

**The County of Cornwall (Truro) (Residents' Parking Places)
(Zone 3) (Revocation) Order 2013**

THE CORNWALL COUNCIL in exercise of its powers under Sections 1, 2, 45, 46, 49 and 53 and part IV of Schedule 9 of the Road Traffic Regulation Act 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 said Act, hereby make the following Order:-

PART 1 - GENERAL

Commencement and Citation

1. This Order shall come into force on the 23rd day of April 2015 and may be cited as "The County of Cornwall (Truro) (Residents' Parking Places) (Zone 3) (Revocation) Order 2013
2. The County of Cornwall (Truro) (Residents Parking Places) Order 2007 (Zones 3, 4 & 5) Fourth Schedule Paragraph 1 is hereby deleted, the Fifth Schedule relating to qualifying areas for Zone 3 is hereby deleted.

Interpretation

3. 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; and
 - (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) except where otherwise stated, any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order, and any reference to a Schedule is a reference to a Schedule to this Order;
 - (d) any reference to a highway, street, road or carriageway is a reference to a highway, street, road or carriageway within Truro;
 - (e) "the Act of 1984" means the Road Traffic Regulation Act 1984;
 - (f) "booklet" means a group of daily visitor's permits;
 - (g) "business permit" means permission to park granted by the Council for which the business operator as defined in (h) has paid the relevant fee to the Council and is issued under the provisions of Article 18;

- (h) "business operator" means any person or persons, limited company, charitable organisation or other organisation that has satisfied the Council that they operate a business from the premises in question which is located within the qualifying area shown in the Second Schedule;
- (i) "the Council" means the Cornwall Council;
- (j) "delivering" and "collecting", in relation to any goods, include loading and unloading the goods for the purpose of their delivery or collection;
- (k) (i) "disabled persons badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
- (ii) "disabled person's vehicle" and "relevant position" have the same meanings respectively as in The Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000;
- (l) "driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time when it was left in the parking place;
- (m) (i) any reference to a dwelling shall, in the case of a property which contains more than one self contained unit, be construed as a reference to each such unit;
- (ii) "dwelling" has the same meaning as in Section 3 of the Local Government Finance Act 1992; and
- (iii) "self contained unit" means a part of a building which is treated as a self contained unit for the purposes of The Council Tax (Chargeable Dwellings) Order 1992;
- (n) "goods vehicle" means a motor vehicle which is constructed or adapted to carry goods or burden of any description, and is not drawing a trailer

- (o) "invalid carriage" and "motor cycle" have the same meaning respectively as in Section 136 of the Act of 1984;
- (p) "operative hours" means the period that the restriction is in force as indicated in the First Schedule to this Order;
- (q) "parking place" means any area of highway for the time being designated as a parking place by Article 4;
- (r) "passenger/light goods vehicle" means either a motor vehicle (other than a motor cycle or invalid carriage) which is constructed solely for the carriage of passengers and their effects and adapted to carry not more than eight passengers exclusive of the driver and not drawing a trailer, or a motor vehicle which is constructed or adapted to carry goods or burden of any description and whose carrying capacity does not exceed 762 kilograms;
- (s) (i) "permit" means permission to park granted by the Council under the provisions of either Article 18 or Article 27;

- (ii) "permit holder" means a person to whom permission to park has been granted by the Council under the provisions of either Article 18 or Article 27;

- (iii) "replacement permit" means a replacement permit issued to any person under the provisions of Article 22;

- (t) "qualifying area", in relation to an application for a permit, means the area located within the boundary shown in the Second Schedule for the purposes of paragraphs (h) and (u) of this Article;

- (u) "resident" means a person who is 17 years of age or over and whose usual place of abode is at the premises the postal address of which is located within the qualifying area;

- (v) "residents' permit" means a permit for which a resident as defined in (u) has paid the relevant fee to the Council and is issued under the provisions of Article 18;

- (w) "traffic sign" means a sign as prescribed or authorised under, Section 64 of the Act of 1984;

- (x) "zone" as identified in column 1 of the First Schedule, means Parking Places allocated to the qualifying area.

- (y) "visitor's or "visitor's permit" means a daily permit issued under the provisions in Article 27, for use by a visitor as defined in (z);

- (z) "visitor" means any driver who is visiting a resident on a temporary basis or a resident.

