

**KETTERING BOROUGH COUNCIL**  
**(OFF-STREET PARKING PLACES)**  
**(AMENDMENT) ORDER 2014**

Kettering Borough Council (“the Council”) in exercise of their powers under section 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the Act”) and after obtaining the consent of the Northamptonshire County Council pursuant to section 39 of the Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:

1. This Order shall come into operation on the                    2014 and may be cited as the “Kettering Borough Council (Off-Street Parking Places) (Amendment) Order 2014”.
2. The Interpretation Act of 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. In this Order “the Consolidation Order” means the Borough of Kettering (Off-Street Parking Places) Consolidation Order 1987.
4. Except where the context otherwise requires, where an expression is used in this Order which has a meaning assigned to it by virtue of the Consolidation Order the expression has the same meaning as that assigned to it by the Consolidation Order.
5. By this Order the Schedule to the Consolidation Order shall be amended by the addition of the parking places named in column 1 to schedule 1 to this Order and as shown in the plans in schedule 4 and 5 to this Order which shall be available for the time period specified in column 2 to schedule 1 to this Order.
6. Parking charges, Parking tickets, Disabled Person’ badges and Season tickets will not be valid for use in either of the parking places specified in column 1 to schedule 1 and as shown in the plans in schedule 4 and 5 to this Order.
7. By this Order, Permits as specified in column 3 to schedule 1 to this Order which may be issued at the discretion of the Kettering Borough Council specifically for the parking places named in column 1 to schedule 1 to this Order will be valid in those parking places. Where a vehicle is left in either parking place in column 1 to schedule 1 of this Order at any time without displaying a valid parking permit issued by the Kettering Borough Council then an excess charge of £70.00 shall be payable provided that if within seven days following the date notice of such excess charge is issued as provided in the Consolidation Order the driver tenders the sum of £50.00 then such sum may be accepted by the Council in satisfaction of the excess charge.

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8. By this Order, Articles 4, 5, 6 (1) (a) (i) (ii) and (iii), 7, 10, 17, 19, 21 and 22 of the Consolidation Order do not apply to the parking places named in column 1 to schedule 1 of this Order. All the remaining provisions of the Borough of Kettering (Off-Street Parking Places) Consolidation Order 1987 as amended shall remain in force and shall apply to the parking places names in column 1 to schedule 1 of this Order as if the same had been included in the original Consolidation Order.
9. By this Order the Schedule to the Consolidation Order shall be amended by the addition of the parking places named in column 1 to schedule 2 to this Order and as shown in the plan in schedule 6 to this Order which shall be available for the time period specified in column 2 to schedule 2 to this Order.
10. By this Order, Articles 4, 5, 6 (1) (a) (i) (ii) and (iii), 7, 10, 17, 19, 21 and 22 of the Consolidation Order do not apply to the parking place named in column 1 to schedule 2 of this Order. All the remaining provisions of the Borough of Kettering (Off-Street Parking Places) Consolidation Order 1987 as amended shall remain in force and shall apply to the parking place named in column 1 to schedule 2 of this Order as if the same had been included in the original Consolidation Order.
11. By this Order, non compliance by the driver of any vehicle in any of the parking places named in schedules 1, 2 and 3 of this Order as shown in the plans in schedule 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 to this Order with any requirements imposed by Articles 3 (2), 3 (3), 18, 20 (a) and (b), 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 of the Consolidation Order will result in an excess charge of £70.00 being payable by the driver –
  - i) provided that if within seven days following the date notice of such excess charge is issued as provided in this Article the Driver tenders the sum of £50.00 then such latter sum may be accepted by the Council in satisfaction of the excess charge.
  - ii) The said sum of £50.00 shall be payable to Kettering Borough Council within seven days of the issue of the excess charge notice to Kettering Borough Council (as provided in Article 9 of the Consolidation Order for the payment of the excess charge) provided that if the said seventh day falls upon a day on which the Council is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.30pm on the next day on which the Council is open.
12. By this Order, where a vehicle in respect of which an excess charge has been incurred under Article 11 of this Order, it shall be

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the duty of a parking attendant to attach to the vehicle in a conspicuous position a notice which shall include the following particulars;

- i) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
- ii) a statement that the excess charge of £70.00 is required to be paid;
- iii) the manner in which and the time within which the excess charge should be paid or the lesser sum of £50.00 may be tendered as provided in Article 11 (i) and (ii) above.

13. By this Order, Articles 8 and 9 of the Consolidation Order apply to the parking places named in schedules 1,2 and 3 of this Order.

14. By this Order, the following shall be added to Article 2 (1) of the Consolidation Order;

“credit card” and “debit card” have the same meanings as given by section 35A (6) of the Road Traffic Regulation Act 1984 and an “approved card” shall be a credit card or a debit card which is shown on the ticket machine as being approved for the purposes of payment for parking charges.”

“Registered driver” means the driver of a vehicle who has, prior to leaving his or her vehicle in a parking place, registered so many of his or her personal details with a Service Provider as that Service Provider may require to enable the Telephone Payment Parking System to be activated in favour of the said driver.”

“Service Provider” means the company authorised and appointed by the Council to maintain the payment of parking charges using the Telephone Payment Parking System.”

“Telephone Payment” means a payment made using the Telephone Payment Parking System.”

“Telephone Payment Parking System” means a system to facilitate and monitor the payment of parking charges using telephone communication with the Service Provider in accordance with instructions indicated on signs located at each parking place where the system is in operation.”

15. By this Order, Article 5 (1) of the Consolidation Order shall be amended to read;

“The appropriate charge referred to in Article 4 hereof shall be payable on the leaving of the vehicle in a parking place by;

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- (a) the insertion in a parking meter of a coin or coins of appropriate denominations as specified in relation to the parking meter, together making up the amount of the charge; or
- (b) By means of a Telephone Payment by a Registered Driver, in those parking places where a notice or notices are displayed stating that such a facility is available;

and in either case in accordance with the conditions and instructions displayed in the parking place.”

IN WITNESS WHEREOF the Common Seal of Kettering Borough Council was hereunto affixed this            day of            2014.

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

Head of Democratic and Legal Services  
(Proper Officer for this Purpose)

**SCHEDULE 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Harry Potter House car park, London Road, Kettering	Maximum stay – unlimited	Permit issued at the discretion of Kettering Borough Council.
Land to the rear of 10 London Road, Kettering	Maximum stay - unlimited	Permit issued at the discretion of Kettering Borough Council.

**SCHEDULE 2**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Council offices, Churchill Way Burton Latimer	Maximum stay – unlimited	No parking charges

**SCHEDULE 3**

**(Off Street Car Parks Affected – Kettering unless indicated)**

Commercial Road (Schedule 7)

London Road (Schedule 8)

Municipal Offices (Schedule 9)

Wadcroft (Schedule 10)

School Lane (Schedule 11)

Queen Street (Schedule 12)

Chesham House, Lower Street (Schedule 13)

Land off Lake Avenue (Schedule 14)

Ebenezer Place (Schedule 15)

Rothwell Road Cemetery and Crematoria (Schedule 16)

Morrisons car park (Schedule 17)

**SCHEDULE 4**

Harry Potter House

**SCHEDULE 5**

Land to the rear of 10 London Road

**SCHEDULE 6**

Council offices, Churchill Way, Burton Latimer