

NORTH WARWICKSHIRE BOROUGH COUNCIL
(OFF-STREET PARKING PLACES) ORDER 2022

North Warwickshire Borough Council ("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 Warwickshire County Council in accordance with Section 39(3) of the 1984 Act and after consultation with the Chief Officer of Police 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 1 February 2022 and may be cited as the North Warwickshire Borough Council (Off-Street Parking Places) Order 2022. The North Warwickshire Borough Council (Off-Street Parking Places Order) 2022 Plans ('the Plans') 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:

"the Act" means the Road Traffic Regulation Act 1984;

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

"Civil Enforcement Officer" 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 specified at each Parking Place and specified in the Schedule of Parking Places other than Christmas Day and Easter Sunday;

"Charging Hours", means the period as specified at each Parking Place and specified in the Schedule of Parking Places on all Charging Days;

"Council" means North Warwickshire Borough Council;

"Disabled Person's Badge" means a badge issued by any Local Authority in accordance with the provisions of the Local Authorities' Traffic Orders (Exemptions for Disabled Person's) (England) 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 or Voucher and is the time by which the parking period for which the parking ticket, Voucher or Electronic Payment period has expired;

"Electronic Payment" means a cashless parking payment method of charges for use in a Parking Place where facilities at that Parking Place allow payment by telephone or electronic means, allowing Vehicles of such classes, in such positions, on such days, during such hours and for such period as are specified at each Parking Place and specified in the Schedule of Parking Places to be parked for the period of time for which Electronic Payment has been made. A transaction fee (convenience charge) may be incurred in addition to the scale of current charges as specified on site and specified in the Schedule of Parking Places, for the use of this Electronic Payment method;

"Free Period" means a period of parking for which a Voucher (free parking ticket) must be obtained but for which there is no charge as specified on site and which is specified in the Schedule of Parking Places as being at a charge of £0.00;

"Goods Vehicle" has the same meaning as that ascribed to it in Schedule 6 of the Road Traffic Act 1988 ('RTA 1 988');

"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;

"Loading Bay" means an area of a Parking Place which is provided for the temporary parking of Vehicles of a class specified and indicated by markings on the surface of the Parking Place or signed or otherwise indicated by notices in the Parking Place for the purpose of Loading and Unloading of goods;

"Motor car" and "trailer" have respectively the same meaning as in Sections 136 and 137 of the Act;

"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 employee permit or resident's permit of a type and design issued by the Council;

"Parking Place" means an area 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 12 of this Order;

"Parking Space" means any area of a parking place which is provided for the leaving of a vehicle and is indicated by markings on the surface of the parking place or by any such other suitable means as may be practicable;

"Parking Ticket" means a ticket receipt for payment of the appropriate parking charge (if any) purchased or obtained in accordance with Part III of this Order ('CHARGES FOR PARKING');

"Pay and Display" means for the purpose of this order 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 or Electronic Payment must be made at the appropriate level of charge (if any) or a Voucher obtained for any Free Period in accordance with the scale of charges specified at that Parking Place and specified in the Schedule of Parking Places, as described in Article 22 of this Order;

"Pay and Display Ticket" means a ticket either purchased or obtained for a period and issued by a Ticket Machine located in the Parking Place in which the Vehicle has been left or a ticket issued by a person nominated by the Council and valid for a parking period as specified at that Parking Place and specified in the Schedule of Parking Places in accordance with Article 22 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;

"Voucher" means a free parking ticket obtained for a Free Period and issued by a Ticket Machine located in the Parking Place in which the Vehicle has been left or a free parking ticket issued by a person nominated by the Council and valid for a parking period as specified at that Parking Place and specified in the Schedule of Parking Places in accordance with Article 22 of this Order. The Voucher must be displayed prominently on the Vehicle, where appropriate, in accordance with Article 24 of this Order;

"Penalty Charge" means the charge as defined in Band 2 of Schedule 1, Article 2 of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007;

"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 North Warwickshire Borough Council Off-Street Parking Places Order 2021 Plans and numbered Plans annexed to this Order, 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;

"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, Voucher or Parking Permit

(i) the ticket, Voucher 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, whereby the purchase amount, Expiry Time, date of purchase, and serial number should be visible on inspection 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, Voucher or permit is exhibited on the front of the Vehicle facing forwards and clearly visible, whereby the purchase amount, Expiry Time, date of purchase, and serial number should be visible on inspection .

