

BIRMINGHAM CITY COUNCIL

BIRMINGHAM CITY COUNCIL
(KING EDWARD ROAD MOSELEY)
(RESIDENTS PARKING PLACES) ORDER 1990

Birmingham City Council ("the Council") in exercise of its powers under Sections 32, 35, 101 and 102 of the Road Traffic Regulation Act 1984 ("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 31st day of August One thousand nine hundred and ninety and may be cited as "Birmingham City Council (King Edward Road Moseley) (Residents Parking Places) Order 1990"

2. (1) In this Order:

"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;

"dual purpose vehicle" has the same meaning as in Part IV of Schedule 6 to the Act;

"goods vehicle" means a motor vehicle not exceeding 5 tonnes maximum gross weight which is constructed or adapted for use for the carriage of goods or burden of any description, and is not drawing a trailer;

"motor cycle" and "invalid carriage" have the same meanings as in section 136 of the Act;

"owner" in relation to a vehicle, means the person by whom such vehicle is kept and used;

"parking place" means any part of a road authorised by this Order to be used as a parking place;

"parking space" means a space in the parking place which is provided for the leaving of a vehicle;

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer;

"patrol officer" means an employee of the Council authorised to exercise all or any of the functions of the Council under this Order;

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

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

"a person authorised by the Council" means a police constable in uniform or a traffic warden or a patrol officer;

"resident" means a person whose usual residence is at premises the postal address of which is in any road or part of a road specified in Schedule 3 to this Order;

"telecommunications apparatus" has the same meaning as in Schedule 2 to the Telecommunications Act 1984;

"traffic sign" means a sign of any size, colour or type prescribed or authorised under or having effect as though prescribed or authorised under Section 64 of the Act;

"the 1981 Regulations" means the Traffic Signs Regulations and General Directions 1981; and

"visitors permit" means in relation to a parking place a permit issued to a resident or premises the postal address of which is as defined in Schedule 3 to this Order and which permit is to be displayed on a vehicle of a class specified in column 3 of Schedules 1 and 2 being used by a bone-fide visitor when it is parked in the parking place.

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

3. (1) Each of the parts of a road specified in column 1 of Schedule 1 to this Order is authorised to be used, subject to the following provisions of this Order, as a parking place for the parking between 0800 hours and 2400 hours Monday to Saturday inclusive and in such positions as are specified in relation to that road in the said Schedule, of such classes of vehicles, also so specified, as display in the manner specified in Article 19 of this Order a valid permit issued by the Council in respect of that vehicle.

(2) Each of the parts of a road specified in column 1 of Schedule 2 to this Order is authorised to be used, subject to the following provisions of this Order, as a parking place for the parking between 1600 hours and 2400 hours Monday to Friday inclusive and between 0800 hours and 2400 hours on Saturday and in such positions as are specified in relation to that road in the said Schedule, of such classes of vehicles, also so specified, as display in the manner specified in Article 19 of this Order a valid permit issued by the Council in respect of that vehicle.

(3) Nothing in paragraphs (1) and (2) of this Article shall restrict the power of the Council to close or part close any parking place.

4. Where in Schedules 1 and 2 to this Order the parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in the parking place unless it is:

(a) of the specified class; or, as the case may be,

(b) in the specified position.

5. Every vehicle using the parking place shall wait therein in a single line and in such position as is specified in column 2 of Schedules 1 and 2 to this Order

6. Save as provided in Articles 9 and 10 of this Order the driver of a vehicle other than that of a specified class shall not use the parking place unless authorised to do so by a police constable in uniform, a traffic warden or a patrol officer.

7. A driver of a vehicle shall not use a parking place:

(a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance;

(b) when the Council has closed or part-closed that parking place:

Provided always that a police constable in uniform, a traffic warden or a patrol officer may at any time require the driver of a vehicle to move if it is reasonably necessary for the purpose of preventing obstruction.

8. (1) A person authorised by the Council may suspend the use of the 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 convenience of the occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository;

(c) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions;

(d) for the purpose of any building operation, demolition or excavation adjacent to the parking place or the maintenance or reconstruction of the parking place or the laying, erection, alteration 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 telecommunications apparatus.

(2) A person authorised by the Council suspending the use of the parking place or any part thereof in accordance with the provisions of paragraph (1) 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.

