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SCHEDULES

SCHEDULE 5

CONTROL OF OFF-STREET PARKING

PART V

Permissible periods of unlicensed operation of parking place

- 25 Where, at the date when any area first becomes a controlled area, a person is operating a public off-street parking place in that area, he shall not be guilty of an offence under section 36(12) of this Act by reason of continuing to operate the parking place after that date without a licence—
- (a) at any time before the expiration of the period prescribed for the making of applications for licences in respect of parking places in operation at that date ; or
 - (b) if during that period he duly makes an application for a licence in respect of the parking place, at any time after the expiration of that period but before the local authority notify him either that he has been granted a licence or that his application is refused ; or
 - (c) if the local authority notify him that his application is refused, at any time thereafter before the expiration of the time for giving notice of appeal from that decision under Part III of this Schedule ; or
 - (d) if such a notice of appeal is duly given, at any time there after until either the local authority's decision becomes finally effective under the procedure provided for by the said Part III or the licence is granted.
- 26 Where in pursuance of the application referred to in sub-paragraph (b) of paragraph 25 of this Schedule the person referred to in that paragraph is granted a licence, he shall not be guilty of an offence under subsection (10) of the said section 36 by reason of contravening or failing to comply with any of the terms and conditions specified in the licence under subsection (4)(b) and (c) of that section—
- (a) at any time before the expiration of the time for giving notice of appeal under Part III of this Schedule from the decision of the local authority as to those terms and conditions ; or
 - (b) if such a notice of appeal is duly given, at any time there after until either the local authority's decision becomes finally effective under the procedure provided for by the said Part III or the terms and conditions specified as aforesaid in the licence are varied as a result of that procedure.
- 27 Where the operator of a public off-street parking place who is the holder of a licence in respect of that parking place granted for a limited period duly makes an application to the local authority before the date of expiry of that licence for a new licence (whether permanent or for a limited period) authorising the operation of that parking place for a further period after that date, then, if and for so long as he continues to operate that parking place after that date in accordance with the

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terms and conditions of the expired licence (other than the provision as to its date of expiry)—

- (a) he shall not be guilty of an offence under the said section 36(12) by reason of operating the parking place after the date aforesaid without a licence—
 - (i) at any time before the local authority notify him either that he has been granted a new licence in respect of the parking place or that his application is refused ; or
 - (ii) if the local authority notify him that his application is refused, at any time thereafter before the expiration of the period for giving notice of appeal from that decision under Part III of this Schedule ; or
 - (iii) if such a notice of appeal is duly given, at any time thereafter until either the local authority's decision becomes finally effective under the procedure provided for by the said Part III or a new licence is granted ;
- (b) where he is granted a new licence in pursuance of the application aforesaid, he shall not be guilty of an offence under subsection (10) of the said section 36 by reason or contravening or failing to comply with any of the terms and conditions specified in that new licence under subsection (4)(b) and (c) of that section—
 - (i) at any time before the expiration of the time for giving notice of appeal under Part III of this Schedule from the decision of the local authority as to those terms and conditions ; or
 - (ii) if such a notice of appeal is duly given, at any time thereafter until either the local authority's decision becomes finally effective under the procedure provided for by the said Part III or the terms and conditions specified as aforesaid in the new licence are varied as a result of that procedure.