

THE BUCKINGHAMSHIRE COUNTY COUNCIL
(CHILTERN DISTRICT) (CONSOLIDATION) (AMENDMENT) ORDER, 2007

BUCKINGHAMSHIRE COUNTY COUNCIL in exercise of its powers under Sections 1(1) and (2), 2(1) to (3), 3(2), 4(1) to (3), 32, 33, 35, 37, 38(1), 45, 46, 46A, 49, 51, 53, 63A, 65, 68, 69, 71, 101, 102 and 116, and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act"), and of all other enabling powers and having regard to Section 122 of the Act and 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. This Order may be cited as "The Buckinghamshire County Council (Chiltern District) (Consolidation) (Amendment) Order, 2007" and shall come into operation on 12th September 2007.
2. "The Buckinghamshire County Council (Chiltern District) (Consolidation Order) 2005" is amended to the extent and in the manner specified in the Schedule to this Order.

SCHEDULE

The following Definitions are inserted in alphabetical sequence into Article 3

"parking device" has the meaning given by Sections 35(3B) and Section 51 (4) of the Act.

"penalty charge" means a charge set by the Council under the Road Traffic Act 1991 "the 1991 Act" and following approval by the Secretary of State which is due to be paid to the Council following the issue of a penalty notice and within 28 days of the issue of that notice.

"penalty charge notice" means a notice which complies with the requirements of Section 66(3) of the 1991 Act and which is fixed to a vehicle or given to a person appearing to be in charge of a vehicle by or under the authority of a parking attendant.

"reduced penalty charge" means a charge set by the Council under the 1991 Act and following approval by the Secretary of State which is due to be paid to the Council following the issue of a penalty charge notice and within 14 days of the issue of that notice.

The following lengths of road are inserted into Schedule 2 - No Waiting at Any Time:

152 a	Whielden Street	Old Amersham	North West	From a point 92 metres southwest of the southwest kerbline of Gilbert Scott Court in a south westerly direction for a distance of 45 metres
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152 b	Whielden Street	Old Amersham	North West	From a point 373.5 metres southwest of the southwest kerbline of Gilbert Scott Court in a south westerly direction to its junctions with the A404
153 a	Whielden Street	Old Amersham	South East	From a point 373 metres southwest of the southwest kerbline of Gilbert Scott Court in a south westerly direction to its junction with the A404

The following lengths of road are inserted into Schedule 12 Limited waiting during prescribed hours:

26a	Broadway	Amersham Old Town	North	From a point 4 metres west of the eastern boundary wall of No. 21 Broadway westwards for 28 metres	Mon-Sat 9am-5pm	2 hour	2 hours
26b	Broadway	Amersham Old Town	North	From a point 5 metres east of the western boundary wall of No. 27 Broadway eastwards for 15 metres	Mon-Sat 9am-5pm	1 hour	1 hour
26c	Broadway	Amersham Old Town	South	From a point 65 metres east of the eastern kerbline of Whielden Street eastwards for 30 metres	Mon-Sat 9am-5pm	2 hour	2 hours
26d	Broadway	Amersham Old Town	South	From a point 100 metres east of the eastern kerbline of Whielden Street eastwards for 11 metres	Mon-Sat 9am-5pm	1 hour	1 hour

26e	Broadway	Amersham Old Town	South	From a point 117 metres east of the eastern kerbline of Whielden Street eastwards for 8 metres	Mon-Sat 9am-5pm	1 hour	1 hour
26f	Church Street	Amersham Old Town	West	From a point 57 metres north of its junction with Market Square northwards for 19 metres	Mon-Sat 9am-5pm	1 hour	1 hour
26g	Market Square	Amersham Old Town	North	From a point 4 metres east of the eastern kerbline of Church Street eastwards for 28 metres	Mon-Sat 9am-5pm	2 hour	2 hours

A new Section 6 Part II and Schedule 14 Part II is inserted - Pay and Display Parking Places Monday to Friday 8am to 5pm

Section 6 PART II: Pay and Display Parking Places

Prohibitions

- 6/15 (1) No person shall cause or permit any vehicle to wait in any parking place designated by this Order at any time during the controlled days and hours unless a provision of Article 6/16 below applies to the vehicle.
- (2) Where a vehicle waits in any parking place designated in Schedule 14 Part II hereto during the controlled hours otherwise than in compliance with the remaining provisions of this Order a penalty charge shall be payable.
- (3) A penalty charge notice giving the prescribed information, the amount of the penalty charge and reduced penalty charge payable may be fixed to a vehicle or given to a person appearing to be in charge of a vehicle by a parking attendant in accordance with the 1991 Act.

