the property of the Council and must be surrendered on request. In such instances where a refund fee is appropriate this will be provided in accordance with the Council's policies.

Display of Parking Permit

40. The driver of the Vehicle shall display the Parking Permit in the Relevant Position on the Vehicle in respect of which it was issued at all times during which the Vehicle is left in the Parking Place. Electronic permits and decrementing pre paid cards are exempt from the need to display in a Pay on Foot/Pay on Exit Parking Place.

Replacement Parking Permits

41. Damaged or lost Parking Permits will be replaced on application to the Council and on payment of an administration fee. The damaged or lost Parking Permit will then become immediately invalid.

Surrender of Parking Permit

42. The holder of an annual Parking Permit shall on surrendering the Parking Permit be entitled to a refund based upon the number of complete months remaining un-expired from the beginning of the calendar month following the date on which the Council receives the surrendered Parking Permit. The refund will be one twelfth of the annual rate for each un-expired calendar month less an administration fee. The Council may accept the transfer of a

Parking Permit to a new Vehicle on the surrender of the existing Parking Permit to the Council subject to the relevant administration fee and subject to the procedure stated in the conditions of holding such a permit.

Restriction on removal

43. When a Pay and Display Ticket or Parking Permit has been exhibited on a Vehicle in the relevant position no person shall remove the Pay and Display Ticket or Parking Permit from the Vehicle until the Vehicle is removed from the Parking Place.

**PART IV
EXEMPTIONS FROM DAILY CHARGES**

Exemptions

44. No daily charge shall be payable in respect of:
- (i) a Vehicle parked in a Parking Bay marked for disabled persons which displays in the relevant position a valid Disabled Person's Badge provided that the Vehicle immediately before or after the act of parking has been used or is about to be used by the person(s) in respect of whom the badge is issued;
 - (ii) a Motorcycle which is left in a parking bay marked "M/C" for less than 24 hours;
 - (iii) a Vehicle left displaying in a relevant position a valid Parking Permit valid for that Parking Place;
 - (iv) a Vehicle parked in a Disabled person's Parking Bay displaying a valid Disabled Person's Badge in the Relevant Position and immediately before or immediately after the act of parking the Vehicle has been or is about to be used by the person(s) in respect of whom the Disabled

Person's Badge has been issued where the maximum period of stay is equal to or less than three hours and thirty minutes.

45. For the avoidance of doubt, except as provided for at Article 43(iv), a Vehicle displaying a valid Disabled Person's Badge in the Relevant Position and immediately before or immediately after the act of parking the Vehicle has been or is about to be used by the person(s) in respect of whom the Disabled Person's Badge has been issued is not exempt from paying the appropriate charge (if any), in accordance with the scale of current charges as advertised on site and that are specified in the Schedule of Charges to this Order unless it is parked in a Disabled person's Parking Bay.

Absence of ticket machine

46. If at the time when a Vehicle is left in a Parking Place during the Charging Hours there is no Ticket Machine at the Parking Place, or all the Ticket Machines at that Parking Place carry notices placed upon them by a person duly authorised by the Council indicating that they are out of order, or there is no person nominated by the Council from whom to obtain a Pay and Display Ticket, the driver of that Vehicle shall be exempt from purchasing a Pay and Display Ticket. Otherwise Article 31 shall prevail where there is no ticket machine or all ticket machines are out of order whether signed as such or not.

PART V RELOCATION AND REMOVAL OF VEHICLES

Emergencies

47. A Civil Enforcement Officer, a person authorised by the Council or a Police Constable in uniform may, using such measures as are appropriate, move or cause to be moved in the case of an emergency to any place he/she thinks fit, any Vehicle left in a Parking Place.

Safe keeping

48. Any person removing a Vehicle from a Parking Place under Article 46 shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the Vehicle.

PART VI LIABILITIES / PENALTIES

Liability

49. The Council accepts no liability for the loss or damage to Vehicles or other property left in any of the Parking Places to which this Order applies.

Wilful damage

50. Any person who with intent to defraud interferes with the Ticket Machine or operates or attempts to operate it by the insertion of objects other than undamaged and unaltered coins of legal tender and of the appropriate denomination, or other approved method of payment, shall be liable to prosecution.

