

The Essex County Council (Colchester Borough) (Prohibition of Waiting, Loading and Stopping) and (On-Street Parking Places) (Civil Enforcement Area) (Amendment No. 35) Order 2022

WHEREAS Colchester Borough Council, acting on behalf of the North Essex Parking Partnership in exercise of the delegated powers of the traffic authority Essex County Council granted under an Agreement dated 31 March 2011, in exercise of its powers under Sections 1(1), 2(1) to (3), 4(1), 4(2), 32, 35, 45, 46, 49 and 53 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (“the 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 Act hereby makes the following Order:-

1. The Essex County Council (Colchester Borough) (Prohibition of Waiting, Loading and Stopping) and (On-Street Parking Places) (Civil Enforcement Area) (Amendment No. 35) Order 2022 and shall come into operation on XX XX XX.
2. This Order will be incorporated into The Essex County Council (Colchester Borough) (Prohibition of Waiting, Loading and Stopping) and (On-Street Parking Places) (Civil Enforcement Area) Consolidation Order 2019 ‘the 2019 Order’ by:
 - a. The following definition in Article 3 of the 2019 Order listed in this Order as Article 2.a(i), shall be replaced by the following definition in Article 2.a(ii) of this Order:
 - (i) “the 2007 Regulations” means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;
 - (ii) “The 2022 Regulations” Means the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.
 - b. The following definition in Article 3 of the 2019 Order listed in this Order as Article 2.b(i), shall be replaced by the following definition in Article 2.b(ii) of this Order:
 - (i) “penalty charge notice” has the same meaning given by Regulation 8(1) of the 2007 Regulations;
 - (ii) “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 enforcement authority under any regulations for the time being in force under Section 78 of the 2004 Act.
 - c. The following provisions in Article 109 of the 2019 Order listed in this Order as Article 2.c(i), shall be replaced by the following provisions in Article 2.c(ii) of this Order:
 - (i) The Penalty Charge shall be payable not later than 16.00 hours on the Applicable Date subject to the provisions of the Penalty Charge and the 2007 Regulations.
 - (ii) The Penalty Charge shall be payable not later than 16.00 hours on the Applicable Date subject to the provisions of the Penalty Charge and the 2022 Regulations.
3. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restrictions or requirement imposed by regulations made or having effect as if made under the Act or by any other enactment.

Sealed with the Common Seal of the Colchester Borough Council this XX day of XX Two Thousand and Twenty-two.

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

Authorised Signatory