

**CHESHIRE EAST BOROUGH COUNCIL
(SUNDERLAND STREET, MACCLESFIELD)
(AMBULANCE PARKING PLACE & LOADING ONLY RESTRICTION)
ORDER 2017**

The Cheshire East Borough Council (hereinafter referred to as "the Council") in exercise of its powers under Sections 32 and 35 of the Road Traffic Regulation Act 1984, as amended, (hereinafter referred to as "the 1984 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 1984 Act and in accordance with the duty imposed by Section 122 of the 1984 Act, hereby makes the following order:

PART I

CITATION AND INTERPRETATION

1. This Order will come into operation on the 26th June 2017 and may be cited as the 'Cheshire East Borough Council (Sunderland Street, Macclesfield) (Ambulance Parking Place & Loading Only Restriction) Order 2017'.

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;

"Agent" means a person body or company appointed by the Enforcement Authority for the purpose of collecting payments due under a Penalty Charge Notice;

“Ambulance Parking Place” means an area of a highway designated by this Order and shown on the Plan as ‘Ambulance Parking Place’

“Ambulance” shall have the meaning in Schedule 2 Vehicle Excise and Registration Act 1994

“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;

“Driver” shall have the same meaning as in Section 192 of the Road Traffic Act 1988.

“Enforcement Authority” has the same meaning as in schedule 8 to the 2004 Act;

“Goods” means goods of any kind whatsoever whether animate or inanimate and “delivering” and “collecting” in relation to any goods or Postal Packets includes checking the goods or Postal Packets for the purpose of their delivery or collection

“Goods Vehicle” has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2016

“Loading and Unloading” means the transference of Goods from (or to) a vehicle to (or from) premises situated adjacent to or in the vicinity of the Loading Bay. “Loaded” and “Unloaded” shall be construed accordingly.

“Loading Bay” means an area of a highway designated by this Order for the purposes of Loading and Unloading and shown on the Plan as ‘Loading Only’

“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;

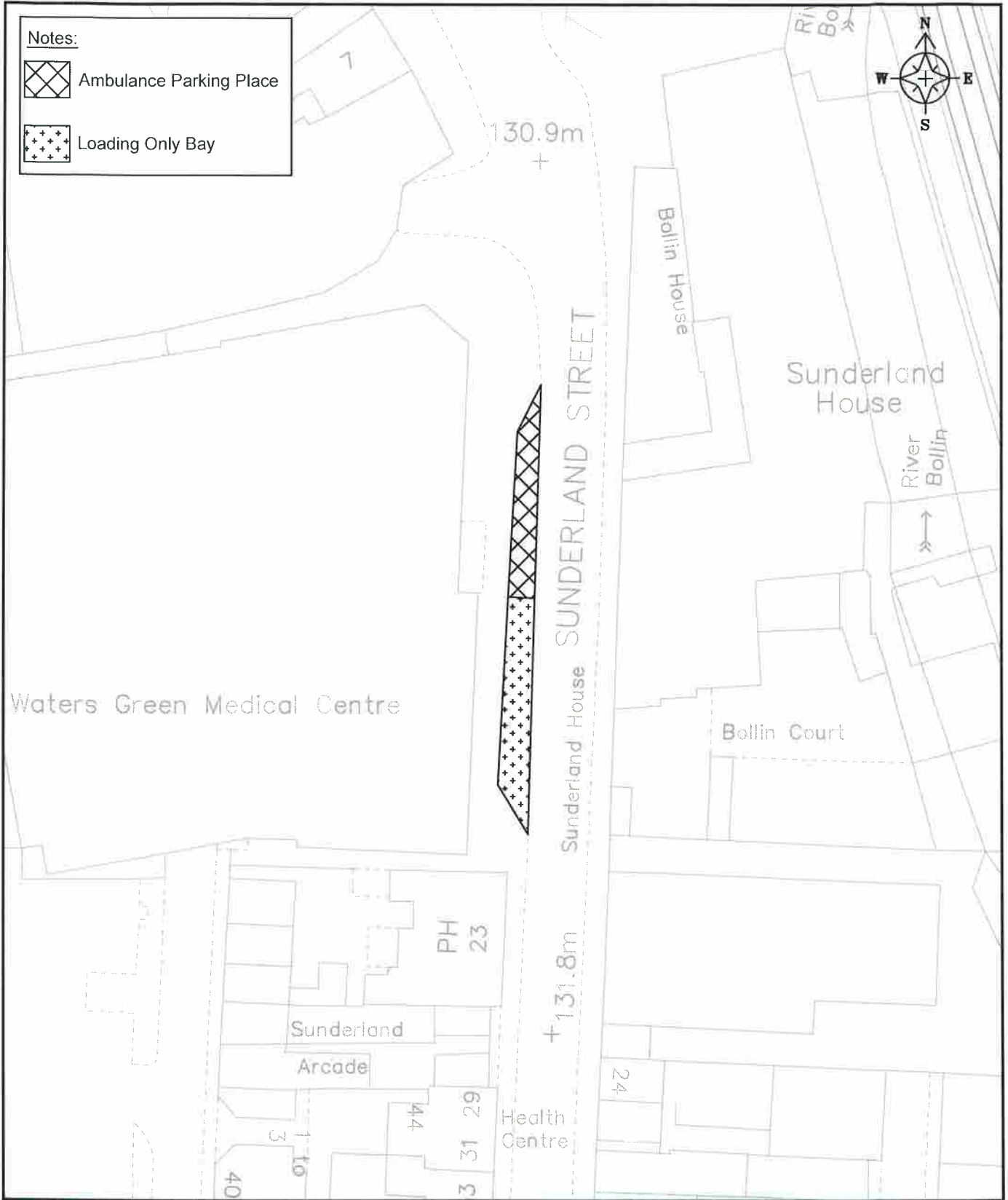
“Penalty Charge” means a charge payable in accordance with Regulation 4 of the 2007 Regulations and is a charge set by the Council in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges)(England) Order 2007;

