

THE KENT COUNTY COUNCIL

(VARIOUS ROADS, BOROUGHES OF ASHFORD, MAIDSTONE AND SWALE AND THE DISTRICTS OF CANTERBURY, DOVER, FOLKESTONE & HYTHE AND THANET) (PROHIBITION OF WAITING HGVs 5 TONNES AND OVER) EXPERIMENTAL ORDER 2020

ROAD TRAFFIC REGULATION ACT 1984

The Kent County Council acting as the Local Traffic Authority and in exercise of its powers under Sections 9 and 10 of, and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (hereinafter referred to as 'the Act of 1984'), as amended, 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 make the following Order:-

INTERPRETATION

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

"the Act of 1984"	means the Road Traffic Regulation Act 1984
"the 2004 Act"	means the Traffic Management Act 2004
"Civil Enforcement Area"	means an area where civil enforcement of parking restrictions can be undertaken as defined by section 74 of the 2004 Act
"Civil Enforcement Officer"	means a uniformed individual employed by the Council or its agents to enforce road traffic contraventions as in section 76 of the 2004 Act, as amended
"the Council"	means the Kent County Council as the traffic authority
"Delivering" and "Collecting"	in relation to the delivery of any Goods to, or Collection of any Goods from any premises include checking the Goods for the purpose of their delivery or collection
"Driver"	means in relation to a vehicle waiting in any Road, means the person driving the vehicle at the time it was left in that Road
"Enactment"	means any Enactment, whether public general or local, which includes any order, bylaw, rule, regulation, scheme or other instrument having effect by virtue of an Enactment
"Goods"	means goods or burden of any kind whether animate or inanimate and includes postal packets of any description
"Layby"	means an area of carriageway intended for the waiting of vehicles, bounded partly by a road marking on the outer edge of the carriageway complying with diagram 1010 in Schedule 6 to the Traffic Signs and General Directions 2002(b)
"Loading and Unloading"	means that the loading and unloading of the Goods to or from a vehicle is a continuous process and that stopping for any other reason, except an emergency, would mean that the act of loading and unloading has ceased. The vehicle must be parked as close to the building where the Goods are being delivered to, or collected from, as possible
"Head of Highways, Transportation and Waste"	means such a person as shall be approved by the Council to manage the implementation and enforcement of parking controls
"Owner"	in relation to a vehicle, means the person by whom such vehicle is kept and used
"Parking Contravention"	has the same meaning as set out in Schedule 7 of the 2004 Act
"Penalty Charge"	has the same meaning as set out in Part 1 Section 2 of the Civil Enforcement of Parking Contraventions (England) General Regulations

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	2007
"Penalty Charge Notice"	has the same meaning as set out in Regulation 8 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007
"Prohibited Vehicle"	means any heavy goods vehicle or large goods vehicle which has a gross vehicle weight rating in excess of 5,000kg and requires the driver to hold a category C component on their driver's licence to drive
"Restricted Road"	means the roads, lengths of road or sides of road (including any footway or verge and the perimeter of any central reservation, roundabout or traffic island) as specified in Article 2 to this Order
"Road"	means the full width – including any footway or verge – of any length of highway or of any other road to which the public has access, and includes bridges over which a road passes
"Telecommunications System"	has meaning as in section 4 of the Telecommunications Act 1984, as amended
"Universal Service Provider"	has the same meaning as in section 65 of the Postal Services Act 2011

RESTRICTIONS AND EXEMPTIONS FROM PROHIBITION OF WAITING

- 2 Save as provided in Article 3 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a traffic warden or Civil Enforcement Officer, cause or permit Prohibited Vehicle to wait in any Road at any time across the Boroughs of Ashford, Maidstone and Swale and the Districts of Canterbury, Dover, Folkestone & Hythe and Thanet with the exception of the Laybys of the following Restricted Roads:
- (a) the A249 between M20 J7 and M2 J5;
 - (b) the A299 M2 J7 to junction with the A256;
 - (c) the A256 junction with A299 to junction with A2.
- 3 Save as provided in Article 2 nothing in this Order shall apply to any Prohibited Vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of that provision would be likely to hinder the use of that vehicle for the purpose for which it is being used.
- 4 Save as provided in Article 2 nothing in this Order shall prevent any person from causing or permitting any Prohibited Vehicle to wait in any lengths of Road referred to in this Order hereto for so long as may be necessary:
- (a) to enable the vehicle if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:
 - (i) the removal of any obstruction;
 - (ii) the maintenance, improvement or reconstruction of the road; or
 - (iii) the laying, erection, alteration or repair of any sewer or any main, pipe, or apparatus for the supply of gas, water, electricity or any telecommunications apparatus; or
 - (iv) to be used in connection with any building operation or demolition.
 - (b) to enable the vehicle to be used by a local authority or water authority in exercise of statutory powers;
 - (c) if the vehicle is waiting owing to the Driver being required by law to stop for a break as specified by regulation (EC) No 561/2006 of the European Parliament and of the Council, also known as the 'EU Driver's hours regulation';
 - (d) if the vehicle is waiting owing to the Driver being required by law to stop, or being prevented from proceeding by circumstances beyond his control or in order to avoid an accident;

- (e) to enable the vehicle, if it cannot be used for such purpose in any other road, to be used in the service of a local authority in pursuance of statutory powers or duties;
 - (f) to enable the vehicle if it is in the service of a Universal Service Provider and marked as such, to be used for the purpose of Delivering or Collecting postal packets.
- 5 The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made under or having effect as if made under the Act of 1984 or by or under any other Enactment.
 - 6 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
 - 7 The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other Enactment.

CONTRAVENTIONS OF THE ORDER

- 8 If a "Parking Contravention" is committed in respect of any of the provisions of this Order a Penalty Charge will be payable.
- 9 In the case of a vehicle in respect of which a Penalty Charge is payable a Penalty Charge Notice may be issued by a Civil Enforcement Officer.

SUSPENSION OF EXISTING ORDERS

- 10 This Order suspends all existing Traffic Regulation Orders which include restrictions on waiting which apply to Prohibited Vehicles across the Boroughs of Ashford, Maidstone and Swale and the Districts of Canterbury, Dover, Folkestone & Hythe and Thanet for the duration of this Order.

CITATION AND COMMENCEMENT

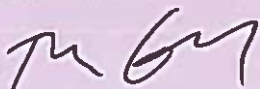
This Order may be cited as "The Kent County Council (Various Roads, Boroughs of Ashford, Maidstone and Swale and the Districts of Canterbury, Dover, Folkestone & Hythe and Thanet) (Prohibition of Waiting HGVs 5 Tonnes and Over) Experimental Order 2020" ("this Order") and shall come into operation on the 4th day of January 2021.

Unless this Order is revoked or made permanent by a subsequent Order, this Order shall cease to have effect on 3rd July 2022.

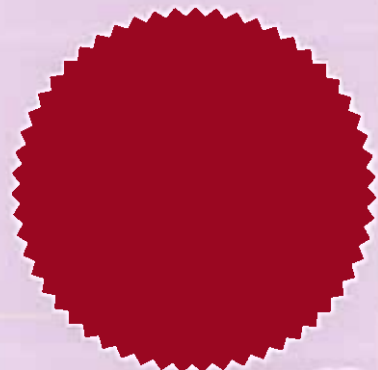
GIVEN under the Common Seal of the Kent County Council

This 23rd day of December 2020

**THE COMMON SEAL OF THE
KENT COUNTY COUNCIL** was
hereunto affixed in the
presence of: -



Authorised Signatory



1067-2020