(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 Parking Places" means a schedule of Parking Places, locations, times of use of the said Parking Places, parking tariffs and charges including Free Periods (if any) attached to this Order as may be amended or varied from time to time;

"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 or any such successor organisation carrying out the same function;

"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 or Vouchers each of which permits the parking of a vehicle in the Parking Place for the period specified thereon;

"Toddler" means a child at or below the age of 5 years;

"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. Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting persons shall include either gender, bodies corporate, unincorporated associations and partnerships.

5. The Interpretation Act 1978 shall apply for the interpretation of this Order.

PART II

DESIGNATION AND USE OF PARKING PLACES

Designation

6. 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 and for such period as are specified at each Parking Place and specified in the Schedule of Parking Places.

Class and position of Vehicle

7. Where by notice at a Parking Place, a 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

8. 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 unless 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 either immediately before or immediately after the act of parking. Where required the Vehicle shall also display the Disabled Person's Badge clock in accordance with local regulations.

Parking Permit Bays

9. No person shall cause or permit a vehicle to park in a Parking Bay marked for Permit Holders Only unless the vehicle displays a valid Parking Permit issued by the Council in the relevant position.

Electric Vehicles Parking Bays

10. No person shall cause or permit a vehicle to park in a Parking Bay marked for Electric Vehicles Only unless the vehicle is an Electric Vehicle and is being charged at the time.

Parent and Toddler Parking Bays

11. No person shall cause or permit a vehicle to park in a Parking Bay marked for Parent and Toddlers only unless a toddler has been or will be a passenger in the vehicle immediately before or after the act of parking.

Taxi Ranks

12. 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 the Council in the relevant position.

Loading and Unloading Bays

13. 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

14. No person shall cause or permit a Vehicle to park in a Parking Bay marked for Motorcycles unless the Vehicle is a Motorcycle.

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 suspending by 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 closing or suspending the use of a Parking Place or any part thereof in accordance with the provisions of Article 12 shall thereupon place or cause to be placed in or adjacent to that Parking Place or that part thereof a notice or sign indicating that the use of that Parking Place or that part thereof is closed or 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 closed or suspended or during such period as there is in or adjacent thereto a notice or sign placed by or on behalf of the Council in pursuance of Article 16.

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 the parking place to make deliveries except where authorisation is granted by an authorised officer from the council

(iii) 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;

(iv) 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 it or specified in the Schedule of Parking Places 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 longer than that specified.

Period of no return

20. Where by notice on site or specified in the Schedule of Parking Places 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 motor Vehicle using a Parking Place shall stop the engine as soon as the Vehicle is in position 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.

Payment

23. The Driver of a Vehicle using a Pay and Display Parking Place shall upon parking the Vehicle in the Parking Place purchase or obtain a Pay and Display Ticket at the appropriate charge (if any) or make payment by Electronic Payment method at the level of charges in accordance with the scale of current charges as specified on site and specified in the Schedule of Parking Places. Where a Free Period of parking is specified on site and specified in the Schedule of Parking Places for which a Voucher (free parking ticket) is required a Voucher must be obtained but for which there is no charge as specified on site and which is specified in the Schedule of Parking Places as being at a charge of £0.00.

PART III

CHARGES FOR PARKING

Pay and Display Parking Places

24. The Driver of a Vehicle using a Pay and Display Parking Place, or any Parking Bay within the Pay and Display Parking Place shall upon parking the Vehicle in a Parking Bay and prior to leaving the Parking Place purchase or obtain a Pay and Display Ticket at the appropriate level of charge (if any), make payment by Electronic Payment method or obtain a Voucher for the period required, all in accordance with the scale of charges as specified at that Parking Place and specified in the Schedule of Parking Places.

Means of payment

25. The charges (if any) referred to in Articles 23 and 24 shall be payable in the manner as specified at that Parking Place and specified in the Schedule of Parking Places or by payment to a person nominated by the Council.

Display of Parking Ticket or Voucher

26. Save for payment by Electronic Payment method, once a Vehicle has been parked within a Pay and Display Parking Place the Driver of the Vehicle shall:

(i) ensure that a valid Pay and Display Ticket or Voucher 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 or Voucher issued at that Parking Place in the Relevant Position on the Vehicle in respect of which it was issued.

Article 26 (i) and (ii) does not apply if payment is made by the Electronic Payment method.

Validity of Pay and Display Tickets or Voucher

27. A Pay and Display Ticket or Voucher is not transferable from one Vehicle to another and on transfer the ticket ceases to be valid.

