**THE NORFOLK COUNTY COUNCIL,**

**(****WINTERTON-ON-SEA, U69361 BEACH ROAD)**

**(RESTRICTED PARKING ZONE)**

**TRAFFIC REGULATION ORDER 2024**

The Norfolk County Council in exercise of their powers under Sections 1(1), 2(1), 2(2), 4(2) and 122 and Parts III and IV of Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") and the Traffic Management Act 2004 (hereinafter referred to as the “2004 Act”) and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III and IV of Schedule 9 to the Act hereby make the following Order:-

1. This Order may be cited as The Norfolk County Council (Winterton-on-Sea, U69361 Beach Road) (Restricted Parking Zone) Order 2024 and shall come into effect on the XXX day of XXX 20XX. The effect of this Order is as specified in Schedule 1 to this Order.
2. The Norfolk County Council (Winterton, Various Roads) (Prohibition of Waiting) Order 2014 (hereinafter referred to as the “2014 Order”) is hereby amended by
   1. the deletion of Schedule 2 in its entirety; and
   2. the deletion of the following entry from Schedule 1 of the 2014 Order, U69361 Beach Road (South Side) from its junction with the U69362 King Street/King Corner eastwards to its easternmost end
3. Insofar as any provision of this Order conflicts with any provision of any previous Order relating to the length of road specified in the Schedule to this Order, that provision of this Order shall prevail.

**PART I**

**INTERPRETATION**

4. In this Order –

Any reference 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. Where the context otherwise requires the following expressions have the meaning hereby respectively assigned to them.

“Civil Enforcement Officer” has the same meaning as in section 76 of the 2004 Act;

"Council" means The Norfolk County Council, or their Enforcement Agent as defined in this Order;

“Driver” in relation to a vehicle waiting in contravention of an Order, means the person driving the vehicle at the time it was left at that contravention;

"Enforcement Agent" means Norfolk County Council or their appointed person to administer such functions on their behalf pursuant to an Agreement under The Local Government Act 2000;

"Enforcement Authority" means the Council;

“General Regulations” shall mean The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;

“Motor Car”, Motor Cycle” and Invalid Carriage” have the same meaning as in section 136 of the Act;

“Penalty Charge” has the same meaning as in Part 1(2) and Part 2 of the General Regulations;

“Penalty Charge Notice” has the same meaning as in Part 1(2) and Part 2 of the General Regulations;

**PART II**

**RESTRICTED PARKING ZONE**

5. No person shall, except upon the direction of or with the permission of a police constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to wait, load or unload at any time along the length of road specified in Schedule to this Order.

**PART III**

**ENFORCEMENT, PENALTY CHARGE AND PENALTY CHARGE NOTICE**

6. Where a vehicle is left waiting within the Restricted Parking Zone in contravention of this Order a Penalty Charge shall become payable. A Penalty Charge Notice to that effect will be attached to the vehicle or handed to the Driver by a Civil Enforcement Officer, in accordance with Article 9 of this Order.

7. A Penalty Charge shall be payable to the Enforcement Authority.

8. A Penalty Charge Notice referred to in Article 6 and issued by a Civil Enforcement Officer shall include the following particulars:

(a) the enforcement authority,

(b) the Parking Place at which the contravention occurred,

(c) the registration mark or when the vehicle is being used under a trade licence, the registration mark of that trade licence,

(d) the date and time at which the Penalty Charge was seen to be payable,

* 1. the grounds on which the Civil Enforcement Officer serving the Penalty Charge Notice believes that a Penalty Charge is payable,
  2. the amount of the Penalty Charge,
  3. the manner in which and time within which the Penalty Charge shall be paid,
  4. a statement that a reduced charge may be payable if payment is made within fourteen days of the Penalty Charge Notice being incurred,
  5. a statement to the effect that if the Penalty Charge is not paid before the end of the period of 28 days a Notice to Owner may be served by the Enforcement Authority on the owner of the vehicle.

9. Where a Driver has left a vehicle in contravention of this Order and a Penalty Charge Notice could not be issued as specified in Article 6 of this Order a Penalty Charge Notice may be issued by post by the Enforcement Authority in accordance with section 10 of the General Regulations.

10. Any Penalty Charge Notice issued in accordance with Article 6 of this Order shall, in addition to the particulars specified in Article 8(a), (b), (c), (e) and (f) of this Order, include the particulars specified in paragraph 2 of the Schedule to the General Regulations.

11. The Driver of a vehicle in respect of which a Penalty Charge Notice has been incurred shall pay the Penalty Charge or provide proof of payment of the Penalty Charge to the Enforcement Authority as detailed on the reverse of the notice within 28 days of the date on which the Penalty Charge Notice is served. If payment is received within a period of 14 days beginning with the date on which the Penalty Charge Notice is served the amount of the Penalty Charge shall be reduced by 50% (provided that if the fourteenth day falls upon a day on which the Enforcement Authority's offices are closed the period within which payment of the said charge is due shall be extended to 1.00 p.m. on the next full day on which the office is open).

12. Where the Driver of a vehicle fails to pay the Penalty Charge as specified in Article 11 of this Order the Enforcement Authority may follow the procedures set out in the General Regulations to recover the Penalty Charge.

13. The Driver of a vehicle who desires to make representation to or appeal against a Penalty Charge Notice issued to him may make representation or appeal to the Enforcement Authority pursuant to the procedures set out in “General Regulations Representations 2022” shall mean The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022.

14. Where a Penalty Charge Notice has been attached to a vehicle in accordance with Article 6 of this Order no person, not being the Driver of the vehicle or a person duly authorised by the Enforcement Authority shall remove that Notice from the vehicle unless authorised to do so by the Driver.

**PART IV**

**GENERAL**

15. Nothing in Article 5 of this Order shall prohibit a person to cause or permit any vehicle to wait in the length of road for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations:

(a) is for fire brigade, police or ambulance purposes;

(b) is being used in the service of a local authority or with the permission of the Council in the exercise of statutory powers or duties and whilst being so used in such service it is necessary for the vehicle to wait in that prohibited area;

(c) the laying, erection, alteration or repair in, or in land adjacent to, the said lengths of road or side of roads, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications apparatus as defined in the Communications Act 2003;

(d) requires to wait for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:

(e) building, industrial or demolition operations;

(f) the removal of any obstruction to traffic;

(g) the provision of a universal postal service as defined in the Postal Services Act 2011;

(h) in any case where the person in control of the vehicle is required by law to stop or is obliged to do so in order to avoid an accident or is prevented from proceeding by circumstances beyond their control.

16. Nothing in this Order shall apply to any vehicle owned by a funeral director or owner of funeral vehicles when in use as part of a funeral cortege.

SCHEDULE

In the Parish of Winterton-on-Sea

Restricted Parking Zone – Prohibition of Waiting, Loading and Unloading at Any Time

|  |  |  |
| --- | --- | --- |
| U69361 Beach Road | - | From the centreline of its junction with the U69362 King Street, north-eastwards for a distance of 334 metres |

Dated this XX day of XXXXXX 2024

Katrina Hulatt

Director of Legal Services (nplaw)

County Hall

Martineau Lane

Norwich

NR1 2DH