

WARWICKSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE WARWICKSHIRE COUNTY COUNCIL
(DISTRICT OF STRATFORD ON AVON)
(STRATFORD PARKWAY / PARK & RIDE)

(OFF-STREET PARKING PLACES) (VARIATION NO. 1) ORDER 2022

The Warwickshire County Council (hereinafter referred to as "the Council") in exercise of the powers conferred by Sections 32, 33, 35, 35A and 38 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") the Traffic Management Act 2004 as amended and of all other enabling powers, hereby makes the following Order:-

1. The Warwickshire County Council (District of Stratford on Avon) (Stratford Parkway / Park & Ride) (Off-Street Parking Places) Order 2016 (which said Order of 2016 is hereinafter referred to as 'the Principal Order') is hereby further varied in the manner and to the extent hereinafter provided.
2. In Article 2 to the Principal Order:-
 - a. delete the definition of "charge certificate" in its entirety and replace with:-

“charge certificate” shall have the same meaning as assigned to it in any Regulations made from time to time by the appropriate national authority pursuant to Part 6 of the 2004 Act;”
 - b. delete the definition of "parking space" in its entirety and replace with:-

“parking space” means a space within a parking place which is provided for the leaving of a vehicle of the class specified in this Order and demarcated in accordance with either the 2016 Regulations or the 2002 Regulations or otherwise indicated by signs or any other structure placed or erected in the parking place, and this definition shall include disabled badge holders’ bays, drop off / pick up bays, electric vehicle bays, motor car bays, taxi bays and the motor cycle and pedal cycle areas;”
 - c. delete the definition of "pedal cycle" in its entirety and replace with:-

“pedal cycle” has the same meaning as in the 2016 Regulations;”
 - d. delete the definition of "penalty charge" in its entirety and replace with:-

“penalty charge” means the charges set by the enforcement authority from time to time in accordance with any guidelines given by the appropriate national authority pursuant to Part 3 of Schedule 9 to the 2004 Act which are to be paid not later than the last day of the period of 28 days beginning with the date on which the penalty charge notice was served;”
 - e. delete the definition of "penalty charge notice" in its entirety and replace with:-

“penalty charge notice” shall have the same meaning as assigned to it in any Regulations made from time to time by the appropriate national authority pursuant to Part 6 of the 2004 Act;”

- f. delete the definition of “reduced penalty charge” in its entirety and replace with:-

““reduced penalty charge” means the charges set by the enforcement authority from time to time in accordance with any guidelines given by the appropriate national authority pursuant to Part 3 of Schedule 9 to the 2004 Act which are to be paid not later than the last day of the period of 14 days beginning with the date on which the penalty charge notice was served;”

- g. delete the definition of “season ticket” in its entirety and replace with:-

““season ticket” means either a weekly, monthly, quarterly or annual season ticket issued virtually or otherwise under the provisions of Articles 47 or 48 for use within the parking place;”

- h. delete the definition of “season ticket holder” in its entirety and replace with:-

““season ticket holder” means a person to whom a season ticket has been issued either virtually or otherwise;”

- i. delete the definition of “staff permit” in its entirety and replace with:-

““staff permit” means a permit issued by the Council to rail industry staff virtually or otherwise for use in a staff parking bay;”

- j. delete the definition of “taxi” in its entirety and replace with:-

““taxi” has the same meaning as in the 2016 Regulations;”

- k. prior to the definition of “tourist bus” insert:-

““the 2016 Regulations” means the Traffic Signs Regulations and General Directions 2016;”

- l. delete the definition of “virtual season ticket” in its entirety;

- m. delete the definition of “the 2007 Order” in its entirety;

- n. delete the definition of “the 2007 Regulations” in its entirety.

3. In the Principal Order, delete Article 47(2) entirely and replace with:-

“47.(2) The owner of a motor car or light commercial vehicle or an electric vehicle or a motor cycle may apply to the Council (or to an agent acting on behalf of the Council) (using the method as may be specified by the Council from time to time) for the issue of either a quarterly or annual season ticket for the parking of that vehicle in the parking place any such application shall be accompanied by the appropriate remittance for that season ticket as specified in the Schedule of this Order.”