Conditions of Waiting:

- 6/16 (1) "Controlled hours" means the hours specified in Schedule 14 Part II to this Order as being the hours when the restrictions imposed by this Order are effective.

"Controlled days" means the days of the week specified in Schedule 14 Part II to

this Order as being the days of the week when the restrictions imposed by this order are effective.

- (2) Any person who displays a valid ticket issued under the following provisions of this Order at the commencement of a period of permitted waiting may cause or permit a vehicle to wait in any of the parking spaces designated by this Order as parking spaces for that purpose. The same are more particularly identified by an indication to the effect that ticket parking is permitted and the duration of permitted parking in Schedule 14 Part II to this Order by which such parking is permitted.
- (3) A person may cause or permit a vehicle to wait in any of the parking places designated by this Order if;
 - i) the vehicle is being used for the removal of any obstruction to traffic or,
 - ii) the vehicle is being used by or with the written consent of the Council and whilst being so used it is necessary for it to wait in that parking place or,
 - iii) the person in charge of the vehicle is required by law to stop or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstance beyond his control or,
 - iv) the permission or the direction of a police constable in uniform, a traffic warden or a parking attendant is given for the vehicle to wait or,
 - vi) the vehicle is being used by a universal provider (as defined by Section 4(3) of the Postal Services Act 2000 in connection with the provision of a universal postal service (within the meaning of the Act);
 - vii) the vehicle is waiting for as long as necessary to enable a person to board or alight from the vehicle or,
 - viii) goods are being loaded or unloaded from the vehicle without interval.
- (4) Except as otherwise provided by paragraph (3) above, no person shall cause or permit a heavy goods vehicle or a bus to wait in any of the parking places designated by this Order.

Display of Tickets

- 6/17 (1) A parking device or parking ticket is valid when it is displayed on a vehicle and the details in paragraph (5) below are legible from the front or near side of the vehicle and the device has not been altered or defaced.
- (2) Where a parking device or parking ticket is displayed in accordance with paragraph (1) above it is valid until the time of departure shown on it.
- (3) Notwithstanding the remaining provisions of this Order no person shall display a parking device or a parking ticket on a vehicle where a parking device or parking ticket has been displayed on that vehicle in that parking place until a period of 24 hours shall have elapsed since that vehicle left that parking place.
- (4) Nothing in this Article confers permission to wait upon a vehicle of a class

prohibited by paragraph (4) of Article 6/16 hereof

- (5) The details referred to in paragraph (1) above are; the date of issue, serial number if any, the time of purchase of the parking device or parking ticket where applicable; the time of expiry and the amount paid therefor.

Designation of and Charges at Parking Places

- 6/18 (1) Each area of a highway whether or not wholly comprised by a carriageway, footway or cycle track specified in Schedule 14 Part II to this Order and unless otherwise so specified bounded on one side by a carriageway and so marked is designated as a parking place.
- (2) The amount of the parking charge for a vehicle left in a parking space referred to in Schedule 14 Part II to this Order shall be:
 - (i) £1.00 for a period of 1 hour and
 - (ii) £2.00 for a period of 2 hours and
 - (iii) £3.00 for a period of 3 hours
- (3) Nothing in this Article confers permission for a vehicle to contravene the remaining provisions of this Order and in particular Articles 6/21, 6/22 and 6/23 hereof.
- (4) Where a parking place is suspended in whole or part in accordance with the provisions of Article 6/20 (5) below, the person for whose benefit the parking place is suspended shall be liable to a charge not exceeding £12.00 per day and an administration fee of £12.00 to accompany each application.

Payment of Parking Charges

- 6/19 (1) A parking charge shall become payable upon the leaving of a vehicle in a parking place referred to by virtue of Paragraph (2) of Article 6/18 above and where a charge is specified shall be payable by the insertion in a ticket parking meter relating to that parking place of any combination of coins of the following denominations, 5 pence, 10 pence, 20 pence, 50 pence, 1 pound or, 2 pounds and where more than 1 coin is required for payment of that parking charge the coins shall be inserted one following another in the ticket parking meter or such other method of payment as the Council may from time to time authorise.
- (2) A parking ticket shall be displayed in accordance with Article 6/17 hereof.
- (3) Where a vehicle is left in a parking space designated by this Order as a ticket parking space beyond the expiry of the time indicated on a ticket during the controlled hours a Penalty Charge Notice shall be payable and may be affixed to the vehicle or given to a person appearing to be in charge of it.
- (4) For the avoidance of doubt, the limit of waiting time applicable to a parking space shall take precedence over the times shown on a parking ticket or parking device in determining whether a penalty charge notice is payable.