PART II – PARKING PLACES

Designation of parking places

4. (1) Each of the areas of highway, being part of the carriageway of a road specified as to name and length of road in columns 2 and 3 of the First Schedule, is designated as a parking place excluding those areas marked by traffic signs indicating that the waiting of vehicles is restricted.
- (2) Each parking place or length of road so designated shall be signed in accordance with the current statutory instrument or the authorisation given by the Department for Transport.

Signing and marking of parking places

5. The limits of each parking place shall be indicated by the Council on and adjacent to the carriageway by appropriate traffic signs and the Council may from time to time carry out such other work as may be reasonably required for the purpose of the satisfactory operation of any parking place.

Vehicles for which parking places are designated

6. (1) Each parking place may be used, subject to the provisions of this Order, for the leaving during the operative hours
 - (a) Any vehicle which is a passenger/light goods vehicle or a motor cycle for which a valid permit has been issued for use in the zone whose number appears against that parking place in the First Schedule; or

(b) An invalid carriage

- (2) Save as provided in Article 16, the driver of a vehicle shall not permit it to wait in a parking place during the operative hours unless it is of a class specified in paragraph (1) of this Article.

Permits to be displayed on vehicles left in parking places

7. (1) At all times during which a vehicle is left in a parking place during the operative hours the driver thereof shall have a valid permit for the zone whose number appears against the parking place in the First Schedule. Where appropriate the driver shall cause such a permit to be displayed on the vehicle in the manner specified in paragraph (b) of this article.
- (2) The permit referred to in paragraph (1) of this Article shall be displayed
- (a) In the case of a vehicle fitted with a front windscreen, immediately behind the windscreen so that all the particulars referred to in Article 23 and 30 are clearly visible to a person outside the vehicle;
or:-
- (b) In the case of a vehicle not fitted with a front windscreen, in a conspicuous position on the front or nearside of the vehicle so that all the particulars referred to in Article 23 and 30 are clearly visible to a person outside the vehicle.

Restriction on the removal of a permit

8. Where a permit has been displayed on a vehicle in accordance with the provisions of this Order, no person, other than the driver of that vehicle, shall remove the permit from the vehicle unless authorised to do so by the driver.

Manner of standing in parking places

9. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand -
- (a) wholly within the limits of that parking place excluding those areas marked by traffic signs indicating that the waiting of vehicles is restricted
 - (b) in a manner that will not impede the free movement of traffic, the safe passage of all road users or prevent access to premises
 - (c) in addition to 9 (a) and (b), where a parking bay is marked, wholly within the limits of that bay.

Alteration of position of vehicles in parking places

10. Where any vehicle is standing in a parking place in contravention of the provisions of Articles 9, 16 (3) and 17 (2), a police constable in uniform may alter or cause to be altered the position of the vehicle so that its position shall comply with these provisions.

Removal of vehicles from parking places

11. Where a police constable in uniform is of the opinion that the provisions of Articles 13 (4) or 14 have been contravened in respect of a vehicle left in a parking place may cause the vehicle to be removed and, where it is so removed, shall provide for the safe custody of the vehicle.

Movement of vehicles in parking places in emergencies

12. Any person duly authorised by the Council or a police constable in uniform may move or cause to be moved, in any case of emergency, to any place he/she thinks fit any vehicle left in a parking place

Power to suspend the use of the parking place

13. (1) Any person duly authorised by the Council may suspend the use of the parking place or any part thereof whenever he considers such suspension reasonably necessary –
 - (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of the gullies in or adjacent to the parking place, the laying, erection, alteration or repair in or adjacent to the parking place of any sewer or of any main, pipe, cable or apparatus for the provision of gas, water, electricity or telecommunications, or the placing, maintenance or removal of any traffic sign;
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling adjacent to the parking place from or to a depository another office or dwelling;

- (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or

 - (e) for the convenience of occupiers or premises adjacent to the parking place at times of weddings, funerals, or on other special occasions.
- (2) A police constable in uniform may suspend for not longer than seven days the use of the parking place or any part thereof in order to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances.
- (3) Any duly authorised person or police constable suspending the use of the parking place or any part thereof in accordance with the provisions of paragraph (1) or as the case may be paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to the parking place or as the case may be that part thereof the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.
- (4) No person shall cause or permit a vehicle to wait in any part of the parking place during any period during which there is in or adjacent to that part of the parking place a traffic sign placed in pursuance of paragraph (3) of this Article; provided that nothing in this paragraph shall apply -
- (a) in respect of any vehicle being used for the purposes specified in Article 16 (1) (a),(b), (c), (d) or (e)