PART VII CONTRAVENTION AND PENALTY CHARGE

Contravention

51. If a Vehicle is Parked in a Parking Place without complying with the requirements of this Order, 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 or any subsequent applicable legislation

Penalty Charge Notice

52. 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

Restriction on removal of notices

53. A Penalty Charge Notice fixed to a Vehicle in accordance with Article 51 shall not be removed or interfered with except by or under the authority of:
- (i) the Owner, or person in charge of, the Vehicle;
 - (ii) the Council for the Parking Place in which the Vehicle in question was found.

Manner of Payment of Penalty Charge

54. The Penalty Charge shall be paid in accordance with the instructions contained on the Penalty Charge Notice. The recipient of a Penalty Charge Notice may be eligible to make representations or appeal against the Penalty Charge Notice issued, as detailed on the Penalty Charge Notice and in accordance with the requirements and procedures set out in the 2004 Act and its subordinate legislation.
55. If the driver fails to pay the Penalty Charge by the end of a period of 28 days a notice to the Owner may be served. If the charge is then not paid within a further 28 days, the charge may be increased by 50% on the issue of a charge certificate in accordance with the provisions of section 21 of part 5 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, or such other percentage increase of charge as may be determined by amendments to the legislation from time to time. Continued failure to pay the Penalty Charge may result in a judgement in the County Court against the Owner to enable the Council to recover the payments due.

56. Payment shall be received not later than 1600 hours on the 28th day following the day on which such Penalty Charge was incurred or the 14th day following the day on which the Charge was incurred if the Specified Proportion is paid.

Indications as Evidence

57. The particulars given in the Penalty Charge Notice attached to a Vehicle in accordance with this Order shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

PART VIII DISPOSAL OF VEHICLES

Disposal of Vehicles abandoned in Parking Places

58. The Council may sell or otherwise dispose of a Vehicle which has been, or could at any time be, removed from a Parking Place pursuant to Article 46 if the Vehicle appears to have been abandoned, provided that this power of disposal shall not be exercisable unless the Council has taken such of the following steps as are applicable to the Vehicle in question, and there has elapsed a period of six weeks beginning with the taking of the first of those steps.
59. Where the Vehicle carries a registration mark the Council shall ascertain from the appropriate body the name and address of the person who is the Registered Keeper of the Vehicle pursuant to the Vehicles (Excise) Act 1971, unless the Council is satisfied that the true owner of the Vehicle has identified himself to them.
60. The Council shall, where by virtue of Articles 58, 60, 61 or 62, it is 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 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 place as is specified by the Council in the said notice or from such place as may be subsequently notified in writing by the Council to that person.

61. If any person to whom a notice is sent in accordance with Article 59 informs the Council of the name and address of some other person who he/she alleges may be the Owner of the Vehicle, a notice stating the particulars mentioned in the last preceding Article shall be sent 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.
62. Where a Vehicle does not carry a registration mark the first step to be taken by the Council shall be to apply in writing to the Chief Officer of Police in whose area the Parking Place is situated enquiring whom that officer considers is the Owner of the Vehicle and the address of that person.
63. The Council shall then make such further enquiries as to ownership as it thinks fit.
64. Upon the sale of a Vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by it in connection with the disposal thereof and of any charge or payment to which it is entitled.
65. In the event that any such costs incurred by the Council in connection with the disposal of the Vehicle are not satisfied by virtue of the last preceding Article, the Council may recover those costs from the person who was the Owner of the Vehicle immediately before it was removed from the Parking Place, provided that that person was sent by the Council a notice under Article 59.

66. Any sums received by the Council on the sale of a Vehicle shall, after deducting any sum applied by virtue of Article 63, be payable within a period of one year from receipt hereof to any person to whom, but for such sale, the Vehicle would have belonged and insofar as any such sums are not claimed within the said period they shall be paid into the General Rate Fund of the Council.
67. Where under the foregoing provisions of this Order a notice is required to be or may be sent to a person the notice shall be sent by recorded delivery post.

PART IX
REVOCATIONS

Revocations

68. The Newark and Sherwood District Council (Off Street Parking Places) Order 2015 is revoked as from the date this Order comes into operation.

EXECUTED as a Deed by affixing the COMMON SEAL
of Newark and Sherwood District Council
in the presence of

Karen White

Director Safety



12349