Special Use of Parking Places

- 6/20 (1) The Council or an Officer authorised by the Council to do so may authorise the use of a parking place for any purpose in whole or part on the application of any person and shall take account of Section 122 of the Act.
- (2) Any such authorisation may be issued subject to conditions including the charge if any payable for that authorisation in respect of the particular use of that parking place by the applicant.
- (3) Any applications shall be in writing and shall contain sufficient information to enable the Council to identify the parking place and determine whether any condition should be imposed including the duration of an authorisation.
- (4) A police constable in uniform, a traffic warden or a parking attendant may suspend the use of a parking place in whole or part for a period not exceeding 7 days.
- (5) A person authorised by paragraph (1) above may suspend the use of a parking place in whole or part for a period not exceeding 28 days or such longer period as may be authorised in writing.

Miscellaneous

- 6/21 A person who causes or permits a vehicle, any trailer or any vehicle and trailer to be left otherwise than wholly within the marked area of a designated parking space contravenes this Order and a penalty charge notice may be affixed to the vehicle, trailer or given to a person who appears to be in charge of the vehicle or trailer.
- 6/22 No person shall use a vehicle whilst it is waiting in any area subject to this Order for or, in connection with, the selling or offering for hire of goods or services unless that person has obtained the written consent of the Council before doing so.
- 6/23 For the purposes of the charges specified in Article 6/18 hereof the parking charges in respect of a vehicle left in a parking space defined by virtue of that paragraph in either case as may be from time to time varied by notice.

Further Provisions as to Interpretation

- 6/24 A vehicle is to be regarded as being engaged on emergency service if it is being used by or on behalf of a person who is:
- (i) undertaking emergency works with a view to preventing injury to any person or serious loss or damage to property in the vicinity; or
 - (ii) responding to an emergency situation he reasonably believes to be occurring and that person removes the vehicle from that place as soon as practicable.

SCHEDULE 14 PART II

Pay and Display

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6
Ref No	Street Name	Area	Side of Street	Location	Controlled Days Controlled Hours
1	Whielden Street	Old Amersham	North West	Front a point 190 metres southwest of the southwest kerbline of Gilbert Scott Court in a south-westerly direction for a distance of 26.5 metres	Mon-Fri 8am- 5pm
2	Whielden Street	Old Amersham	South West	From a point 91 metres southwest of the southwest kerbline of Gilbert Scott Court in a south westerly direction for a distance of 50.5 metres	Mon-Fri 8am-5pm
3	Whielden Street	Old Amersham	South West	From a point 146 metres southwest of the southwest kerbline of Gilbert Scott Court in a south westerly direction for a distance of 65 metres	Mon-Fri 8am-5pm

The following length of road is inserted into Schedule 15 - Parking bays for disabled badge holders only:

4	Whielden Street	Old Amersham	North West	From a point 137 metres southwest of the southwest kerbline of Gilbert Scott Court in a south westerly direction for a distance of 17 metres	24 hours
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A new Section 8 Part II and Schedule 16 Part II is inserted - 24 Hour Clearway:

8/04 Save as provided in Articles 8/05 and 8/06 of this Order, no person shall, except upon the direction or with the permission of a police constable in uniform or of a parking attendance, cause or permit any motor vehicle to stop or remain at rest in the length of road specified in Schedule 16 Part II to this Order.

8/05 Nothing in Article 8/04 of this Order shall render it unlawful for a person to cause or permit a vehicle to stop or remain at rest in the lengths of roads specified therein

- (1) if the vehicle is being used for the removal of any obstruction to traffic;
- (2) if the vehicle is being used in the service of an Undertaker (as defined in the New Roads and Street Works Act 1991) a local authority or the Environment Agency in pursuance of statutory powers or duties and whilst being so used in such service it is necessary for the vehicle to wait in that length of road;

- (3) if the vehicle is being used for police, fire brigade or ambulance purposes; or
- (4) in any case where the person in control of the vehicle –
 - (a) is required by law to stop;
 - (b) is obliged to stop as to prevent an accident; or
 - (c) is prevented from proceeding by circumstances beyond his control

8/06 No person shall cause or permit any vehicle to wait on any verge or layby immediately adjacent to any of the carriageways comprised in the length of road specified in the Schedule 16 Part II to this Order for the purpose of selling foods from that vehicle.

