

DENBIGHSHIRE COUNTY COUNCIL
(ROADS SURROUNDING BODNANT SCHOOL, PRESTATYN)
(PROHIBITION OF WAITING) ORDER 2018

Denbighshire County Council (hereinafter referred to as "the Council") in exercise of the powers conferred by Sections 1(1) and (2), 2(1) to (3), 4(2) and (3), and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act of 1984"), as amended and of all other powers them enabling 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

1. This Order shall come into operation on the 23rd day of April 2018 and may be cited as the Denbighshire County Council (Roads surrounding Bodnant School, Prestatyn) (Prohibition of Waiting) Order 2018

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 agent" means the parking services contractor appointed by or duly authorised to act on behalf of the Council for the purposes of the supervision and enforcement of this Order;

"authorised officer" means the Head of Transport and Infrastructure for the Council or any other officer of the Council to be designated by the Council;

"bus" has the same meaning as in Schedule 1 of the 2016 Regulations;

"bus stop" means any area of carriageway, intended for the waiting by buses, which is comprised within and indicated by road markings complying with Schedule 7 Part 4 Item 9 incorporating the words "bus stop" and a sign complying with Schedule 4 Part 3 Item 2 of the 2016 Regulations;

"bus stand" means any area of carriageway, intended for the waiting by buses, which is comprised within and indicated by road markings complying with Schedule 7 Part 4 Item 9 incorporating the words "Bus Stand" and a sign complying with Schedule 4 Part 3 Item 2 of the 2016 Regulations;

"immobilisation device" has the same meaning as in Section 104(9) of the Act of 1984;

"institution" means an institution concerned with the care of disabled persons to which a disabled persons badge may be issued in accordance with Section 21(4) of the Chronically Sick and Disabled Persons Act, 1970;

"institutional badge" means a disabled persons badge issued to an institution;

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

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

"motor vehicle" has the same meaning as in Section 136 of the Act of 1984;

"owner", in relation to a vehicle means the person by whom the vehicle is kept. In determining who was the owner of the vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;

"parking place" means any parking place indicated on a carriageway by markings in accordance with the 2016 Regulations, on a road designated by an order made or having effect as if made under the Act of 1984;

"penalty charge" shall have the same meaning as in Sections 72, 77 and 78 of the Traffic Management Act 2004

"permitted hours" means the hours identified in the Schedules to this Order;

"relevant position" in respect of: -

- (a) a disabled person's badge, means
 - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that part 1 of the badge is legible from the outside of the vehicle; or
 - (ii) the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that part 1 of the badge is legible from the outside of the vehicle;

"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 specified vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be restricted;

3. 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. Any reference in this Order to a road or side of road identified in the Schedule to this Order is a reference to all those so identified
4. The prohibitions and restrictions 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.
5. 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.
6. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked by Article 14 were Acts of Parliament thereby repealed.

PART II **PROHIBITION OF WAITING**

7. Save as provided in Articles 8 to 11 inclusive of this Order no person shall, except upon the direction or with the permission of a police constable cause or permit any vehicle to wait on the roads or sides of the roads identified and for the periods identified in Schedule 1 to this Order.

- (e) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths or sides of road;
 - (f) to enable the vehicle to be used for fire brigade, ambulance or police purposes;
 - (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 his control;
 - (h) if the vehicle is displaying in the relevant position a valid waiver certificate and is waiting in accordance with the terms and conditions prescribed by the said certificate.
- (2) Nothing in Article 7 of this Order shall render it unlawful to cause or permit any vehicle
- (a) to wait upon an authorised parking place, or
 - (b) being a hackney carriage, to wait upon a taxi rank .
10. Nothing in Article 7 of this Order 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, on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began, to wait in the lengths of road referred to in Schedule 1 to this Order for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road or on the same side of road on the same day)
 Provided that in respect of the roads identified in Schedule 1 to this Order when loading is permitted at all times or limited to certain times such period lies entirely within the period during which loading is permitted.
11. Nothing in Article 7 to this Order shall render it unlawful for the driver of a public service vehicle to cause that vehicle to wait at a recognised bus stop or bus stand.

PART III
PENALTY CHARGE

12. If a person contravenes any provision(s) of this Order they will be liable to pay a penalty charge

Queensway (Westerly Entrance / Exit)

Both Sides :-

- 1.7 From the projected southerly kerbline of Nant Hall Road for a distance of 10m in a southerly direction.

Queensway (Easterly Entrance / Exit)

Both Sides :-

- 1.8 From the projected southerly kerbline of Nant Hall Road for a distance of 10m in a southerly direction.

SCHEDULE 2
Lengths Of Existing Restrictions Removed

Nant Hall Road

North Side :-

- 2.1 From a point 15m east of the projected easterly kerbline of the Unnamed Service Road for Prestatyn Shopping Park for a distance of 15m in an easterly direction.

THE COMMON SEAL of DENBIGHSHIRE)
COUNTY COUNCIL was hereunto)
affixed in the presence of:-)

Authorised Signatory *S. B. Hodder*

Dated this *17th* day of *April* 2018

SBH/DCC026122