(3) Save as provided in Articles 9 and 10 of this Order no person shall cause or permit a vehicle to be left in the parking place or part thereof, as the case may be, during such period as there is in or adjacent to that parking place or part thereof a traffic sign placed in pursuance of paragraph (2) of this Article.

9. Nothing in Articles 3, 6 or 8(3) of this Order shall prohibit any persons from causing or permitting any vehicle to wait in the parking place for so long as may be necessary:

(a) to enable a person to board or alight from the vehicle;

(b) to deliver to or collect from or load or unload goods at any premises fronting onto the parking place provided that no vehicles so engaged shall wait for longer than 30 minutes outside the premises without the permission of a police constable in uniform, a traffic warden or a patrol officer;

(c) to enable a vehicle if it is in the service of the Post Office to be used for the delivery or collection of postal packets as defined in Section 87 of the Post Office Act 1953;

(d) to enable a vehicle to be used for police, ambulance and fire brigade purposes, or by a local authority or a water undertaker or a sewerage undertaker when used in pursuance of statutory powers or duties;

(e) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond the control of the driver or to such waiting as is necessary to prevent an accident;

(f) to enable a vehicle if it cannot conveniently be used for such purpose in any other road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the parking place or any part thereof or the laying erection alteration or repair in or near the parking place of any sewer, or of any main, pipe or apparatus for the supply of gas, water, electricity or of any telecommunications apparatus.

10. Nothing in Articles 3 6 or 8(3) of this Order shall apply if the vehicle is being used by a legally qualified general medical practitioner or a member of the nursing services when visiting a resident.

11. Subject to the provision hereto, when a vehicle is left in the parking place in contravention of any of the provisions contained in Articles 4, 5, 6 or 7 of this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from the parking place; provided that when a vehicle is waiting in the parking place in contravention of the provisions of Article 4(b) of this Order, a 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 that provision or remove the vehicle from the parking place.

12. Any person removing a vehicle or altering its position by virtue of Article 11 of this Order, may do so by towing or driving the vehicle or in such other manner as he may think necessary to enable him to remove it or alter its position, as the case may be.

13. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from the parking place by virtue of Article 11 of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle and its contents. Any expense incurred by the Council in removing a vehicle from any parking place shall be recoverable by the Council from the owner of the vehicle.

14. The Council may as respects a vehicle which has been removed from a parking place in pursuance of Article 13 of this Order, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle after having made reasonable enquiry to ascertain the name and address of the owner of the vehicle in accordance with the procedure set out in the Refuse Disposal (Amenities) Act 1978.

APPLICATION FOR AND USE OF PERMITS

15. (1) Any resident who is the owner of a vehicle of the class specified in column 3 of Schedules 1 and 2 to this Order may apply to the Council for the issue of a permit for the parking of that vehicle in the parking place and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form.

(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 the application as they may reasonably require to verify any particulars or information given to them.

(3) On receipt of an application duly made under the foregoing provisions of this Article, the Council upon being satisfied that the applicant is a resident and is the owner of a vehicle of the class specified in paragraph (1) of this Article, may, subject to Provisos (i) and (ii) hereto, issue to the applicant one permit for the parking in the parking place of the vehicle to which such permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner, provided that:

(i) Subject to the provisions of Article 18 of this Order, the Council shall issue a permit to any resident which would be valid for any period during which any other permit issued to that resident is or would be valid; and

(ii) Provided always that the issue of a permit to a resident shall not be construed as if any parking space in the parking place was reserved solely for the use of a permit holder.

SURRENDER, CANCELLATION 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.

(2) (i) The Council may entirely at its own discretion cancel a permit and notify the permit holder by Notice in writing served on 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 and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned Notice;

(ii) A permit shall cease to be valid on the occurrence of any one of the events set out in paragraph (3) of this Article.

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

(a) The permit holder ceasing to be a resident;

(b) The permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;

(c) The withdrawal of such permit by the Council under the provisions of paragraph (2) of this Article; or

(d) The vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in column 3 of Schedules 1 and 2 to the Order.

APPLICATION FOR AND ISSUE OF DUPLICATE PERMITS

17. (1) 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 surrender it to the Council and the Council upon receipt of the permit shall issue a duplicate permit so marked;
- (2) 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 and upon such issue the permit which it duplicates shall become invalid;
- (3) The provisions of this Order shall apply to a duplicate permit and an application therefore as if it were a permit, or as the case may be, an application therefor;
- (4) The Council will levy a charge of £5.00 (FIVE POUNDS) for the issue of a duplicate permit.

