

PARKING PLACES ORDER

THE LONDON BOROUGH OF RICHMOND UPON THAMES (SOUTH TWICKENHAM) (PARKING PLACES) (AMENDMENT No. 3) ORDER 2010

Made: 15 March 2010

Coming into operation: 22 March 2010

The Council of the London Borough of Richmond upon Thames, having consulted the Commissioner of Police of the Metropolis, in exercise of the powers conferred by Sections 45, 46, 49 and 124 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984(a), as amended, and all other enabling powers hereby make the following Order—

1. This Order shall come into operation on 22 March 2010 and may be cited as the London Borough of Richmond upon Thames (South Twickenham) (Parking Places) (Amendment No. 3) Order 2010.
2.
 - (1) In this Order the expression "enactment" means any enactment whether public, general or local and includes any order, bye-law, rule, regulation, scheme or other instrument having effect by virtue of an enactment.
 - (2) 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.
 - (3) The Interpretation Act 1978(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the London Borough of Richmond upon Thames (South Twickenham) (Parking Places) Order 1994(c), as amended, shall have effect as though:-
 - (a) the items numbered 2/38 to 2/48 inclusive in Schedule 2 to that Order were revoked;
 - (b) there were inserted in that Order a new schedule numbered Schedule 2A and the items numbered 2A/1 to 2A/3 inclusive as set out in columns 1, 2, 3, 4 and 5 of Schedule 1 to this Order;
 - (c) for the item numbered 11 in Schedule 3 to that order there were substituted item similarly numbered and as set out in columns 1 and 2 of Schedule 2 to this Order; and

(a) 1984 c. 27.

(b) 1978 c. 30.

(c) 1994/19 the relevant amending Orders are 2006/41 and 2009/13, as modified by a Notice of Variation dated 7 August 2009.

- (d) there were made the textual amendments to that Order as set out in columns 1 and 2 of Schedule 3 to this Order as a consequence of the coming into force of Part 6 of the Traffic Management Act 2004(a).

Dated 15 March 2010



Assistant Director, Traffic and Transport
(The officer appointed for this purpose)

SCHEDULE 1
(See Article 3(b))

NEW SCHEDULE AND ITEMS TO BE INSERTED INTO 1994/19

SCHEDULE 2A

IN RELATION TO A PARKING PLACE REFERRED TO IN THIS SCHEDULE THE EXPRESSION "PERMITTED HOURS" MEANS THE PERIOD BETWEEN 10.30 AM AND 2.30 PM ON MONDAYS TO FRIDAYS INCLUSIVE, ANY SUCH DAY NOT BEING GOOD FRIDAY, CHRISTMAS DAY OR A BANK HOLIDAY.

PARKING PLACES IN WHICH A VEHICLE MAY BE LEFT DURING THE PERMITTED HOURS IF IT DISPLAYS A VALID RESIDENTS', RESIDENTS' VISITORS, BUSINESS OR OPERATIONAL PERMIT.

1 No. of parking place	2 Designated parking place	3 Minimum number of parking spaces	4 Minimum total length in metres not to be occupied by parking spaces	5 Special manner of standing
2A/1	WALDEGRAVE GARDENS, the north-east side, from a point 7 metres north-west of the north-western kerb-line of Waldegrave Road north-westwards for a distance of 18.5 metres.	1	-	-
2A/2	WALDEGRAVE GARDENS, the north-east side, from a point 21.5 metres south-east of the common boundary of No 2 Waldegrave Gardens and No 293 Waldegrave Road to a point 6 metres south-east of the south-eastern kerb-line of Tower Road.	6	40	-
2A/3	WALDEGRAVE GARDENS, the south-west side, from a point 7 metres north-west of the north-western kerb-line of Waldegrave Road to a point 6 metres south-east of the south-eastern kerb-line of Tower Road.	4	35	-

SCHEDULE 2
(See Article 3(c))

ITEM TO BE SUBSTITUTED IN SCHEDULE 3 [to1994/19]

STREETS OR PARTS OF STREETS FOR THE PURPOSE OF THE DEFINITION OF
"RESIDENT" OR "BUSINESS USER"

1 Item No	2 Street or part of street
11	Tower Road, Nos 1-29 inclusive (odds) and Nos 2A and 2 to 48 inclusive (evens)

SCHEDULE 3
(See Article 3(d))

**TEXTUAL ALTERATIONS TO 1994/19 AS A CONSEQUENCE OF THE COMING INTO
FORCE OF PART 6 OF THE TRAFFIC MANAGEMENT ACT 2004**

