

**THE ASHFORD BOROUGH COUNCIL
(PARK MALL LOADING AREA) (PROHIBITATION OF PARKING)
ORDER 2023**

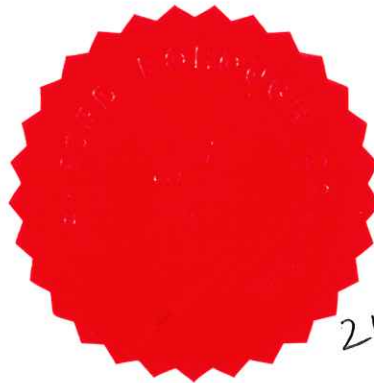
The Ashford Borough Council (hereinafter referred to as "the Council") in exercise of its powers under Section 32, 33 35, 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984,(hereinafter referred to as "the Act"), and section 43 and Schedule 3 of the Roads Traffic Act 1991 ("the 1991 Act") Part 6 of the Traffic Management Act 2004 ("the 2004 Act") and of all other enabling powers, and with the consent of the Kent County Council given under section 39(3) of the Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act, hereby proposes to make the following Order:-

COMMENCEMENT AND CITATION

This order may be cited as "The Ashford Borough Council (Park Mall Loading Area) (Prohibition of Parking) Order 2023" ('this Order") and shall come into force on the **9th day of October, 2023.**

Executed as a Deed
By affixing the common seal of
Ashford Borough Council
In the presence of:-

L)
)
)



Case of urgency and no Member
Available to attest the seal
General Procedure Rules
Appendix 1 Section D(5)

~~Mayor~~ _____
Solicitor _____

INTERPRETATION

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

"the 1984 Act"	means the Road Traffic Regulation Act 1984
"the 2004 Act"	means the Traffic Management Act 2004
"the 2007 Regulations"	means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007
"authorised vehicle"	means a goods vehicle which is permitted to be within the loading area designated by this Order for the purpose of being loaded or unloaded in connection with a business or trade operating within the Park Mall Shopping Centre
"Council A"	means the Ashford Borough Council
"Council K"	means the Kent County Council, acting as Traffic Authority
"goods vehicle"	means a motor vehicle constructed or adapted for use for the carriage of goods or burdens of any description or a trailer so constructed or adapted
"loading area"	means an area of land designated by Schedule 1 to this Order and specified as such in the Appendix to this Order
"the owner"	in relation to any land on which any loading area designated by Schedule 1 to this Order and specified as such in the Appendix to this Order lies, means the person company or other body specified in paragraph 2 of Schedule 1 to this Order who is receiving the rack-rent of the land or would be entitled to receive it if the land were let at a rackrent as in section 61 (8) of the 1984 Act; and their successors in title from time to time
"the occupier"	in relation to any loading area designated by Schedule 1 to this Order and specified as such in the Appendix to this Order means the person company or other body specified in Paragraph 2 or such other person company or body as is with the consent of the Owner entitled to occupy the land in question

2. In this Order, except where the context otherwise requires;
 - a) any reference to a numbered Schedule or Appendix is a reference to the Schedule or Appendix bearing that number in this Order;
 - (b) any reference to a numbered or lettered section or subsection is a reference to the section or subsection bearing that number or letter in the Part or Schedule or (in the case of a subsection) section in which the reference occurs;
 - (c) any reference to a Table, or to a numbered Table, is a reference to the Table, or to the Table bearing that number, in the Part or Schedule in which that reference occurs;
 - (d) any items in italics are not part of this Order but are for explanation only.

Restrictions subsidiary to primary legislation

3. 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.

Interpretation

4. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

SCHEDULE 1

Designation of Loading Area

1. The area of land specified in the Appendix to this Order which have been set apart by the owner and occupiers for use as places where authorised vehicles may be driven and parked for the purpose of being loaded or unloaded in connection with any business or trade operating within the Park Mall Shopping Centre are hereby designated as a Loading Area within this Order.

2 The Owner being Council A

3 The Occupier being the Park Mall Shopping Centre.

Prohibition of parking within designated Loading Area

4. SAVE as provided in paragraph 7 (exemptions), any person who, without reasonable excuse, causes any vehicle to be in any part of any Loading Area specified in the Appendix to this Order during the times when the parking of it there is prohibited shall be guilty of an offence.
5. The limits of the Loading Area designated by this Order shall be determined by reference to columns 1 and 2 of the table within the Appendix to this Order and by reference to the plan attached to this Order.
6. The days and times during which a prohibition on parking is in force within a Loading Area designated by this Order shall be determined by reference to columns 3 and 4 of the table within the Appendix to this Order