- (b) 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

- (c) to any vehicle left in the parking place with the permission of (i) the person suspending the use of the parking place or part thereof in pursuance of paragraph (1) of this Article, (ii) a police constable in uniform

Restrictions on vehicles left in parking places

14. Save as provided in Articles 16 (1) or 17, no person shall cause or permit any vehicle to be left in a parking place during the operative hours unless a permit has been issued for the vehicle, where a permit has been issued it must be displayed in accordance with Article 7 (2).

Restrictions on use of vehicles at parking places

15. No person shall use a vehicle, while it is in a parking place during the operative hours in connection with the sale of any article to any person in or near the parking place or in connection with the selling or offering for sale of his skill or services; provided that nothing in this Article shall prevent the sale of goods from a vehicle -

(a) If the vehicle is a passenger/light goods vehicle, a goods vehicle or a motor cycle and the goods are immediately taken onto premises adjacent to the vehicle from which the sale is effected; or

(b) If the vehicle is one which the provision of Article 16 (1) (h) or (j) apply.

Exceptions to restrictions on waiting of vehicles in parking places

16. (1) Without prejudice to the foregoing provisions of this Order with respect to vehicles left in a parking place in accordance with those provisions, and subject to paragraph (3) of this Article, any vehicle may wait during the operative hours in any part of the parking place if the use has not been suspended, if -

- (a) the vehicle is waiting only for so long as may be necessary to enable a person to board or alight from the vehicle;
- (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary to avoid an accident;
- (c) the vehicle is being used for police, fire brigade or ambulance purposes or in pursuance of statutory powers or duties;
- (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
- (e) the vehicle is in the service of or employed by the Post Office and is being used for the purpose of delivering or collecting postal packets as defined in Section 125 (1) of the Postal Services Act 2000;
- (f) the vehicle is waiting only for so long as may be necessary to enable it to be used for any purpose specified in Article 13 (1) (b)

- (g) the vehicle is in actual use in connection with the removal of furniture to or from one office or dwelling adjacent to the parking place from or to a depositary or another office or dwelling;
- (h) the vehicle is waiting in connection with the sale of goods from the vehicle by a person who is licensed by a local authority or to whom a local authority has granted consent to sell goods from a stationary pitch situated within the parking place;
- (i) for the purpose of any vehicle directly and actively involved with any building operation, demolition or excavation in or adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of the gullies in or adjacent to the parking place, the laying, erection, alteration or repair in or adjacent to the parking place of any sewer or of any main, pipe, cable or apparatus for the provision of gas, water, electricity or telecommunications, or the placing, maintenance or removal of any traffic sign;
- (j) the vehicle is waiting only for so long as may be necessary for the purpose of delivering or collecting goods or merchandise, including so far as a bank is concerned, cash or other valuables or valuable securities, at premises adjacent to the parking place;

(k) the vehicle, being a vehicle owned by a funeral director or owner of funeral vehicles, is being used as part of a funeral cortege or otherwise in connection with a funeral.

(l) The vehicle has been granted permission to wait by the Council

(2) no permit shall be required to be displayed in accordance with the provisions of this Order in respect of any vehicle waiting in a parking place for any of the purposes specified in paragraph (1) of this Article.

(3) Every vehicle left in a parking place for any of the purposes specified in paragraph 1 (e), (f), (g), (h), (i), (j), (k) or(l) of this Article shall so stand as to be in accordance with the provisions of Article 9.

Disabled persons vehicles – exemptions from charges

17. (1) No charge shall be payable and no permit shall be required in accordance with the provisions of this Order in respect of:

(a) An invalid carriage; or

(b A disabled persons vehicle which lawfully displays in the relevant
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position a disabled person's badge

(2) Every vehicle which is of a class specified in paragraph (1) of this Article left in a parking place shall so stand as to be in accordance with the provisions of Article 9.

PART III – PERMITS

Application for permits

18. Any resident or business operator may apply to the Council for the issue of a residents' or business permit, and any such application shall be made in a manner specified by the Council and shall include the particulars and information required by the Council. The resident or business operator will submit a remittance in payment of the appropriate charge specified in Article 24 and in the Third Schedule in a manner determined by the Council.

