

THE BOROUGH OF BLACKBURN WITH DARWEN
(VARIOUS STREETS, BLACKBURN)
(PERMIT HOLDERS OFF STREET PARKING ONLY AND PARKING
RESTRICTIONS) ORDER 2017

Blackburn with Darwen Borough Council (hereinafter referred to as "the Council") in exercise of the powers conferred by sections 1,2, 4, 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act"), the Road Traffic Act 1991, The Traffic Management Act 2004 and of all other enabling powers and 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 1 - GENERAL

1. This Order shall come into operation on the 11th December 2017 and may be cited as "The Borough of Blackburn with Darwen (Various Streets, Blackburn) (Permit Holders Off Street Parking Only and Parking Restrictions) Order 2017.

2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"goods" includes postal packets of any description; and "delivering" and "collecting" in relation to any goods include checking the goods for the purpose of their delivery or collection

"goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer

"motor vehicle" has the same meaning as s185(1) of the Road Traffic Act 1988 and s136(1) Road Traffic Regulation Act 1984.

"passenger vehicle" means a motor vehicle (other than a motor cycle or an 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;

"Driver" in relation to a vehicle waiting in a parking place means the person who was driving the vehicle at the time it entered in the parking place or in the case of a trailer means the person who was driving the vehicle which towed the trailer into the parking place at the time it entered the parking place.

"dual-purpose vehicle" has the same meaning as defined in the Road Vehicles (Construction and Use) Regulations 1986

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

legible from outside the vehicle.

A vehicle displays a parking disc in the relevant position if -

- (a) in the case of a vehicle fitted with a dashboard or facia 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
 - (b) 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.
2. (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

PART II

GENERAL RESTRICTIONS

3. Save as provided in Articles 6, 7 and 8 to this Order no person shall, except on the direction or with the permission of a police officer in uniform or a Civil Enforcement Officer cause or permit any vehicle to wait at any time on the sides of the road or in any lengths of road specified in Schedule 1.

4. Save as provided in Articles 6, 7 and 8 to this Order no person shall, except on the direction or with the permission of a police officer in uniform or a Civil Enforcement Officer cause or permit any vehicle to load or unload goods at any time on the sides of the road or in any lengths of road specified in Schedule 2.

5. Save as provided in Articles 6, 7 and 8 to this Order no person shall, except on the direction or with the permission of a police officer in uniform or a Civil Enforcement Officer cause or permit any vehicle to load or unload goods at any time on the sides of the road or in any lengths of road specified in Schedule 3:

- (a) for a longer period than 15 minutes; or
- (b) if a period of less than 1 hour has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same side of road or length of road

6 (a) Nothing in Article 3,4 or 5 shall render it unlawful to cause or permit any vehicle to wait in the lengths of road referred therein if it cannot be conveniently used for such purpose in any other road, to be used in connection with any of the following operations, namely -

- (i) building maintenance, 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 side of road; or
- (iv) the laying, erection, alteration or repair in or in land adjacent to the said lengths of road or side 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 paragraph 1(i) of the Telecommunications Code contained in Schedule 2 to the Telecommunications

- (3) On receipt of an application duly made under the foregoing provisions of this Article, the Council, upon being satisfied that the applicant qualifies for a permit under paragraph (1) of this Article, shall issue to the applicant :-

one permit for the driving of the vehicle on the streets or lengths of street specified in Schedule 4, and leaving of the vehicle to which such permit relates at any time in a parking space in any parking place designated in Schedule 4 of this Order by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward.

- (4) The cost of the permits are set out in Schedule 6.

Surrender, Withdrawal and Validity of Permits

12. (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) The Council may, by notice in writing served on the permit holder by delivery by hand or by the sending of the same by the recorded delivery service to 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, withdraw a permit if it appears to the Council that any one of the events set out in paragraph 12(3)(a), 12(3)(b) or 12(3)(d) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice, such receipt, if the notice is sent by the recorded delivery service, to be deemed to have occurred in the normal course of post.
- (3) The events referred to in the foregoing provisions of this Article are:-
- (a) the permit holder ceases to qualify in accordance with Schedule 5 column 2;
 - (b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
 - (c) 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 a class specified in Article 11(1) of this Order;
 - (d) the issue of a replacement permit by the Council under the provisions of Article 13 of this Order;
 - (e) until such time as the Council decides to issue new permits;
 - (f) the permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article;
 - (g) this order ceasing to be of effect.
- (4) All permits shall be issued for a maximum period of one year and shall, whenever issued, be valid only until the occurrence of any one of the events set out in paragraphs (3)(a) to 3(e) inclusive or (3)(g) of this Article, whichever is the earlier.

