

The County of Cornwall (Porthleven) (Various Streets) (On-Street Parking Places and Restrictions on Waiting) (Consolidation) Order 2010

THE CORNWALL COUNCIL in exercise of its 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 29th day of April 2010 and may be cited as “The County of Cornwall (Porthleven) (Various Streets) (On-Street Parking Places and Restrictions on Waiting) (Consolidation) Order 2010”

1.2 The Traffic Regulation Orders specified in Article 5 to this Order are hereby revoked and their provisions consolidated in this Order.

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 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;

2.1.4 “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;

2.1.5 “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;

2.1.6 “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;

2.1.7 “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;

- 2.1.8 “parking bay” means a space in the parking place which is provided for the leaving of a vehicle;
- 2.1.9 “parking place” means any area of highway which is authorised to be used as a parking place under the provisions of this Order;
- 2.1.10 “relevant position” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
- 2.1.11 “taxi” and “taxi rank” have the same meanings respectively as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002;
- 2.1.12 any reference to a length or lengths of road is a reference to a length or lengths of road in Porthleven.
- 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 on 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, cause or permit any vehicle to wait -
- 3.1.1 at any time in the lengths of road specified in the First Schedule to this Order.
- 3.1.2 between 1st day of May to the 30th day of September (both dates inclusive) in any year in the lengths of road specified in the Second Schedule to this Order
- 3.1.3 between 1st day of June to the 30th day of September (both dates inclusive) in any year in the lengths of road specified in the Third 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, cause or permit any vehicle to wait-

3.2.1

between the hours of 9am and 6pm Monday to Saturday in the length of road specified in the Fourth Schedule to this Order -

(i) for a longer period than 30 minutes; or

(ii) if a period of less than 1 hour 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,

(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 or her 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).

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 II - REVOCATION OF TRAFFIC REGULATION ORDERS

5.

5.1 The following Orders are hereby revoked -

The County of Cornwall (Porthleven) (Various Streets)
(Restrictions on Waiting) (Consolidation) Order 2005

The County of Cornwall (Porthleven) (Various Streets)
(Restrictions on Waiting) (Consolidation) Order 2005
(Amendment No.1) Order 2009

The County of Cornwall (Porthleven) (Various Streets)
(Restrictions on Waiting) (Consolidation) Order 2005
(Amendment No.2) Order 2009

GIVEN under the Common Seal of the Council this 26th day of April 2010

FIRST SCHEDULE

No waiting at any time

1. Church Row
(U6020)
 - (a) north-east side
from its junction with Fore Street for a distance of 3 metres in a north-westerly direction
 - (b) south-west side
from its junction with Fore Street for a distance of 2 metres in a north-westerly direction

2. Elliston Gardens
(U6020)
 - (a) north-west side
from its junction with Thomas Street for a distance of 7 metres in a south-westerly direction
 - (b) south-east side
from its junction with Thomas Street for a distance of 6 metres in a south-westerly direction

3. Fore Street
(B3304)
 - (a) north side
from its junction with Torleven Road to its junction with Wellington Road
 - (b) north-west side
 - (i) from a point 43 metres north east of its junction with Church Row to its junction with Harbour Head
 - (ii) from its junction with Torleven Road for a distance of 28 metres in a south-westerly direction
 - (c) south side
from a point 22 metres west of its junction with Thomas Street for a distance of 19 metres in a westerly direction
 - (d) south-east side
 - (i) from a point 35 metres east of its junction with Holmans Place to a point 7 metres south of that junction
 - (ii) From a point 8 metres north of its junction with The Gue to a point 3 metres south of its junction with Chapel Terrace
 - (iii) from its junction with Shute Lane for a distance of 11 metres in a northerly direction

4. Harbour Head
(B3301)
 - (a) north-east side
from its junction with Fore Street for a distance of 12 metres in a north-westerly direction
 - (b) south side
from its junction with Fore Street for a distance of 25 metres in a westerly direction

5. Holman's Place
(U6020)
 - (a) north-east side
from its junction with Fore Street for a distance of 2 metres in a south-easterly direction
 - (b) south-west side
from its junction with Fore Street for a distance of 3 metres in a south-easterly direction

