

The Orkney Islands Council

(Off-Street Parking Places) (Amendment No.1) Order 2019

The Orkney Islands Council in exercise of its powers under section 35 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the 1984 Act") and of all other enabling powers, and after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following Order:

Part I

General

Citation and Commencement

1. This Order may be cited as The Orkney Islands Council (Off-Street Parking Places) (Amendment No.1) Order 2019 and shall come into operation on the [] day of [] Two Thousand and Nineteen.

Interpretation

2. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

3. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Part II

Amendments

Order to be Amended

4. The Orkney Islands Council (off street parking places) Order 2017 ("the Order") which came into operation on the Sixth day of October Two Thousand and Seventeen shall be amended as follows:

(First) Article 14 of the Order shall be amended to read as follows:

14. If a vehicle is left in a parking place at any time in contravention of the provisions of this Order, an excess charge of sixty pounds sterling shall be payable

and (Second) Article 15 of the Order shall be amended to read as follows:

15(a) An excess charge incurred under the provisions of Article 14 of this Order shall be paid to the Council at the office of the Director of Finance, Council Offices, School Place, Kirkwall, Orkney, or such other office as may be specified by the Council, not later than 4 p.m. on the twenty first day following the day on which the charge was incurred;

Provided that, if the said twenty first day falls upon a day on which the said office is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4 p.m. on the first full day thereafter on which the said office is open.

(b) If an excess charge incurred under the provisions of Article 14 of this Order is paid by 4 p.m. on the fourteenth day following the day on which the charge was incurred, the sixty pounds sterling charge shall be reduced to a charge of thirty pounds sterling;

Provided that, if the said fourteenth day falls upon a day on which the said office is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4 p.m. on the first full day thereafter on which the said office is open.

(c) If an excess charge incurred under the provisions of Article 14 of this Order shall remain unpaid at 4 p.m. on the forty second day following the day on which the charge was incurred, an additional excess charge of fifteen pounds sterling shall be payable;

Provided that, if the said forty second day falls upon a day on which the said office is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4 p.m. on the first full day thereafter on which the said office is open.

(d) In the event of non-compliance with the provisions of this Article, the person responsible for the purposes of section 35A (1) of the 1984 Act shall be the owner of the vehicle in respect of which the charge was payable.

Given under the seal of Orkney Islands Council on the [] day of [] Two Thousand and [].

[insert name of signatory]

[insert title of signatory]