

**CHESHIRE COUNTY COUNCIL**  
**(PROHIBITION AND RESTRICTION OF WAITING AND**  
**STREET PARKING PLACES)**  
**(BOROUGH OF MACCLESFIELD)**  
**(CONSOLIDATION) ORDER 2009**

The Cheshire County Council (hereinafter referred to as “the Council”) in exercise of the powers conferred by Sections 1, 2, 4, 32, 35 and 124 of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the 1984 Act”) and Part IV of Schedule 9 to the 1984 Act and as a consequence of the coming into force of Part 6 of the Traffic Management Act 2004 (hereinafter referred to as “the 2004 Act”) 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 1984 Act, hereby makes the following Order:-

**PART I**  
**CITATION AND INTERPRETATION**

1. This Order shall come into operation on 25 February 2009 and may be cited as the Cheshire County Council (Prohibition and Restriction of Waiting and Street Parking Places) (Borough of Macclesfield) (Consolidation Order) 2009.

2. In this Order-

“the 2004 Act” means the Traffic Management Act 2004;

“the 2007 Regulations” means The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“civil enforcement officer” means a person employed in accordance with

section 76 of the 2004 Act to enforce the prohibitions, restrictions and regulations imposed by this Order;

“disabled person” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles)(England)Regulations 2000;

“disabled person’s badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000;

“disabled persons’ parking place” means each part of the roads specified on the plans as ‘Disabled Parking’;

“disabled parking bay” means any area of carriageway specified on the plans as a disabled persons’ parking bay and which is comprised within and indicated by a road marking complying with diagram 1028.3 of Schedule 6 to the Traffic Signs Regulations and General Directions 2002;

“enforcement authority” has the same meaning as in schedule 8 to the 2004 Act;

“hackney carriage” means a vehicle licensed under Section 37 of The Town Police Clauses Act 1847;

“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 Traffic Signs Regulations and General Directions 2002;

“owner” in relation to a vehicle includes any person who, by virtue of regulation 5 of the 2007 Regulations, falls to be treated as the owner of the vehicle;

“parking disc” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons)(England) Regulations 2000;

“penalty charge” means a charge payable in accordance with regulation 4 of the 2007 Regulations and is a charge set by the Council in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges)(England) Order 2007;

"penalty charge notice" has the same meaning as in regulation 8 of the 2007 Regulations;

“plans” means the plans attached to this Order;

“prohibited road” means any of the lengths of roads and sides of roads specified on the plans as ‘No Waiting At Any Time’ ;

“relevant position” in respect of: -

- (a) a disabled person’s badge has the same meaning as in The Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000; and
- (b) a disabled person’s parking disc, has the same meaning as in The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons)(England) Regulations 2000;

“restricted hours and days” means in relation to any restricted road the hours and days during which waiting is prohibited as specified on the plans;

“restricted road” means any of the sides of roads and lengths of roads specified on the plans as ‘No Waiting’;

“universal service provider”, “provision of universal postal service” and postal packet” shall bear the same meanings as in the Postal Services Act 2000

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 and any reference to a plan is a reference to a plan attached to 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 1984 Act, 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.
6. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked by Article 21 were Acts of Parliament thereby repealed.

**PART II**  
**PROHIBITION AND RESTRICTION OF WAITING, PROHIBITION OF LOADING**  
**AND UNLOADING**

**PROHIBITION OF WAITING**

7. Save as provided in Articles 11 and 20 to this Order no person shall, except upon the direction of or with the permission of a civil enforcement officer or a police constable in uniform, cause or permit any vehicle to wait at any time in any prohibited road.

**RESTRICTION OF WAITING**

8. Save as provided in Articles 11 and 15 to this Order no person shall, except upon the direction of or with the permission of a civil enforcement officer or a police constable in uniform, cause or permit any vehicle to wait in any restricted road during the restricted hours and days.

**LIMITED PARKING**

9. Save as provided in Articles 12 and 15 to this Order no person shall, except upon the direction of or with the permission of a civil enforcement officer or a police constable in uniform, cause or permit any vehicle to wait in the lengths of roads and sides of roads-
- a) in respect of which there is specified on the plans a period in which waiting is allowed, for a period longer than that specified on the plans; or
  - b) if a period less than that specified on the plans, as being the period in which the vehicle shall not return, has elapsed since a previous period of waiting by the same vehicle on the same length of road.