FORM OF PERMIT

18. A permit shall be in writing and shall bear the words "Residents Parking Scheme" and shall include the following particulars:-
- (a) The registration mark of the vehicle in respect of which the permit has been issued;
- (b) The name of the road and district in which the parking place is situated and for which the permit is issued;
- (c) An authentication that the permit has been issued by the Council.

DISPLAY OF PERMIT

19. At all times during which a vehicle is waiting in a parking place there shall be displayed on the front or nearside of the vehicle a valid permit issued in respect of that vehicle so that all the particulars referred to in Article 18 of this Order are readily visible from the front or nearside of the vehicle.

RESTRICTION OF THE REMOVAL OF PERMITS

20. Where a permit has been displayed on a vehicle in accordance with the provisions of Article 19 of this Order, no person, not being the permit holder, shall remove the permit from the vehicle unless authorised to do so by the permit holder.

21. Where the Council deem it so expedient all references to "permit" in this Order shall include reference to "visitors permit" and "permit holders" shall be similarly construed.

22. The restrictions imposed by this Order shall be in addition to and not in derogation from any restrictions or requirements imposed by any regulations made or having effect as if made under any other enactment.

23. For the avoidance of doubt in relation to the offences of:-

a) waiting during the permitted hours without lawful authority in contravention of Section 47 of the Act; or

b) waiting by a vehicle of a class or description not authorised to be left in a parking place in contravention of sections 35 or 47 of the Act;

a person appointed by the Council is authorised to institute proceedings by virtue of this Order.

SCHEDULE 1 (ARTICLE 3 (1))

1	2	3
Parts of road authorised to be used as street parking places	Position in which vehicles may wait	Classes of vehicles
<u>KING EDWARD ROAD</u> north side, from a point approximately 89 metres east of the line of the kerb on the east side of Alcester Road for a distance of approximately 49 metres in an easterly direction ✓	Wholly within the limits of the parking place as marked on the carriageway by broken white lines conforming to diagram 1032 in Schedule 2 to the 1981 Regulations and parallel to the kerb with the nearside of the vehicle adjacent to the edge of the carriageway	Passenger vehicle, dual purpose vehicle goods vehicle, invalid carriage and motor cycle

SCHEDULE 2 (ARTICLE 3 (2))

1	2	3
Parts of road authorised to be used as street parking places	Position in which vehicles may wait	Classes of vehicles
<u>KING EDWARD ROAD</u> 1) north side, from a point approximately 41 metres east of the line of the kerb on the east side of Alcester Road for a distance of approximately 48 metres in an easterly direction ✓	Wholly within the limits of the parking place as marked on the carriageway by broken white lines conforming to diagram 1032 in Schedule 2 to the 1981 Regulations and parallel to the kerb with the nearside of the vehicle adjacent to the edge of the carriageway	Passenger vehicle, dual purpose vehicle goods vehicle, invalid carriage and motor cycle

2) south side, from a point approximately 30 metres east of the line of the kerb on the east side of Alcester Road for a distance of approximately 101 metres in an easterly direction

Wholly within the limits of the parking place as marked on the carriageway by broken white lines conforming to diagram 1032 in Schedule 2 to the 1981 Regulations and parallel to the kerb with the nearside of the vehicle adjacent to the edge of the carriageway

Passenger vehicle, dual purpose vehicle goods vehicle, invalid carriage and motor cycle

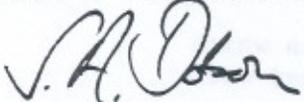
SCHEDULE 3 (ARTICLE 2(1))

ROADS OR PARTS OF ROADS FOR THE PURPOSE OF THE ISSUE OF RESIDENT'S PERMITS

1. That part of the north side of KING EDWARD ROAD which extends from the line of the kerb on the east side of Alcester Road for a distance of approximately 138 metres in an easterly direction.
2. That part of the south side of KING EDWARD ROAD which extends from the line of the kerb on the east side of Alcester Road for a distance of approximately 138 metres in an easterly direction.

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 22nd day of August One thousand nine hundred and ninety

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


Solicitor

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