

DATED

2009

THE KENT COUNTY COUNCIL (1)

-and-

TONBRIDGE AND MALLING BOROUGH COUNCIL (2)

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DEED OF VARIATION

Relating to the Agency Agreement  
dated 1 September 2000  
for the enforcement of parking control

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Legal & Democratic Services  
Commercial and Environmental Group  
The Kent County Council  
County Hall  
Maidstone  
Kent ME14 1XQ

File Ref: LS/A06110400  
Fax No: 01622 694402  
DX No: 123693 MAIDSTONE 6  
Tel: 01622 694399 (Direct Dialling)  
E.mail: sarah.baxter-rose@kent.gov.uk

THIS DEED is made the                      day of                      2009

BETWEEN

(1) The KENT COUNTY COUNCIL of County Hall Maidstone Kent ME14 1XQ ("the County Council")

(2) TONBRIDGE AND MALLING BOROUGH COUNCIL of Gibson Building Gibson Drive Kings Hill West Malling Kent ME19 4LZ ("the District Council")

RECITALS

- 1        This deed of variation is made pursuant to an Agency Agreement dated 1 September 2000 ("the Agency Agreement") and relating to the enforcement of parking control
- 2        Pursuant to the Agency Agreement the County Council delegated various powers relating to the enforcement of parking control to the District Council
- 3        Part 6 of the Traffic Management Act 2004 ("TMA 2004") introduced a new scheme for the civil enforcement of traffic contraventions and is now in force. It is necessary to incorporate the relevant provisions of that Act into the Agency Agreement.
- 4        Pursuant to Schedule 8 of the TMA 2004 paragraph 8(4) an order in force immediately before the commencement of that part of the Act designating an area as a permitted parking area and a special parking area under paragraphs 1(1) and 2(1) of Schedule 3 to the Road Traffic Act 1991 ("RTA 1991") has effect as an order designating the area as a civil enforcement area for parking contraventions.
- 5        Pursuant to Schedule 10 of the TMA 2004 paragraph 3(5) an order in force immediately before the commencement of that part of the Act designating an area outside Greater London as a special parking area has effect as an order designating the area as a special enforcement area.
- 6        Part 6 of the TMA 2004 and the Regulations made there under supersede the provisions of Part II and Schedule 3 of the RTA 1991.
- 7        Clause 5.2 of the Agency Agreement provides for variations to be made to the Agency Agreement

OPERATIVE PROVISIONS

- 1        This deed is entered into pursuant to clause 5.2 of the Agency Agreement and Section 101 of the Local Government Act 1972
- 2        The Agency Agreement and this Deed now take effect by virtue of Section 101 of the Local Government Act 1972, Section 19 of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 whereby a local authority may arrange for the discharge of its functions by another local authority.

- 3 The County Council agree with the District Council that certain provisions of the Traffic Management Act 2004 shall be incorporated into the Agency Agreement as set out in Schedule 1.
- 4 The County Council shall remain at all times the enforcement authority for on-street parking places and shall provide, authorise and designate the same
- 5 Save as varied by this Deed the provisions of the Agency Agreement shall continue in full force and effect.

EXECUTED as a deed by the parties hereto

The COMMON SEAL of  
THE KENT COUNTY COUNCIL  
was hereunto affixed in  
the presence of:

Authorised Signatory

The Common Seal of  
TONBRIDGE AND MALLING  
BOROUGH COUNCIL  
was hereunto affixed in  
the presence of:

Borough Solicitor

## Schedule 1

### Part A

Powers to be exercised by the District Council under the Agency Agreement

Save as provided in Part B below the exercise of all duties and powers given to the County Council by Part 6 of the TMA 2004 within the area of the Designation Order

### Part B

Powers that can be exercised by the District Council after seeking prior written consent from the County Council (such consent not to be unreasonably withheld)

Section 73(2)(b)	Bus Lane Contraventions
Section 73(2)(d)	Moving Traffic Contraventions
Section 77	Variations in Setting the Level of Penalty Charges
Section 79	Imobilisation of vehicle where penalty charge payable
Section 85	Prohibition of Double Parking etc
Section 86	Prohibition of Parking at Dropped Footways etc