

BATH AND NORTH EAST SOMERSET COUNCIL

(VARIOUS ROADS, CHEW MAGNA)

(PROHIBITION AND RESTRICTION OF WAITING) ORDER 2004

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) and 4(1) of the Road Traffic Regulation Act 1984 as amended (hereinafter referred to as “the Act of 1984”), **the Road Traffic Act 1991 (hereinafter referred to as “the Act of 1991”)** 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 10th May 2004 and may be cited as the Bath and North East Somerset Council (Various Roads, Chew Magna) (Prohibition and Restriction of Waiting) Order 2004.

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;

“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.

"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 and Restriction of Waiting

4. Save as provided in Article 7 and Article 8 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 the roads or lengths of road as described in Schedule 1 to this Order.
5. Save as provided in Article 7 and Article 8 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 in the roads or lengths of road as described in Schedule 2 to this Order during the hours of 9.00 am to 5.00 pm Monday to Friday inclusively.
6. Save as provided in Article 7 and Article 8 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 in the roads or lengths of road as described in Schedule 3 to this Order for a period exceeding two hours between the hours of 9.00 am to 5.00 pm Monday to Friday inclusively and no returning within one hour.
7. (1) Save as provided in this Article, nothing in Article 4, Article 5 and Article 6 of this Order shall render it unlawful to cause or permit any vehicle to wait in the roads or

lengths of road as described in Schedule 1, Schedule 2 and Schedule 3 to this Order 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 road described in Schedule 1, Schedule 2 or Schedule 3 to this Order 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 4, Article 5 and Article 6 of this Order shall render it unlawful for any person to cause or permit any vehicle to wait in the roads or lengths of road as described in Schedule 1, Schedule 2 and Schedule 3 to this Order 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 road described in Schedule 1, Schedule 2 or Schedule 3 to this Order, or if the premises do not include an off-street loading area adequate for use by the vehicle.

8. Save as provided in this Article, the restrictions imposed by Article 4, Article 5 and Article 6 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 road described in Schedule 1, Schedule 2 or Schedule 3 in this Order 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 5th day of May 2004.

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



AK Brookes

Authorised signatory

AUTHORITY FOR SEALING	
Council resolution	<i>full council meeting</i>
Committee minute	of <i>9/5/02</i>
Initials	<i>wr</i>

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SCHEDULE 1

No Waiting at Any Time

B3130 High Street

North side

From the boundary between house number 43 and house number 45 in a westerly direction for a distance of 21.5 metres

From a point 38 metres west of the boundary between house number 43 and house number 45 in a westerly direction for a distance of 32.5 metres

Harford Square

West side of its western arm

From its junction with Chew Street in a northerly direction for a distance of 21.5 metres

From a point 36.5 metres north of its junction with Chew Street in a northerly direction for a distance of 3 metres

East side of its western arm

From its junction with Chew Street in a northerly direction for a distance of 14.5 metres

West side of its eastern arm

From its junction with South Parade in a northerly direction for a distance of 6 metres

East side of its eastern arm

From its junction with South Parade in a northerly direction for a distance of 14.5 metres

B3110 South Parade

South side

From its junction with Madam's Paddock in an easterly direction for a distance of 115 metres

North side

From its junction with the eastern arm of Harford Square in a westerly direction for a distance of 10 metres

From its junction with the eastern arm of Harford Square in an easterly direction for a distance of 4.5 metres

From a point 9.5 metres east of its junction with the eastern arm of Harford Square in an easterly direction for a distance of 4 metres

From a point 23.5 metres east of its junction with the eastern arm of Harford Square in an easterly direction for a distance of 3 metres

From a point 53.5 metres east of its junction with the eastern arm of Harford Square in an easterly direction for a distance of 2 metres

North east side

From a point 3 metres north west of the boundary between West View and Anchorage, The Chalks, in a north easterly direction for a distance of 11 metres

Tunbridge Road

East side

From its junction with South Parade in a southerly direction for a distance of 7 metres

SCHEDULE 2

No Waiting 9.00 am to 5.00 pm Monday to Friday

Tunbridge Road

East side

From a point 56 metres south of its junction with South Parade in a southerly direction for a distance of 11.5 metres

From a point 169.5 metres south of its junction with South Parade in a southerly direction for a distance of 30 metres

West side

From a point 20 metres south of its junction with South Parade in a southerly direction for a distance of 200 metres

SCHEDULE 3

Limited waiting not exceeding two hours between the hours of 9.00 am and 5.00 pm Monday to Friday, no return within one hour

South Parade

North side

From a point 4.5 metres east of its junction with the eastern arm of Harford Square in an easterly direction for a distance of 5 metres

From a point 13.5 metres east of its junction with the eastern arm of Harford Square in an easterly direction for a distance of 10 metres

From a point 26.5 metres east of its junction with the eastern arm of Harford Square in an easterly direction for a distance of 27 metres

North east side

For the full length of the south west side of the village green

Harford Square

West side of its western arm

From a point 21.5 metres north of its junction with Chew Street, in a northerly direction for a distance of 15 metres

From a point 39.5 metres north of its junction with Chew Street in a northerly direction for a distance of 12 metres

East side of its eastern arm

From a point 14.5 metres north of its junction with South Parade in a northerly direction for a distance of 16 metres