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CITY OF COVENTRY
(RED ROUTE) (VARIOUS ROADS) ORDER 2009

The Council of the City of Coventry ("the Council") in exercise of the powers conferred by Sections 1(1), 2(1) and (2) and 124(1) and Parts III and VI of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act of 1984"), as amended 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 makes the following Order:

PART I
CITATION AND INTERPRETATION

Citation

1. This Order shall come into operation on the 17th day of April 2009 and may be cited as the City of Coventry (Red Route) (Various Roads) Order 200 9.

1.1 The City of Coventry (Red Route) (Various Roads) (Experimental) Order 2007 as amended is made permanent from the date this Order comes into operation.

2. The plans attached to the City of Coventry (North West and City Centre Area) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, Loading Restrictions, Loading Areas and Street Parking Places) Consolidation Order 2005 as amended and The City of Coventry (North East) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, Loading Restrictions, Loading Areas and Street Parking Places) Consolidation Order 2005 as amended, shall be read as modified by this Order and the plans ('the Plans') attached to this Order

nterpretation

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

ambulance" has the same meaning as in the Vehicle Excise and Registration Act 1994;

"authorised officer" means the Director of City Services for the Council or any other officer of the Council from time to time designated by the Council;

"authorised parking place" means any parking place on a road authorised or designated by this Order;

"bus" has the same meaning as in Regulation 22 of the 2002 Regulations

"carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

"City of Coventry" in relation to this Order means the City of Coventry as designated by the Road Traffic (Permitted Parking Area and Special Parking Area)(City of Coventry) Order 2005

"Civil Enforcement Officer" shall have the meaning assigned by Section 76 of the Traffic Management Act 2004.

"disabled person's badge" has the same meaning as in the Local Authorities Traffic Orders (Exceptions for Disabled Persons) (England) Regulations 2000;

"disabled person's vehicle" has the same meaning as in Section 142 of the 1984 Act;

"dispensation certificate" – means a certificate duly issued on behalf of the Council permitting a vehicle to wait in specified circumstances on a length or lengths of roads within the red route where waiting or stopping of that vehicle would otherwise be prohibited

"driver", in relation to a vehicle waiting in parking place or on a road or length of road, means the person driving the vehicle at the time it was left in that parking place or road or length of road;

"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 and any reference in this Order to any enactment shall be construed as a reference to that

enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;

"goods" means goods or burden of any description and includes postal packets of any description, and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"hackney carriage" means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847, Section 6 of the Metropolitan Carriages Act 1869, or any similar enactment;

"hackney carriage stand" means an area of carriageway, which is comprised within and ndicated by road markings complying with diagram 1028.2 in Schedule 6 to the 2002 Regulations;

"licensed taxi" has the same meaning as in section 13(3) of the Transport Act 1985;

"loading" means the loading or unloading of goods to or from a vehicle;

"motorcycle" and "invalid carriage" have the same meanings as in Section 136 of the Act of 1984;

"no loading road" means any of the sides of lengths of roads specified on the Plans where oading is prohibited provided that the expression "no loading road" shall not include any parking place;

"no loading hours" means in relation to any no loading road the hours during which loading and unloading is restricted as specified on the Plans;

"owner", in relation to a vehicle means the person by whom the vehicle is kept. In determining who was the owner at any time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of that vehicle or the person who has the use of the vehicle in the course of his / her employment and who is entitled to use such a vehicle as though he / she were the registered keeper thereof;

"parking disc" has the same meaning as in the Local Authorities Traffic Orders (Exceptions for Disabled Persons) (England) Regulations 2000;

"parking place" means a road or length of road, which is provided for the waiting of vehicles and specified on the Plans;

"penalty charge" has the same meaning as in Part 6 of the Traffic Management Act 2004.

"penalty charge notice" means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of Part 6 of the Traffic Management Act 2004;

"permitted hours" means the periods specified for each parking place on the Plans attached to this Order during which waiting by vehicles of a specific class is permitted;

"private hire vehicle" means a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 or any similar enactment

"prohibited hours" means in relation to any prohibited road the hours during which waiting or loading is prohibited as specified on the Plans;

"prohibited road" means any of the sides of lengths of roads specified on the Plans where waiting is prohibited provided that the expression "prohibited road" shall not include any parking place;

"red route" means the areas of the road enclosed within the shading on the Plans in this Order;

"red route bus clearway" means a part of the red route indicated by a continuous red line 300mm wide at the edge of carriageway;

