

Denbighshire County Council
(Various Roads - Denbighshire)
(School Entrance) (Clearway) Order 2007
Road Traffic Regulation Act 1984

Denbighshire County Council (hereinafter referred to as “the Council”) in exercise of the powers conferred by Sections 1(1), 2(1) to (3), 4(2) 32, 35, 45, 47, 49, 51, 52 and 124 of the Road Traffic Regulation Act 1984 (“the Act of 1984”), as amended and Section 43 and Schedule 3 of the Road Traffic Act 1991 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 and with the Road Traffic Act 1991, hereby makes the following Order:-

PART I

CITATION AND INTERPRETATION

1. This Order shall come into operation on the 30th day of July 2007 and may be cited as the Denbighshire County Council (various Roads - Denbighshire) (School Entrance) (Clearway) Order 2007
2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"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;

“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;

"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;

“immobilisation device” has the same meaning as in Section 104(9) 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 attendant" means a person authorised by or on behalf of the Council to enforce the prohibitions, restrictions and regulations imposed by this order;

"penalty charge" and "reduced penalty charge" means a charge set by the Council under the provisions of section 66 of the Road Traffic Act 1991 and with the approval of the Welsh Assembly Government which is to be paid to the Council within 28 days beginning with the date of the notice, or 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice;

"penalty charge notice (PCN)" means a notice issued or served by a parking attendant pursuant to the provisions of section 66 of the Road Traffic Act 1991;

"the 1994 regulations" means the Traffic Signs Regulations and General Directions 1994 and a reference to a traffic sign or road marking in a diagram in a Schedule to those regulations is a reference to a sign or markings of the size, colour and type prescribed by those regulations, except where a particular version is specified and authorised for the purposes of the Order by the National Assembly for Wales

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

"the Act of 1984" means the Road Traffic Regulation Act 1984;

"school entrance area" means any area of carriageway of a specified road, which is comprised within and indicated by a road marking complying with diagram 1027.1 in Schedule 6 to the 1994 regulations

"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.

"specified hours" means the hours between 8 a.m. and 5 p.m. Monday to Friday during school term

“specified roads” means any roads or lengths of roads specified in the Schedule to this Order

“vehicle” has the same meaning as in Section 136 of the Act of 1984;

“zig zag zone” means the sides of lengths of road referred to in the Schedule hereto whereon is marked in yellow paint on the area of carriageway to which the provisions of this order relate

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.
4. 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.
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

PART II

NO STOPPING ON SCHOOL ENTRANCE MARKINGS

7. No person shall, except upon the direction or with the permission of a police constable in uniform or a parking attendant, or an authorised agent of the Council cause or permit any vehicle to stop or remain at rest within the zig zag zone on the lengths of roads or sides of the roads referred to in the Schedule hereto during the hours and on the days specified in the said Schedule

PART III
CONTRAVENTION OF ORDER

8. (1) If a vehicle is left within the zig zag zone in any of the lengths of road referred to in the Schedule to this Order in contravention of any provision of this Order, a penalty charge shall be payable and/or the vehicle may be removed from that location or its position altered by a parking attendant or by a person authorised by the Council in that behalf
- (2) In the case of a vehicle in respect of which a penalty charge is payable, a Penalty Charge Notice showing the information required by section 66(3) of the Road Traffic Act 1991 may then be issued by a parking attendant in accordance with section 66(1) of the said Act.
- (3) In the case of a vehicle in respect of which the penalty charge may have been incurred, it shall be the duty of the parking attendant to attach to the vehicle in a conspicuous position a Notice which shall include the following particulars:
- (i) the grounds on which the parking attendant believes that the penalty charge is payable with respect to the vehicle;
 - (ii) the amount of the penalty charge which is payable;
 - (iii) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
 - (iv) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the Notice, the amount of the penalty charge will be reduced by the specified proportion;
 - (v) that if the penalty charge is not paid before the end of the 28 day period a Notice to Owner may be served by the Local Authority on the person appearing to be the owner of the vehicle; and
 - (vi) the address to which payment of the penalty charge must be made or sent.
- (4) Payment of the penalty charge to the Council shall be either via its Internet site at www.denbighshire.gov.uk or by telephone quoting a valid credit or debit card account number, or by cheque, bankers draft ,money order or postal order made payable to Denbighshire County Council which shall be delivered or sent by post to reach the Chief Cashier of the Council at the Town Hall, Wellington Road, Rhyl or in cash in person at the Council's Cash Office at the same address to arrive not later than 4.30 p.m. of the fourteenth day following the day on which the penalty charge notice was issued provided that if the said fourteenth day falls upon a day on which

the said department is closed the period within which the said charge shall be paid to the Council shall be extended until 4.30 p.m. on the next full day on which the said department is open.

