

DATED

08 November

2005

**DENBIGHSHIRE COUNTY COUNCIL
(HALL SQUARE, DENBIGH)
(DISABLED PERSONS PARKING PLACES) ORDER 2005**

**ORDER
as within**

**I. K. Hearle
County Clerk
Denbighshire County Council
County Hall
Wynnstay Road
Ruthin
LL15 1YN**

SC/SBH/H.14/52

DENBIGHSHIRE COUNTY COUNCIL
(HALL SQUARE, DENBIGH)
(DISABLED PERSONS PARKING PLACES) ORDER 2005

Denbighshire County Council (hereinafter referred to as "the Council") in exercise of its powers under Sections 1(1) and (2), 2 (1) to (3) inclusive, 4(2) and (3), 32(1), 45, 46, 49, 53, 101 and 102 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act of 1984"), and Section 43 and Schedule 3 of the Road Traffic Act 1991 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:-

1. This Order shall come into operation on the 14th day of November 2005 and may be cited as the Denbighshire County Council (Hall Square, Denbigh) (Disabled Persons Parking Places) Order 2005.

2. (1) In this Order -

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

"disabled person" means a person more than two years old and who corresponds to at least one of the prescribed descriptions in Regulation 4(2) of the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000

"disabled person's vehicle parking bay" means the part of road specified in the Schedule hereto for use solely as a parking place for a vehicle displaying in the relevant position a disabled person's badge issued by any local authority in accordance with the provisions of The Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 or a badge having effect under these Regulations as if it were a disabled person's badge;

"disabled person's vehicle" is a vehicle which has been or is to be used by or on behalf of the holder of a disabled person's badge for carrying the holder or in the case of an institutional badge a disabled person to or from the place where it is parked

"disabled Person's Badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000

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

"Institutional Badge" means a disabled person's badge issued to an institution.

"parking disc" means the disc issued by the Local Authority on or after 1st April 2000 which complies with The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000. which:-

- (a) is 125 mm square and coloured blue
- (b) has been issued by a local authority and has not ceased to be valid and
- (c) is capable of showing the quarter hour period during which a period of waiting has begun

“local authority” means a County Council or County Borough Council

“relevant position” for the purpose of this order a vehicle shall be regarded as displaying -

- (a) a disabled persons badge issued on or after 1st April 2000 in the relevant position if -

- (i) where the badge is exhibited on the dashboard or fascia of the vehicle or
- (ii) where the vehicle is not fitted with a dashboard or fascia the badge is exhibited in a conspicuous position on the vehicle so that the front of the badge is clearly legible from outside the vehicle

- (b) a parking disc in the relevant position if -

- (i) if the disc is exhibited on the dashboard or fascia of the vehicle or
- (ii) if where the vehicle does not have a dashboard or a fascia the disc is exhibited in a conspicuous position on the vehicle so that marked to show the quarter hour period during which a period of waiting began that period is clearly legible from outside

when

the vehicle

“the 2002 Regulations” means the Traffic Signs Regulations and General Directions 2002 and a reference to a traffic sign or road marking shown in a diagram in a Schedule to those Regulations is to a sign or marking of the size, colour and type prescribed by those Regulations and, except where a particular version is specified, as shown in the diagram or varied in accordance with those Regulations.

“motor vehicle” has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984.

“parking place” means the length of road authorised by the Order to be used as a parking place

“telecommunications apparatus” has the same meaning as in Schedule 2 of the Telecommunications Act 1984.

“traffic sign” means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Road Traffic Regulation Act 1984.

3. 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.
4. The length of road referred to in the Schedule to this Order is authorised to be used, subject to the provisions of this Order, as parking places for vehicles displaying a Disabled Person's Badge in the relevant position on such days and hours as are specified in relation to that area in the Schedule
 - (a) for a period of one hour as specified in the Schedule, and
 - (b) being a period separated by an interval of greater than one hour from a previous period of waiting by the same vehicle in the same length of road.
5. Nothing in this Order shall render it unlawful for any person to cause or permit any vehicle to wait in a parking place for so long as may be necessary in connection with any building operation or demolition in or adjacent to a parking place, the removal of any obstruction to traffic, the maintenance, cleansing, improvement or reconstruction of part of the road authorised to be used as the parking place or the laying erection alternation or repair in or adjacent to a parking place or any sewer or of any main, pipe or apparatus for the supply of gas water electricity or of any telecommunications apparatus as defined in the Telecommunications Act 1984
- 6 Nothing in this Order shall restrict the power of the Council or a person designated by the Council to suspend the use of a parking place or any part thereof whenever suspension is considered reasonably necessary at the discretion of the Council
7. The driver of a motor vehicle using the parking place shall stop the engine as soon as the vehicle is in position in a disabled person's vehicle parking bay and shall not start the engine except when about to change the position of the vehicle in or about to depart from the parking place.
8. No person shall in a parking place use any threatening abusive or insulting language gesture or conduct with intent to put any person in fear so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
9.
 - (i) 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 nor erect or cause to permit to be erected any tent booth stand building or other structure without the written consent of the Council.
 - (ii) No person shall use any part of a parking place or any vehicle left in a parking place:-
 - (a) for sleeping or camping or cooking; or

(b) for the purposes of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

10. (i) If a vehicle is left in a disabled person's vehicle parking bay other than in accordance with the provisions of Article 5 a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that it is in accordance with the said provisions.

(ii) If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from the parking place or arrange such removal.

(iii) For the purpose of meeting the requirements of an emergency a person authorised in that behalf by the Council or a police officer in uniform or a traffic warden may alter or cause to be altered the position of a vehicle in a disabled person's vehicle parking bay or remove or arrange for the removal of a vehicle from a parking place.

(iv) Any person altering or causing the alteration of the position of a vehicle by virtue of paragraph (i) of this Article or removing or causing the removal of a vehicle by virtue of paragraph (ii) or (iii) of this Article may do so by towing or driving the vehicle or in such a manner as he or she may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.

(v) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (ii) or (iii) of this Article shall make arrangements as he or she considers reasonably necessary for the safety of the vehicle in the place to which it is removed.

11. Failure to perform observe or comply with the above provisions will constitute a breach of the provisions of the Act of 1984 before referred to and shall render the person deemed to be in breach or contravention therefore subject to the imposition of a fine or penalty in accordance with the provisions in that regard therein contained or otherwise required.

12. 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 purposes of Section 21 of that Act this Order were an Act of Parliament.

13. The County Council of Clwyd (Denbigh Town Centre Environmental Improvement Phase 3 - Hall Square and South Side of High Street)

(Traffic Regulation) Order 1995 is hereby amended insofar as it relates to the lengths

of road specified in the Schedule.

SCHEDULE

Length of Road designated for use as on-street Parking Places	Position in which vehicles may wait	Days of operation of Parking Place	Hours of operation of Parking Place	Maximum period for which vehicles can wait
Hall Square (East/West Section) Northerly side from a point 2 metres east of its junction with Bull Lane for a distance of 14 metres in a westerly direction.	Wholly within the disabled person's vehicle parking bay as marked on the carriageway by dotted white lines	Monday to Sunday (inclusive)	8.00 am to 6.00 pm (inclusive)	1 hour, no return within 1 hour

GIVEN UNDER THE COMMON SEAL of
DENBIGHSHIRE COUNTY COUNCIL

This 8th day of November 2005
In the presence of

Chairman

Authorised Signatory