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| 6. | Penponds Road
(U6020) | | both sides
from its junction with Torleven Road for a distance of 13 metres in a westerly direction |
| 7. | Penrose Parc
(U6020) | (a) | north-east side
from its junction with Wellington Road for a distance of 18 metres in a north-westerly direction |
| | | (b) | south-west side
from its junction with Wellington Road for a distance of 16 metres in a north-westerly direction |
| 8. | Peeverell Road
(U6020) | (a) | north-west side |
| | | (i) | from a point 5 metres south west of its junction with The Gue to a point 13 metres north-east of that junction |
| | | (ii) | from a point 8 metres north east of its junction with Thomas Street to a point 3 metres south west of that junction |
| | | (b) | south-east side
from a point 75 metres south-west of a point opposite the north-eastern side of its junction with Thomas Street for a distance of 32 metres in a south-westerly direction |
| 9. | Shute Lane
(U6020) | (a) | north-east side
from its junction with Fore Street for a distance of 4 metres in a south-easterly direction |
| | | (b) | south-west side
from its junction with Fore Street to its junction with Prospect Place |
| 10. | The Gue
(U6020) | | both sides
from its junction with Fore Street to its junction with Peeverell Road |
| 11. | Thomas Street
(U6020) | (a) | north-east side
from its junction with Peeverell Road for a distance of 6 metres in a north-westerly direction |
| | | (b) | south-west side |
| | | (i) | from its junction with Elliston Gardens for a distance of 3 metres in a south-easterly direction |
| | | (ii) | from its junction with Peeverell Road for a distance of 5 metres in a north-westerly direction |
| 12. | Torleven Road
(C0611) | (a) | east side
from a point 13 metres north of a point opposite its junction with Treza Road for a distance of 36 metres in a southerly direction |
| | | (b) | north-west side
from its junction with Fore Street for a distance of 50 metres in a north-easterly direction |
| | | (c) | south-east side |

- from its junction with Fore Street for a distance of 48 metres in a north-easterly direction
- (d) west side
from a point 13 metres north of its junction with Treza Road in a southerly direction to a point 10 metres south of its junction with Penponds Road
13. Treza Road (U6020) both sides
from its junction with Torleven Road for a distance of 13 metres in a westerly direction
14. Unnamed Unadopted Road Leading To The Car Park (Unadopted)
- (a) north-west side
from its junction with Harbour Head for a distance of 17 metres in a north-easterly direction
- (b) south-east side
from a point 19 metres north-west of its junction with Harbour Head for a distance of 5 metres in a north-easterly direction
15. Wellington Road (B3304)
- (a) north side
from a point 14 metres south west of its junction with Penrose Parc to a point 15 metres east of that junction
- (b) north-west side
from its junction with Fore Street for a distance of 53 metres in a north-easterly direction
- (c) south-east side
- (i) from its junction with Thomas Terrace for a distance of 43 metres in a north-easterly direction
- (ii) from a point 110 metres north-east of its junction with Thomas Terrace for a distance of 64 metres in a north-easterly direction
16. Wesley Court (Unadopted)
- (a) north-west side
from its junction with The Gue for a distance of 14 metres in a north-easterly direction
- (b) south-east side
from its junction with The Gue for a distance of 13 metres in a north-easterly direction

SECOND SCHEDULE

No waiting between 01 May and 30 Sep

1. Mount's Road (U6022)
- (a) north-east side
from its junction with Low Bar Road for a distance of 88 metres in a south-easterly direction
- (b) south-west side
from its junction with Low Bar Road for a distance of 91

metres in a south-easterly direction

THIRD SCHEDULE

No waiting between 01 Jun and 30 Sep

1. Beacon Road (C0170) east side
from its junction with Harbour Head for a distance of 5 metres in a southerly direction
2. Cliff Road (U6022)
 - (a) north-east side
from its junction with Peverell Terrace southern spur for a distance of 203 metres in a north-westerly direction
 - (b) south-west side
from a point 48 metres east of its junction with Low Bar Road to a point 167 metres north west of that junction
3. Harbour Head (B3304)
 - (a) north side
from its junction with Methleigh Bottoms for a distance of 84 metres in an easterly direction
 - (b) south side
from its junction with Beacon Road to a point 25 metres west of its junction with Fore Street
4. Low Bar Road (U6022) south-west side
from its junction with Cliff Road for a distance of 12 metres in a south-easterly direction
5. Methleigh Bottoms (B3304)
 - (a) east side
from a point 21 metres north of its junction with Mill Lane to its junction with Harbour Head
 - (b) west side
from a point 21 metres north of a point opposite the north side of its junction with Mill Lane to its junction with Beacon Road
6. Mill Lane (U6020)
 - (a) north side
from its junction with Methleigh Bottoms for a distance of 7 metres in an easterly direction
 - (b) south side
from its junction with Methleigh Bottoms for a distance of 5 metres in an easterly direction
7. Peverell Terrace (southern Spur) (U6022)
 - (a) east side

from its junction with Cliff Road for a distance of 15 metres in a northerly direction
 - (b) west side
from its junction with Cliff Road for a distance of 18 metres in a northerly direction

FOURTH SCHEDULE

Limited Waiting Mon-Sat 9am-6pm 30 minutes no return within 1 hour

1. Fore Street
(B3304)
 - (i) south-east side
from a point 7 metres south of its junction with Holmans Place to a point 8 metres north of its junction with The Gue
 - (ii) from a point 3 metres south of its junction with Chapel Terrace to a point 11 metres north of its junction with Shute Lane

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

ROAD TRAFFIC REGULATION ACT 1984

THE COUNTY OF CORNWALL
(PORTHLEVEN) (VARIOUS STREETS) (ON-STREET
PARKING PLACES AND RESTRICTIONS ON
WAITING) (CONSOLIDATION) ORDER 2010
