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CITY OF BATH

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The City of Bath

(Doctors' Street Parking Places)

Order 1978 <sup>2</sup>

N. J. L. PEARCE,  
Town Clerk,  
Bath

## CITY OF BATH

## THE CITY OF BATH (DOCTORS' STREET PARKING PLACES) ORDER 1972

The Bath City Council in exercise of their powers under sections 35, 36 and 37 of the Road Traffic Regulation Act 1967, as amended by Part IX of the Transport Act 1968 (which said Act of 1967 as so amended is hereinafter referred to as "the Act of 1967"), and of all other enabling powers, and after consultation with the Chief Constable of the Somerset and Bath Police area in accordance with section 84C(1) of the Act of 1967, hereby make the following Order:-

## PART I

*General*Commencement and Citation

1. (1) So much of this Order as relates to the parking place numbered D.1 in the Schedule to this Order shall come into operation on the 5th day of March, 1973, and the remainder of this Order shall come into operation on the same date as the City of Bath (Outer Areas) (Street Parking Places) (Amendment No. 2) Order 1973 comes into operation.

(2) This Order may be cited as The City of Bath (Doctors' Street Parking Places) Order 1972.

Interpretation

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

"bank holiday" has the same meaning as in the Banking and Financial Dealings Act 1971;

"Council" means the Bath City Council;

"driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;

"legally qualified medical practitioner" has the same meaning as in section 52 of the Medical Act 1956;

"one-way street" means a highway in which the driving of vehicles otherwise than in one direction is prohibited;

"parking space" means a space in a parking place referred to in the Schedule to this Order which is provided for the leaving of a vehicle;

"parking place" means any area on a highway designated as a parking place by this Order;

"permit" means a permit issued under the provisions of Article 15(3)(a) of this Order;

"permit holder" means a person to whom a permit has been issued under the provisions of Article 15(3)(a) of this Order;

"permitted hours", in relation to a parking place, means the period between 8 a.m. and 6 p.m. on any day not being a Sunday, Christmas Day, Good Friday or a bank holiday;

"protective cover" means a protective cover issued by the Council under the provisions of Article 15(3)(b) of this Order;

"telegraphic line" has the same meaning as in the Telegraph Act 1878.

(2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.

(3) Any reference in this Order to the number of a parking place shall be construed as a reference to the letter and number set out in column 1 of the Schedule to this Order in relation to the parking place referred to in column 2 of the Schedule.

(4) The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

## PART II

### *Designation of Parking Places*

#### Designation of parking places

3. Each area on a road specified in column 2 of the Schedule to this Order is designated for use as a parking place during the permitted hours.

Number and situation of parking spaces

4. The number of parking spaces in each parking place referred to in the Schedule to this Order shall be the number specified in relation thereto in column 3 of the said Schedule and the situation of such parking spaces in each parking place shall be as may be determined by the Council.

Vehicles for which parking places are designated

5. Each parking place referred to in the Schedule to this Order may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as display in the manner specified in Article 6 of this Order a valid permit issued in respect of that vehicle and relating to that parking place.

Permits to be displayed on vehicles left in parking places

6. At all times during which a vehicle is left in a parking place referred to in the Schedule to this Order during the permitted hours the driver thereof shall cause to be displayed in a protective cover on the front or near side of the vehicle a valid permit issued in respect of that vehicle and relating to that parking place so that all the particulars referred to in Article 19 of this Order are readily visible from the front or near side of the vehicle.

Alteration of position of a vehicle in a parking place

7. Where any vehicle is standing in a parking place in contravention of the provisions of Article 11 of this Order, a police constable or a traffic warden or any person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of a vehicle from a parking place

8. Where a police constable or a traffic warden or any person authorised in that behalf by the Council is of the opinion that the provisions contained in Article 13(2) of this Order have been contravened he may remove or cause to be removed the vehicle from the parking place and, where it is so removed, shall provide for the safe custody of the vehicle.

Movement of a vehicle in a parking place in an emergency

9. A police constable or a traffic warden may move or cause to be moved, in case of emergency, to any place he thinks fit, any vehicle left in a parking place.

## PART III

*Supplementary Provisions**Section 1 - General*Restriction on the removal of permits

10. Where a permit has been displayed on a vehicle in accordance with the provisions of this Order, no person, not being the driver of the vehicle, shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.

Manner of standing in a parking place

11. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand:-

- (a) in the case of a parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place are specified in column 5 of the Schedule to this Order as to be in accordance with those provisions;
- (b) in the case of any other parking place in single line parallel to the edge of the carriageway and so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than twelve inches; and
- (c) that every part of the vehicle is within the limits of a parking space.

Power to suspend the use of a parking place

12. (1) Any person generally or specially authorised by the Council may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary:-

- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
- (b) for the purpose of facilitating any building operation, demolition or excavation adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe, cable or apparatus for the supply of gas, water, electricity or any other wired service, or of any telegraphic line or the placing, maintenance or removal of any traffic sign;

- (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwellinghouse adjacent to the parking place from or to a depository, another office or dwellinghouse;
- (d) on any occasion on which it is likely by reason or some special attraction that any street will be thronged or obstructed; or
- (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.