"red route bus stand" means a part of the red route bounded by the broken yellow lines comprised in the road marking in diagram 1025.1, 1025.4 in schedule 6 to the Traffic Signs Regulations and General Directions 2002 on which the words "bus stand" are marked;

"red route bus stop" means a part of the red route bounded by the broken yellow lines comprised in the road marking in diagram 1025.1, 1025.3 or 1025.4 in schedule 6 to the Traffic Signs Regulations and General Directions 2002 on which the words "bus stop" are marked;

"relevant position" in respect of: -

(a) a disabled person's badge and parking disc has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000; and

(b) a residents or visitors permit and other pass means exhibited on the windscreen, dashboard or fascia of the vehicle or where the vehicle does not have a windscreen, dashboard or fascia in a conspicuous position on the vehicle so that the whole of the information on the front of the ticket or permit is clearly legible from outside of the vehicle;

"restricted hours" means in relation to any restricted road the hours during which waiting is restricted as specified on the Plans;

"restricted road" means any of the sides of lengths of roads specified on the Plans where waiting is restricted OR specific activities are restricted during the restricted hours provided that the expression "restricted road" shall not include any parking place;

"road" means the entire width of the highway or other road to which the public have access including and footway and verges;

"telecommunication system" has the same meaning as in the Telecommunications Act 1984;

"the 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002;

"the 2004 Act" means the Traffic Management Act 2004

"traffic sign" means a sign of any size, colour and type prescribed or authorised pursuant to or having the effect as though prescribed or authorised pursuant to Section 64 of the Act of 1984;

"waiver certificate" means a certificate duly issued on behalf of the Council permitting a vehicle to wait in specified circumstances on a length or lengths of roads where waiting of that vehicle would otherwise be prohibited

4. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

5. Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order and any reference to a plan is a reference to a Plan incorporated into this Order;

6. The prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act of 1984, or by or under any other enactment.

7. Save where the contrary is indicated, any reference in this Order to:-

   a) this Order or another Order shall be construed as such a reference to this Order or, as the case may be, such other Order, as the same may have been or may from time to time be amended, varied or supplemented;

   b) a Statute or Regulation shall be construed as reference to such Statute or Regulations as the same may have been, or may from time to time be amended or re-enacted.

PART II

PROHIBITION AND RESTRICTION OF STOPPING, WAITING, LOADING AND UNLOADING

Prohibition of stopping

8. Save as provided in Articles 14 to 24 no person shall except upon the direction or with the permission of a Civil Enforcement Officer in uniform or police constable in uniform,

cause or permit any vehicle to stop at any time on any Red Route as specified on the Plans.

Prohibition of waiting

9. Save as provided in Articles 14 to 24 no person shall, except upon the direction or with the permission of a Civil Enforcement Officer in uniform or police constable in uniform, cause or permit any vehicle to wait at any time on any prohibited road within the Red Route as specified on the Plans.

Restriction of waiting

10. Save as provided in Articles 14 to 24 no person shall, except upon the direction or with the permission of a Civil Enforcement Officer in uniform or police constable in uniform, cause or permit any vehicle to wait on any restricted road within the red route during the restricted hours as specified on the Plans

Limited waiting

11. Save as provided in Articles 14 to 24 no person shall, except upon the direction or with the permission of a Civil Enforcement Officer or police constable in uniform, cause or permit any vehicle to wait on any restricted road within the Red Route in respect of which there is specified on the Plans a period during the restricted hours in which waiting is allowed, for a period longer than specified on the Plans or if a period less than that specified on the Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same side of length of road.

Loading areas

12. Save as provided in Articles 14 to 17 no person shall, except upon the direction or with the permission of a Civil Enforcement Officer or police constable in uniform, cause or permit any vehicle to wait in any loading area specified on the Plans except for the loading or unloading of goods in connection with adjoining trade or business premises.

Restriction on loading and unloading

13. No person shall, except upon the direction or with the permission of a Civil Enforcement Officer or police constable in uniform, cause or permit any vehicle to wait for the purpose of enabling goods to be loaded or unloaded from the vehicle on any no loading road within the Red Route during the no loading hours as specified on the Plans.

