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*Highways
Department
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CITY OF COVENTRY
(NORTH WEST AREA)(PERMITTED PARKING AREA AND SPECIAL
PARKING AREA)(WAITING RESTRICTIONS) CONSOLIDATION ORDER 2005
– (A444 PHOENIX WAY) (CLEARWAY AND NO VERGE PARKING) ORDER
2012

The Council of the City of Coventry (hereinafter referred to as "the Council") in exercise of the power conferred by Sections 1(1) and (2), 2(1) and (2), 4(2) and (3) and 24(1) and Part III of Schedule 9 of the Road Traffic Regulation Act 1984 as amended ("the Act") and all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, HEREBY MAKES the following Order:-

PART I

CITATION AND INTERPRETATION

Citation

1. This Order shall come into operation on 27th day of July 2012 and may be cited as CITY OF COVENTRY (NORTH West AREA)(PERMITTED PARKING AREA AND SPECIAL PARKING AREA)(WAITING RESTRICTIONS) CONSOLIDATION ORDER 2005 – (A444 PHOENIX WAY) (CLEARWAY AND NO VERGE PARKING) ORDER 2012

Interpretation

2. 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 & Development for the Council or any other officer of the Council from time to time designated by the Council;

"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.

"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;

"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;

"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 of 2004;

'road' shall have the same meaning as ascribed to it in section 142 of the Act and for the avoidance of doubt shall include the entire width of the highway including the footway and verge;

"the 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002 and any statutory amendment or re-enactment thereto

"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;

"vehicle" means the whole or any part of a vehicle

3. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
4. Except where otherwise stated, any reference in this Order to a numbered Article or the Schedule is a reference to the Article bearing that number or the Schedule in this Order;
5. 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.
6. 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 waiting

7. Save as provided in Articles 9 and 10 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 in the length and sides of the roads specified in the Schedule to this Order.

Prohibition of stopping

8. Save as provided in Articles 9 and 10 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 in the length and sides of the roads specified in the Schedule to this Order.

Emergencies

9. Nothing in Articles 7 and 8 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

10. Nothing in Articles 7 and 8 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) where a prohibition provided for in Article 9 applies, a person to board or alight from a 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 statutory powers or duties;
- d) 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;

PART III

CONTRAVENTION OF ORDER

Contravention

11. If a vehicle is left 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

12. 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

13. 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

14. The particulars given in the Penalty Charge Notice attached to a vehicle in accordance with Article 12 shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

Removal of vehicle

15. Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Article 11

- (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.

Restriction on removal of notices

16. Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 147, no person, not being the driver of the vehicle, a Police Constable in uniform, a 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

17. 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)

THE SCHEDULE

<u>Length of Road in the City of Coventry where stopping and waiting is prohibited at all times on the carriageway and verge</u>
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Phoenix Way, A444

From its roundabout junction with the B4118, Holbrook Way to the city boundary.
