

**BRACKNELL FOREST BOROUGH COUNCIL  
(DISABLED PARKING SPACES) (PHASE 2)  
ORDER 2024**



Bracknell Forest Borough Council (hereinafter referred to as “the Council”) in exercise of the powers conferred by Sections 1(1), 2(1) to (3), 4(2) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the Act of 1984”), as amended and the Traffic Management Act 2004 (“the 2004 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 of 1984, hereby makes the following Order:-

**PART I  
CITATION AND INTERPRETATION**

**Citation**

1. This Order shall come into operation on the XX<sup>th</sup> day of XXXX 2024 and may be cited as the Bracknell Forest Borough Council (Disabled Parking Spaces) (Phase 2) Order 2024.

**Interpretation**

2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

“*authorised officer*” means the Executive Director of Place Directorate for the Council or any other officer of the Council (to whom the Council has delegated all relevant powers) to be designated by the Council;

“*bus*” has the same meaning as in Regulation 22 of the 2016 Regulations;

“*bus stop area*” means any area of carriageway in any of the lengths of road or on the side of a road specified in this Order intended for the waiting of buses which is

comprised within and indicated by a road marking complying with the appropriate diagram relative thereto under Schedule 6 to the 2016 Regulations;

*“carriageway”* means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

*“civil enforcement officer”* means a person authorised by or on behalf of the Council to supervise the parking places and enforce the restrictions imposed by this Order;

*“controlled areas of a pedestrian crossing”* means the area of carriageway indicated by road markings complying with Schedule 4 to the Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997 and diagram 1003.1 in Schedule 6 to the 2016 Regulations;

*“cycle track”* has the same meaning as in section 329(1) of the Highways Act 1980.

*“delivering” and “collecting”* in relation to any goods includes checking the goods for the purpose of their delivery or collection;

*“disabled person's badge”, “disabled person's vehicle” and “parking disc”* have the same meanings as in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

*“dispensation certificate”* means a certificate duly issued on behalf of the Council by an Authorised Officer permitting a specified vehicle to wait in specified circumstances on a length or lengths of roads where the waiting or loading of that vehicle would otherwise be prohibited;

*“driver”*, in relation to a vehicle waiting in a parking place or on a road or length of road, means the person driving the vehicle at the time it was left in that parking place or road or length of road;

*“enactment”* means any enactment, whether public general or local, and includes any

order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order 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;

*“footway”* has the same meaning as in section 329(1) of the Highways Act 1980.

*“goods”* means goods or burden of any description and includes postal packets of any description;

*“hackney carriage”* means a vehicle licensed under Section 37 of the Town Police Causes Act 1847, Section 6 of the Metropolitan Carriages Act 1869, or any similar enactment;

*“hackney carriage stand”* means an area of carriageway which is comprised within and indicated by road markings complying with diagram 1028.2 in Schedule 6 to the 2016 Regulations;

*“loading”* means the loading or unloading of goods to or from a vehicle;

*“no loading hours”* means in relation to any no loading road the hours during which loading and unloading is restricted as specified in the Schedule;

*“no loading road”* means any of the sides or lengths of roads specified in the Schedule where loading is prohibited provided that the expression “no loading road” shall not include any parking place;

*“no stopping road”* means any of the sides or lengths of roads specified in the Schedule where stopping and waiting is prohibited;

*“owner”*, in relation to a vehicle means the person who is named in the vehicle registration document as the registered keeper of a goods or passenger vehicle or the person who has the use of such a vehicle and who is entitled to use such a vehicle as though he/she were the registered keeper thereof;

“PCSO” means a Police Community Support Officer as designated by the Chief Police Officer;

“*pedestrian crossing*” means a zebra, pelican, puffin or toucan crossing established by the Council under section 23 of the Act of 1984 and which is indicated by road markings complying with Schedule 4 to the Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997 and diagram 1003.1 in Schedule 6 to the 2016 Regulations;

"*penalty charge*" and "*reduced penalty charge*" means a charge set by the Council under Section 77 of Part 6 and Schedule 9 of the 2004 Act, which is to be paid to the Council following the issue of a penalty charge notice (PCN) and within 28 days beginning with the date of issue of the notice, or 14 days in the case of a reduced penalty charge;

“*penalty charge notice*” means a notice issued by or served by a Civil Enforcement Officer pursuant to the provisions of ‘The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022

“*public service vehicle*” has the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981;

“*prohibited hours*” means in relation to any prohibited road the hours during which waiting or loading is prohibited as specified in the Schedule;

“*prohibited road*” means any of the sides or lengths of roads specified in the Schedule where waiting is prohibited provided that the expression “prohibited road” shall not include any parking place;

“*restricted hours*” means in relation to any restricted road the hours during which waiting is restricted as specified in the Schedule;

*“restricted road”* means any of the sides or lengths of roads specified in the Schedule where waiting is restricted or specific activities are restricted during the restricted hours provided that the expression *“restricted road”* shall not include any parking place;

*“relevant position”* in respect of: -

- (a) a disabled person’s badge or dispensation certificate means;
  - (i) in the case of a vehicle fitted with a front windscreen, that the badge or dispensation certificate is exhibited with the front facing forward and is legible on the nearside of the vehicle and immediately behind the windscreen; or
  - (ii) the case of a vehicle not fitted with a front windscreen, that the badge or dispensation certificate is exhibited and is legible in a conspicuous position on the front or nearside of the vehicle;
- (b) a disabled person’s parking disc, means that the side showing the time is facing forward or outward and immediately behind the windscreen or side window nearest to the kerb;

