

BATH AND NORTH EAST SOMERSET COUNCIL

(BEAU STREET, BATH)

(PROHIBITION OF WAITING AND LOADING) 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), 4(1) of and Part IV of Schedule 9 to 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 8th October 2004 and may be cited as the Bath and North East Somerset Council (Beau Street, Bath) (Prohibition of Waiting and Loading) Order 2004.
2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them: -

“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) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(3) 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 and Loading

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 or to be loaded or unloaded at any time in any road described in the Schedule to this Order.
5. (1) Save as provided in this Article, nothing in Article 4 of this Order shall render it unlawful to cause or permit any vehicle to wait or to be loaded or unloaded

in any road described in the Schedule to this Order for so long as may be reasonably necessary:-

- (a) to enable the vehicle, if it cannot conveniently be used for such purpose in any road not being a road described in the Schedule 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;
- (b) 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;
- (c) to enable the vehicle to be used in connection with a wedding or funeral;

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

- 6. Save as provided in this Article, the restrictions imposed by Article 4 of this Order shall not apply to the following vehicles:-
 - (a) fire brigade, ambulance or police vehicles whilst in execution of their duties;
 - (b) a vehicle being used in the service of the local authority, the Environment Agency, or water or sewerage undertaker within the meaning of the Water Act 1989, whilst in actual use in pursuance of statutory powers or duties.
- 7. 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.
- 8. The County Council of Avon (City of Bath) (Central Area) (General Traffic Regulation) (Consolidation) Order 1988 as varied by the County Council of Avon (City of Bath) (Central Area) (General Traffic Regulation) (Consolidation) (Variation No. 1) Order 1988, the County Council of Avon (City of Bath) (Outer Area) (General Traffic Regulation) (Consolidation) Order 1988, the County Council of Avon (City of Bath) (Outer Area) (General Traffic Regulation) (Consolidation) (Variation No. 1) Order 1990, the County Council of Avon (City of Bath) (Central Area) (General Traffic Regulation) (Consolidation) (Variation No. 2) Order 1993, the County

Council of Avon (City of Bath) (Central Area) (General Traffic Regulation) (Consolidation) (Variation No. 4) 1993, the County Council of Avon (City of Bath) (Central Area) (General Traffic Regulation) (Consolidation) (Variation No. 5) Order 1995, the County Council of Avon (Monmouth Street and Prices Street, Central Area, City of Bath) (Variation of Waiting Restrictions) Order 1996, the County Council of Avon (City of Bath) (Central Area) (General Traffic Regulation) (Consolidation) (Variation No.7) Order 1996, the County Council of Avon (City of Bath) (Central Area) (General Traffic Regulation) (Consolidation) (Variation No.6) Order 1996, the County Council of Avon (Various Roads, Central Area, City of Bath) (Traffic and Environmental Study) (Street Parking Places) (Waiting Restrictions) (Variation) Order 1998, the Bath and North East Somerset District Council (Avon Street, Bath) (Prohibition of Driving) Order 1998, the Bath and North East Somerset District Council (Green Park Road, Bath) (Prohibition of Right Turn) Order 1999, the Bath and North East Somerset District Council (Swallow Street and York Street, Bath) (Prohibition of Driving) Order 2000, the Bath and North East Somerset District Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 1) Order 2000, the Bath and North East Somerset District Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 6) Order 2000, the Bath and North East Somerset District Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 7) Order 2000, the Bath and North East Somerset Council (Various Roads, Northgate Area, Bath) (CI:TE Project) (Prohibition of Left Turn) (One way Traffic) (Prohibition of Driving) (Prohibition and Restriction of Waiting) Order 2002, Bath and North East Somerset Council (Decriminalisation of Parking Enforcement) Minor Order 2003, and the Bath and North East Somerset Council (Decriminalisation of Parking Enforcement) Minor (Variation) Order 2003 is varied further in so far as the restrictions relating to Beau Street in Schedule 5 of that Order (which are re-produced below for the avoidance of doubt) are hereby revoked:

SCHEDULE 5

Restricted Roads and Restricted Hours

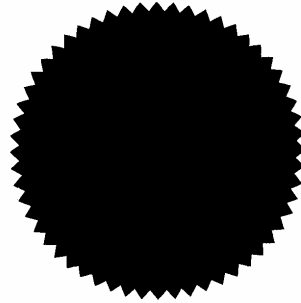
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|-----------------------|--|
| BEAU STREET
length | (a) The north side, for the whole of its |
| | (b) The south side, between its junction with Stall Street and a point 39 feet west of the western kerb-line of Stall Street |
| | (c) The south side, between a point 5 feet east of the eastern kerb-line of Bilberry Lane and a point 15 feet west of the western kerb-line of Bilberry Lane |

Given under the Common Seal of the Bath and North East Somerset Council the 6th day of October 2004.

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



Authorised signatory



AUTHORITY FOR SEALING	
Council resolution	full council meeting
.....Committee minute.....of.....	9/5/02
Initials	WC

SCHEDULE

No Waiting and No Loading at Any Time

Beau Street
Both sides

For the whole of its length