

**THE COUNTY OF CARMARTHENSHIRE
(COUNTY OF CARMARTHENSHIRE (WITH THE EXCEPTION OF CARMARTHEN,
LLANELLI AND AMMANFORD))
(WAITING RESTRICTIONS AND STREET PARKING PLACES)
CONSOLIDATION ORDER 2004**

The Carmarthenshire County Council (hereinafter referred to as “the Council”) in exercise of the powers conferred by Sections 1(1), 2(1) to (3), 4(2) 32, 35 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (“the Act of 1984”), as amended and the Road Traffic Act 1991 and of all other powers them enabling and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984 and with the Road Traffic Act 1991, hereby make the following Order:-

PART I

CITATION AND INTERPRETATION

1. This Order shall come into operation on the first day of February Two Thousand and Four and may be cited as the Carmarthenshire County Council (County of Carmarthenshire with the exception of Carmarthen, Llanelli and Ammanford)(Waiting Restrictions and Street Parking Places) Consolidation Order 2004.
2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

“County of Carmarthenshire (with the exception of Carmarthen, Llanelli and Ammanford) means the area defined in the maps attached to this order comprising part of the Road Traffic(Permitted Parking Area and Special Parking Area) (County of Carmarthenshire) Order 2004;

“ambulance” has the same meaning as in the Vehicle Excise and Registration Act 1994;

"authorised agent" means any parking services contractor appointed by or duly authorised to act on behalf of the Council for the purposes of the supervision and enforcement of this Order;

"authorised officer" means the Director of Technical Services for the Council or any other officer of the Council to be designated by the Council;

"authorised parking place" means any parking place on a road authorised or designated by this Order;

"bus" has the same meaning as in Regulation 22 of the 2002 Regulations;

"bus stop, bus stop clearway or bus stand" means any area of carriageway, intended for the waiting by buses, which is comprised within and indicated by road markings complying with diagram 1025.1, 1025.3 or 1025.4 in Schedule 6 and a sign complying with diagram 974 or 975 in Schedule 5 to The 2002 Regulations;

"caravan" has the same meaning as in the Caravan Sites and Control of Development Act 1960;

"carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

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

"disabled person's badge", "disabled person's vehicle" and "parking disc" have the same meanings as in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (Wales) Regulations 2000;

"driver", in relation to a vehicle waiting in a parking place or on a road or length of road, means the person driving the vehicle at the time it was left in that parking place or road or length of road;

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;

"goods" means goods or burden of any description and includes postal packets of any description;

"goods vehicle" has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986;

"hackney carriage" means a vehicle licensed under Section 37 of the Town Police Causes Act 1847, Section 6 of the Metropolitan Carriages Act 1869, or any similar enactment;

"hackney carriage stand" means an area of carriageway which is comprised within and indicated by road markings complying with diagram 1028.2 in Schedule 6 to the 2000 Regulations;

"loading" means the loading or unloading of goods to or from a vehicle;

"motorcycle" and "invalid carriage" have the same meanings as in Section 136 of the Act of 1984;

"motor vehicle" has the same meaning as in Section 136 of the Act of 1984;

"owner", in relation to a vehicle means the person by whom the vehicle is kept. In determining who was the owner of any vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;

"parking attendant" means a person authorised by or on behalf of the Council to enforce the restrictions imposed by this order;

"parking place" means a road or length of road or side of road which is provided for the leaving of vehicles;

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) not exceeding 5.30 metres in length and 2.25 metres in height and constructed or adapted for the carriage of not more than eight passengers exclusive of the driver and not drawing a trailer;

"Penalty Charge" and "reduced Penalty Charge" mean charges set by the Council under the provisions of section 66 of the Road Traffic Act 1991 and with the approval of the National Assembly for Wales 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 Road Traffic Act 1991;

"permitted hours" means the hours identified on the plans attached to this Order;

"relevant position" in respect of: -

- (a) a disabled person's badge or a waiver certificate, means
 - (i) in the case of a vehicle fitted with a front windscreen, that the badge or permit is exhibited thereon with the front facing forward on the nearside of and immediately behind the windscreen or alternatively behind a nearside window; or
 - (ii) the case of a vehicle not fitted with a front windscreen, that the badge or permit is exhibited on the front or nearside of the vehicle;
- (b) a disabled person's parking disc, means that the side showing the time of arrival and the wheelchair user symbol is facing forward or outward and immediately behind the windscreen or side window nearest to the kerb;

“specified position” means

- (a) in the case of the parking place in relation to which special provisions as to the manner of standing of a vehicle in that place are specified in the plans attached to this Order, as to be in accordance with those provisions;
- (b) in the case of any other parking place -
 - (i) if the parking place is not in a one-way street, that the left or near-side of the vehicle is adjacent to the left-hand edge of the carriageway;
 - (ii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres;
 - (iii) that every part of a vehicle is within the limits of a parking place; and
 - (iv) that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.

