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copy of the order to be made by the council
or written evidence of the order

BIRMINGHAM CITY COUNCIL
(ROOKERY ROAD, HANDSWORTH)
(PROHIBITION OF WAITING) ORDER 1999

Birmingham City Council ("the Council") in exercise of its powers under Sections 1 (1), 2(1) to (3) and 4(2) of the Road Traffic Regulation Act 1984 (as amended) ("the Act") and of Part IV of Schedule 9 to the Act and of all other enabling powers and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order.

1. This Order shall come into operation on the 17th day of December One thousand nine hundred and ninety nine, and may be cited as "Birmingham City Council (Rookery Road, Handsworth) (Prohibition of Waiting) Order 1999".

2. (1) In this Order:

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982;

"disabled person's vehicle" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 (as amended);

"parking disc" means a disc, issued by a local authority, 125 millimetres square, coloured orange, and capable of showing the quarter hour period during which a period of waiting began.

(2) For the purpose of this Order a vehicle shall be regarded as displaying:

(a) a disabled person's badge in the relevant position if:

(i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside the vehicle; or

(ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle.

(b) a parking disc in the relevant position if:

(i) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle; or

(ii) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle.

(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.

(4) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Save as provided in Articles 5 and 6, no person shall, except upon the direction or with the permission of a police constable in uniform or a traffic warden, cause or permit any vehicle to wait in the lengths of road or on the sides of road referred to in the FIRST SCHEDULE to this Order.
4. Save as provided in Article 5 and 6, no person shall except upon the direction or with the permission of a police constable in uniform or a traffic warden cause, or permit any vehicle to wait in the lengths of road or on the sides of road referred to in the SECOND SCHEDULE of this order between the hours of 7.00am and 7.00pm on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday.
5. Nothing in Article 3 and 4 shall render it unlawful to cause or permit any vehicle to wait in the lengths of road or on the sides of road referred to therein for so long as may be necessary to enable:
 - (1)
 - (a) a person to board or alight from the vehicle;
 - (b) the vehicle if it cannot conveniently be used for such purpose in any other road 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 on 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 telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (c) the vehicle if it cannot conveniently be used for such purpose in any other road to be used in the service of a local authority, a water undertaker or a sewerage undertaker or the National Rivers Authority in pursuance of statutory powers or duties;
 - (d) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953;
 - (e) the vehicle to wait at or near to any premises situated on or adjacent to the said lengths of road or sides of road so long as the waiting by that vehicle is reasonably necessary in connection with any wedding or funeral;
 - (f) the vehicle to be used for fire brigade, ambulance or police purposes; or
 - (g) goods to be loaded on to or unloaded from the vehicle.

6. Nothing in Article 3 shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking disc (on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began) to wait in the lengths of road or on the sides of the road referred to in that Article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same lengths or on the same sides of road on the same day).
7. The prohibitions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the Act or by or under any other enactment.
8. The West Midlands County Council (Rookery Road etc., Handsworth) (Prohibition and Restriction of Waiting) Order 1983 shall continue in full force and effect subject to the variation described in the THIRD SCHEDULE to this order.

FIRST SCHEDULE (ARTICLE 3)

No Waiting at any time

ROOKERY ROAD

✓ Westside from the line of the kerb on the northwest side of Oakland Road for a distance of approximately 105 metres in a northerly direction.

SECOND SCHEDULE (ARTICLE 4)

Limited waiting Monday-Saturday between 7.00am to 7.00pm

ROOKERY ROAD

✓ Westside from a point approximately 17 metres north of the line of the kerb on the north side of Trafalgar Road for a distance of approximately 90 metres in a northerly direction.

✓ Westside from a point approximately 105 metres north of the line of the kerb on the northwest side of Oakland Road for a distance of approximately 45 metres in a northerly direction.

THIRD SCHEDULE (ARTICLE 8)

Variation to the West Midlands County Council (Rookery Road etc., Handsworth) (Prohibition and Restriction of waiting) Order 1983.

ARTICLE 3

That length of Rookery Road shown cross hatched between Trafalgar Road and Regent Road on the plan marked Rookery Road etc., Handsworth, Prohibition and Restriction of Waiting Order, 1983 shall be deleted from the said plan.

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 15th day of
December One thousand nine hundred and ninety nine.

THE COMMON SEAL of BIRMINGHAM CITY COUNCIL)
was hereunto affixed in the presence of:-)

Gemp
Solicitor

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