

**ROAD TRAFFIC REGULATION ACT 1984**

**THE BRIGHTON & HOVE (ACCESS TO WESTERN ROAD)  
(TRAFFIC REGULATION) (CONSOLIDATION) ORDER 1998**

Brighton and Hove Council ("the Council") in exercise of its powers under Sections 1 and 2 and 4 of the Road Traffic Regulation Act 1984 ("the Act") as amended of Part IV of Schedule 9 to the Act 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, hereby make the following Order:-

1. **CITATION**

This Order shall come into operation on *1st December* 1998 and may be cited as "The Brighton and Hove (Access to Western Road) (Traffic Regulation) (Consolidation) Order 1998.

2. **INTERPRETATION**

In this Order:-

"Bus" has the same meaning as "public service vehicle" in Section 1 (1) of the Public Passenger Vehicles Act 1981, as amended by the Transport Act 1985 but applies only to such a vehicle providing a "local service" which has the meaning assigned to it by Section 2 of the Transport Act 1985.

"non-commercial bus" means a vehicle operating with the benefit of a permit pursuant to Section 19 of the Transport Act 1985.

"taxi" means licensed taxis as in Section 13 (3) of the Transport Act 1985

"private hire" vehicles as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976 licensed by the Council or any other licensing authority

"pedal cycle" has the same meaning as "cycle" in Section 192(1) of the Road Traffic Act 1988 as amended

"goods vehicles" has the meaning assigned to it by Section 192 of the Road Traffic Act 1988

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

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

“Western Road Permit” means a permit issued under the provisions of Article 10 of this Order

“traffic warden” means a traffic warden employed by the Police Authority for the area

“Principal Engineer” means the Principal Engineer for the time being of the Council

“Exception Group “A” comprises the following:-

- (1) any vehicle being used for Police purposes, or in an emergency for Fire Brigade or Ambulance Service purposes
- (2) any vehicle directed by or proceeding with the permission of a police constable in uniform or of a traffic warden

“Exception Group B” comprises the following vehicles for the purpose of access to Western Road between Montpelier Road and Dyke Road/North Street, Crown Street, Hampton Place (South), Western Terrace or the north-western part of Clarence Square:

- (1) any security vehicle being used to transport cash or bullion
- (2) any vehicle being used to collect refuse
- (3) any local authority or water authority vehicle being used in pursuance of statutory powers or duties
- (4) any vehicle that is in the service of or employed by the Post Office and is in actual use for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953
- (5) any vehicle being used in connection with any funeral, building operations, demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the said lengths of road or the laying, erection, alteration or repair in or near the said lengths of road of any sewer or drain or of any main pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system as defined in the Telecommunications Act 1984 or of any cable television apparatus, if it cannot be conveniently used for such purposes in any other road or roads or outside the 11am to 4pm period on any day.

### 3. **REVOCATIONS**

The following Traffic Orders are hereby revoked:

- (1) The Brighton (Various Roads) (Prohibition of Driving) Order 1976.



(2) The Brighton (Access to Western Road) (Traffic Regulation) Order 1993.

4. **PROHIBITION OF ENTRY TO WESTERN ROAD AT CERTAIN TIMES**

Save for the exceptions specified in Schedule 1 to this Order no person shall during the periods specified in Schedule 1 cause or permit any vehicle proceeding in any of the roads specified in the first column of Schedule 1 to enter the road specified in the second column of Schedule 1.

5. **TURNING MOVEMENTS PROHIBITED INTO WESTERN ROAD**

Save for the exceptions specified in Schedule 2 to this Order no person shall at any time cause or permit any vehicle to turn into Western Road from those roads specified in Schedule 2 in the directions specified in Schedule 2.

6. **ONE WAY STREETS**

No person shall at any time cause or permit any vehicle to proceed on any of the lengths of road specified in Schedule 3 to this Order otherwise than in the direction specified in Schedule 3.

7. **PROHIBITION OF DRIVING AT CERTAIN TIMES**

Save for the exceptions specified in Schedule 4 to this Order no person shall during the periods specified in Schedule 4 cause or permit any vehicle to proceed on any of the lengths of road specified in Schedule 4 in the direction specified in Schedule 4.

