CITY OF NEWCASTLE UPON TYNE

(ON STREET PARKING PLACES) ORDER 2009

(CASHLESS PARKING VARIATION) ORDER 2023

The Council of the City of Newcastle upon Tyne in exercise of its powers under Sections 32, 35, 45, 46, 49, 53, 63 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the 1984 Act”) and of all other powers them enabling it in that behalf 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:-

1. This Order shall come into operation on xxxxxxxxxxxxxxx 20xx and may be cited as the City of Newcastle upon Tyne (On Street Parking Places) Order 2009 (Cashless Parking Variation) Order 2023.

2. The City of Newcastle upon Tyne (On Street Parking Places) Order 2009 (“the 2009 Order”) is hereby varied by

1. The deletion of the existing definition of “Hand-held Device” in Article 4(1) and the addition, by way of replacement in the appropriate place in the alphabetical list, of the following definition -

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| “**Hand-held Device** | A wireless hand-held computer device which is programmed to interface with the Council’s payment system for payment of parking charges using a Credit Card or Debit Card and with the Telephone Payment System” |

1. The deletion of Articles 13(4)(a)(i) to (iii) inclusive and the addition, by way of replacement, of the following wording -

“(a) Take the following action

1. Immediately after entering the Parking Place, enter the Registration Mark of the vehicle for which the charge is to be paid into a Ticket Machine;
2. Enter the period of time required for the parking session and take the necessary steps to confirm the length of the parking session;
3. Present a Credit Card or Debit Card to the Ticket Machine by any means indicated on that Ticket Machine (such as inserting the Credit Card or Debit Card into the Ticket Machine, or tapping the Credit Card or Debit Card onto the appropriate part of the Ticket Machine to enable a contactless payment);
4. Ensure the Ticket Machine dispenses confirmation that a live parking session has been commenced upon acceptance of the Credit Card or Debit Card; and
5. Remove the vehicle from the Parking Place before the period for which the charge has been paid pursuant to sub-paragraph (a) (i) above (as indicated on the display of the Ticket Machine and on the printed receipt given by the Ticket Machine) is shown, by indication of the time shown on the Ticket Machine, to have elapsed; or”
6. The deletion of Article 13(4)(d) and the addition, by way of replacement, of the following wording –

“(d) Where the driver attempts to pay the parking charge in accordance with sub-paragraph (a) above but is unable to do so he shall pay the parking charge in accordance with sub-paragraph (c), and where the driver attempts to pay the parking charge in accordance with sub-paragraph (c) above but is unable to do so he shall pay the parking charge in accordance with sub-paragraph (a).”

1. The deletion of Article 13(7)(a)(i) and the addition, by way of replacement, of the following wording –

“(i) An indication is given on a Hand-held Device that payment of the parking charge required by paragraph (3) of this Article has been made for the vehicle being parked in the Parking Place by the method specified in paragraph (4)(a) of this Article; or”

1. The deletion of Article 13(7)(b) and the addition, by way of replacement, of the following wording –

“(b) During that part of the Charge Period relating to that Parking Place which falls outside the Season Ticket Period, unless at all times an indication is given on a Hand-held Device that payment of the parking charge required by paragraph (3) of this Article has been made for the vehicle being parked in the Parking Place by the method specified in paragraph (4)(a) of this Article, or where the Parking Place is a Nominated Parking Place that payment imposed by paragraph (3) of this Article has been made by the Telephone Payment System.”

1. The deletion of Articles 15(4)(b)(i) to (iii) inclusive and the addition, by way of replacement of the following wording -

“(b) Take the following action

1. Immediately after entering the Parking Place, enter the Registration Mark of the vehicle for which the charge is to be paid into a Ticket Machine;
2. Enter the period of time required for the parking session and take the necessary steps to confirm the length of the parking session;
3. Present a Credit Card or Debit Card to the Ticket Machine by any means indicated on that Ticket Machine (such as inserting the Credit Card or Debit Card into the Ticket Machine, or tapping the Credit Card or Debit Card onto the appropriate part of the Ticket Machine to enable a contactless payment);
4. Ensure the Ticket Machine dispenses confirmation that a live parking session has been commenced upon acceptance of the Credit Card or Debit Card; and
5. Remove the vehicle from the Parking Place before the period for which the charge has been paid pursuant to sub-paragraph (a) (i) above (as indicated on the display of the Ticket Machine and on the printed receipt given by the Ticket Machine) is shown, by indication of the time shown on the Ticket Machine, to have elapsed; or”

1. The deletion of Article 15(4)(d) and the addition, by way of replacement, of the following wording –

“(d) Where the driver attempts to pay the parking charge in accordance with sub-paragraph (b) above but is unable to do so he shall pay the parking charge in accordance with sub-paragraph (c), and where the driver attempts to pay the parking charge in accordance with sub-paragraph (c) above but is unable to do so he shall pay the parking charge in accordance with sub-paragraph (b).”

1. The deletion of Article 15(7) and the addition, by way of replacement, of the following wording –

“(7) Subject to paragraph (8), no person shall cause or permit a vehicle to be left in a Parking Place during the Charge Period relating to that Parking Place, unless at all times an indication is given on a Hand-held Device that payment of the parking charge required by paragraph (3) of this Article has been made for the vehicle being parked in the Parking Place by the method specified in paragraph (4)(b) of this Article, or where the Parking Place is a Nominated Parking Place that payment imposed by paragraph (3) of this Article has been made by the Telephone Payment System.”

1. The deletion of Article 96(1A).
2. The deletion of Article 96(2) and the addition, by way of replacement, of the following wording –

“(2) If, at any time during the Charge Period specified in Column 3 of Schedule 10 or 12, a vehicle is left in a Parking Place described in Column 2 of Schedule 10 or 12, where there is a Ticket Machine, in circumstances where no indication is given on a Hand-held Device that payment of the parking charge has been made by Credit Card or Debit Card and the Parking Place is also a Nominated Parking Place and there is no record of the relevant charge being paid by the Telephone Payment System, it shall be presumed, unless the contrary is proved, that the charge specified in Article 13(3), or, as the case may be, Article 15(3), has not been duly paid.”

1. The deletion of Article 96(3).
2. The addition in Schedule 18 thereto of the details specified in the Schedule to this Order.

1. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation or order made or having effect as if made under the 1984 Act.

Given under the Common Seal of the City of Newcastle upon Tyne this xxxx day of xxxxxxxxxxxx 20xx

**THE COMMON SEAL** of **THE COUNCIL** )

**OF THE CITY OF NEWCASTLE UPON** )

**TYNE** was hereunto affixed in the )

presence of:- )

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**SCHEDULE**

**(Additions into Schedule 18 of the 2009 Order – Location Numbers of Parking Places)**

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| --- | --- | --- |
|  **(1)** | **(2)** |  **(3)** |
| **Parking Places** | **Parking Places Numbers** | **Location Numbers** |
| To be confirmed | To be confirmed | To be confirmed |
|  |  |  |
|  |  |  |
|  |  |  |