*“telecommunication system”* has the same meaning as in the Telecommunications Act 1984;

*“the 2016 Regulations”* means the Traffic Signs Regulations and General Directions 2016;

*“vehicle”* means a motor vehicle as defined in Section 136(1) of the Act of 1984; and

4. Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order;
5. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

## **PART I**

### **DESIGNATED PARKING PLACES FOR DISABLED PERSONS' VEHICLES**

6. The areas of land identified in Schedule 1 and therein designated "Disabled Parking Spaces" may be used, subject to the provisions of this Order, as parking places for disabled persons' vehicles, in such positions as are identified in the Schedule.
7. Where there is a sign and surface marking which indicates that a parking bay is available only for a disabled person's vehicle, no person shall cause or permit a vehicle to wait in the parking bay unless it is a disabled person's vehicle which displays in the relevant position a disabled person's badge.

## **PART II**

### **CONTRAVENTION OF ORDER**

#### **Contravention**

8. If a vehicle is left in any road or length of road in contravention of any provision of this Order, a Penalty Charge shall be payable.
9. In the case of a vehicle in respect of which a Penalty Charge is payable A penalty charge notice showing the information required by the 2004 Act may then be issued by a civil enforcement officer in accordance with the requirements of the 2004 Act or any subsequent applicable legislation.

#### **Penalty Charge Notice**

10. In the case of a Vehicle in respect of which the Penalty Charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to either hand the Penalty Charge Notice to the driver of the vehicle, post the Penalty Charge Notice to the Owner of the vehicle or attach the Penalty Charge Notice to the vehicle in a conspicuous position. The notice shall include the following particulars:
  - (a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;

- (b) the grounds on which the Civil Enforcement Officer believes that a Penalty Charge is payable in respect of that vehicle;
- (c) the date the contravention occurred;
- (d) the date of issue of the Penalty Charge Notice;
- (e) the amount of Penalty Charge required to be paid;
- (f) that if the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the Penalty Charge will be reduced by the specified proportion or amount;
- (g) that if the Penalty Charge is not paid before the end of the 28 day period a Notice to Owner may be served by the Council on the person appearing to be the owner of the vehicle; and
- (h) the address to which payment of the Penalty Charge must be sent.

### **Manner of payment of Penalty Charge**

11. The Penalty Charge shall be paid to the Council within 28 days of the issue of the penalty charge notice either;
- (a) by cheque, bankers' draft, money order or postal order delivered or sent by post as indicated on the penalty charge notice, or
  - (b) by cheque, postal order, in cash by credit card or debit card in person at any Bracknell Forest Borough Council office which accepts such payments, or
  - (c) by credit card or debit card over the phone using the number specified on the Penalty Charge Notice, or
  - (d) by internet using the Bracknell Forest Borough Council web site:
- Provided that, if the said twenty eighth day falls upon a day on which the said Department or office is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.30pm on the next full day on which the said Department is open.
12. If the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the Penalty Charge will be reduced by the specified proportion.

13. If the owner fails to pay the Penalty Charge by the end of the 28 day period, a Notice to Owner may be served; and if the charge is not paid within a further 28 days it may be increased by 50% on the issue of a Charge Certificate in accordance with the provisions of the 2004 Act.
14. Continuing failure to pay the Penalty Charge may result in a judgement in the County Court against the owner to enable the Council to recover the payments due.

**Indications as Evidence**

15. The particulars given in the Penalty Charge Notice in accordance with Article 10 shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

**Restriction on Removal of Notices**

16. Where a Penalty Charge Notice has been issued in accordance with the provisions of Article 10 of this Order, no person, not being the driver of the vehicle, a Civil Enforcement Officer in uniform, Police Officer in uniform or PCSO in uniform or some other person duly authorised by the Council, shall remove the notice from the vehicle unless authorised to do so by the driver.

**THE COMMON SEAL of BRACKNELL  
FOREST BOROUGH COUNCIL** was  
hereunto affixed on the X<sup>th</sup> day of  
XXXX 2024 in the presence of:

.....  
**BOROUGH SOLICITOR**



## **SCHEDULE 1**

### **Disabled Parking Spaces**

Ringwood	In parking area	In the vicinity of number 59
Nuthurst	In parking area	In the vicinity of number 47
Cherbury Close	In parking area	In the vicinity of number 24
Vandyke	In parking area	In the vicinity of number 126
Ludlow	In parking area	In the vicinity of number 28
Underwood	In parking area	In the vicinity of number 110
Limerick Close	In parking area	In the vicinity of number 7
Nettlecombe	In parking area	In the vicinity of number 48
Clacy Green	Southern side	In the vicinity of number 7
Underwood	In parking area	In the vicinity of number 20
Nutley	In parking area	In the vicinity of number 38
Woolhampton Way	Eastern side	In the vicinity of number 35
Jameston	North-eastern side	In the vicinity of number 131

## **SCHEDULE 2**

### **REMOVAL of Disabled Parking Spaces**

Moordale Avneue	South-eastern side	In the vicinity of number 35
Hillberry	In parking area	In the vicinity of number 75
Forest Close	In parking area	In the vicinity of number 2
High Street, L. Sandhurst	North side	In the vicinity of number 5 Laurel Terrace
Bishopdale	In parking area	In the vicinity of number 64
Harcourt Road	North-western side	In the vicinity of number 38