

THE COUNTY OF CUMBRIA (CENTRAL AREA KENDAL)
(PEDESTRIANISATION AND TRAFFIC REGULATION) ORDER 2020

The County Council of Cumbria in exercise of its powers under Sections 1, 2(1) to (4), 4, 19, 32, 35, 35A, 38, 45, 46, 49, 51, 53 and 64 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act") after consultation with the Chief Constable of Cumbria in accordance with Part III of Schedule 9 to the Act hereby makes the following order:-

PART 1

GENERAL

1. This Order shall come into operation on 24 February 2020 and shall be cited as the County of Cumbria (Central Area Kendal) (Pedestrianisation and Traffic Regulation) Order 2020

2. (1) In this Order:-

"authorised taxi/hackney carriage stand" means any area of carriageway which is comprised within and indicated by road markings complying with diagram 1028.2 in Schedule 7 of the Traffic Signs Regulations and General Directions 2016;

"bus" means a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver) and local buses not so constructed or adapted;

"Civil Enforcement Officer" shall mean the person or persons duly authorised in writing in that behalf (from time to time) by the Council;

"delivery" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"disabled person's vehicle" has the same meaning as in the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England and Wales) Regulations 1986;

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982;

"driver" in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in the parking place;

"goods" includes postal packets of any description and;

"hackney carriage" has the same meaning as in Section 38(1) of the Vehicle (Excise) Act 1971;

"heavy commercial vehicle" has the same meaning as in Section 138 of the 1984 Act and which has an operating weight exceeding 7.5 tonnes;

"junction" means the intersection of notional lines extending along the centre of the

carriageways of each of any of the roads forming the junction;

“local bus service” means a public service vehicle used for the provision of a local service not being an excursion or tour;

“one way street” means a highway in which vehicles are prohibited at all times from proceeding in any other than one direction;

“owner” in relation to a vehicle means the person by whom such vehicle is kept and used;

“parking disc” means a disc issued by the Local Authority complying with the requirements of the British Standard Specifications for Parking Discs (BS4631:1970), coloured orange and capable of showing the quarter hour period during which a period of waiting begins;

“parking place” means any part of a road authorised by this Order to be used as a parking place;

“passenger vehicle” means a motor vehicle (other than a motor cycle or an invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than 12 passengers exclusive of the driver;

“relevant position” means

(a) in relation to a disabled person’s badge

- (i) in the case of a vehicle fitted with a front windscreen the obverse side facing forwards on the nearside of and immediately behind the windscreen;
- (ii) in the case of a vehicle not fitted with a front windscreen in a conspicuous position on the vehicle

(b) in relation to a parking disc and permit

- (i) where the vehicle is fitted with front glass windscreen extending across the vehicle to the nearside, facing forwards on the nearside of the glass of such windscreen either immediately in front of or behind the glass;

where the vehicle is not fitted with a front windscreen as specified in the last preceding paragraph, on the nearside of the vehicle facing towards the nearside of the road and not less than 750mm and not more than 2m above the surface of the carriageway in the immediate vicinity.

“the 2016 Regulations” means the Traffic Signs Regulations and General Directions 2016;

“security vehicle” means a vehicle duly constructed for the purpose of conveying valuables and registered to a bone fide security firm;

- (2) any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment

- (3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purpose of Section 38 of that Act this Order were an Act of Parliament and the Order and Byelaws revoked by Article 26 of this Order were Acts of Parliament thereby revoked
3. The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any Regulation made or having effect as if made under the Act, or by or under any other enactment.

PART 2

PROHIBITION OF MOTOR VEHICLES, EXCEPT FOR ACCESS

4. Save as provided in Article 5 no person shall, except upon the direction or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer cause or permit any motor vehicle to proceed at any time in the roads or lengths of roads specified in **Schedule 1** to this Order
5. (1) Nothing in Article 4 shall apply: -
- (i) so as to prevent any person from causing any vehicle to proceed in the roads or lengths of roads specified in that Article if the vehicle is being used for Police, Fire Brigade or Ambulance purposes, or
 - (ii) to a pedal cycle; or
 - (iii) to a vehicle being used in the service of a local authority or water company in pursuance of statutory powers or duties; or
 - (iv) to a vehicle being used in connection with the removal of any obstruction to traffic, or
 - (v) to a vehicle being used in connection with the maintenance, improvement or reconstruction of the lengths of road or sides of road or the laying, erection, alteration or repair in on or near the said roads or lengths of road of any sewer or of any main pipe apparatus for the supply of gas, water, electricity or any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984, or
 - (vi) to a vehicle being used in the service of or employed by the Post Office and is waiting while postal packets addressed to premises adjacent to the roads or lengths of road in which the vehicle is waiting, are being unloaded from the vehicle or, having been unloaded therefrom, being delivered or while postal packets are being collected from premises or posting boxes adjacent to the roads or lengths of road in which the vehicle is waiting or is in use in connection with the servicing of posting boxes adjacent to the roads or lengths of road; or
 - (vii) to a security vehicle making deliveries of or collecting cash or valuables to or from premises fronting the roads or lengths of road; or

- (viii) a vehicle in actual use in connection with the removal of a coffin containing the remains of a deceased person to or from premises situate on or adjacent to the roads or lengths of road; or
- (ix) a vehicle in actual use for the conveyance of persons in connection with a wedding ceremony or funeral service, or
- (x) a vehicle being used for the purpose of delivering meat products to Watson & Woollard, or
- (xi) a vehicles being used for the conveyance of goods or burden to or from any premises situated on or adjacent to the said road or lengths of road.