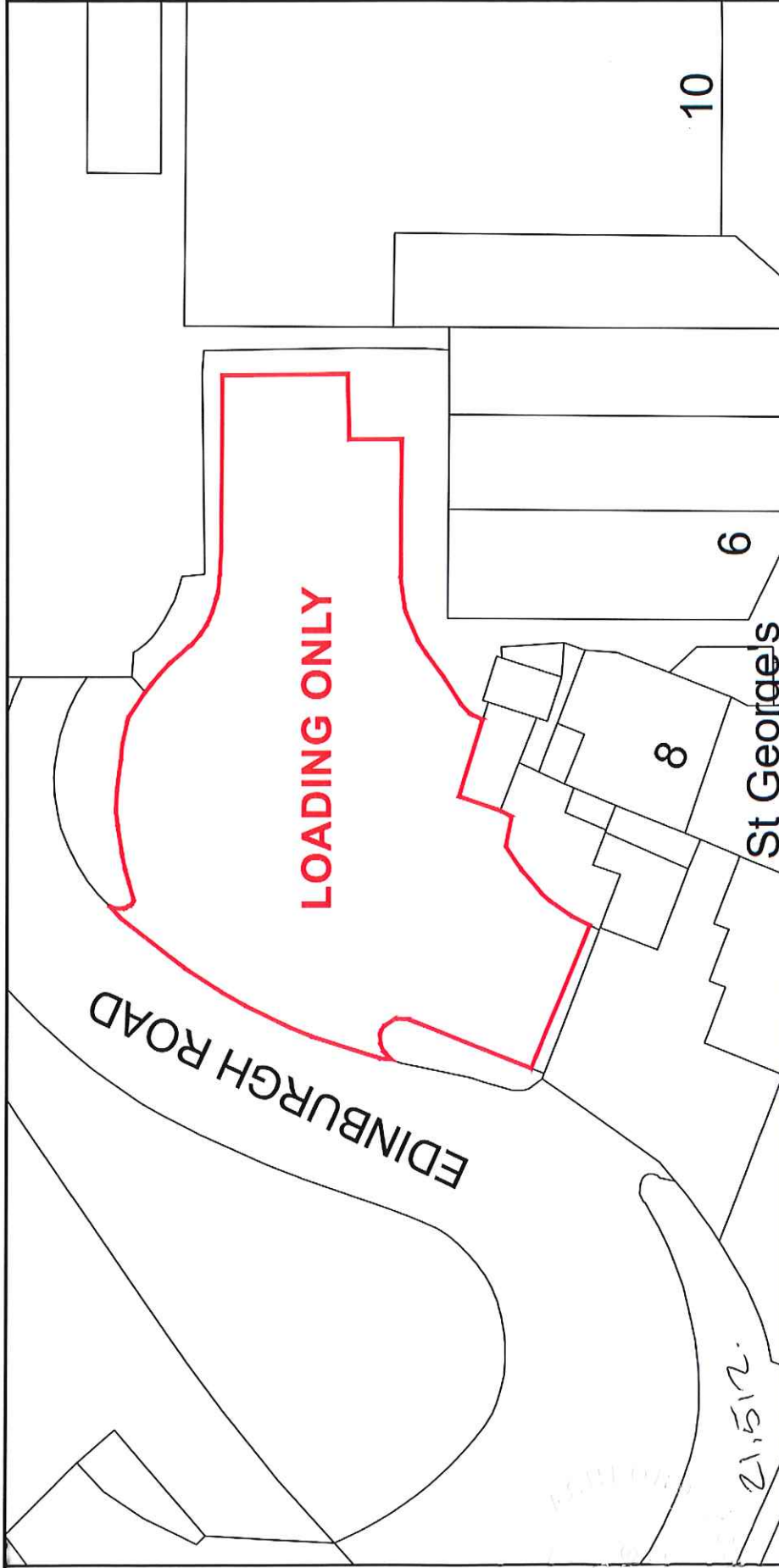
Exemptions

7. Nothing in paragraph 4 (Prohibition of parking within designated Loading Area) shall affect the parking of:

- (a) any authorised vehicle;
- (b) any vehicle belonging to the Owner or Occupier, or to any servant of the Owner or Occupier whose vehicle in parking in a Loading Area with the consent of such Owner or Occupier;
- (c) any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of the provision of paragraph 4 would be likely to hinder the use of that vehicle for the purpose for which it is being used on that occasion;
- (d) any vehicle being used in connection with any of the following operations, namely
 - i. the carrying out of building, maintenance or demolition operations affecting premises adjoining or adjacent to the Loading Area;
 - ii. the maintenance, improvement or reconstruction of the Loading Area;
 - iii. the removal of any obstruction to traffic;
 - iv. the laying, erection, alteration or repair of any sewer or any main, pipe, or apparatus for the supply of gas, water, electricity, or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984;
 - v. in the service of a local authority in the pursuance of statutory powers or duties
 - vi. any refuse collection vehicle engaged in the collection of refuse

PROVIDED ALWAYS that the vehicle cannot conveniently be used for such purpose in any road or land not forming part of the Loading Area AND the consent of the Owner, Occupier and Council A has been given.


APPENDIX-OFF STREET PLAN



PROJECT		ENVIRONMENT, PROPERTY AND RECREATION
DRAWING TITLE		NO PARKING ZONE
DRAWN	ALTCAD FILE	DATE
LC	FILE NO.	16.05.23
	SCALE	NTS
	DRG.No.	LC/1605/23
	REV.	-

ASHFORD
BOROUGH COUNCIL
 PROPERTY SERVICES
 Civic Centre, Farnley Lane, Ashford, Kent, TN23 1PL
 01233 391111 fax 01233 66664

THE COMMON SEAL OF ASHFORD
 BOROUGH COUNCIL WAS HEREUNTO
 AFFIXED IN THE PRESENCE OF

SOLICITOR

 SOLICITOR

21.512