

**BLACKPOOL BOROUGH COUNCIL**  
**THE BOROUGH OF BLACKPOOL (PROHIBITION OF WAITING)**  
**(ST WALBURGAS ROAD) ORDER 2004**

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The Council of the Borough of Blackpool (hereinafter called "the Council") in exercise of its powers under Sections 1, 2(1) to (3) and 4(2) of the Road Traffic Regulation Act 1984 and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the said Act of 1984 and in exercise of its powers under the Road Traffic Act 1991 and the Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Blackpool) Order 2003 (Statutory Instrument No 2677) and of all other enabling powers hereby make the following Order:-

**1. IN this Order:-**

'Parking Attendant' means a parking attendant as defined in Section 63A of the Act 1984 (which is inserted by Section 44(1) of the 1991 Act)

"disabled driver" means (i) any persons driving an invalid carriage or (ii) any person driving an authorised vehicle fitted with a badge issued in accordance with the Disabled Persons (Badges for Motor Vehicles) (England) Regulations as amended by the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2000 and has not ceased to be in force;

"disabled person's badge" shall have the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, as amended by the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2000 and has not ceased to be in force;

"disabled person's vehicle" means a vehicle displaying a disabled person's badge in accordance with the circumstances prescribed in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"penalty charge" and "reduced penalty charge" means a charge set by the Council under the provisions of Section 66 of the 1991 Act and with the approval of the Secretary of State for Transport which is to be paid to the Council within 28 days beginning with the date of the notice or 14 days in the case of a reduced penalty charge following the issue of a penalty charge notice.

"penalty charge notice" means a notice issued or served by a parking attendant pursuant to the provisions of Section 66 of the 1991 Act containing the particulars therein required.

"relevant position" for the purposes of Article 3(j) shall have the following meanings:-

(a) the badge is exhibited on the dashboard or fascia of the vehicle; or

(b) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle, so that the front of the badge is clearly legible from the outside of the vehicle.

"vehicle" within this Order shall not be taken to include non-motor vehicles.

"parking disc" means a device which -

(a) is 125 millimetres square and coloured blue, if issued on or after 1<sup>st</sup> April 2000 or orange if issued before that date;

(b) has been issued by a local authority and has not ceased to be valid; and

(c) is capable of showing the quarter hour period during which a period of waiting has begun.

2. NO person shall cause any vehicle to wait on the west side of the part of St Walburgas Road which runs from Riversway to Grange Road between the hours of 10.00 am and 3.00 pm Monday to Friday inclusive.

3. NOTHING in Article 2 of this Order shall render it unlawful to cause or permit any vehicle to wait in the length of road referred to so long as may be necessary:-

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

(b) to enable goods to be loaded onto or unloaded from the vehicle;

(c) To enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths or road so referred to or the laying, erection or alteration or repair in or near to any of the said lengths or road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraph apparatus as defined in paragraph 1(1) of the Telecommunications Code contained in Schedule 2 to the Telecommunications Act 1984;

(d) in the case of any vehicle owned by a funeral director or owner of the funeral vehicles when in use as part of a funeral cortege;

(e) for the purpose of loading or unloading the vehicle while the vehicle is in actual use in connection with the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository;

(f) if the vehicle is a fire engine or ambulance or any vehicle in the service of a local authority or Police force and the vehicle is being used in pursuance of statutory powers or duties and for the avoidance of doubt this Article shall be deemed to include the official car used by the Mayor for the time being of the Blackpool Borough Council waiting in Talbot Square outside the Town Hall;

(g) if the vehicle is a duly authorised licensed hackney carriage waiting upon any duly authorised hackney carriage stand;

(h) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or owing to such waiting being necessary in order to avoid accident;

(i) if the vehicle is in the service of or employed by the Post Office and is waiting in any affected length or road whilst postal packets, as defined in Section 87 of the Post Office Act 1953, addressed to premises adjacent to that length or road are being unloaded from any vehicle or having been unloaded therefrom are being delivered or while postal packets are being collected from premises or posting boxes adjacent to that length or road, or is in use in connection with the cleaning of telephone kiosks adjacent to that length or road;

(j) if the vehicle is:-

(i) an invalid carriage;

(ii) a vehicle issued to a disabled person by a Government Department;

(iii) a vehicle left by the driver thereof who is a person who on account of his severe physical disability has been given notice in writing by the Council that he is exempt from the restrictions contained in the Article 2 to this Order, if the notice is displayed on the vehicle in a conspicuous position;

(iv) a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, as amended.

4. (1) IF a vehicle is left or abandoned in the length of road described in Article 2 to this Order in contravention of any of the provisions of this Order a penalty charge shall be payable and/or the vehicle may be removed from that location.

(2) In the case of a vehicle in respect of which a penalty charge is payable a penalty charge notice showing the information required by Section 66(3) of the 1991 Act may then be issued by a parking attendant in accordance with Section 66(1) of the 1991 Act.

(3) Where a parking attendant has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article (or any other provisions of this Order);

(a) he shall provide for the safe custody of the vehicle;

(b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;

(c) the provisions of the Road Traffic Regulation Act 1984 as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.

5. NOTWITHSTANDING any of the foregoing provisions of this Order, the Council may at its discretion (including requiring an administration fee) issue a dispensation allowing a specific vehicle to wait in the length of road described in the Article 2 to this Order during the hours of operation of any restriction or prohibition to the contrary.

6. THIS Order shall come into operation on the 2nd day of August 2004 and may be cited as "THE BOROUGH OF BLACKPOOL (PROHIBITION OF WAITING) (ST WALBURGAS ROAD) ORDER 2004".

Given under the Common Seal of the Council of the Borough of Blackpool on the 22nd day of July 2004.

THE COMMON SEAL of The Blackpool )  
Borough Council was hereunto affixed in )  
the presence of:- )



*BA Barnes*

Head of Legal and Democratic Services  
Chief Solicitor