Emergencies

14. Nothing in Articles 8 to 13 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable the vehicle to be used for fire and rescue, ambulance or police purposes:

General exemptions

15. Nothing in Articles 8 to 13 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable:

a) a person to board or alight from the vehicle when directed by or with the permission of a Civil Enforcement Officer in uniform or police constable in uniform,

b) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-

(i) building, shop fitting, industrial or demolition operations;
(ii) the removal of any obstruction to traffic;
(iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
(iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system.

c) the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or its contractors in pursuance of that authority's statutory powers or duties;

d) the vehicle of the Royal Mail or other universal service provider (as defined in section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;

e) the vehicle to be used to facilitate a funeral or wedding service;

f) the vehicle to be used by a Registered Medical Practitioner or State Registered Midwife to attend upon patients;

g) in any case where the person in control of the vehicle,

(i) is required by law to stop;
(ii) is obliged to stop so as to prevent an accident, or
(iii) is prevented from proceeding by circumstances outside their control;

16. Nothing in Articles 8 to 13 of this Order shall render it unlawful to cause or permit any vehicle to wait upon an authorised parking place.

17. Nothing in Articles 8 to 13 shall prevent any person from causing or permitting a vehicle to wait or load or unload on a road within the red route if it is displaying in the relevant position a valid waiver certificate or dispensation certificate issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

Waiting by disabled persons vehicle

18. Nothing in Article 11 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 to wait in the sides of road referred to in that Article. Provided that the vehicle immediately before or after the act of parking has been or is about to be driven by the

person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

Stopping by a disabled persons vehicle

19. Nothing in Article 8 and shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge to stop for so long only as may be required to enable a disabled person to get on or off the vehicle;

Hackney Carriage

20. Nothing in Articles 8 to 11 shall prevent any person from causing or permitting a hackney carriage to:

(a) wait in any duly authorised hackney carriage stand; or

(b) stop for so long as may be required to enable passengers to get on or off the vehicle.

Private Hire Vehicle

21. Nothing in Articles 8 to 11 shall prevent any person from causing or permitting a private Hire vehicle to stop for so long as may be required to enable passengers to get on or off the vehicle;

Buses

22. Nothing in Articles 8 to 13 shall prevent any person from causing a bus to be parked at the edge of the carriageway on a part of the Red Route identified as bus parking on the Plans to this Order.

23. (1) Nothing in Article 8 shall prevent any person from causing:

a) a bus to stop within a red route bus stop for as long as may be required to enable passengers to board or alight

b) a bus providing a local service to stop within red route bus stop or bus stand if being used for operational reasons or training drivers to allow such a service to be provided

(2) In this article "operational reasons" means

i) to enable passengers to board and alight

ii) to enable crew changes to take place

iii) to maintain the scheduled timetable subject, in the case of a red route bus stop, to a maximum wait of two minutes

Waiver Certificate and Dispensation Certificate

24. The Council may issue a waiver certificate or dispensation certificate on receipt of written application with at least 5 days working notice and may impose terms and conditions as appropriate.

25. A waiver certificate or dispensation certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid. Notification of such cancellation shall be in writing to the holder of the certificate at any address that the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council.

PART III

\UTHORISATION AND USE OF STREET PARKING PLACES

Designation of parking places

26. The parts of the roads identified on the Plans are authorised to be used, subject to the following provisions of this Order, as parking places for such classes of vehicles, in such positions and on such days and during such hours as identified on the Plans.

Disabled badge holders only parking places

27. Where, within a parking place, there is a sign and surface marking which indicates that a parking bay is available only for a disabled person's vehicle, no person shall cause or permit a vehicle to wait in the parking bay unless it is a disabled person's vehicle

Power to suspend parking places

28. Any person authorised by the Council may suspend the use of a parking place whenever he / she considers such suspension reasonably necessary;

a) for the purpose of facilitating the movement of traffic or promoting its safety;

b) for the purposes of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication system or traffic sign; or

c) for the convenience of occupiers of premises adjacent to the parking place or any occasion for the removal of furniture from one office or dwelling house to another place;

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

e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions;

f) for the purpose of facilitating the cleansing of the parking place.

29. A Police Officer in uniform may suspend the use of a parking place for not longer than twenty-four hours whenever he / she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting safety.

30. Any person suspending the use of a parking place in accordance with the provisions of Articles 28 or 29 shall place in or adjacent to that parking place a traffic sign indicating that waiting by vehicles is prohibited.

31. No person shall cause or permit a vehicle to be left in a parking place when the Council has by Order closed that parking place and exhibited notice of such closing on or near the parking place.

Classes of vehicles

32. Where a parking place is identified on the Plans and described as available for vehicles of the specified class, the driver of a vehicle shall not permit it to wait in that parking place unless it is of the specified class.

