The County of Cornwall (Lostwithiel) (Various Streets) (On-Street Parking Places and Restrictions on Waiting) (Consolidation) Order 2005

THE CORNWALL COUNTY COUNCIL in exercise of their powers under Sections 1, 2, 32 and 35 (and Part IV of Schedule 9) to the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act of 1984") 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 Act of 1984, hereby make the following Order:-

1 **Commencement, Citation and Revocation**

1.1 This Order shall come into operation on the 25th day of August 2005 and may be cited as "The County of Cornwall (Lostwithiel) (Various Streets) (On-Street Parking Places and Restrictions on Waiting) (Consolidation) Order 2005"

1.2 The Traffic Regulation Orders specified in Article 7 to this Order are hereby revoked.

2 **Interpretations**

2.1 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

2.1.1 "**badges regulations**" means the Disabled Persons (badges for Motor Vehicles) (England) Regulations 2000;

2.1.2 "**disabled person's badge**" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

2.1.3 "**disabled person's parking place**" means any area of highway described in the Seventh Schedule to this Order which is comprised within and indicated by a road marking complying with diagram 1028.3 or 1033 variant in Schedule 6 to the Traffic Signs Regulations and General Directions 2002 as appropriate with respect to Article 5 to this Order;

2.1.4 "**disabled person's vehicle**" means a vehicle displaying a disabled person's badge in the circumstances prescribed in Regulations 13, 14,15 or 16 of the Disabled Persons (Badges for Motor Vehicles) Regulations 2000;

2.1.5 "**Driver**" in relation to a vehicle left at or waiting in a Parking Place means the person driving the vehicle at the time it was left at or is waiting at the Parking Place;

2.1.6 "**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;

2.1.7 "**invalid carriage**" means a vehicle, whether mechanically propelled or not, constructed or adapted for use for the carriage for one person, being a person suffering from some physical defect or disability;

2.1.8 "**Loading**" and "**Unloading**" means the conveyance of goods or merchandise to or from any premises situated on or adjacent to that length of road, to the extent that such goods or merchandise cannot, by reason of size, weight or value, reasonably be conveyed otherwise than by vehicle;

2.1.9 "**parking bay**" means a space in the parking place which is provided for the leaving of a vehicle;

2.1.10 "**Parking Permit**" means a parking permit issued by the Council or its local agent or authority;

2.1.11 "**parking place**" means any area of highway which is authorised to be used as a parking place under the provisions of this Order;

2.1.12 "**relevant position**" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

2.1.13 "**taxi**" and "**taxi rank**" have the same meanings respectively as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002;

2.1.14 any reference to a length or lengths of road is a reference to a length or lengths of road in Lostwithiel.

2.2 any reference to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated or re-enacted by, or as having effect by virtue of, any subsequent enactment;

2.3 The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

PART I – RESTRICTIONS ON WAITING AND LOADING

3 **Restriction of Waiting, Loading and Unloading of Vehicles in certain roads other than parking places.**

3.1 Save as provided in Article 4 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a traffic warden, cause or permit any vehicle to wait -

3.1.1 at any time in the lengths of road specified in the Second Schedule to this Order.

3.1.2 between 8am and 6pm on any day in the lengths of road specified in the Third Schedule to this Order

between 9am and 6pm on any day in the lengths of road specified in the Fourth Schedule to this Order

between 8.30am and 5.30pm Monday – Friday (both days inclusive) in the lengths of road specified in the Fifth Schedule to this Order;

3.2 Save as provided in Article 4 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a traffic warden, cause or permit any vehicle to wait-

3.2.1 between the hours of 9am and 5pm Monday – Saturday (both days inclusive) in the length of road specified in the Sixth Schedule to this Order -

(i) for a longer period than 1 hour; or
(ii) if a period of less than 3 hours has elapsed since the termination during the said hours of the last period of waiting (if any) of the vehicle in that length of road.

