

BATH AND NORTH EAST SOMERSET COUNCIL

(EASTOVER ROAD AND A39 HIGH STREET, HIGH LITTLETON) (PROHIBITION OF WAITING) ORDER 2003

The Bath and North East Somerset Council (hereinafter referred to as “the Council”) in exercise of its powers under sections 1(1), 2(1) to (3), 4(1) of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act of 1984”) and of all other enabling powers, 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

General

1. This Order shall come into operation on the 7th July 2003 and may be cited as the Bath and North East Somerset Council (Eastover Road and A39 High Street, High Littleton) (Prohibition of Waiting) Order 2003.

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

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

"disabled person's badge" has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"disabled person's vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000;

"goods" includes postal packets of any description;

"hackney carriage" has the same meaning as in Section 38 of the Town Police Clauses Act 1847;

"parking disc" means a disc, issued by a local authority, coloured blue if issued on or after 1 April 2000 or orange if issued before that date, and capable of showing the quarter hour period during which a period of waiting begins;

"public service vehicle" has the same meaning as in the Section 1(1)(a) of the Public Passenger Vehicles Act 1981;

"relevant position" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"restricted road" means any road (whether described by a single name or by a combination of names) or any length or side of a length or end of a road in High Littleton as specified in Schedule 1 or Schedule 2 to this order.

"restricted hours" means any period between 8.00 a.m. and 6.00 p.m. with a maximum waiting period of 30 minutes and no returning within 30 minutes on any day other than a Sunday, Christmas Day, Good Friday or a bank holiday in relation to any length or side of a length or end of restricted road described in Schedule 2 to this order.

"vehicle" includes part of a vehicle.

- (2) For the purposes of this Order, a vehicle shall be regarded as displaying a disabled person's badge in the relevant position if the badge is exhibited in the manner referred to in relation to the display of a disabled person's badge in Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
 - (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
 - (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.
3. This order shall be enforced in accordance with the provisions set out in the Bath and North East Somerset Council (Decriminalisation of Parking Enforcement) Minor Order 2003 as varied by the Bath and North East Somerset Council (Decriminalisation of Parking Enforcement) Minor (Variation) Order 2003.

PART II

Prohibition of Waiting

3. Save as provided in Article 5 and Article 6 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, cause or permit any vehicle to wait at any time in a restricted road as specified in Schedule 1 to this Order.
4. Save as provided in Article 5 and Article 6 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, cause or permit any vehicle to wait during the restricted hours in a restricted road as specified in Schedule 2 to this Order.

5. (1) Save as provided in this Article, nothing in Article 3 and Article 4 of this Order shall render it unlawful to cause or permit any vehicle to wait in a restricted road for so long as may be reasonably necessary:-

- (a) to enable a person to board or alight from the vehicle;
- (b) to enable the vehicle, if it cannot conveniently be used for such purpose in any road not being a restricted road or outside the restricted hours, to be used in connection with any of the following operations, namely -
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths of road or sides of road; or
 - (iv) the laying, erection, alteration or repair in or in land adjacent to the said lengths of road or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus as defined in the Telecommunications Act 1984;
- (c) to enable the vehicle, if it is in the service of or employed by the Post Office, to be used for the delivery or collection of postal packets as defined in Section 125(1) Postal Services Act 2000;
- (d) to enable the vehicle to take in petrol, oil, water or air from any garage situated in or adjacent to that road;
- (e) if a person in control of the vehicle is required by law to stop, or is obliged to do so in order to avoid an accident, or is prevented from proceeding by circumstances outside his control;
- (f) to enable the vehicle to be used in connection with a wedding or funeral;
- (g) to enable the vehicle to be used in connection with the cleaning of external windows or of chimneys of premises adjacent to, or the posting or the removal of advertising material in the form of posters in or adjacent to, that road;

Provided that the exemptions conferred by this Article in relation to the uses mentioned in paragraphs (f) and (g) hereof shall not have effect in those areas of roads which are access ways or loading bays, bus stops, or hackney carriage stands.

(2) Nothing in Article 3 of this Order shall render it unlawful for any person to cause or permit any vehicle to wait in a restricted road for so long as may be reasonably necessary for the purpose of loading thereon or unloading therefrom his personal

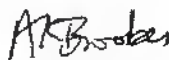
luggage or to enable goods to be loaded on to or unloaded from the vehicle or to be delivered or collected at premises adjacent to that road, if in any such case the vehicle cannot conveniently be loaded or unloaded or the goods delivered therefrom or collected thereto in any road not being a restricted road, or if the premises do not include an off-street loading area adequate for use by the vehicle.

6. Save as provided in this Article, the restrictions imposed by Article 3 and Article 4 of this Order shall not apply to the following vehicles, that is to say:-

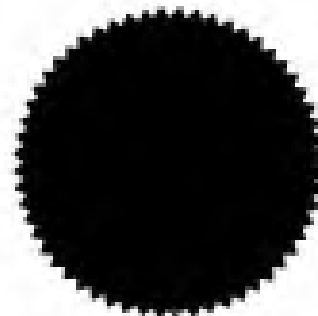
- (a) fire brigade, ambulance or police vehicles whilst in actual use as such;
- (b) other local authority vehicles whilst in actual use in pursuance of statutory powers or duties;
- (c) hackney carriages whilst waiting at an authorised stand for hackney carriages;
- (d) public service vehicles operating stage carriage services whilst waiting at a bus stop;
- (e) vehicles waiting in a specified part of a restricted road in accordance with a special authorisation so to do given by the Council or any person duly authorised by the Council;
- (f) any disabled person's vehicle which displays in the relevant position a disabled person's badge shall be exempted for a period of three hours subject to the conditions that:
 - (i) the period of exempted waiting does not begin less than one hour after a previous period of exempted waiting by the same vehicle in the same road on the same day;
 - (ii) a parking disc is displayed in the relevant position on the vehicle marked to show the quarter hour period during which the period of exempted waiting began.

Given under the Common Seal of the Bath and North East Somerset Council the 2nd day of July 2003.

THE COMMON SEAL of
BATH AND NORTH EAST
SOMERSET COUNCIL
was hereunto affixed in the
presence of:-



Authorised signatory



AUTHORITY FOR SEALING
Full Council Meeting
Board resolution
Committee minute of 9/5/02
Initials KE

SCHEDULE 1

Restricted Roads - No Waiting at Any Time

EASTOVER ROAD

Both sides

From its junction with High Street north east for 8 metres.

A39 HIGH STREET

South west side

From a point 15 metres north west of its junction with Eastover Road, north west for 24 metres.

A39 HIGH STREET

North east side

From a point 10 metres south east of its junction with Eastover Road north west for 21 metres.

SCHEDULE 2

Restricted Roads - Limited Waiting Between 8.00 a.m. and 6.00 p.m. on any day other than Sunday, Christmas Day, Good Friday or a bank holiday. Waiting restricted to 30 minutes and no returning within 30 minutes.

A39 HIGH STREET

North east side

From a point 11 metres north west of its junction with Eastover Road north west for 28 metres.