Position of vehicles

33 A vehicle must be left in a parking place identified on the Plans so that

(i) if the parking place is not in a one-way street, the left or nearside of the vehicle is adjacent to the left-hand edge of the carriageway;

(ii) the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres;

(iii) every part of a vehicle is within the limits of a parking place;

(iv) no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.

Exemptions

34. The following vehicles left in a parking place shall be exempt from any limitation on time or vehicle class requirements:

(i) an invalid carriage;

(ii) a vehicle, being a disabled person's vehicle which displays in the relevant position a disabled person's badge;
Provided that the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

Conditions of use of parking places

35. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in a 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.

36. Save as provided in respect of licensed hackney carriages waiting in a hackney carriage stand no person shall use a vehicle, while it is in a 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 skill or services.

Movement and removal of vehicles

37. When a vehicle is waiting in a parking place in contravention of the provision of Articles 31 or 33 a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.

38. When a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 31, 32 or 33 a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place:

39. Any person altering the position of or removing a vehicle by virtue of the last preceding Articles of this Order may do so by towing or driving the vehicle or in such other manner as he / she may think necessary and may take such measures in relation to the vehicle as he / she may think necessary to enable him to remove it or alter its position as the case may be.

40. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 33 of this Order, he / she shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

PART IV

CONTRAVENTION OF ORDER

Contravention

41. If a vehicle is left in a parking place outside the permitted hours or in any road or length of road in contravention or without complying with the requirements of this Order a contravention shall have occurred and a Penalty Charge shall be payable and/or the vehicle may be removed from that location.

Penalty Charge Notice

42. In the case of vehicle in respect of which a Penalty Charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to issue a Penalty Charge Notice, which shall include the information required by the 2004 Act.

Manner of payment of Penalty Charge

43. The owner of the vehicle in respect of which the Penalty Charge has been incurred shall pay the Penalty Charge to the Council as indicated on the Penalty Charge Notice.

Indications as evidence

44. The particulars given in the Penalty Charge Notice attached to a vehicle in accordance with Article 42 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

Removal of vehicle

45. Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Articles 38 or 41,

(a) he / she shall provide for the safe custody of the vehicle;

(b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;

(c) the provisions of the 1984 Act as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.

46. Nothing in Articles 38 or 41 shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.

Restriction on removal of notices

47. Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 42, no person, not being the driver of the vehicle, a police constable in uniform, a parking attendant/civil enforcement officer or some other person duly

authorised by the Council, shall remove the notice from the vehicle unless authorised to do so by the driver.

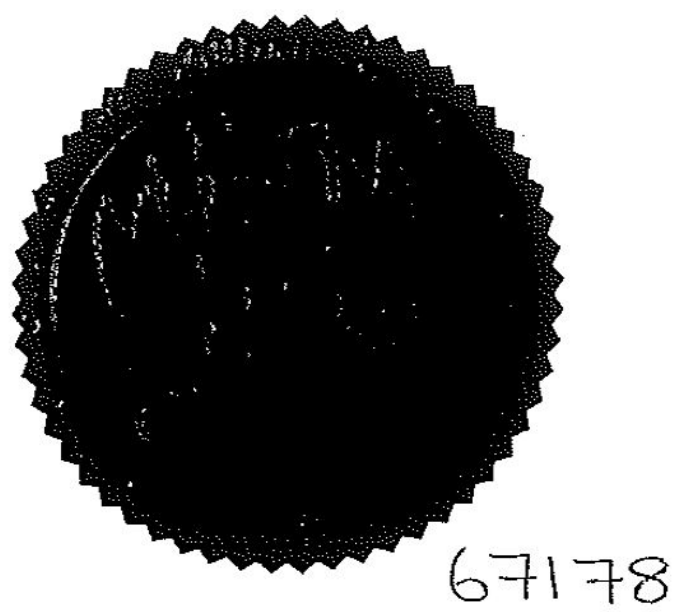
Immobilisation

48. If a vehicle is left after a Penalty Charge has been incurred, a Civil Enforcement Officer in uniform or a person acting under his direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of section 79 of the 2004 Act and that vehicle shall only be released from the device on payment of the Penalty Charge, or as the case may be a reduced penalty charge, along with such release fee as may be required by the Council.

Modification of Existing Order(s)

49. All the traffic regulation orders imposing waiting and loading restrictions, loading areas and street parking place orders made prior to this Order which relate to roads where the Red Route is defined on the Plans shall be modified in accordance with this Order.

Dated: 16th April 2009

THE COMMON SEAL of the COUNCIL of the CITY of COVENTRY was hereunto affixed in the presence of:-

Authorised signatory