

**The County of Cornwall
(Falmouth) (Various Streets)
(Restrictions on Driving) Order 2008**

CORNWALL COUNCIL in exercise of its powers under Sections 1, 2 and 3 (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. This Order shall come into operation on the 24th day January 2011 of and may be cited as "The County of Cornwall (Falmouth) (Various Streets) (Restrictions on Driving) Order 2008"
2. In this Order:
 - (a) 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;
 - (b) "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;
 - (c) any reference to a road or length of road is a reference to a road or length of road in Falmouth;
 - (d) "taxi" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002;
 - (e) "local bus" means a public service vehicle used for the provision of a local service not being an excursion or tour;
 - (f) "private hire vehicle" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976
 - (g) "local service" has the meaning given in section 2 of the Transport Act 1985;
3. Save as provided in Articles 4 and 5 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, drive or cause or permit to be driven any motor vehicle on any day in the lengths of roads specified in the Schedule to this Order.
4. Nothing in Article 3 of this Order shall apply so as to prevent any person from causing any vehicle to proceed if the vehicle:
 - (a) is a security vehicle engaged in the movement of cash or other valuables to or from any bank situated in the lengths of road specified in that Article;
 - (b) is being used to proceed to or from any off-street car park or off-street parking place accessible from, and only from, those lengths of road;

- (c) is being used for Police, Fire Brigade or Ambulance purposes;
 - (d) is being used in the service of or is employed by the Post Office for the purpose of delivering or collecting postal packets as defined in Section 125 (1) of the Postal Services Act 2000;
 - (e) 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;
 - (f) is being used in pursuance of statutory powers or duties;
 - (g) is owned by a funeral or wedding director when in use as part of a funeral cortege or wedding procession or otherwise in connection with a funeral or wedding;
 - (h) is a taxi or private hire vehicle
 - (i) is a local bus which is being used in the provision of a local service.
 - (j) A vehicle operating under a special vehicle order made by the secretary of state under Section 44 of the Road Traffic Act 1988 in Market Street/Church Street and Arwenack Street.
5. Nothing in Article 3 of this Order shall apply so as to prevent any person from causing any vehicle to proceed between the hours of 4.00pm and 11.00am if the vehicle;
- (a) is being used for so long as is necessary for goods to be loaded onto or unloaded from the vehicle;
 - (b) is a disabled person's vehicle which displays in the relevant position a disabled person's badge
6. The Council are satisfied that for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising by restricting the use on the road specified in the Schedule of motor vehicles, it is requisite that Section 3 (1) of the Act of 1984 should not apply in relation to this Order.
7. The County of Cornwall (Falmouth) (Restrictions on Driving) (Consolidation) Order 1991 shall have effect as though in the Fifth Schedule Paragraph 1 was deleted.
8. The following Order is hereby revoked -
- (a) The County of Cornwall (Falmouth) (Restrictions on Driving and Waiting) Order 2003

GIVEN under the Common Seal of the Council this 24th day of November 2010.

SCHEDULE
Prohibition of Motor Vehicles
(except for permitted vehicles)

- | | | |
|----|-----------------------------|---|
| 1. | Arwenack Street
(C0715) | between its junctions with Church Street and Quay Street/Quay Hill |
| 2. | Church Street
(C0715) | for its entire length |
| 3. | Fish Strand Hill
(U6059) | for its entire length |
| 4. | Fish Strand Quay
(U6059) | for its entire length |
| 5. | Market Street
(C0715) | between its junctions with Market Strand/Killigrew Street and Church Street |

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

ROAD TRAFFIC REGULATION ACT 1984

THE COUNTY OF CORNWALL
(FALMOUTH) (VARIOUS STREETS)
(RESTRICTIONS ON DRIVING) ORDER 2008

Min Exec Comm 26/07/00 Agenda No. 8.1 EXD TMc