**RESTRICTION OF LOADING OR UNLOADING**

10. No person shall, except upon the direction or with the permission of a civil

enforcement officer or a police constable in uniform, cause or permit any vehicle to wait for the purpose of enabling goods to be loaded onto or unloaded from a vehicle on any of the lengths of roads or sides of roads specified on the plans where loading is prohibited during the hours and on the days specified on the plans.

#### **WAITING BY DISABLED PERSONS**

11. Nothing in Articles 7 and 8 of this Order shall render it unlawful to cause or permit a vehicle which lawfully 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 referred to in those Articles 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).
12. Nothing in Article 9 of this Order shall render it unlawful to cause or permit a vehicle which lawfully displays in the relevant position a disabled person's badge to wait, without limitation in time, on the lengths of road and sides of roads referred to in that Article.

### **PART III**

#### **DESIGNATED PARKING PLACES FOR DISABLED PERSONS**

13. Each of the parts of roads specified on the plans as Disabled Parking is authorised to be used subject to the provisions of this Order as a disabled persons' parking place.
14. No person shall cause or permit a vehicle to wait in a disabled persons' parking place unless it is a vehicle which;

- i) lawfully displays in the relevant position a disabled person's badge; and
- ii) is in a position wholly within the limits of the disabled parking bay.

#### **PART IV**

#### **EXEMPTIONS**

15. Nothing in Articles 7, 8 and 9 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) a person to board or alight from the vehicle;
- (b) 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 line of telecommunications apparatus (as defined in the Telecommunications Act 1984) kept installed for the purpose of a telecommunications code system or of

any other telecommunications apparatus lawfully kept installed in any position;

- (c) the vehicle to be used in the service of a local authority, water undertaker, sewerage undertaker or the Environment Agency in pursuance of statutory powers or duties;
- (d) a marked vehicle, whilst used by a universal service provider in the course of the provision of a universal postal service, to deliver and/or collect postal packets;
- (e) 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;
- (f) the vehicle to wait at or near to any premises situated on or adjacent to the said lengths or sides of road for so long as may be necessary in connection with any funeral;
- (g) the vehicle to be used for fire brigade, ambulance or police purposes;
- (h) except where Article 10 applies, the vehicle to wait for as long as may be necessary for the purpose of enabling goods to be loaded on or unloaded from the vehicle in the said lengths or road or sides of road; or
- (i) the vehicle, being a hackney carriage, to wait upon a hackney carriage stand.



**PART V**  
**CONTRAVENTION OF ORDER**

**Contravention**

16. If a vehicle is left in a disabled persons' parking place or in any road or length of road in contravention or without complying with the requirements of this Order a contravention shall have occurred and the penalty charge shall be payable.

**Penalty Charge Notice**

17. In the case of a vehicle in respect of which a penalty charge is payable, it shall be the duty of
- (i) a civil enforcement officer to serve a penalty charge notice in accordance with regulation 9 of the 2007 Regulations; or
  - (ii) the enforcement authority to serve a penalty charge notice in accordance with regulation 10 of the 2007 Regulations.

**Manner of Payment of Penalty Charge**

18. The owner of the vehicle shall pay the penalty charge as indicated on the penalty charge notice to the enforcement authority or its agent.

**Indications as evidence**

19. The particulars given in the penalty charge notice served in accordance with Article 17 shall be treated as evidence in any proceedings relating to failure to pay such a penalty charge.

**Restriction on removal of notices**

20. A penalty charge notice attached to a vehicle in accordance with the provisions of Article 17 and regulation 9(a) of the 2007 Regulations shall not be removed or interfered with except by or under the authority of the owner or person in charge of the vehicle or by some other person duly authorised by the enforcement authority.

**PART VI**  
**REVOCATION**

21 The Council hereby revokes all traffic regulation orders (or part of an order) made by it, or any predecessor authority empowered to make such an order, which apply to roads in the Borough of Macclesfield other than:

- a. Motorways M6 and M56 for their entire lengths within the Borough of Macclesfield including slip roads
- b. A556 including its roundabouts from its junction with A56 to junction 19, M6.

as far as they relate to prohibitions and restrictions of waiting and street parking places and not moving traffic offences not enforceable by the Council.

**The common seal of  
Cheshire County Council  
was hereunto affixed this 6th  
day in February in the year  
two thousand and nine in the  
presence of:**

**Authorised signatory**