4 **Exemptions from Waiting Restrictions - General**

4.1 Nothing in Article 3 of this Order shall -

4.2 render it unlawful to cause or permit any vehicle to wait in any of the lengths of road referred to in that Article for so long as may be necessary to enable

(a) a person to board or alight from the vehicle;

(b) a vehicle, if it is in the service of or employed by the Post Office, to be used for the purpose of delivering or collecting postal packets as defined in Section 125 (1) of the Postal Services Act 2000;

(c) goods to be loaded onto or unloaded from the vehicle, provided that, except as specified in paragraph (b) above, no vehicle shall so wait at any time in the lengths of road specified in the First Schedule of this Order

(d) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the length of road so referred to or the laying, erection, alteration or repair in or near to the said length of road of any sewer or of any main, pipe, cable or apparatus for the provision of gas, water, electricity or telecommunications;

(e) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in pursuance of statutory powers or duties; or

(f) the vehicle to take in fuel, oil, water or air from any garage situated on or adjacent to the said length of road;

4.3 apply to any vehicle being used for police, fire brigade or ambulance purposes.

4.4 apply to any vehicle when the person in control of the vehicle -

(i) is required by law to stop;

(ii) is obliged to stop in order to avoid an accident; or

(iii) is prevented from proceeding by circumstances outside his control.

4.5 apply to any vehicle owned by a funeral director or owner of funeral vehicles when in use as part of a funeral cortege or otherwise in connection with a funeral; or

4.6 apply to any taxi while waiting at a duly authorised taxi rank.

4.7 Nothing in Article 3.1 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 lengths of road referred to in the said Article for a period not exceeding 3 hours (not being separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same length of road) provided that such period lies within the period during which the exemption as to loading and unloading specified in paragraph (c) of Article 4.2 of this Order applies.

4.8 Nothing in Article 3.2 of this Order shall apply to any disabled person's vehicle which displays in the relevant position a disabled person's badge or to an invalid carriage.

PART III – PARKING PLACES

5 **Disabled Person's Parking Place**

5.1 The area of highway specified in the Seventh Schedule to this Order is authorised to be used, subject to the following provisions of this Order, as a parking place on such days and during such hours as are specified in relation to that area of highway in the said schedule.

5.2 No vehicle shall be left at any Disabled Person's Parking Place during the permitted hours unless it displays in the relevant position a valid Disabled Persons Badge or is an invalid carriage.

PART IV – RESTRICTIONS ON USE OF PARKING PLACES

6.2 Nothing in Article 5 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 when the streets are thronged or liable to be obstructed, to close any parking place.

6.3 The driver of a vehicle shall not permit it to wait in the parking place in a position other than that specified in relation to that parking place in the Seventh Schedule to this Order.

6.4 Every vehicle left in a parking place shall stand so that every part of the vehicle is within the limits of the parking place.

6.5 The driver of a vehicle shall not permit it to wait in the parking place in a position other than that specified in Article 6.4 to this Order;

6.6 The driver of a vehicle shall not use the parking place -

6.6.1 so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance; or

6.6.2 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, has closed the parking place and exhibited notice of such closing on or near the parking place;

6.7 The driver of a motor vehicle using the parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle or to depart from the parking place.

6.8 No person shall use a vehicle, while it is in the 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 or her skill or services: provided that nothing in this Article shall prevent the sale of goods from a vehicle if the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected.

6.9 No person shall use any part of the parking place or any vehicle left in the parking place -

(a) for sleeping or camping purposes;

(b) for cooking purposes; or

(c) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

6.10 Where any vehicle is standing in the parking place in contravention of the provision of Article 6.4 of this Order a police constable in uniform or a traffic warden may alter or cause to be altered the position of the vehicle so that its position shall comply with that provision.

6.11 Where a police constable in uniform or a traffic warden is of the opinion that any of the provisions contained in Articles 6.4, 6.5, 6.6, 6.7, 6.8 and 6.9 of this Order have been contravened or not complied with in respect of a vehicle left in the parking place, he may remove or cause to be removed the vehicle from the parking place and, where it is so removed, shall make such arrangements as may be necessary for the safe custody of the vehicle.

PART V - REVOCATION OF TRAFFIC REGULATION ORDERS

7.

