

THE WIGAN BOROUGH (DECriminalISATION OF PARKING)
(OFF STREET PARKING PLACES) (AMENDMENT NO.2) ORDER 2004

The Wigan 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 ("the 1984 Act") and under the Road Traffic Act 1991 ("the 1991 Act") and of all other powers enabling it in that behalf hereby makes the following Order:-

1. This Order may be cited as "The Wigan Borough (Decriminalisation of Parking)(Off Street Parking Places) (Amendment No.2) Order 2004 and shall come into operation on 3rd September 2004.
2. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. For Articles 4, 5(1), 5(2), 5(3), 5(4) and 18(1) of the Orders listed in the Schedule hereto there shall be substituted the following:
 - "4. The driver of a vehicle shall not permit it to wait in a parking place –
 - (a) unless it is of a specified class; or
 - (b) in a position other than a specified position, except as directed by a parking attendant; or
 - (c) for longer than the specified maximum period; or
 - (d) unless the relevant charge has been paid; or
 - (e) for longer than the period for which a relevant charge has been paid.
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 - (1) The relevant charge for a vehicle left in a parking place during the charging hours shall, subject as hereinafter provided, be the amount payable by virtue of Article 3 in respect of the use of the parking place.
 - (2) Save where a season ticket has been issued in respect of the use by a vehicle of a parking place, the relevant charge shall be paid on the leaving of a vehicle in the parking place and shall be paid by the insertion of the necessary coins into the apparatus or device provided at the parking place, being an apparatus or device approved in accordance with Section 35(3) of the 1984 Act, and the provisions of section 47(5) of the said Act shall apply in respect of such apparatus or device.
 - (3) The ticket issued on payment of the relevant charge shall be displayed in the vehicle in a conspicuous position so that it can be easily read from outside the vehicle.
 - (4) Where a vehicle in respect of which a relevant charge has been paid is to remain in the parking place for longer than the relevant period for which the relevant charge was paid, a further relevant charge may be paid by the insertion of the necessary coins into the apparatus or device aforesaid before the expiry of the said relevant period in respect of which the first relevant charge was made, and for the purposes of this order (including this paragraph) any such further payment shall be deemed to be the payment of the relevant charge and this order shall apply accordingly.
 - 18(1) Payment of the relevant charge in accordance with Article 5(2) and of any further relevant charge paid pursuant to Article 5(4) shall be shown by means of a ticket issued by the apparatus or device referred to in the said Article 5(2)."

5. The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any Regulations made or having effect as if made under the 1984 Act or the 1991 Act or by or under any other enactment.

Dated this 12th day of August 2004.

THE COMMON SEAL of)
THE WIGAN BOROUGH COUNCIL)
was hereunto affixed)
in the presence of:)

Director of Legal and Property Services and Solicitor to the Council

SCHEDULE

Wigan Borough (Off Street Parking Places) (Mona Street East Side Car Park, Wigan) Order 1992
Wigan Borough (Off Street Parking Places) (Mona Street West Side Car Park, Wigan) Order 1993
Wigan Borough (Off Street Parking Places) (Mona Street West Side Car Park No. 2, Wigan) Order 1996
Wigan Borough (Off Street Parking Places) (Church Street, District Office/Library and Lord Street Car Parks, Leigh) Order 1992
Wigan Borough (Off Street Parking Places) (Chapel Lane, Harrogate Street and Rodney Street Car Parks, Wigan) Order 1994
Wigan Borough (Off Street Parking Places) (Spinning Gate Car Park, Leigh) Order 1989
Wigan Borough (Off Street Parking Places) (Doctor's Nook Car Park, Leigh) Order 1991
Wigan Borough (Off Street Parking Places) (Civic Centre, 50 Millgate, Station Road East and West Sides, Car Parks, Wigan) Order 1995
Wigan Borough (Off Street Parking Places) (Pennington Flash Country Park, Car Park) Order 1992
Wigan Borough (Off Street Parking Places) (Haigh Country Park, Car Park) Order 1993
Wigan Borough (Off Street Parking Places) (Pennington Flash Country Park, Car Park) (Extension) Order 1995