17. Where a permit has been displayed on a vehicle in accordance with the provisions of Article 16 of this Order, no person, not being the driver of the vehicle, shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.

Placing of Traffic Signs

18. The Council shall:-
- (a) cause the limits of each parking place and of each parking space to be indicated on the carriageway by placing and maintaining thereon the appropriate traffic signs;
 - (b) place and maintain on or in the vicinity of each parking place appropriate traffic signs for indicating that such parking place may be used, subject to the provisions of this Order, for the leaving of the vehicles specified in this Order; and
 - (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of this Order.

Manner of Standing in Parking Places

19. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand – so that every part of the vehicle is within the limits of a parking bay or space.

Alteration of Position of Vehicle in Parking Places

20. Where any vehicle is standing in a parking place in contravention of the provisions of the last preceding Article of this Order a civil enforcement officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of Vehicles from Parking Places

21. Where a civil enforcement officer is of the opinion that any of the provisions contained in Article 25(3) of this Order have been contravened or not complied with in respect of a vehicle left in a parking place, he may remove or cause to be removed the vehicle from the parking place, and where it is so removed, shall provide for the safe custody of the vehicle.

Movement of Vehicles in Parking Places in Emergencies

22. A police constable in uniform or a civil enforcement officer may move or cause to be moved, in case of emergency, to any place he thinks fit, any vehicle left in a parking place.

Power to Suspend Use of Parking Places

23. (1) Any person duly authorised by the Council may suspend the use of a 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;

25. (1) Notwithstanding the foregoing provisions of this Order, any vehicle may wait anywhere on the carriageway in a parking place (other than a parking place or part of a parking place the use of which has been suspended, under Article 18 of this Order) for so long as may be necessary if:-
- (a) the vehicle is being used for the purpose of collecting or delivering of postal packets as defined by Section 87 of the Post Office Act 1953;
 - (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or waiting in order to avoid an accident;
 - (c) the vehicle is a vehicle used for fire brigade purposes or an ambulance, or a vehicle (other than a passenger vehicle) in the service of a local authority or a vehicle in the service of a police force in either case being used in pursuance of statutory powers or duties;
 - (d) the vehicle is waiting to enable it to be used in connection with the removal of any obstruction to traffic;
 - (e) the vehicle, not being a passenger vehicle, is waiting to enable it to be used for any purpose specified in paragraph (1)(b) of Article 23 of this Order;
 - (f) the vehicle, not being a passenger vehicle, is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (g) the vehicle is in actual use at premises adjacent to a parking place in connection with a wedding or a funeral.
 - (h) The vehicle is being used by visiting medical practitioners, nurses, midwives or home helps in connection with bona-fide business considered as an emergency at properties near to the relevant parking place.
- (2) Any vehicle waiting in a parking place in accordance with the foregoing provisions of this Article shall be exempt from the payment of any charge specified or the acquisition and the display of a permit referred to in this Order.
- (3) Except as provided in the foregoing provisions of this Article the driver of a vehicle in respect of which a valid permit is not in force shall not cause or permit the vehicle to wait in a parking place at any time.
- (4) Without prejudice to the generality of this Article, a vehicle to which paragraphs (1) and (2) of this Article apply shall so far as is reasonably practicable stand in the parking place in accordance with the provisions of Article 19 of this Order and wholly within the limits of that place.
- (5) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be in contravention of any regulations made or having effect as if made under Section 25 of the Act of 1984.

b) that the vehicle was being used on the Relevant Date without his consent,

provided that the Council shall be entitled to recover any charge from and proceed against any other person who is shown to the Council's satisfaction to have been the owner, Registered Keeper or Driver of the vehicle on the Relevant Date.

PART V
GENERAL

35. In so far as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act of 1984, and existing at the time when this Order comes into operation, and which imposes a restriction or prohibition on waiting by vehicles other than those engaged in the provision of a local service, as defined in Section 2 of the Transport Act, 1985 in a bus stop area or grants an exemption from such restriction or prohibition, that provision of that Order shall prevail.

36. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

37. The Orders mentioned in column 1 of Schedule 7 to this Order are hereby revoked to the extent mentioned in column 2 of Schedule 7.