4. In the Principal Order, delete Article 48 entirely and replace with:-
 - “48. On receipt of an application made under paragraph 47(2) of this Article, and of the relevant fee the Council shall issue to the applicant either virtually or otherwise a season ticket for the parking of the vehicle specified on the application in the parking place by the owner of such vehicle, or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward.
 - 48A. Upon the issue of a season ticket by the Council pursuant to Article 48 above and receipt of the correct fee, the applicant’s details and those of the vehicle to which the season ticket applies will be recorded in the Council’s permit database and the season ticket will be deemed valid and live.”
5. In Article 50(1) to the Principal Order, delete the word “holiday” and replace with the word “holder”.
6. In the Principal Order, delete Article 50(2) entirely and replace with:-
 - “(2) The Council may by notice in writing or by electronic means served on the season ticket holder at the address or email address shown by that person on the application for the season ticket or at any other address believed to be that person's residence, withdraw a season ticket if it appears to the Council that any one of the events set out in paragraph (3) of this Article has occurred and the season ticket holder shall surrender the season ticket to the Council within 48 hours of the receipt of such notice.”
7. In the Principal Order, delete Article 50(3)(ii).
8. In the Principal Order, delete Article 50(5) entirely and replace with:-
 - “(5) Where a season ticket is issued to any person upon receipt of a payment and the payment is subsequently dishonoured, the season ticket shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such season ticket was issued by sending the same by the recorded delivery service or by electronic means to the season ticket holder at the address or email address shown by that person on the application for the season ticket or at any other address believed to be that person's place of residence, require that person to surrender the season ticket to the Council within 48 hours of the receipt of the aforementioned notice.”

9. In the Principal Order, delete Article 51 entirely and replace with:-

- “51. (1) A season ticket holder may apply to the Council (using the method as may be specified by the Council from time to time) for an annual season ticket to be cancelled and (unless the season ticket was issued virtually) shall surrender that season ticket to the Council.
- (2) An annual season ticket holder who successfully applies for an annual season ticket to be cancelled pursuant to Article 51(1) above shall be entitled to a refund of that part of the charge paid (less an admin fee for processing the cancellation) for the season ticket (if any) in whole unexpired months as is attributable from the date of acceptance by the Council of the application for cancellation and (unless issued virtually) the surrendered season ticket PROVIDED ALWAYS THAT the season ticket has at least six whole unexpired months remaining at the date of acceptance by the Council of the application for cancellation.”

10. In the Principal Order, delete Article 52 entirely and replace with:-

- “52. A season ticket shall be in writing (unless issued virtually) and shall include the following particulars:-
- (i) an authentication that the season ticket has been issued by the Council;
- (ii) the time and date on which, subject to the provisions of Article 50(4), the season ticket expires.

11. In the Principal Order, delete Article 53 entirely and replace with:-

- “53. At all times in which a vehicle is left in a parking place by or with the permission of a season ticket holder, there shall be displayed on the front of the vehicle the valid season ticket issued (unless issued virtually) in respect of that vehicle so that all the particulars referred to in Article 52 are readily visible from the front of the vehicle.”

12. In the Principal Order, delete Article 55(2) entirely and replace with:-

- “(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 any regulations made from time to time by the appropriate national authority pursuant to Part 6 of the 2004 Act may then be served by a civil enforcement officer or by (or on behalf of) the enforcement authority in accordance with any such regulations.”

13. In the Principal Order, delete Article 55(4)(b) entirely and replace with:-

- “(4) (b) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by any regulations made from time to time by the appropriate national authority pursuant to Part 6 of the 2004 Act may then be served by a civil enforcement officer or by (or on behalf of) the enforcement authority in accordance with any such regulations.”

14. This Order shall come into operation on the 30th day of May Two Thousand and twenty-two and may be cited as "The Warwickshire County Council (District of Stratford on Avon) (Stratford Parkway / Park & Ride) (Off-Street Parking Places) Order (Variation No. 1) Order 2022".

SIGNED by the Proper Officer
for and on behalf of The Warwickshire County Council

on the 16th day of May Two thousand and twenty-two

DocuSigned by:  
Authorised by522B005685FC43B... Initials..... 804/22

DATED 16th MAY 2022

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