SCHEDULE 16 PART II

Clearway

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6
Ref No	Street Name	Area	Side of Street	Location	Prescribed Hours
1	A404	Old Amersham	Both sides	From its junction with the A413 in a south westerly direction for 340 metres	24 hours

The following lengths of road are inserted into Schedule 20 – Orders partly revoked:

“THE BUCKINGHAMSHIRE COUNTY COUNCIL (CHILTERN DISTRICT) (CONSOLIDATION ORDER) 2005” is hereby amended as though the following lengths of road were omitted therefrom: -

SCHEDULE 2

No waiting at any time

150	Whielden Street	Amersham Old Town	North West	From a point 114 metres northeast of the centreline of the Hospital Car Park Access road north-eastwards to a point 155 metres northeast of the centreline of that access road
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SCHEDULE 12

Limited waiting during prescribed hours

20	Broadway	Amersham Old Town	North	From a point 4 metres west of the eastern boundary wall of No. 21 Broadway westwards for 28 metres	24 hours a day, 7 days a week	1 hour	1 hour
21	Broadway	Amersham Old Town	North	From a point 5 metres east of the western boundary wall of No. 27 Broadway eastwards for 15 metres	24 hours a day, 7 days a week	1 hour	1 hour
22	Broadway	Amersham Old Town	South	From a point 65 metres east of the eastern kerbline of Whielden Street eastwards for 30 metres	24 hours a day, 7 days a week	1 hour	1 hour
23	Broadway	Amersham Old Town	South	From a point 100 metres east of the eastern kerbline of Whielden Street eastwards for 11 metres	24 hours a day, 7 days a week	1 hour	1 hour
24	Broadway	Amersham Old Town	South	From a point 117 metres east of the eastern kerbline of Whielden Street eastwards for 8 metres	24 hours a day, 7 days a week	1 hour	1 hour
25	Church Street	Amersham Old Town	West	From a point 57 metres north of its junction with Market Square northwards for 19 metres	24 hours a day, 7 days a week	1 hour	1 hour

THE BUCKINGHAMSHIRE COUNTY COUNCIL
(CHILTERN DISTRICT) (CONSOLIDATION) (AMENDMENT) ORDER, 2007

Notice is hereby given that on 5 September 2007, Buckinghamshire County Council made the above-named Order under the Road Traffic Regulation Act 1984. The effect of the Order, which will come into operation on 12 September 2007, is :-

1. to amend "The Buckinghamshire County Council (Chiltern District) (Consolidation Order) 2005" in order to incorporate the amendments in this Notice.
2. to extend the No Waiting at Any Time in certain lengths of Whielden Street, Old Amersham.
3. to Limit Waiting to one hour with no return within one hour, on Monday to Saturday between the hours of 9.00 am and 5.00 pm in certain lengths of Broadway and Church Street, Old Amersham.
4. to Limit Waiting to 2 hours with no return within two hours, Monday to Saturday in certain lengths of Broadway and Market Square, Old Amersham.
5. to designate additional Disabled Persons Parking Spaces in a length of Whielden Street, Old Amersham.
6. to designate Pay and Display Parking Spaces in certain lengths of Whielden Street, Old Amersham. The amount of the parking charge will be £1.00 for a period of 1 hour, £2.00 for a period of 2 hours and £3.00 for a period of 3 hours.
7. to designate A404, Old Amersham, as a 24 Hour Clearway.
8. to remove No Waiting at Any Time in a certain length of Whielden Street, Old Amersham.
9. to remove the Limited Waiting of one hour with no return within one hour, 24 hours a day, 7 days a week, in certain lengths of Broadway, Old Amersham.

A copy of the Order and a plan showing the lengths of road referred to, with a copy of the Statement of Reasons for making the Order and a copy of the Order to be amended, may be inspected during normal office hours at County Hall, Aylesbury and during normal opening hours at Amersham Library, Chiltern Avenue, Amersham.

If you wish to question the validity of the Order or of any provision contained in it on the grounds that it is not within the powers conferred by the Road Traffic Regulation Act 1984 or on the grounds that any instrument made under it has not been complied with in relation to the Order, you may, within six weeks from 5 September 2007, apply to the High Court for this purpose.

Dated 6 September 2007.



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