7.1 The following Orders are hereby revoked -

The County of Cornwall (Lostwithiel) (Monmouth Lane) (Restrictions on Waiting) Order 2004

The County of Cornwall (Lostwithiel) (Lanwithan Road, Grenville Road and Cott Road) (restrictions on Waiting) Order 2004

The County of Cornwall (Lostwithiel) (Restrictions on Waiting) (Consolidation) Order 2003

The County of Cornwall (Fore Street, Lostwithiel) (Disabled Persons Street Parking Place) Order 2003

The County of Cornwall (Lostwithiel) (Various Streets) (Restrictions on Waiting) Order 1989

GIVEN under the Common Seal of the Council this 15th day of August 2005.

THE COMMON SEAL of
the Cornwall County Council
was hereunto affixed in the
presence of

ROAD TRAFFIC REGULATION ACT 1984

THE COUNTY OF CORNWALL
(LOSTWITHIEL) (VARIOUS STREETS) (ON-STREET PARKING PLACES AND RESTRICTIONS ON WAITING) (CONSOLIDATION) ORDER 2005

FIRST SCHEDULE
No loading at any time

1.	Quay Street (U6144)	(a)	east side from its junction with Parade Square for a distance of 25 metres in a southerly direction
		(b)	west side from its junction with Fore Street for a distance of 19 metres in a southerly direction

SECOND SCHEDULE
No waiting at any time

1.	Bodmin Hill (U6141)	(a)	north-east side from its junction with Albert Terrace for a distance of 31 metres in a north-westerly direction
		(b)	south-west side from its junction with Queen Street for a distance of 34 metres in a north-westerly direction
2.	Church Lane (U6144)	(a)	both sides from its junction with South Street for a distance of 5 metres in a northerly direction
		(b)	east side
		(i)	from its junction with South Street for a distance of 6 metres in a northerly direction
		(ii)	from its junction with Fore Street for a distance of 9 metres in a northerly direction
3.	Cott Road (C0045)	(a)	east side from its junction with Grenville Road for a distance of 6 metres in a northerly direction
		(b)	west side from its junction with Grenville Road for a distance of 9 metres in a northerly direction
4.	Duke Street (U6141)	(a)	north-east side from its junction with Liddicoat Road for a distance of 19 metres in a north-westerly direction
		(b)	south-west side
		(i)	from its junction with Liddicoat Road for a distance of 15 metres in a north-westerly direction
		(ii)	from a point 45 metres north-west of its junction with Liddicoat Road for a distance of 44 metres in a north-westerly direction
5.	Edgcumbe Road (A0390)	(a)	north side from its junction with Tanhouse Road for a distance of 54 metres in a south-westerly direction
		(b)	south side

			from its junction with Castle Hill to its junction with South Street
6.	Fore Street (U6144)	(a)	north side from its junction with Queen Street for a distance of 22 metres in a south-easterly direction
		(b)	north-east side from its junction with Church Lane for a distance of 4 metres in an easterly direction
		(c)	south side from its junction with Queen Street to its junction with Quay Street
7.	Grenville Road (B3268)	(a)	north side from a point 10 metres west of its junction with Cott Road to a point 8 metres east of that junction
		(b)	south side
		(i)	from its junction with The Parade for a distance of 5 metres in an easterly direction
		(ii)	from its junction with Lanwithan Road for a distance of 8 metres in an easterly direction
8.	Lanwithan Road (C0045)		both sides from its junction with Grenville Road for a distance of 12 metres in a southerly direction
9.	Liddicoat Road (a390) (A0390)	(a)	both sides from its junction with Fore Street to a point 11 metres north-east of its junction with Pleyber Christ Way
		(b)	north-west side from its junction with Duke Street to a point 22 metres north-east of its junction with Restormel Road
10.	Mill Gardens (B3268)		north-east side from its junction with Queen Street for a distance of 2 metres in a north-westerly direction
11.	Monmouth Lane (U6144)		both sides from its junction with Parade Square for a distance of 20 metres in a northerly direction
12.	North Street (B3268)	(a)	north side from point opposite the centre of its junction with Monmouth Lane to its junction with Grenville Road
		(b)	north-east side from its junction with Liddicoat Road for a distance of 5 metres in a south-easterly direction
		(c)	south side from its junction with Monmouth Lane to its junction with The Parade