Issue of permits to residents and business operators

19. (1) On receipt of an application duly made under Article 18, and a remittance for the appropriate charge specified in Article 24, the Council, upon being satisfied that the applicant is a resident or a business operator and subject to paragraphs (2), (3), (4) (5) and (6) of this Article, shall issue to the applicant a permit for the leaving during the operative hours, of any vehicle in such parking places as appear in column 2 and 3 of the First Schedule against the zone whose number the permit is valid for.
- (2) Except as provided in Articles 22 and 27, the Council shall not issue a permit to any applicant which would cause the number of valid permits to exceed the maximum number of permits referred to in section (5) of this Article.
- (3) The Council shall not issue a permit which would be valid for use in more than one numbered zone.
- (4) The Council shall not issue a permit to any applicant which would be valid for use in any zone other than a zone having the same number as that applicant's qualifying area.

(5) The Council will decide on the maximum number of permits that can be issued to a dwelling the postal address of which is located within the qualifying area and the applicant meets the provisions of Article 18.

(6) Only 1 business permit can be issued to a business operator that meets the provisions of Article 18.

Person entitled to use residents' permits and business permits

20. A resident or business permit may only be used by a resident or business operator or by a person to whom the resident or business operator has given consent.

Surrender, withdrawal and validity of residents' permits and business permits.

21. (1) A resident or business operator may inform the Council that they no longer require a permit at any time. A permit shall become invalid on the occurrence of any one of the events set out in paragraph (4) (a), (b), (c), (d) or (e) of this Article.

- (2) The Council may, by notice in writing served on the resident or business operator by sending the same by recorded delivery service to the resident or business operator at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode, inform them that the permit is no longer valid if it appears to the Council that any one of the events set out in paragraph (4) (a), (c), (d) (e) or (g) of this Article has occurred and the resident or business operator shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.
- (3) Without prejudice to the foregoing provisions of this Article, a permit shall cease to be valid at the expiration of the period specified thereon (which period shall be that in respect of which payment has been made) or on the occurrence of any one of the events set out in paragraph (4) of this Article, whichever is the earlier.
- (4) The events referred to in the foregoing provisions of this Article are -
- (a) the permit holder ceasing to be a resident or a business operator;
 - (b) the withdrawal of the permit by the Council under the provisions of Paragraph (2) of this Article;

- (c) any vehicle in respect of which the permit was issued being adapted or used in such a manner that it is not a vehicle of a class specified in Article 6 (1);
- (d) where the permit has been issued upon the receipt of a cheque, that cheque being subsequently dishonoured;
- (e) the permit becoming defaced or otherwise affected as described in Article 22 (1);
- (f) the issue of a replacement permit by the Council in the circumstances described in Article 22 (2); and
- (g) Article 4 ceasing to be in force.

Application for and issue of replacement residents' permits and business permits

22. (1) If a permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the resident or business operator shall surrender it to the Council, upon receipt of the permit, the Council may issue a replacement permit, subject to Paragraphs (3) and (4) of this Article and upon such issue the surrendered permit shall become invalid.
- (2) If a permit is lost or destroyed, the resident or business operator may apply to the Council for the issue to him of a replacement permit and the Council, subject to Paragraphs (3) and (4) of this Article, upon being satisfied as to such loss or destruction may issue a replacement permit, and upon such issue the permit being replaced shall become invalid.
- (3) Where other changes are required to ensure the permit is valid the resident or business operator will follow the procedures determined by the Council.

- (4) The provisions of this Order shall apply to a replacement permit and subject to paragraph (5) of this Article and an application for a replacement permit as if it were a permit or, as the case may be, an application therefore.
- (5) A resident or business operator permit may apply to the Council for the issue of a replacement residents' or business permit in a manner determined by the Council. Where appropriate the charges specified in Article 24 and the Third Schedule will apply.

Form of residents' permits and business permits

23. A permit shall be in the form determined by the Council;

Charge in connection with the issue of residents' permits and business permits

24. The charges specified in the Third Schedule to this Order (which may be changed at the discretion of the Council), in connection with the issue of a permit shall be payable in accordance with the provisions of Article 18 and 22.