"Penalty Charge Notice" has the same meaning as in Regulation 8 of the 2007 Regulations;

“Plan” means the plan attached to this Order;

“Universal Service Provider”, “Provision of a 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



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time to time be amended or re-enacted.

6. Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting the persons shall include either gender, bodies corporate, unincorporated associations and partnerships.
7. Headings of any articles, parts or schedules of this Order are for information only and do not form part of the Order and are not to be taken into account in its construction or interpretation.
8. 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.

PART II

PERMITTED PARKING – AMBULANCE PARKING PLACE

Authorisation of ambulance parking place

9. The Ambulance Parking Place is authorised to be used subject to the following provisions of this Order as a place for an Ambulance to wait whilst being used for ambulance purposes at all times and on all days.

Vehicles for which parking places are designated

10. The Ambulance Parking Place may be used, subject to the provisions of this Order, for the leaving during the permitted hours of only such vehicles as are:-

(a) Marked Ambulance vehicles or marked with the livery of the National Health Service, the North West Ambulance Service NHS Trust within the National Health Service and at the time are being used for ambulance purposes.

Contraventions in parking places

11. If a vehicle is left in an Ambulance Parking Place during the permitted hours without complying with the requirements of this Order, a contravention shall have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice may then be issued by a Civil Enforcement Officer or served by the Council.

PART III

PERMITTED PARKING – LOADING BAY

Authorisation of Loading Bay

12. The Loading Bay is authorised to be used subject to the following provisions of this Order as a place for Goods Vehicles to wait for the purpose of Loading and Unloading at all times and on all days.

Vehicles for which the loading bay is authorised

13. Save as provided in Article 18 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 Loading Bay unless the Loading and Unloading of Goods is continuously taking place from the said vehicle FOR the avoidance of doubt it is hereby stated by the Council that the provisions of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 shall not apply to this Order

Manner of standing in the loading bay

14. THE Driver of a vehicle waiting in the Loading Bay in accordance with the foregoing provisions of this Order shall cause it so to stand ;-
- (a) (i) that the left or near-side or right or off-side of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and
 - (ii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres and
 - (b) that every part of the vehicle is within the limits of the Loading Bay as marked on the carriageway and
 - (c) that no part of the vehicle obstructs any vehicular means of ingress to egress from any premises adjacent to the side of the road on which the

vehicle is waiting

Alteration of position of a vehicle in the loading bay

15. WHERE any vehicle is standing in the Loading Bay in contravention of the provisions of Article 14 a police constable in uniform or a Civil Enforcement Officer or a person duly authorised by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions

Restriction on the use of a loading bay

16. No person shall use the Loading Bay or any vehicle while it is in the Loading Bay in connection with the sale or offering or exposing for sale of any Goods to any person in or near the Loading Bay or in connection with the selling or offering for sale of his skill in handicraft or his services in any other capacity PROVIDED THAT nothing in this Article shall prevent the sale of Goods from a vehicle if the vehicle is one which may wait in the Loading Bay in accordance with Article 14 and the Goods are immediately delivered at and taken into premises adjacent to the vehicle from which the sale is effected
17. THE Driver of a vehicle using the Loading Bay shall stop the engine as soon as the vehicle is in position in the Loading Bay and shall not start the engine except when about to change the position of the vehicle in or to depart from the Loading Bay

PART IV

EXEMPTIONS

18. Nothing in Articles 9, 10 and 12 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; or

- (h) 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.

PART V

CONTRAVENTION OF ORDER

Contravention

19. If a vehicle is left 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

20. 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

21. 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

22. The particulars given in the Penalty Charge Notice served in accordance with Article 20 shall be treated as evidence in any proceedings relating to failure to pay such a Penalty Charge.

Restriction on removal of notices

23. A Penalty Charge Notice attached to a vehicle in accordance with the provisions of Article 20 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.

THE COMMON SEAL OF THE
CHESHIRE EAST BOROUGH COUNCIL
WAS HEREUNTO AFFIXED ON THE
8th June TWO THOUSAND AND
SEVENTEEN IN THE PRESENCE OF:



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Rebecca Brews
AUTHORISED SIGNATORY

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