(2) A police constable may suspend for not longer than twenty-four hours the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary for any of the purposes referred to in this Article.

(3) Any person or police constable suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or the part thereof the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.

(4) No person shall cause or permit a vehicle to wait in any part of a parking place during such period as there is in or adjacent to that part of the parking place a traffic sign placed in pursuance of paragraph (3) of this Article:

Provided that nothing in this paragraph shall apply:-

- (i) in respect of any vehicle being used for fire brigade, ambulance or police purposes or any vehicle which is waiting for any reason specified in paragraphs (1)(a) or (1)(c) of Article 13 of this Order; or
- (ii) to anything done with the permission of the person suspending the use of the parking place or part thereof in pursuance of paragraph (1) of this Article, a police constable in uniform or a traffic warden.

Restriction on waiting by a vehicle in a parking place

13. (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours in any part of a parking place if the use of that part has not been suspended and if:-

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- (a) the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle;
  - (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid accident;
  - (c) the vehicle is a vehicle used for fire brigade or ambulance purposes, or a vehicle (other than a passenger vehicle) in the service of a local authority or a vehicle in the service of a police force in either case being used in pursuance of statutory powers or duties;
  - (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic.

(2) Except as provided by this Order the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in a parking place during the permitted hours.

Placing of traffic signs, etc.

14. The Council shall:-

- (a) cause the limits of each parking place and of each parking space to be indicated on the carriageway by placing and maintaining thereon appropriate traffic signs of a size, colour and type prescribed or authorised under section 54 of the Act of 1967; and
- (b) place and maintain in or in the vicinity of each parking place traffic signs indicating the number of such parking place and that such parking place may be used during the permitted hours for the leaving only of the vehicles specified in Article 5 of this Order.

*Section 2 - Permits*

Application for and issue of permits for the use of parking places

15. (1) Any legally qualified medical practitioner may apply to the Council for the issue of a permit in respect of each vehicle which shall be specified in the application and any such application shall be made on a form issued by and obtainable from the Council and shall include the particular information and authentication required by such form to be supplied.

(2) The Council may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council such evidence in respect of an application for a permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any permit issued by them as they may reasonably call for to verify that the permit is valid.

(3) Upon receipt of an application duly made under the foregoing provisions of this Article and upon receipt of the charge specified in paragraph (4) of this Article, the Council may issue to the applicant:-

- (a) permits for the leaving during the permitted hours in the parking place specified thereon of such vehicles specified in the application as they are satisfied are used by legally qualified medical practitioners who are liable to be called, of necessity, to emergencies away from the surgery or consulting room shown on such application to the extent that the need for special parking arrangements is justified and to whom no suitable alternative parking facility is available within a reasonable distance; and
- (b) protective covers for the display therein of the permits.

(4) The charge referred to in paragraph (3) of this Article in respect of a parking place referred to in column 2 of the Schedule to this Order shall be the amount specified in relation thereto in column 4 of the said Schedule.

(5) Without prejudice to the provisions of Article 17 of this Order, where the Council have issued a permit or permits in relation to any particular parking place, the Council shall not issue any further permit in relation to that parking place which would be valid during any period during which any other permit is or would be valid.

#### Surrender, withdrawal and validity of permits

16. (1) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article or in accordance with the provisions of paragraph (6) of this Article.

(2) The Council may, by notice in writing served on the permit holder by sending the same by the recorded delivery service to the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode, withdraw a permit if it appears to the Council that any one of the events set out in paragraphs (3)(a) or (3)(b) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.



(3) The events referred to in the foregoing provisions of this Article are:-

- (a) the vehicle or any vehicle in respect of which the permit was issued ceasing to be used by a legally qualified medical practitioner who is liable to be called, of necessity, to emergencies away from the surgery or consulting room shown on the application for that permit to the extent that the need for special parking arrangements can be justified;
- (b) the revocation of the designation of the parking place in respect of which the permit was issued;
- (c) the issue of a revised permit or a duplicate permit by the Council under the provisions of Article 17 of this Order;
- (d) the permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article.

(4) Without prejudice to the foregoing provisions of this Article, a permit shall cease to be valid at the expiration of the period specified thereon (which period shall not exceed a period of 12 months from the beginning of the month during which it first became valid) or on the occurrence of any one of the events set out in paragraphs (3)(a), (3)(b) or (3)(c) of this Article, whichever is the earlier.

(5) Nothing in the foregoing provisions of this Article shall affect the validity of or require the surrender of or enable the Council to withdraw the permit or not renew it on the grounds that the event set out in paragraph (3)(a) of this Article has occurred if the permit holder has duly applied to the Council for the permit to be amended pursuant to Article 17(1) of this Order.