Refund of charge paid in respect of residents' permits and business permits

25. If a permit becomes invalid a permit holder may be entitled to a refund of the charge paid which shall be calculated in respect of each complete month of the period of validity which remains unexpired at the time when the permit becomes invalid.

Verification of particulars supplied

26. The Council may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council such evidence required to verify that the application or permit is valid.

Application for visitor's permits

27. Any resident may apply to the Council for the issue of a visitor's permit and any such application shall be made in a manner specified by the Council. The resident will submit a remittance in payment of the appropriate charge specified in Article 31 and the Third Schedule to this Order in a manner specified by the Council.

Issue of visitor's permits

28. (1) Upon receipt of an application duly made under Article 27, and a remittance for the appropriate charge specified in Article 31, the Council upon being satisfied that the applicant is a resident, shall issue to the applicant one or more booklets of visitor permits for the leaving during the operative hours, subject to Article 14 of any vehicle to which the permit relates in such parking places as appears in columns 2 and 3 of the First Schedule of the zone where the permit is valid.
- (2) Each visitor's permit shall be valid for one day (running from the beginning of the day on which the permit becomes validated).

Surrender, withdrawal and validity of visitors' permits

29. (1) A visitors' permit shall cease to be valid on the expiration of the period the permit has been validated for.
- (2) A resident can inform the Council that a booklet of visitor's permits is no longer required at any time and shall inform the Council that the booklet of visitor's permits is no longer required. On the occurrence of the person to whom the visitor permits have been issued ceasing to be a resident, the resident shall surrender the booklet of visitor permits to the Council.

(3) The Council may by notice in writing served on the resident by sending the same by recorded delivery to the resident at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode, informing the resident that a booklet is no longer valid if it appears to the Council that the person has ceased to be a resident. The resident shall surrender the booklet of visitor permits within 48 hours of the receipt of the aforementioned notice

Form and validation of visitors' permits

30. (1) A visitor's permit shall be in the form determined by the Council.
- (2) A visitors' permit shall be validated in accordance with the instructions provided by the Council.

Charge in connection with the issue of visitors' permits

31. The charge in connection with the issue of a booklet of visitor's permits as referred to in Article 28 of this Order is specified in the Third Schedule to this Order and shall be payable in accordance with the provisions of Article 27.

Refund of charge paid in respect of visitors' permits

32. No refund of the charge paid will be given by the Council with regards to any surrendered visitor parking permit either individually or a complete booklet respect of the issue thereof.

Verification of particulars supplied

33. The Council may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council such evidence in respect of an application for a permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any permit issued by them as they may reasonably require to verify that the permit is valid.

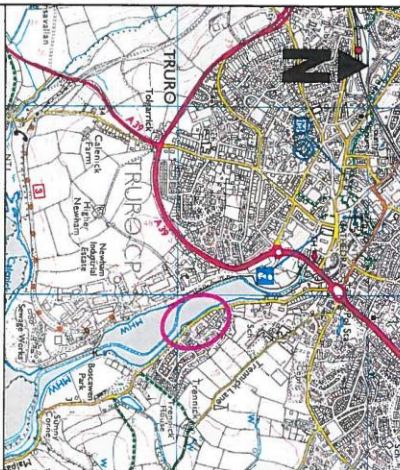
GIVEN under the Common Seal of the Cornwall Council this 17th day of April 2015.