		(d)	south-west side from its junction with Liddicoat Road for a distance of 6 metres in an easterly direction
13.	Parade Square (U6144)		south-east side from its junction with Quay Street for a distance of 15 metres in a north-easterly direction
14.	Quay Street (U6144)	(a)	east side from its junction with Parade Square for a distance of 25 metres in a southerly direction
		(b)	west side from its junction with Fore Street for a distance of 19 metres in a southerly direction
15.	Queen Street (A0390)		north-west side from its junction with South Street to its junction with Bodmin Hill
16.	Queen Street (a390) (A0390)		south-east side from its junction with South Street to its junction with Fore Street
17.	Restormel Road (U6141)	(a)	north-east side from its junction with Liddicoat Road for a distance of 27 metres in a westerly direction
		(b)	south-west side from its junction with Liddicoat Road for a distance of 38 metres in a north-westerly direction
18.	South Street (U6144)	(a)	both sides
		(i)	from a point 46 metres west of its junction with Summers Street to a point 19 metres east of that junction
		(ii)	from its junction with Edgcumbe Road for a distance of 37 metres in an easterly direction
		(b)	north side from its junction with Queen Street to a point 19 metres east of its junction with Church Lane
		(c)	south side from a point 46 metres west of its junction with Summers Street to a point 19 metres east of that junction
19.	Summers Street (U6144)	(a)	east side from its junction with South Street for a distance of 22 metres in a southerly direction
		(b)	west side from its junction with South Street for a distance of 24 metres in a southerly direction

20.	Tanhouse Road (B3268)		south side from its junction with Edgcumbe Road for a distance of 7 metres in a westerly direction
21.	Terras Hill (U6141)		west side from a point 67 metres north-east of its junction with Bodmin Hill for a distance of 12 metres in a northerly direction
22.	The Parade (U6144)	(a) (b)	east side from its junction with Grenville Road for a distance of 12 metres in a southerly direction north-west side from its junction with North Street to its junction with Parade Square

THIRD SCHEDULE
No waiting 8am-6pm daily

1.	Fore Street (U6144)		north side from a point 4 metres east of its junction with Church Lane to its junction with Parade Square
2.	North Street (B3268)	(a) (b)	north side from a point 5 metres south-east of its junction with Liddicoat Road for a distance of 23 metres in a south-easterly direction south side from a point 6 metres east of its junction with Liddicoat Road for a distance of 21 metres in an easterly direction

FOURTH SCHEDULE
No waiting 9am-6pm daily

1.	Albert Terrace (U6141)	(a) (b)	north-west side from a point 23 metres north-east of its junction with Bodmin Hill for its entire length. south-east side from its junction with Bodmin Hill for its entire length.
2.	Shute Hill (U6141)		both sides from its junction with Tanhouse Road to its junction with Old Grammar School Court
3.	Tanhouse Road (B3268)	(a)	north-west side from a point 2 metres west of its junction with Queen Street to a point 60 metres west of its junction with Shute Hill

	(b)	south side from a point 20 metres north-west of its junction with Edgcumbe Road for a distance of 8 metres in a north-westerly direction
	(c)	south-west side from a point 7 metres north-west of its junction with Edgcumbe Road for a distance of 3 metres in a north-westerly direction

FIFTH SCHEDULE
No waiting Mon-Fri 8.30am-5.30pm

1.	Bodmin Hill (U6141)		south-west side
		(i)	from its junction with Couchwell Lane for a distance of 39 metres in a south-easterly direction
		(ii)	from a point 33 metres north-west of its junction with Queen Street for a distance of 66 metres in a north-westerly direction

SIXTH SCHEDULE
Limited Waiting Mon-Sat 9am-5pm 1 hour no return within 3 hours

1.	Fore Street (U6144)	north-east side from a point 22 metres south-east of its junction with Queen Street to a point 11 metres north-west of its junction with Church Lane

SEVENTH SCHEDULE
Disabled Parking Bay 3 hours no return within 6 hours

Fore Street (U6144)	north-east side from its junction with Church Lane for a distance of 11 metres in a south-easterly direction