(6) Where a permit relating to a parking place is issued pursuant to Article 15(3) of this Order to any person upon receipt of a cheque and the cheque is subsequently dishonoured, all the permits relating to that parking place shall cease to be of any effect and the Council shall by notice in writing served on the permit holder by sending the same by the recorded delivery service to him at the address shown by that person on the application for the permit or permits or at any other address believed to be that person's place of abode, require that person to surrender all the permits to the Council within 48 hours of the receipt of the aforementioned notice.

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Application for amendment of permits and issue of duplicate permits

17. (1) (a) A permit holder may at any time apply to the Council for a permit issued to him to be amended so as to relate to any other vehicle or any additional vehicle or both being in either case a vehicle which is used by a legally qualified medical practitioner who is liable to be called, of necessity, to emergencies away from the surgery or consulting room shown on the application for that permit to the extent that the need for special parking arrangements can be justified.

(b) Upon receipt of an application pursuant to sub-paragraph (1)(a) and of the relevant permit, the Council may amend the permit accordingly or to such lesser extent as they think fit, or, at their discretion, issue a revised permit.

(2) If a permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall either surrender it to the Council or apply to the Council for the issue to him of a duplicate permit and the Council, upon the receipt of the permit, shall issue a duplicate permit so marked.

(3) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue to him of a duplicate permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate permit so marked.

(4) The provisions of this Order shall apply to a revised permit or a duplicate permit and an application therefor as if it were a permit or as the case may be an application therefor.

Refund of charge paid in respect of a permit

18. (1) A permit holder who surrenders all the permits issued to him in respect of a particular parking place to the Council before they become valid shall be entitled to a refund of the charge paid in connection with the issue thereof.

(2) A permit holder who surrenders all the permits issued to him in respect of a particular parking place to the Council after they have become valid shall be entitled to a refund of part of the charge paid in connection with the issue thereof calculated in accordance with the provisions of paragraph (3) of this Article.

(3) The part of the charge which is refundable under the provisions of the last foregoing paragraph shall be the sum of one twelfth part of the amount specified in Article 15(4) of this Order in respect of each complete month of the period specified thereon as the period during which it shall be valid which remains unexpired at the time when the permit is surrendered to the Council.

(4) If the use of the whole of a parking place in respect of which a permit was issued is suspended in accordance with the provisions of Article 12(1) of this Order for the duration of the permitted hours for not less than 7 consecutive days (excluding for this purpose Sundays, Christmas Day, Good Friday and bank holidays), the permit holder shall be entitled to a refund of part of the charge paid in connection with the issue of that permit calculated in accordance with the provisions of paragraph (5):

Provided that no such refund shall be payable unless a claim therefor is submitted to the Council within 13 weeks of the expiration of the period in respect of which such claim is submitted, or where the claim is in respect of more than one such period, within 13 weeks of the expiration of the earliest such period.

(5) The part of the charge which is refundable under the provisions of the last foregoing paragraph shall be the sum of one fifty-second part of the amount specified in Article 15(4) of this Order in respect of each complete period of 7 consecutive days (excluding as aforesaid) during which the use of the whole of the parking place is suspended for the duration of the permitted hours and which falls within the period during which the permit remains valid.

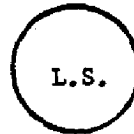
#### Form of permits

19. A permit shall be in writing and shall include the following particulars:-

- (a) the registration mark of the vehicle in respect of which the permit has been issued;
- (b) the period during which, subject to the provisions of Article 16 of this Order, the permit shall remain valid;
- (c) the number of the parking place to which the permit relates;
- (d) an indication that the permit has been issued by the Council;

- (e) the hours during which the vehicle in respect of which the permit has been issued may be left in a parking place;
- (f) an indication that the charge appropriate to the period during which the permit shall remain valid has been paid to the Council.

The Common Seal of the Mayor,  
Aldermen and Citizens of the  
City of Bath was hereunto  
affixed this 8th day of  
February, 1973, in the  
presence of:-



(Sgnd.) N.J.L. PEARCE

Town Clerk.

## SCHEDULE

(All measurements stated in this Schedule as being to or from a specified kerb-line of a road are taken from or to a point which is the point of intersection of a projection of that kerb-line and, unless otherwise stated, a projection of the kerb-line of the road in which the parking place is situated).

No. of parking place	DESIGNATED PARKING PLACES	No. of parking spaces	Amount payable	Special manner of standing of vehicles in parking place
1.	2.	3.	4.	5.
D1	All that part of the east side of QUEEN'S PARADE PLACE which is bounded on the east by so much of the edge of the carriage-way of that road as extends from a point 44.25m. north of the northern kerb-line of the north carriage-way of Queen Square southwards for a distance of 2.5m, and which has a width throughout of 5.25m.	1	£5	At an angle of 53 degrees to the eastern edge of the carriage-way
D2	All that part of the south-west side of that part of CLEVELAND PLACE known as Cleveland Place West which is bounded on the south-west by so much of the edge of the carriage-way of that road as extends from a point 3.5m. north-west of the common boundary of Nos. 10 and 11 Cleveland Place West south-eastwards for a distance of 6.5m. and which has a width throughout of 1.8m.	1	£5	