**ANNEX 2**

**PART D**

### PENALTY CHARGE AT PARKING PLACES

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|  | If a vehicle is left in a parking place in contravention of or non-compliance with any Article of this Order a penalty charge shall be payable by the owner (subject to the provisions of Section 77, 78 and Schedule 9 of the 2004 Act and the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022) for each day of the said contravention or non-compliance. |
|  | In the case of a vehicle in respect of which a penalty charge has been incurred, it shall be the duty of a Civil Enforcement Officer to attach to the vehicle in a conspicuous position, a penalty charge notice which shall include the particulars as proscribed in the Schedule 2 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and section 3 (1) of the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022. |
|  | Where a penalty charge is payable, a penalty charge notice may be issued by post if a civil enforcement officer attempted to serve a penalty charge notice in accordance with regulation 9 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 but was prevented from doing so by some person, or a civil enforcement officer had begun to prepare a penalty charge notice for service in accordance with regulation 9 of Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022, but the vehicle concerned was driven away from the place in which it was stationary before the civil enforcement officer had finished preparing the penalty charge notice or had served it. |
|  | Subject to regulation 20 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 where a penalty charge notice has been served in accordance with regulation 9 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the period of 28 days specified in the penalty charge notice as the period within which the penalty charge is to be paid has expired without the charge being paid the enforcement authority may serve a notice to owner on the person who appears to them to have been the owner of the vehicle when the contravention occurred.  |
|  | In accordance with regulation 20 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 where a notice to owner is served on any person and the penalty charge to which it relates is not paid before the end of the relevant period, the Council may serve on that person a charge certificate to the effect that the penalty charge in question is increased by 50 per cent in accordance with Regulation 20 Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022. |
|  | Service of a penalty charge notice, notice to owner or charge certificate by first class post is deemed effective on the second working day after the day of posting. |
|  | The level of penalty charge, reduced penalty charge and surcharge for payment of a penalty charge after a certificate has been issued payable by the owner for contravention of or non-compliance with any Article of this Order shall be differentiated between a higher level contravention and all other contraventions in accordance with Band 2 as set out in Table 1 of part 1 section 1 of schedule 3 to the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022Civil Enforcement of . |
|  | Higher level contraventions are those proscribed in part 1 section 2 of schedule 3 to the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022. |
|  | The level of penalty charge shall be in the sum of the following amounts:-1. For a higher level contravention or non-compliance with any Article of this Order the sum of £70 on the issue of a penalty charge notice and £50 for all other contraventions and non-compliance with any Article of this Order subject to being discounted to a reduced penalty charge of £35 for a higher contravention or non-compliance and £25 for all other contraventions and non-compliance of any Article of this Order.
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|  | 1. On the issue of a ‘charge certificate’ in accordance with the provisions of Regulation 21 and Schedule 3 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022the penalty charge for a higher level contravention or non-compliance with any Article of this Order shall be increased to the sum of £105 and increased to the sum of £75 for all other levels of contravention or non-compliance.
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|  | 1. Payment of the penalty charge or reduced penalty charge to the Council shall be by cash, cheque, postal order, credit card, or debit card.
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|  | 1. Payments shall be made to the relevant department or office of the Council or Council's Contractor as stated on the penalty charge notice.
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|  | 1. Payment of the penalty charge or reduced penalty charge must be made by not later than 5.00pm by the date specified on the penalty charge notice but should the said Council Department/Office or the office of the Council's Contractor be closed on the said date specified the period for receiving payment may be extended until the next full working day.
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|  | The particulars given in the penalty charge notice attached to a vehicle in accordance with the requirements of section 78 of the Act of 2004 and Regulation 9 and the Schedule 2 to the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge. |
|  | When a penalty charge notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council in that behalf or the owner or driver or a person authorised by the owner or driver in that behalf shall remove the penalty charge notice from the vehicle in accordance with Section 12 of the . Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 |
|  | 1. Save for the provisions in Article 4 (3) if at any time while a vehicle is left in a parking place specified in the First Schedule no ticket is displayed on that vehicle in accordance with the provisions of Article 2 (3) it shall be presumed, unless the contrary is proved, that the parking charge has not been paid.
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|  | 1. Any ticket issued by a ticket parking meter shall be presumed, unless the contrary is proved, to have been issued on the day and time shown thereon.
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