

THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF (CHARLES STREET CARDIFF) (DISABLED PERSONS PARKING PLACE) ORDER 2012

The County Council of the City and County of Cardiff (hereinafter called "the Council") in exercise of its powers under Sections 45, 46, and 53 of the Road Traffic Regulation Act 1984, Part 6 of the Traffic Management Act 2004 and The Civil Enforcement of Parking Contraventions (City and County of Cardiff) Designation Order 2010 and of all other powers enabling it in that behalf and after consultation with the Chief Officer, South Wales Police, in accordance with Part III of Schedule 9 to the said Act of 1984 hereby makes the following Order:-

1. In this Order the following expressions have the meanings hereby respectively assigned to them:-

"the 1984 Act"	means the Road Traffic Regulation Act 1984
"the 2004 Act"	means the Traffic Management Act 2004
"the Council"	means the County Council of the City and County of Cardiff and/or its duly authorised agents
"Civil Enforcement Officer"	has the same meaning as in section 76 of the 2004 Act and means a person authorised by or on behalf of the Council to supervise and enforce the restrictions and prohibitions imposed by the traffic regulation orders in the Schedule
"Owner"	shall have the meaning in section 92 of the 2004 Act
"Parking Place"	means an area on a highway designated as a Parking Place by this Order exclusively for the use of a vehicle which is being used for the conveyance of a disabled person and is displaying in a conspicuous position a Disabled Persons Badge in accordance with the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000;
"Parking Contravention"	has the same meaning as in section 73 (2) (a) and Part 1 of Schedule 7 to the 2004 Act
"Penalty Charge"	has the same has the same meaning as in section 92 of the 2004 Act and the Penalty Charges in force shall be those as set in the County Council of the City and County of Cardiff (Penalty Charges Notice) (Civil Enforcement Area) 2010 or any subsequent

	notice setting or varying the Penalty Charges
“Penalty Charge Notice”	means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of section 78 and 92 of The Act of 2004
“Schedule”	without more means the Schedule to this Order

Designation

2. Each area on a highway referred to in the Schedule and bounded on one side by the edge of the carriageway and on the other side by a broken white line marked on the carriageway for the purposes of this Order is designated as a Parking Place.
3. Except as provided by this Order or upon the direction or with the permission of a police constable in uniform or a Civil Enforcement Officer no person shall cause or permit any vehicle to wait at any time in a Parking Place designated by this Order, unless the vehicle is displaying an Disabled Persons Badge in accordance with the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000.

Regulation of Parking Places

4. Where a police constable in uniform or a Civil Enforcement Officer is of the opinion that the provisions contained in Article 3 of this Order have been contravened he may remove or cause to be removed the vehicle from its Parking Place.
5. 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 and where it is so removed shall provide for the safe custody of the vehicle.
6. Every vehicle left in a Parking Place shall stand so that every part of the vehicle is within the limits of the Parking Place.
7. A police constable in uniform or a Civil Enforcement Officer or a 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:-
 - (i) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (ii) for the purpose of any building operation the maintenance improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the Parking Place the laying erection alteration or repair in or adjacent to the Parking Place or any sewer or of any main pipe or apparatus for the supply of gas water or electricity or of any telecommunication system or the placing maintenance or removal of any traffic sign;

- (iii) for the convenience of occupiers of premises adjacent to the Parking Place on any occasion of the delivery or removal of furniture to or from an office or dwellinghouse adjacent to the Parking Place;
 - (iv) on any occasion on which it is likely by reason of some special attraction that the street in which the Parking Place is situate will be thronged or obstructed;
 - (v) for the convenience of occupiers of premises adjacent to the Parking Place for parking the official vehicles (provided that there are no more than three) being at that time in use in connection with a wedding taking place that day comprising only the vehicles to transport the bride and/or the bridegroom and/or the bridesmaids to the place of the marriage ceremony on the wedding day;
 - (vi) for the convenience of occupiers of premises adjacent to the Parking Place for the use of vehicle as a part of a funeral cortege or otherwise in connection with a funeral provided the vehicle is owned by a funeral director or by an owner of funeral vehicles.
8. Any person or police constable in uniform or Civil Enforcement Officer suspending the use of a Parking Place or any part thereof in accordance with the provisions of Article 7 of this Order shall thereupon place or cause to be placed in or adjacent to that Parking Place or as the case may be that part thereof the use of which is suspended a traffic sign of any size colour and type prescribed or authorised under Section 64 of the Act of 1984 indicating that waiting of vehicles is prohibited.
9. No person shall cause or permit a vehicle to wait in any part of the Parking Place during such period as there is in or adjacent to that part of the Parking Place a traffic sign placed in pursuance of Article 8 of this Order.
10. Notwithstanding the foregoing provisions of this order any vehicle may wait in any part of a Parking Place provided that:-
- (i) the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle;
 - (ii) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or such waiting being necessary in order to avoid an accident;
 - (iii) the vehicle is being used for fire brigade or ambulance purposes or a vehicle (other than a passenger vehicle) in the service of a police force in either case being used in pursuance of statutory powers or duties;
 - (iv) the vehicle is waiting for only so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - (v) the driver has been given the permission of the Council;
 - (vi) the driver has been given permission of a police constable in uniform, a Civil Enforcement Officer or the person suspending the use of the Parking Place or part thereof in pursuance of Article 7 of this Order.

Contravention

11. Save as provided by the provisions of this Order should any Vehicle be left in a length of road designated by the Schedule to this Order without complying with the provisions of this Order there shall be deemed to be a non-compliance and

where such a non-compliance is a Parking Contravention for the purposes of section 73 (2) (a) and Part 1 of Schedule 7 to the 2004 Act a Civil Enforcement Officer may issue a Penalty Charge Notice.

Citation and Commencement

12. The restrictions imposed by this Order shall prevail insofar as they conflict with the provisions of The City and County of Cardiff (Cardiff Central) (Parking Control) Order 2010 .
13. This Order shall come into operation on the 15th day of February 2012 2011 and may be cited as "The County Council of the City and County of Cardiff (Charles Street Cardiff) (Disabled Persons Parking Place) Order 2012".

SCHEDULE

Charles Street

on its north east side from a point 8 metres north west of the northwestern kerbline of Wesley Lane for a distance of 19 metres north east and between the common boundary of numbers 31 & 33 Charles Street and a point 2 metres north west of the south eastern flank wall of number 39 Charles Street

THE COMMON SEAL OF THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF was hereunto affixed this 3rd day of February 2012 in the presence of:-


Authorised Signatory