Given under the Common Seal of the Blackburn with Darwen Borough Council
This 6th day of December 2017

THE COMMON SEAL of Blackburn with Darwen)
Borough Council was hereunto affixed in)
pursuance of a resolution of the Council)
held on the 15th November 2001)


Authorised Officer

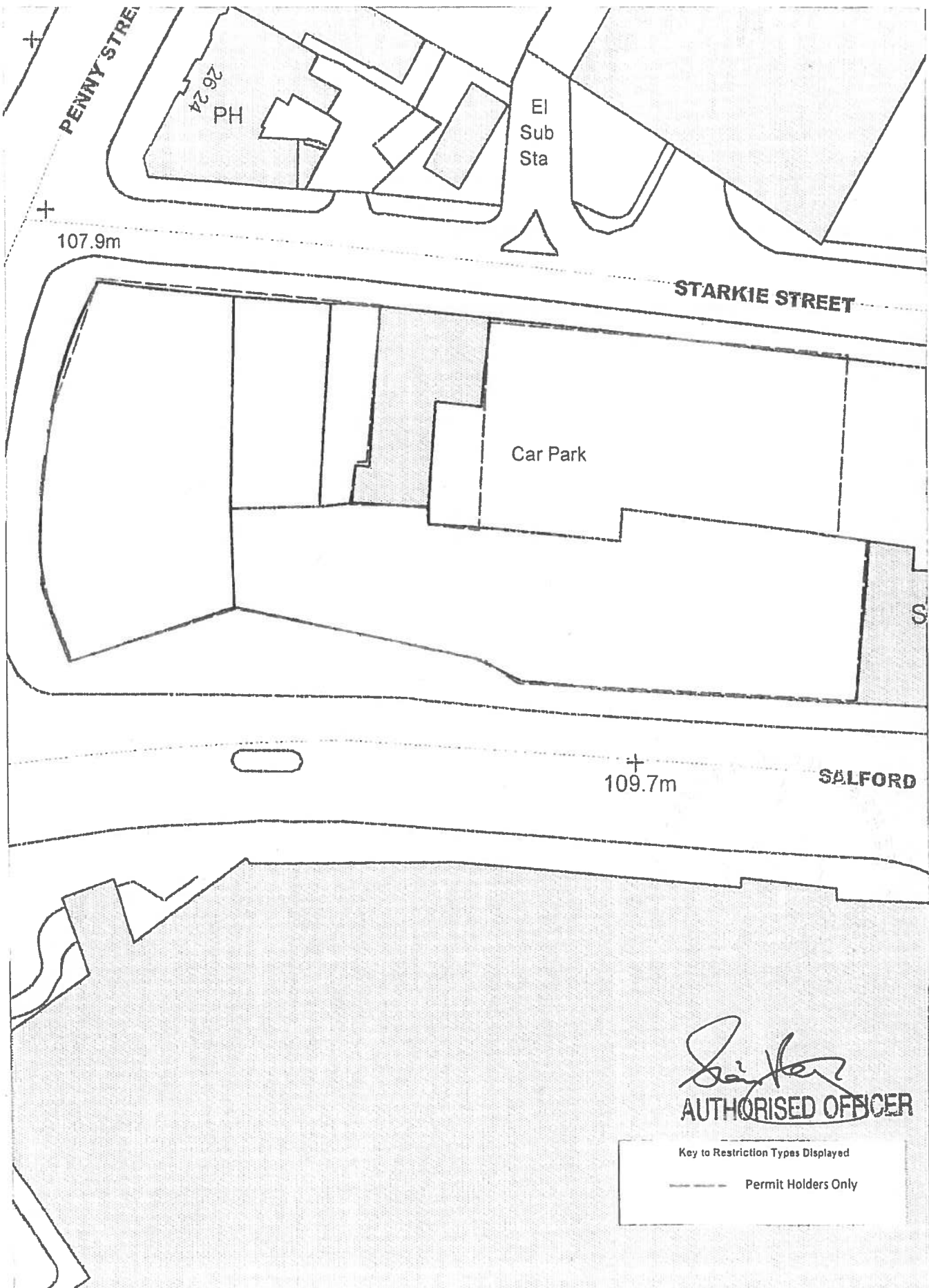


SCHEDULE 1
No Waiting At Any Time

| Street | Side | Extent |
|---|------------|---|
| Unnamed Service Road adjacent to Duke Street, Blackburn | North West | From its junction with Blakey Moor for a distance of 4 metres in a north easterly direction |
| Unnamed Service Road adjacent to Duke Street, Blackburn | North West | From a point 15.5 metres north east of its junction with Blakey Moor to its junction with Duke Street |

