

BATH AND NORTH EAST SOMERSET COUNCIL

(VARIOUS ROADS, BATH) **(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), 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 11th October 2004 and may be cited as the Bath and North East Somerset Council (Various Roads, Bath) (Prohibition of 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;

"goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, or trailer so adapted;

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

"loading bay" means an area on a road provided for the waiting of a vehicle for the purpose of delivering or collecting goods including checking the goods for such purpose or loading or unloading the vehicle at premises adjacent to the road in which that loading bay is situated;

"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 hours means:

- (a) any period not exceeding one hour between the hours of 8 am and 6 pm Monday to Saturday inclusively on those roads or lengths of road as listed in Schedule 2 to this Order; and
- (b) any period between the hours of 8 am and 6 pm Monday to Saturday inclusively on those roads or lengths of road as listed in Schedule 3 to this Order.

"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 the City of Bath specified in Schedule 1, Schedule 2 and Schedule 3 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

- 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, cause or permit any vehicle to wait at any time in the roads or lengths of road listed 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, cause or permit any vehicle to wait in the roads or lengths of roads listed in Schedule 2 to this Order for a period exceeding one hour between the hours of 8 am and 6 pm Monday to Saturday 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 listed in Schedule 3 to this Order during the hours of 8 am and 6 pm Monday to Saturday inclusively.
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 listed 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 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 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 listed 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 listed in Schedule 1, Schedule 2 and Schedule 3 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:
- (a) fire brigade, ambulance or police vehicles whilst in execution of their duties;
 - (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.

Loading Bays

9. (1) Each area of road described in Schedule 4 to this Order shall be designated as a loading bay.
- (2) Save as provided in 9(4) and 9(5) below any loading bay described in Schedule 4 to this Order shall only be used by goods vehicles and shall be operational for twenty four hours a day, seven days a week.

- (3) The limits of any loading bay shall be indicated by the Council on the carriageway by appropriate carriageway markings and appropriate traffic signs.
- (4) Nothing in Article 9(2) of this order shall apply to:
 - (a) any vehicle waiting for so long as is necessary to enable a person to board or alight from the vehicle;
 - (b) any vehicle waiting upon the direction or with the permission of a police constable in uniform, a traffic warden or of a parking attendant;
 - (c) any vehicle waiting because the driver is being prevented from proceeding owing to circumstances beyond his control;
 - (d) any vehicle being used by the police, fire brigade and ambulance services whilst in execution of their duties;
 - (e) any vehicle waiting only for so long as is necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - (f) any vehicle being used for the purpose of any building operation, demolition or excavation in or adjacent to the loading bay, or the maintenance, improvement or reconstruction of the road or the cleansing of gullies in or adjacent to the loading bay, or the laying, erection, alteration, removal or repair in or adjacent to the parking place 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 or the placing, maintenance or removal of any traffic sign or pay and display machine;
- (5) Any person duly authorised by the Council or a police constable in uniform may temporarily suspend the use of the loading bay, wholly or in part, whenever he considers such suspension reasonably necessary.
- (6) Any person duly authorised by the Council or a police constable in uniform suspending the use of a loading bay either wholly or in part must place a hood or cover over those traffic signs or parts of traffic signs which relate to the loading bay.

Revocations

10. The County Council of Avon (City of Bath) (Outer Area) (General Traffic Regulation) (Consolidation) Order 1988.

SCHEDULE 5

Restricted roads and restricted hours

ARLINGTON ROAD

- | | |
|--------------------------------|-------------------------------|
| (ii) the south-west side only, | (ii) the south-west side, for |
|--------------------------------|-------------------------------|

<p>column</p> <p>MOORLAND ROAD</p>	<p>between a point 15 metres north-west of the northern kerb-line of Shaftesbury Road and its junction with Shaftesbury Road</p>	<p>the whole length of the length specified in</p> <p>1</p> <p>(h) the south-west side, between a point 8 metres north-west of the north-western kerb-line of Shaftesbury Road and its junction with Shaftesbury Road</p>
<p>ROSSLYN ROAD, between a point the 18.5 metres north of the northern kerb-line of Newbridge Road and its junction with Newbridge Road</p>		<p>Both sides, for the whole of the length specified in column 1</p>

The Bath and North East Somerset District Council (City of Bath) (Outer Area)
(General Traffic Regulation) (Consolidation) (Variation No. 6) Order 1998

SCHEDULE 1

PENN HILL ROAD

<p>(ii) the north west side only, between a point 11 metres length south west of the south western kerblines of Southlands and a point in line with the western kerblines of Chandler Close</p>	<p>(ii) the north west side only, for the whole of the specified in column 1</p>
<p>(iii) the south east side only, between a point 75 metres south west of the south western kerblines of Southlands and a point 35 metres south west of the western kerblines of Chandler Close</p>	<p>(iii) the south east side, for the whole of the length specified in column 1</p>

SCHEDULE 2

CHANDLER CLOSE

(i) the north east side only, between a point 35 metres south east of the south eastern kerblineline of Penn Hill Road and its junction with Penn Hill Road

