

NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



The Borough of North East Lincolnshire Council (Off-Street Parking Places) Order 2012 (Amendment No.4)

The Council of the Borough of North East Lincolnshire, hereinafter referred to as "**the Council**", in exercise of powers under Sections 32, 35, and Part IV of Schedule 9 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, hereby makes the following Order: -

This Order may be cited as "The North East Lincolnshire Borough Council (Off-Street Parking Places) Order 2012 (Amendment No.4) it amends the North East Lincolnshire Borough Council (Off-Street Parking Places) Order 2012 and shall come into operation on 27th the day of May 2022.

1. The definition of "penalty charge" shall be deleted and replaced by the following
"Penalty Charge" means a charge set by the Council under the provisions of Section 77 and Schedule 9 of the TMA of 2004 and the relevant regulations that are from time to time in force, which is to be paid to the Council within 28 days beginning with the date of issue endorsed upon the Penalty Charge Notice, unless an appeal is made using the official appeals framework as set out by the Joint Committee of England and Wales for the Civil Enforcement of Parking and Traffic Regulations Outside London, in which case the payment would need to be made if the informal challenge, formal representation, Independent Adjudicators decision dismisses the case.
2. The definition of "penalty charge notice" shall be deleted and be replaced by the following
"Penalty charge notice" means a notice described in Section 78 of the 2004 Act having effect as if issued or served by a Civil Enforcement Officer or posted by the Council under any regulations for the time being in force under Section 78 of the 2004 Act.
3. The definition of "reduced penalty charge" shall be deleted and be replaced by the following
"reduced penalty charge" means a charge set by the Council under the relevant provisions from time to time in force and which is to be paid within 14 days following the date of issue endorsed on the penalty charge notice.
4. Clause 5.02 shall be deleted and replaced with the following
5.02 the following shall apply
 - (1) In the event of payment being within 14 days beginning with the date of issue of the penalty charge notice then the penalty charge may be reduced by 50%.
 - (2) On the issue of a charge certificate issued in accordance with the relevant legislation from time to time in force the penalty charge shall be increased by 50%.

- (3) Where a penalty charge has been incurred a civil enforcement officer may attach to the vehicle in a conspicuous position or hand to the driver a penalty charge notice which shall comply with the requirements of the relevant legislation from time to time in force.
- (4) Where a penalty charge has been incurred a penalty charge notice may be issued by post by the enforcement authority if the owner of the vehicle drives the vehicle away before the civil enforcement officer has issued the penalty charge notice or the civil enforcement officer has been prevented from issuing a penalty charge notice, such a penalty charge notice shall comply with the requirements of the relevant legislation from time to time in force.
- (5) The particulars given in the penalty charge notice attached to a vehicle or sent by post in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

THE COMMON SEAL OF THE
NORTH EAST LINCOLNSHIRE
BOROUGH COUNCIL

Was hereunto affixed this

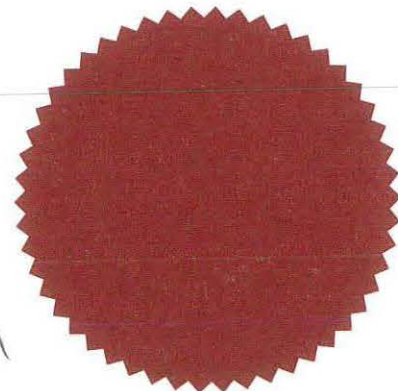
25th day of

Nov. 2022

In the presence of

Authorised Officer

W. Thomas



9.562

