

THE COUNTY OF CORNWALL (ST AUSTELL) (VICTORIA ROAD)
(DISABLED PERSONS STREET PARKING PLACE) ORDER 2005

THE CORNWALL COUNTY COUNCIL (hereinafter referred to as “the Council”) in exercise of its powers under Sections 32 (1) and 35 (1) of 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) This Order shall come into force on the 9th day of February 2006 and may be cited as “The County of Cornwall (St Austell) (Victoria Road) (Disabled Persons Street Parking Place) Order 2005.”
- 2) (i) In this Order :
 - a) “badges regulations” means the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
 - b) “disabled person’s badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
 - c) “driver”, in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place.
 - d) “enactment” means any enactment whether public, general or local, and includes any order, bylaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
 - e) “parking place” means any area of highway which is authorised to be used as a parking place under the provisions of this Order;
 - f) “parking bay” means a space in the parking place which is provided for the leaving of a vehicle;
 - g) “permitted hours” means at any time;
 - h) “relevant position” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.
- (ii) 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;
- 3) (i) The areas of highway specified in the Schedule to this Order are authorised to be used, subject to the following provisions of this Order, as a parking place for the leaving during the permitted hours of such classes of vehicle as are specified in Article 11 to this Order;
- (ii) 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 when the streets are thronged or liable to be obstructed, to close the parking place.
- 4) The driver of a vehicle shall not permit it to wait in the parking place during the permitted hours -

- (a) unless it is of a class specified in Article 11 to this Order; or
 - (b) in a position other than that specified in Article 8 hereof.
- 5) The driver of a vehicle shall not use the parking place -
- (a) 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
 - (b) 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.
- 6) 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 in or to depart from the parking place.
- 7) 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/her skill or services.
- 8) Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand that every part of the vehicle is within the limits of a parking bay.
- 9) Where any vehicle is standing in a parking place in contravention of the provision of Article 8 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.
- 10) Where a police constable in uniform or a traffic warden is of the opinion that any of the provisions contained in Articles 4, 5 or 8 of this Order have been contravened or not complied with in respect of a vehicle left in a 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 reasonably necessary for the safe custody of the vehicle.
- 11) The following classes of vehicle are permitted to use the parking place:-
- i) an invalid carriage
 - ii) a vehicle which lawfully displays in the relevant position a disabled persons badge.
- 12) In so far as any provision of this Order conflicts with a provision of any other Order relating to the waiting of vehicles, that provision of this Order shall prevail.

GIVEN under the Common Seal of the Council this 30th day of January 2006.

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

ROAD TRAFFIC REGULATION ACT 1984

THE COUNTY OF CORNWALL (ST AUSTELL) VICTORIA
ROAD) (DISABLED PERSONS STREET PARKING
PLACE) ORDER 2005

MIN EXEC COMM 26/07/00 AGENDA NO.8.1 EXD SJH

FIRST SCHEDULE

Disabled Parking Bay at any time

1. Victoria Road
(C0707)
 - south side
 - (i) from a point 77 metres west of its junction with Morleigh Close for a distance of 6 metres in a westerly direction and having a width throughout of 2 metres