28. A Pay and Display Ticket or Voucher is valid only in the Pay and Display 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 or Voucher.

Expiry of parking period

29. The expiry of the period of parking at a Parking Place (as specified at the Parking Place and specified in the Schedule of Parking Places) shall be indicated when there is exhibited on the Vehicle a Pay and Display Ticket or Voucher and the expiry date and time printed on the Pay and Display Ticket or Voucher is earlier than the date and time displayed on the clock of the issuing Ticket Machine or where payment has been made by the Electronic Payment method and the time period for which payment has been made and recorded is obtained and that period is earlier than the date and time displayed on the clock of the Ticket Machine .

No Pay and Display Ticket or Voucher displayed

30. If at any time while a Vehicle is left in a Pay and Display Parking Place no Pay and Display Ticket or Voucher is displayed on that Vehicle in the Relevant Position and in accordance with the provisions of Article 26, or where Electronic Payment is in operation and this system confirms non-payment or expiry of time purchased by Electronic Payment method it shall be deemed that the charge (if any) has not been paid or an appropriate Parking Ticket, Electronic Payment or Voucher has not been obtained.

31. 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 Parking Ticket or Voucher shall be obtained from another Ticket Machine within the same Parking Place (where another Ticket Machine is so provided) or obtained from a person nominated by the Council to issue such tickets or by use of the Electronic Payment method (where this facility is available). Otherwise Article 32 shall prevail where there is no Ticket Machine or all Ticket Machines are out of order, whether signed as such or not, or where no person has been so nominated by the Council.

32. Where no valid Pay and Display Ticket, Voucher or Electronic Payment method can be obtained and or displayed pursuant to the circumstances described in Article 31, 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 specified at that Parking Place and specified in the Schedule of Parking Places.

Parking Permits

33 . Parking Permits may be 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.

34. The Driver shall abide by the terms and conditions stipulated by the Council for the use of the Parking Permit.

35. 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.

36. 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

37. 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 are exempt from the need to display.

Replacement Parking Permits

38. 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

39. 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

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

PART IV

EXEMPTIONS FROM DAILY CHARGES

41. No charge shall be payable in respect of:

- (i) a Motorcycle which is left in a Parking Bay specified for such Vehicles (if any); or
 - (ii) a Vehicle left displaying in a relevant position a valid Parking Permit valid for that Parking Place; or
 - (iii) a vehicle left displaying in a Relevant Position a valid Voucher valid for that Parking Place in accordance with Article 26 and used in association with a Free Period.
- (a) An exempt Vehicle may be left in a Parking Place without payment of a daily charge, but may not be left for longer than the maximum period of parking in that Parking Place specified at that Parking Place and specified in the Schedule of Parking Places.

Absence of Ticket Machine.

42. 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, the

Driver of that Vehicle shall be exempt from purchasing or obtaining a Pay and Display Ticket or Voucher. Otherwise Article 32 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

43 . 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

44. Any person removing a Vehicle from a Parking Place under Article 43 shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the Vehicle.

PART VI

LIABILITIES I PENALTIES

Liability

45. 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

46. 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 approved method of payment, shall be liable to prosecution.

PART VII

CONTRAVENTION AND PENALTY CHARGE

Contravention

47. 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

48. 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

49. A Penalty Charge Notice attached to a Vehicle in accordance with Article 48 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

50. 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.

51. 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.

52. Payment shall be received not later than 16:00 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

53. 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

54. 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 41 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.

55. 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.

56. The Council shall, where by virtue of Articles 55, 57 and 58, 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.

57. If any person to whom a notice is sent in accordance with Article 56 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.

58. 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.

59. The Council shall then make such further enquiries as to ownership as it thinks fit.

60. 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.

61. 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 56.

62. Any sums received by the Council on the sale of a Vehicle shall, after deducting any sum applied by virtue of Article 60, 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.

63. 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.

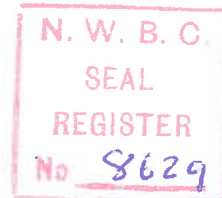
PART IX

REVOCATIONS

Revocations

64. The Borough of North Warwickshire (Off Street Parking Places) Order 2015 is hereby revoked.

The Common Seal of the Council of North
Warwickshire Borough Council was hereunto
affixed in the presence of Clive H. Tobin,
Solicitor, Head of Legal Services



Dated 5th January 2022

PART X
SCHEDULE OF PARKING PLACES