1	2
Article	Amendment
Article 3(1)	Add the following:– <p style="text-align: center;">““civil enforcement officer” means a person appointed by or on behalf of the Council for the enforcement of road traffic contraventions”.</p>
Article 3(1)	Delete the meaning of the expression “parking attendant”.
Article 3(1)	For the expression “penalty charge” substitute as follows – <p style="text-align: center;">““penalty charge” means the charge set by the Council under the provisions of the Road Traffic Act 1991 or the Traffic Management Act 2004 and following approval of the Secretary of State or the Mayor of London, as the case may be, which is to be paid following the issue of a penalty charge notice within 28 days of the issue or service of that notice”.</p>
Article 3(1)	For the expression “reduced penalty charge” substitute as follows – <p style="text-align: center;">““reduced penalty charge” means the charge set by the Council under the provisions of the Road Traffic Act 1991 or the Traffic Management Act 2004 and following approval of the Secretary of State or the Mayor of London, as the case may be, which is to be paid following the issue of a penalty charge notice within 14 or 21 days of the issue or service of that notice”.</p>
Article 9	Substitute the whole of this Article as follows – <p style="text-align: center;">“If a vehicle is left in a parking place referred to in Schedule 1 or Schedule 2 during the permitted hours without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable. A penalty charge notice may then be issued by a civil enforcement officer or served by the Council.”</p>
Article 10	Substitute the whole of this Article as follows – <p style="text-align: center;">“The penalty charge shall be paid to the Council by cash, cheque, postal order or other accepted means which shall be delivered or sent by post to the Council's payment office or to the Council's agents' office at the address or addresses indicated on the penalty charge notice and in accordance with instructions on that notice, to arrive not later than 5pm, or be paid by a credit card or debit card by telephone by 5pm:–</p> <p style="text-align: center;">(a) on the fourteenth day in the case of a reduced penalty charge where the notice was issued under Regulation 9 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 [S.I. 2007 No. 3483] beginning on the date the notice was served; or</p> <p style="text-align: center;">(b) on the twenty-first day in the case of a reduced penalty charge where the notice was issued under Regulation 10 of those Regulations beginning on the date the notice was served; or</p>

SCHEDULE 5 (Continued)

1 Article	2 Amendment
Article 10 (cont'd)	(c) on the twenty-eighth day in the case of a penalty charge, beginning on the date the notice was served:- Provided that, if the said fourteenth, twenty-first or twenty-eighth day falls upon a day on which the said payment office or agents' offices are closed, the period within which payment of the said charge shall be made to the Council or their agents shall be extended until the next day on which the said offices are open.
Articles 11, 12, 13, 15, 17	For the expression "parking attendant" substitute the expression "civil enforcement officer".

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

The first effect of this order is to redesignate the permit holder only parking places in that part of Waldegrave Gardens as lies between its junction with Waldegrave Road and its junction with Tower Road (i.e. items 2/38 to 2/48 inclusive) as permit holder only parking bays which operate for different times than apply elsewhere within the South Twickenham controlled parking zone.

Within that part of Waldegrave Gardens, this Order varies the hours of control of the parking places from between 8.30am and 10.30am on Mondays to Fridays inclusive to between 10.30am and 2.30pm on Mondays to Fridays inclusive. This is provided for in a new schedule numbered Schedule 2A and the parking bays are designated as items 2A/1 to 2A/3 inclusive.

The second effect is to include No 29 and No 48 Tower Road in the schedule of addresses which defines "resident" and "business user".

The third effect is to make certain textual alterations to the articles of the 1994 order as a consequence of the coming into force of Part 6 of the Traffic Management Act 2004.

The London Borough of Richmond upon Thames (South Twickenham) (Parking Places) (Amendment No. 3) Order 2010

STATEMENT OF REASONS

The part of Waldegrave Gardens, Twickenham as lies between its junctions with Waldegrave Road and Tower Road falls within the South Twickenham controlled parking zone, following a change to the boundaries of that zone as made in 2004. The hours of control of the zone currently in force are Mondays to Fridays inclusive, between 8.30am and 10.30am. The Council, having consulted residents, is proposing to vary the hours of control (to Mondays to Fridays inclusive, between 10.30am and 2.30pm) in the said part of Waldegrave Gardens so that they are more effective in providing priority to residents' parking provision during the working day. As a consequence of this, it will be necessary to adjust the hours during which a residents' visitor's permit will be valid in the South Twickenham zone.

Additionally, the Council is proposing to add two addresses in Tower Road to the list of those which specify the meaning of "resident" or business user", to make some minor adjustments to the existing parking arrangements with the intention of increasing the overall provision of permit holder only spaces and to make some local changes to waiting restrictions.

This order provides for the adjustment to the hours of control in the southern section of Waldegrave Gardens, the inclusion of two addresses in Tower Road and the minor adjustments to parking places, as indicated above.

Separate orders make provision for allowing a residents' visitor's parking permit, if displayed on a vehicle parked in the South Twickenham controlled parking zone, to be valid between 8.30am and 2.30pm on any one day;

and, in respect of waiting restrictions:-

- (a) varying the hours when waiting restrictions (as marked with a single yellow line) are in force in the southern section of Waldegrave Gardens; and
- (b) the introduction of waiting restrictions ("no waiting at any time") in Tower Road at its junction with Waldegrave Road.

The Council has deferred making orders for the proposals affecting parking provision and other waiting restrictions within the area of the South Twickenham CPZ in streets to the north of and including Tower Road.