8. **PROHIBITION OF ENTRY TO VARIOUS ROADS AT ALL TIMES**

Save for the exceptions specified in Schedule 5 to this Order no person shall at any time cause or permit any vehicle to enter the lengths or road specified in Schedule 5 in the directions specified in Schedule 5.

9. **PROHIBITION OF DRIVING AT ALL TIMES**

Save for the exceptions specified in Schedule 6 to this Order no person shall at any time cause or permit any vehicle to proceed on any of the lengths of road specified in Schedule 6.

10. **APPLICATION FOR AND ISSUE OF WESTERN ROAD PERMITS**

(1) Any person satisfying the criteria in paragraph (2) of this Article may apply to the Council for the issue of a Western Road Permit to allow limited vehicular access for that person to Western Road between the junctions with Regent Hill and Montpelier Road on any day between 8am and 6pm so that they may park subject to the normal conditions applicable to vehicles displaying a disabled person's badge.

Any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars, information and photographs required by such form to be supplied.

- (2) The applicant for a permit must:
  - (a) have a disabled person's badge, and
  - (b) live in Brighton or the immediate surrounding area as defined by the following postcodes (BN1, BN2, BN3, BN5-BN10 inclusive, BN41, BN42, BN43 and BN45), and
  - (c) satisfy one or more of the criteria as determined by the Principal Engineer; such criteria indicating the severe disability of the applicant for the purpose of mobility.
- (3) 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 an application for a permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any permit issued by them as they may reasonably require to verify that the permit is valid.
- (4) On receipt of an application duly made under the foregoing provisions of this Article, the Council, upon being satisfied that that applicant satisfies the criteria in paragraph (2) of this Article may issue to the applicant one permit together with a protective cover for the display therein of the permit. Provided that, subject to the provisions of Article 12 of this Order, the Council shall not issue a permit to any person which would be valid for any period during which any other permit issued to that person is or would be valid.

## **II. SURRENDER, WITHDRAWAL AND VALIDITY OF WESTERN ROAD PERMITS**

- (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 sending the same by 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 3(a) or 3(c) 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.
- (3) The events referred to in the foregoing provisions of this Article are:-



- (a) The permit holder ceasing to satisfy the criteria in Article 10(2);
  - (b) The withdrawal of such permit by the council under the provisions of paragraph (2) of this Article;
  - (c) The permit being used other than for the purpose of conveying the permit holder to/from Western Road;
  - (d) The issue of a duplicate permit by the Council under the provisions of Article 12(1) of this Order;
  - (e) The permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article.
- (4) Without prejudice to the foregoing provisions of this Article, a permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any one of the events set out in paragraphs (3) (a), (3) (b), or (3) (c) of this Article, whichever is the earlier.

## 12. **APPLICATION FOR AND ISSUE OF DUPLICATE WESTERN ROAD PERMITS**

- (1) If a permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the photograph indistinct, the permit holder shall either surrender it to the Council or apply to the Council for the issue to him of a duplicate permit and the Council, upon the receipt of such application, shall issue a duplicate permit so marked and upon such issue the permit shall become invalid.
- (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 shall become invalid.
- (3) The provisions of this Order shall apply to a duplicate permit and an application therefor as if it were a permit or, as the case may be, an application therefor

## 13. **FORM OF WESTERN ROAD PERMITS**

A permit shall be in writing and shall include the following particulars:-

- (a) the name of the permit holder;
- (b) a photograph of the permit holder;

- (c) the period during which, subject to the provisions of Article 11(4) of this Order, the permit shall remain valid;
- (d) an indication that the permit has been issued by the Council.

14. **DISPLAY OF WESTERN ROAD PERMITS**

When the permit holder uses a vehicle to obtain access to, and at all times during which a vehicle is parked in that part of Western Road and during the periods all as specified in Article 10(1) of this Order, there shall be displayed in the protective cover referred to in Article 10(4) and immediately adjacent to the holder's disabled person's badge a valid Western Road Permit so that all the particulars referred to in Article 13 of this Order are readily visible.