“specified hours” means the hours identified for parking or unloading places on the plans attached to this Order;

"telecommunication system" has the same meaning as in the Telecommunications Act 1984;

“The 2002 Regulations” means the Traffic Signs Regulations and General Directions 2002;

“traffic sign” means a sign of any size, colour and type prescribed or authorised pursuant to or having the effect as though prescribed or authorised pursuant to Section 64 of the Act of 1984;

“trailer” has the same meaning as in the Road Vehicles (Construction and Use) Regulations, 1986;

“waiver certificate” means a certificate duly issued on behalf of the Council for the purposes of Article 24 permitting a specified vehicle to wait in specified circumstances on a length or length of roads where the waiting of that vehicle would otherwise be restricted or prohibited.

3. Except where otherwise stated, any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order;
4. The prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act of 1984, or by or under any other enactment.
5. Save where the contrary is indicated, any reference in this Order to:-
 - (a) this Order or another Order shall be construed as such a reference to this Order or, as the case may be, such other Order, as the same may have been or may from time to time be amended, varied or supplemented;
 - (b) a Statute or Regulation shall be construed as reference to such Statute or Regulations as the same may have been, or may from time to time be amended or re-enacted

PART II

PROHIBITION AND RESTRICTION OF WAITING

6. Save as provided in Articles 7 to 10 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to wait in any of the roads lengths of road or on the sides of the roads identified and for the periods identified (or, in the case of a road or side of road where limited waiting is permitted, otherwise than during the period identified) on the plans attached to this Order.
7. Nothing in Article 6 of this Order shall render it unlawful to cause or permit any vehicle to wait so long as it may be necessary for the purpose of
 - (i) enabling goods to be loaded on or unloaded from the vehicles; and
 - (ii) enabling a person to board or alight from the vehicle

on the roads identified and for the periods identified on the plans attached to this Order PROVIDED that no vehicle may wait where a loading ban is in place on the

roads identified and for the periods identified on the plans attached to this Order.

8. (1) Nothing in Article 6 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road specified therein for so long as may be necessary to enable:
- (a) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
 - (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system;
 - (b) the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or of a water authority in pursuance of statutory powers or duties;
 - (c) the vehicle of a universal service provider (as defined in section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;
 - (d) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths or sides of road;
 - (e) the vehicle to be used for fire brigade, ambulance or police purposes;
 - (f) in any case where the person in control of the vehicle;

- (i) is required by law to stop;
 - (ii) is obliged to stop so as to prevent an accident, or
 - (iii) is prevented from proceeding by circumstances outside his control;
 - (g) normal conduct in connection with a wedding or to form a cortege at a funeral; or
 - (h) activities to be carried out for which a waiver certificate has been issued by the Council provided that the waiver certificate is displayed in a relevant position and the vehicle is waiting in accordance with the terms and conditions prescribed by the said certificate.
- (2) Nothing in Article 6 of this Order shall render it unlawful to cause or permit any vehicle
- (a) to wait upon an authorised parking place, or
 - (b) being a hackney carriage, to wait upon a hackney carriage stand.

9. Nothing in Article 6 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking disc, on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began, to wait in any of the roads, lengths of road or on any of the sides of road identified on the plans attached to this Order for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road or on the same side of road on the same day). Provided that in respect of the roads identified in the plans attached to this Order when loading is permitted at all times or limited to certain times such period lies entirely within the period during which loading is permitted.

10. Nothing in Article 6 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge to wait at the sides of the roads identified on the plans attached to this Order in parking places where limited waiting is permitted provided that use of the parking place is not restricted to the class of vehicle being a goods vehicle.

PART III

AUTHORISATION AND USE OF STREET PARKING PLACES

11. (1) The parts of the roads identified on the plans attached to this Order are authorised to be used, subject to the following provisions of this Order, as parking places for such classes of vehicles, in such positions and on such days and during such hours as identified on the plans attached to this Order.
- (2) Nothing in paragraph (1) of this Article shall restrict the power of the Council, for preventing obstruction of the streets, by Order on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place.
12. Save as provided in Article 22 and identified in the plans attached to this Order a 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 that parking place -
- (a) unless it is of the specified class; or
- (b) in a position other than that specified.
13. (1) Save as provided in Article 22 of this Order, the driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in relation to that parking place and as identified on the plans attached to this Order.

- (2) Save as provided in Article 22 of this Order, when a vehicle has left a parking place after waiting thereon the driver thereof shall not permit it to wait again upon that parking place within the period specified after its leaving as identified on the plans attached to this Order.
14. A driver of a vehicle shall not use a parking place when, for preventing obstruction of the streets, the Council by Order made on the occasion of any public procession, rejoicing or illumination or when the streets are thronged or liable to be obstructed have closed that parking place and exhibited notice of such closing on or near the parking place.
15. . The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in a specified position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
16. Save as provided in Article 22 of this Order no person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.
17. No person shall use a vehicle, while it is in a parking place, in connection with maintenance or repair of the vehicle other than in the event of a breakdown to enable the vehicle to be removed from the parking place.
18. The following vehicles left in a parking place shall be exempt from any limitation on time-
- (i) an invalid carriage;
 - (ii) a vehicle left by the driver thereof , being a disabled person's vehicle which displays in the relevant positions a disabled person's badge and a parking disc provided that the vehicle is being driven or used by the person to whom the badge is issued.

19. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 12, 13 or 14 of this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place. Provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 12(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.
20. Any person removing a vehicle or altering its position by virtue of the last preceding Article of this Order may do so by towing, lifting or driving the vehicle or in such other manner as he/she may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.
21. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Articles 19 and 26 (1) of this Order, he/she shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
22. The provisions contained in Article 12, 13 and 16 of this Order and the restrictions imposed by Article 6 of this Order shall not apply to any hackney carriage while waiting upon a hackney carriage stand.
23. Nothing in Article 11 shall restrict the power of the Council to suspend the use of any parking place or any part thereof whenever such suspension reasonably is considered necessary:
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or adjacent highway or part of the highway or the laying erection alteration removal 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 or traffic sign;

- (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of 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;
- (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
- (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.

24. Notwithstanding the foregoing provisions of this Order, the Council may at its discretion issue a waiver certificate allowing a specific vehicle to wait in a road or a parking place during the hours of operation of any restriction or prohibition to the contrary.

PART IV

DESIGNATED PARKING PLACES FOR DISABLED PERSONS' VEHICLES

25. (1) The areas of land identified in the plans attached to this Order and therein designated "Disabled Badge Holders Only" may be used, subject to the provisions of this Order, as parking places for disabled persons' vehicles, in such positions and under such conditions as are identified on the plans attached to this Order.
- (2) Where, within a parking place, there is a sign and/or surface marking which indicates that a parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in the parking bay unless it displays a Disabled Person's Badge in the manner prescribed by Regulation 11 of the Disabled Person's (Badges for Motor Vehicles)(Wales)

Regulations 2000 and the vehicle is being driven by or used by the person to whom the badge is issued.

PART V

CONTRAVENTION OF ORDER

26. (1) If a vehicle is left in a parking place during the permitted hours or in any road or length of road in contravention of any provision 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 Road Traffic Act 1991 may then be issued by a parking attendant in uniform in accordance with section 66(1) of the said Act.
- (3) in the case of a vehicle in respect of which the Penalty Charge may have been incurred, it shall be the duty of a Parking Attendant to attach to the vehicle in a conspicuous position a Notice which shall include the following particulars:
- (a) the grounds on which the Parking Attendant believes that a Penalty Charge is payable with respect to the vehicle;
 - (b) the amount of the Penalty Charge which is payable;
 - (c) that the Penalty Charge must be paid before the end of the period of 28 days beginning with the date of the Notice;
 - (d) that if the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the Notice, the amount of the Penalty Charge will be reduced by the specified proportion;
 - (e) that if the Penalty Charge is not paid before the end of the 28 day period a Notice to the Owner may be served by the Local Authority on the person appearing to them to be the owner of the vehicle;

(f) the address to which payment of the Penalty Charge must be sent.

27. A Penalty Charge Notice fixed to a vehicle in accordance with the provisions of Article 26 shall not be removed or interfered with except by or under the authority of:
- (a) the owner, or person in charge of, of the vehicle; or
 - (b) the Authority for the place in which the vehicle in question was found.
28. The owner of a vehicle in respect of which the Penalty Charge has been incurred shall pay the Penalty Charge to the Council EITHER by cheque or postal order which shall be delivered or sent by post so as to reach the Directorate of Technical Services of the Council within 28 days of the issue of the penalty charge OR by cheque, postal order, in cash, by credit card or debit card in person at any Council office which accepts such payment OR as indicated on the Penalty Charge Notice not later than as aforesaid.
29. If the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the Notice, the amount of the Penalty Charge will be reduced by the specified proportion.
30. If the owner fails to pay the Penalty Charge by the end of the 28 day period, a Notice to Owner may be served; and if the charge is then not paid within a further 28 days it may be increased by 50% on the issue of a Charge Certificate in accordance with the provisions of paragraph 6 of Schedule 6 of the 1991 Act.
31. Continuing failure to pay may result in a judgement in the County Court against the owner to enable the Council to recover payments due.
32. Where a parking attendant has removed or caused to be removed a vehicle in accordance with Articles 19 and 26(1):

- (a) he/she 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.

33. All the traffic regulation orders imposing waiting prohibitions and restrictions and all street parking places orders which relate to roads in the County of Carmarthenshire (with the exception of Carmarthen, Llanelli and Ammanford) as defined on the plans attached to this Order made prior to this Order are hereby revoked.

GIVEN under the Common Seal of Carmarthenshire County Council the twenty third day of January Two Thousand and Four

THE COMMON SEAL of CARMARTHENSHIRE)
COUNTY COUNCIL was hereunto)
 affixed in the presence of:-)

Head of Legal Services