FIRST SCHEDULE
Residents' Parking Monday to Saturday 8am-6pm

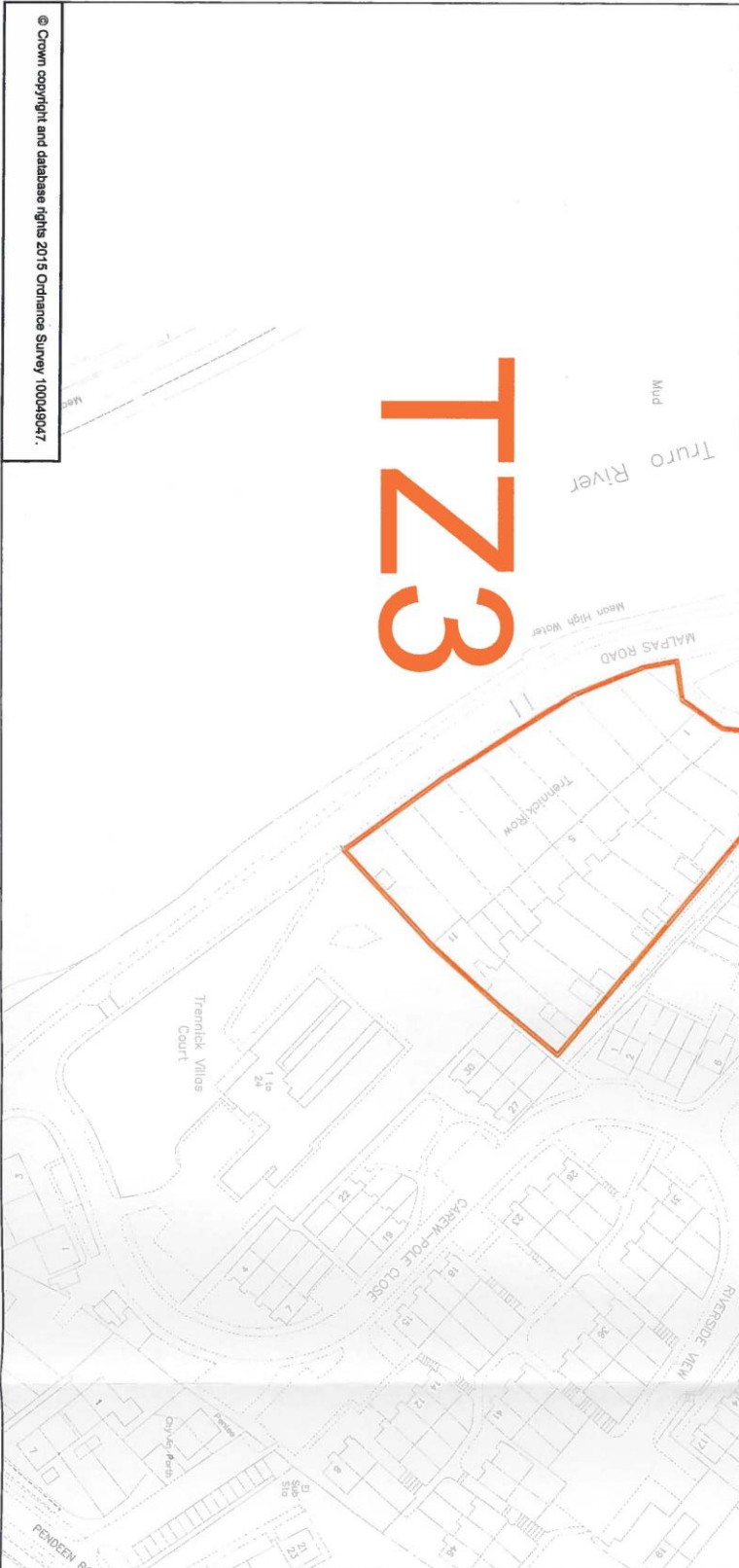
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Zone	Road Name	Description
TZ3	Malpas Road	South-west side (Zone 3) from a point 44 metres north west of its junction with Carew Pole Close for a distance of 99 metres in a north-westerly direction.

THIRD SCHEDULE

Permit Type	Charge (£)
Resident (annual) First Permit	£25.00
Resident (annual) Second Permit	£31.25
Business (annual)	£100.00
Visitor (booklet of 10 daily visitor permits)	£10.00
First replacement permit	50% of the cost of a new permit
Subsequent replacement permits	Full cost of a new permit



Location Plan
Grid Reference SW 831 441



0130
S4

Murray

Boundary of qualifying area

THE COUNTY OF CORNWALL (TRURO) (RESIDENTS' PARKING PLACES) (ZONE 3) (REVOCATION) ORDER 2013

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LOCATION: TRURO

PROJECT: Second Schedule Location Plan Qualifying Area - TZ3

DRAWING TITLE: [Blank]

COMPACT SOLUTIONS

CORNWALL COUNCIL

01323 32333

PREPARED BY: SA

CHECKED BY: SA

DATE: 07/12/13

SCALE: 1:100

DRAWING NO: 0

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

ROAD TRAFFIC REGULATION ACT 1984

**THE COUNTY OF CORNWALL
(TRURO) (RESIDENTS' PARKING PLACES)
(ZONE 3) (REVOCATION) ORDER 2013**

Min Cornwall County Council, 10/10/00 resolution C/658 HL