15. **RESTRICTION ON THE REMOVAL OF PERMITS**

Where a permit has been displayed on a vehicle in accordance with the provisions of Article 14 of this Order, no person, not being the permit holder or acting with the permit holder's permission, shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.

16. **INTERPRETATION**

The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament

**SCHEDULE I****PROHIBITION OF ENTRY TO WESTERN ROAD ON ANY DAY INCLUSIVE BETWEEN 8.00 a.m.**

<u>Item</u>	<u>Road in which the vehicle is proceeding</u>	<u>Road into which entry is prohibited</u>	<u>Exceptions to the Prohibition</u>
1a	Montpelier Road	) Western Road (east of ) Montpelier Road)	Buses, non-commercial buses and Exception Group A
1b	Western Road (west of Montpelier Road)	)	
2a	Preston Street	) Western Road (east of ) Preston Street	Buses, non-commercial buses, goods vehicles, (before 11.00 a.m. for loading or unloading)
2b	Western Road (west of Preston Street)	) ) )	4.00 p.m. for loading or unloading Road east of Preston Street, north-west part of Clarence Road and Exception Groups A and B
3a	Regent Hill	) Western Road (east of ) Regent Hill)	Buses, non-commercial buses, cycles, goods vehicles and Exception Groups A and B
3b	Western Road (west of Regent Hill)	)	
4	Dyke Road/North Street	) Western Road )	Buses, non-commercial buses, cycles and Exception Group A

## **SCHEDULE 2 - TURNING MOVEMENTS PROHIBITED INTO WESTERN ROAD**

<u>Item</u>	<u>Road</u>	<u>Prohibited Turn</u>	<u>Exceptions to the Prohibition</u>
1	Hampton Place	Left	Pedal cycles and Exception
2	Dean Street	Left	Pedal cycles and Exception
3	Crown Street	Left	Pedal cycles and Exception
4	Little Preston Street	Right	Taxis, pedal cycles and Ex Group A
5	Sillwood Road	Right	Taxis, pedal cycles and Ex Group A
6	Western Terrace	Right	Pedal cycles and Exception

## **SCHEDULE 3 - ONE-WAY STREETS**

<u>Item</u>	<u>Road</u>	<u>Direction</u>
1	Dean Street	Southbound
2	Regent Hill between Western Road and a point 30m north of the northern frontage of Western Road	Southbound
3	Sillwood Road	Northbound



## SCHEDULE 4

### PROHIBITION OF DRIVING ON ANY DAY INCLUSIVE BETWEEN 8.00 a.m. and 6.00 p.m.

<u>Item</u>	<u>Road</u>	<u>Direction</u>	<u>Exceptions to the P</u>
1	Dean Street	Southbound	Pedal cycles, Weste Holders, access to Exception Groups
2	Regent Hill between Western Road and a point 30m north of the northern frontage of Western Road	Southbound	Buses, non-comm pedal cycles, Weste Holders, access to Exception Groups

### **SCHEDULE 5 - PROHIBITION OF ENTRY**

<u>Item</u>	<u>Length of Road</u>	<u>Prohibition of Entry</u>	<u>Exceptions to the F</u>
1	Clarence Square north of a point 1.5 m south of the Western Road frontage of No. 56 Western Road	Northbound	Pedal cycles only
2	Clarence Square west of the north-east corner of No. 20 Clarence Square	Westbound	Pedal cycles, disabled vehicles and Exception Group B

### **SCHEDULE 6** **PROHIBITION OF DRIVING**

<u>Item</u>	<u>Road</u>	<u>Exceptions to the F</u>
1	Hampton Place - barrier island at west end of Hampton Street	Pedal cycles only
2	Spring Street at its junction with Western Road	Goods vehicles when unloaded at Argos in Spring Street turn in Spring Street into V Exception Group A



**THE COMMON SEAL of  
BRIGHTON & HOVE COUNCIL**

was affixed hereto on the 7<sup>th</sup>  
day of ~~December~~ One thousand nine hundred  
and ninety-eight in the presence of:-



Solicitor to the Council