SCHEDULE 2
No Loading/Unloading At Any Time

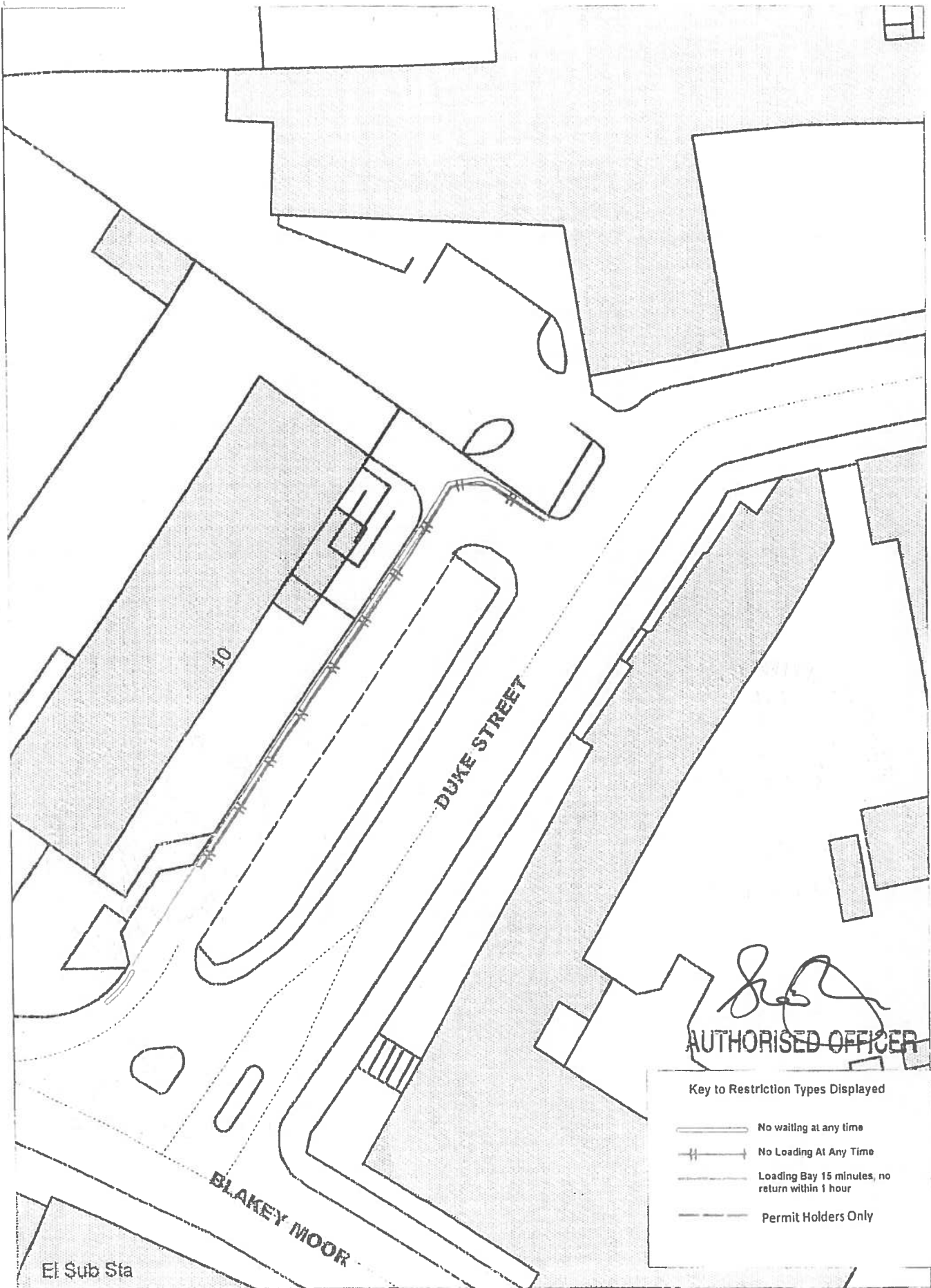
| Street | Side | Extent |
|---|------------|---|
| Unnamed Service Road adjacent to Duke Street, Blackburn | North West | From a point 15.5 metres north east of its junction with Blakey Moor to its junction with Duke Street |



S. J. Taylor
AUTHORISED OFFICER





Key to Restriction Types Displayed
 --- Permit Holders Only

| | |
|-------------|------------|
| SCALE | 1 : 500 |
| DATE | 14/06/2016 |
| DRAWING No. | |
| DRAWN BY | |



[Signature]
AUTHORISED OFFICER

Key to Restriction Types Displayed

-  No waiting at any time
-  No Loading At Any Time
-  Loading Bay 15 minutes, no return within 1 hour
-  Permit Holders Only

EI Sub Sta

BLAKEY MOOR

DUKE STREET

10



Proposed New Restrictions
 Unnamed Service Road adjacent to Duke Street Blackburn

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| | |
|------------|------------|
| SCALE | 1 : 500 |
| DATE | 15/06/2016 |
| DRAWING No | |
| DRAWN BY | |