(i) the north east side, for the whole of the length specified in column 1

(ii) the south west side only, between a point 13 metres south east of the south eastern kerblineline of Penn Hill Road and its junction with Penn Hill Road

(ii) the south west side, for the whole length specified in column 1

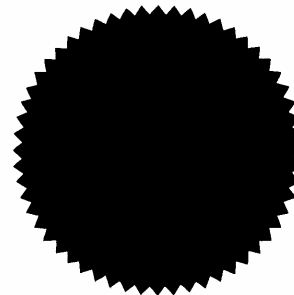
FORESTER LANE

(i) the north side only, between a point 10 metres west of the western kerblineline of the cul-de-sac section of Forester Lane and a point 10 metres east of the eastern kerblineline of the cul-de-sac section of Forester Lane

(i) the north side, for the whole of the length specified in column 1

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 :

Executive member for Transportation and Highways :

Councillor Sir Edgar Jenkins OBE

Date of decision : 27/7/04

Confirmed no call in : 6/8/04

SCHEDULE 1

No Waiting at Any Time

Arlington Road

Both sides

From its junction with Livingston Road for a distance of 45 metres in a south easterly direction

West side

From its junction with Shaftesbury Road for a distance of 10 metres in a north westerly direction

Chandler Close

East side

From its junction with Penn Hill Road for a distance of 100 metres in a southerly direction

West side

From its junction with Penn Hill Road for a distance of 50 metres in a southerly direction

North west section

Between No 79 and No 80

Both sides

From its junction with Chandler Close for a distance of 15 metres in a south westerly direction

Combe Grove

North side

From its junction with Combe Park for a distance of 11 metres in a westerly direction

South side

From its junction with Combe Park westwards up to and including its westerly termination turning area

Frankland Close

Both sides

From its junction with Penn Hill Road for a distance of 15 metres in a southerly direction

Forester Lane

North side

From its junction with Forester Road for a distance of 84 metres in an easterly direction

Greenbank Gardens

West side

From its junction with Penn Hill Road for a distance of 10 metres in a southerly direction

Harcourt Gardens

Both sides

From its junction with High Street for a distance of 17 metres in a north easterly direction

Junction Road

West side

From a point 5 metres north of its junction with Shaftesbury Road for a distance of 20 metres in a southerly direction

From a point 5 metres north of its junction with Winchester Road for a distance of 20 metres in a southerly direction

From a point 8 metres north of its junction with Second Avenue for a distance of 24 metres in a southerly direction

Long Acre House

Snow Hill

South side

From its junction with Snow Hill for a distance of 10 metres in an easterly direction

Minster Way

West side

From its junction with Warminster Road for a distance of 70 metres in a south easterly direction

East side

From its junction with Warminster Road for a distance of 15 metres in a southerly direction

From a point 25 metres south of its junction with Warminster Road for a distance of 24 metres in a southerly direction

Moorland Road

West side

From its junction with Shaftesbury Avenue for a distance of 15 metres in a north westerly direction

Oldfield Road

North side

From a point 56 metres west of Wells Road for a distance of 80 metres in a westerly direction

Penn Hill Road

North side

From a point 10 metres west of Frankland Close for a distance of 320 metres in an easterly direction

South side

From a point 10 metres west of Frankland Close in an easterly direction to its junction with Greenbank Gardens

Rosslyn Road

East side

From its junction with Newbridge Hill for a distance of 60 metres in a southerly direction

West side

From its junction with Newbridge Hill for a distance of 8 metres in a southerly direction

Second Avenue

Both sides

From its junction with Junction Road for a distance of 15 metres in a south westerly direction

Shaftesbury Road

North side

From its junction with Junction Road for a distance of 5 metres in a westerly direction

St Christophers Close

Both sides

From its junction with Minster Way for a distance of 10 metres in a south westerly direction

Warminster Road

Both sides

From a point 15 metres north of its junction with Minster Way for a distance of 90 metres in a south westerly direction

North west side

From a point 68 metres opposite the eastern kerbline of Minster Way for a distance of 70 metres in a north easterly direction

Winchester Road

Both sides

From its junction with Junction Road for a distance of 5 metres in a westerly direction

SCHEDULE 2

Limited waiting not exceeding one hour between the hours of 8 am and 6 pm Monday to Saturday inclusively

Moorland Road

West side

From a point 15 metres north west of its junction with Shaftesbury Road for a distance of 40 metres in a north westerly direction

From a point 15 metres north west of its junction with Herbert Road for a distance of 15 metres in a north westerly direction

From a point 6 metres north west of its junction with Crandale Road for a distance of 50 metres in a north westerly direction

SCHEDULE 3

No waiting at any time between the hours of 8 am and 6 pm Monday to Saturday inclusively

St Christophers Close

Both sides

From a point 10 metres west of its junction with Minster Way in a westerly direction up to and including its western termination

SCHEDULE 4

Loading bay

Moorland Road

West side

From a point 20 metres south east of its junction with Herbert Road for a distance of 17 metres in a north westerly direction