PART 2

AUTHORISATION AND USE OF DISABLED PARKING PLACES, 11 AM TO 4 PM EVERY DAY

6. Subject to Article 7 of this Order each of the parts of roads specified in **Schedule 2** to this Order is authorised to be used as a parking place for disabled persons vehicles between the hours of 11 am and 4 pm every day.
7. The driver of a vehicle shall not permit it to wait in any of the parking places specified in Schedule 2 to this Order unless the vehicle is:-
 - (1) a disabled person's vehicle which displays a disabled person's badge in the relevant position; and
 - (2) is wholly within the limits of the parking place as indicated by coloured paving materials or by road markings painted on the surface of the highway.
8. The driver of a disabled person's vehicle which displayed a disabled person's badge in the relevant position shall not wait in the parking places specified in Schedule 2 to this Order: -
 - (a) for a longer period than 3 hours or
 - (b) 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) by that vehicle on the same side of road or length of road.
8. Nothing in the foregoing provisions of this part of the Order shall restrict the power of the District Council to prevent the obstruction of the streets by Order on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place.
9. Nothing in the foregoing provisions of this of the Order shall apply to a vehicle in a parking place specified in Schedule 2 to this Order if the vehicle is:-
 - (a) waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid accidents;
 - (c) a vehicle used for Police, Fire Brigade or ambulance purposes or a vehicle (other than a passenger vehicle) in the service of a local authority or water or sewerage undertaker which is

being used in pursuance of statutory powers or duties;

- (d) waiting to enable it be used in connection with the removal of any obstruction to traffic;
- (e) in the service of or employed by the Post office and is waiting whilst postal packets addressed to the premises adjacent to the parking place in the which the vehicle is waiting have been unloaded from the vehicle or having been unloaded therefrom have been delivered or while postal packets have been collected from premises adjacent to the parking place in which the vehicle is waiting;
- (f) being used in connection with building operations or demolition for maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration or repair in or near the said parking place of any sewer of any main pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984;
- (g) in actual use in connection with the removal of a coffin containing the remains of a deceased person to or from premises situate on or adjacent to that parking place

PART 3

PARKING PLACE FOR TAXIS/HACKNEY CARRIAGES ONLY, 11 AM TO 4 PM EVERY DAY

- 10. Save as provided in Article 11 of this Order, no person shall except upon the direction of a Police Constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle, other than a taxi/hackney carriage, to wait between the hours of 11 am and 4 pm every day, in the lengths of road specified in **Schedule 3** to this Order.
- 11. Nothing in Article 10 of this Order shall render it unlawful to cause or permit any vehicle to wait in the lengths of road referred to therein if the vehicle is: -
 - (a) waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid accidents; or
 - (b) a vehicle used for police, fire brigade or ambulance purposes, or a vehicle (other than a passenger vehicle) in the service of a local authority or water authority which is being used in pursuance of statutory powers or duties; or
 - (c) waiting to enable it to be used in connection with the removal of any obstruction to traffic; or
 - (d) being used by statutory undertakers or their contractors in connection with the laying erection alteration or repair in or in land adjacent to that length of road of any sewer or of any main pipe or apparatus for the supply of water gas or electricity or of any telecommunications apparatus as defined in Schedule 2 of the Telecommunications Act 1984.

PART 4

AMENDMENT/REVOCATION OF EXISTING ORDERS

12. The Orders specified in **Schedule 4** to this Order are hereby amended/revoked to the extent specified in that Schedule and to the extent that the provisions of this Order are inconsistent with, or incompatible with, the provisions of any other Order, Byelaw or enactment relating to traffic regulation in the central area of Kendal not specifically referred to in this Order, the provisions of this Order shall prevail for all purposes.

Dated the 11th day of February 2020

Executed as a Deed by)
affixing the Common Seal of)
CUMBRIA COUNTY COUNCIL)
in the presence of:-)




Authorised Signatory

SCHEDULE 1

Prohibition of Motor Vehicles, Except for Access

<u>Street Name</u>	<u>Restricted Length</u>
Finkle Street, Kendal	Its entire length
Market Place, Kendal	Its entire length
Branthwaite Brow, Kendal	Its entire length

SCHEDULE 2

Disabled Person Parking Places 11am-4pm Waiting Limited to 3 hours, return prohibited within 1 hour

<u>Street Name</u>	<u>Side of Street</u>	<u>Restricted Length</u>	<u>Days of Operation</u>	<u>Duration for which vehicles may wait</u>
Stricklandgate, Kendal	East	From a point 14 metres south side of its junction with Market Place southwards for a distance of 31 metres	7 days a week	Maximum of 3 hours, no return within 1 hour
Highgate, Kendal	East	From a point 21 metres south of the south side of its junction with Finkle Street southwards for a distance of 25 metres.	7 days a week	Maximum of 3 hours, no return within 1 hour

SCHEDULE 3

PARKING PLACES FOR TAXIS AND HACKNEY CARRIAGES ONLY **BETWEEN 11 AM AND 4 PM EVERY DAY**

<u>Street Name</u>	<u>Side of Street</u>	<u>Restricted Length</u>	<u>Days of Operation</u>
Stricklandgate, Kendal	East	From a point 7 metres north of the north side of its junction with Market Place northwards for a distance of 17 metres	7 days a week

SCHEDULE 4

REVOCATION/AMENDMENT OF EXISTING ORDERS

Title of the Order

Extent of Revocations

The County Of Cumbria (Central Area Kendal)
(Pedestrianisation and Traffic Regulation)
Order 2003

Schedule 5 – the entry in relation to Market
Place only

The County of Cumbria (Central Area Kendal)
(Pedestrian Priority) (Phase 2)
Order 2005

Schedule 1 - The entries in relation to
Branthwaite Brow, Finkle Street,
and Market Place only.

The County of Cumbria (Central Area Kendal)
(Pedestrian Priority) (Phase 2)
Order 2005

Schedule 4 - revoked in its entirety