

**BATH AND NORTH EAST SOMERSET COUNCIL**

**(VARIOUS ROADS, RUSH HILL AREA, BATH)**  
**(PROHIBITION OF WAITING) ORDER 2007**

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 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 3<sup>rd</sup> August 2007 and may be cited as the Bath and North East Somerset Council (Various Roads, Rush Hill Area, Bath) (Prohibition of Waiting) Order 2007.

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 of Waiting

4. 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 any road or length of road as described in the Schedule to this Order.
5. (1) Nothing in Article 4 of this Order shall render it unlawful to cause or permit any vehicle to wait in any road or length of road as described in the Schedule 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 to this Order, 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 of this Order shall render it unlawful for any person to cause or permit any vehicle to wait in any road or length of road as described in the Schedule 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 or length of road described in the Schedule to this Order, or if the premises do not include an off-street loading area adequate for use by the vehicle.
6. The restrictions imposed by Article 4 of this Order shall not apply to the following vehicles, that is to say:-
- (a) any vehicle when it is being used for fire brigade, ambulance or police purposes;
  - (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;

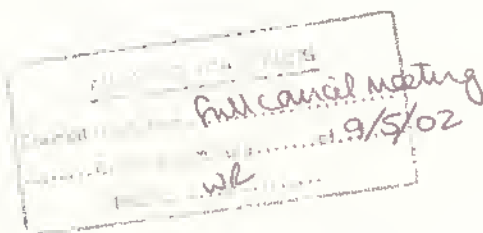
- (d) public service vehicles operating stage carriage services whilst waiting at a bus stop;
- (e) vehicles waiting in a specified part of a road or length of road as described in the Schedule to this Order in accordance with a special authorisation so to do given by the Council or any person duly authorised 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 25<sup>th</sup> day of July 2007.

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



Authorised signatory



## SCHEDULE

### No Waiting at Any Time

<b>Clarks Way</b> West side	From a point 45 metres north east of Orchid Drive to its junction with Rush Hill
East side	From a point 47 metres north east of Orchid Drive to its junction with Old Fosse Road
<b>Frome Road</b> South side	From a point 134 metres west of the north western kerb line of Barrow Road to its junction with Old Fosse Road
<b>Old Fosse Road</b> Both sides	From a point 136 metres north of the north western kerb line of Barrow Road to its junction with Frome Road and Clarks Way
<b>Rush Hill</b> North side	From a point 111 metres east of the south eastern kerb line of Somerdale View for a distance of 42 metres in a south easterly direction
South side	From a point 114 metres east of the south eastern kerb line of Somerdale View to its junction with Clarks Way