- (5) If the penalty charge is not paid within 28 days of the Notice to Owner, the charge may be increased by 50% on the issue of a Charge Certificate in accordance with the provisions of paragraph 6 of schedule 6 of the 1991 Act.
- (6) Continuing failure to pay may result in a judgement in the County Court against the owner to enable the Council to recover payments due.
- (7) A penalty charge notice affixed to a vehicle in accordance with the provisions of Article 26 shall not be removed or interfered with except by or under the authority of the owner or person in charge of the vehicle or the Council.
- (8) If a vehicle is left after a penalty charge has been incurred, a parking attendant 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 69(1) and (2) of the Road Traffic Act 1991 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.
- (9) Where a parking attendant or authorised agent of the Council has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article:-
 - (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 Road Traffic Regulation Act 1984 as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.
- (10) Any person removing a vehicle or altering its position may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.

PART IV
VALIDITY

9. If a court, the Department for Transport, the National Parking Adjudication Service or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable, such declaration shall not invalidate the remainder of the Order.

SCHEDULE
Lengths of Road Outside Schools Within Denbighshire
No Stopping 8.00 a.m. to 5.00 p.m.
Monday to Friday During School Term

Blessed Edward Jones R.C. High School, Cefndy Road, Rhyl, LL18 2EU.
Bodnant Infant School, Marine Road, Prestatyn, LL19 9NW.
Bodnant Junior School, Nant Hall Road, Prestatyn, LL19 7HA.
Borthyn Controlled - Ruthin, Denbigh Road, Ruthin, LL15 1NT.
Bryneglwys Controlled Ysgol Dyffryn Ial, Bryneglwys, Corwen, LL21 9LL.
Bryn Hedydd C.P. Rhyl, Tynewydd Road, Rhyl, LL18 3SU.
Brynhyfryd High School, Mold Road, Ruthin, LL15 1EG.
Carrog C.P., Carrog, Corwen, LL21 9AW.
Corwen C.P. , Caer Drewyn, Clawdd Poncen, Corwen, LL21 9RT.
Cyffylliog C. P., Cyffylliog, Ruthin, LL15 2DL.
Denbigh High School, Ruthin Road, Denbigh, LL16 3EX.
Dewi Sant C.P. - Rhyl, Rhuddlan Road, Rhyl, LL18 2RE.
Dinas Bran High School, Dinbren Road, Llangollen, LL20 8TG.
Dyserth C.P. School, Thomas Avenue, Dyserth, LL18 6AN. & at
Cwm Road, Dyserth, LL18 6AY.
Frongoch Junior - Denbigh, Rhyl Road, Denbigh, LL16 3DP.
Gwaenynog Infants - Denbigh, Gwaenynog Road, Denbigh, LL16 3RU.
Gellifor C.P., Gellifor, Ruthin, LL15 1SG.
Glyndyfrdwy Primary, Glyndyfrdwy, Corwen, LL21 9HH.
Gwyddelwern C.P., Bro Elwern, Corwen, LL21 9DF.
Henllan C.P., Denbigh Street, Henllan, LL16 5AW.
Llanarmon yn Ial, Bro Fammau School, Eryrys Road, Llanarmon yn Ial, CH7 5TB
Llanbedr Controlled, Llanbedr D.C., Ruthin, LL15 1SU.
Llandegla Controlled Ysgol Dyffryn Ial, Llandegla, Wrexham, LL11 3AW.
Llandyrnog C.P., Bryn Clwyd School, Llandyrnog, Denbigh, LL16 4EY.
Llanrhaeadr Y.C. Bro Cinmeirch C.P., Llanrhaeadr Y.C., Denbigh, LL16 4NL.
Llantysilio Controlled, Llantysilio, Llangollen, LL20 8BT.
Llewelyn CP., Trellewelyn Road, Rhyl LL18 4EU Pendre Avenue & Holland Park
Drive
Meliden C.P., Ffordd Pennant, Meliden, Prestatyn. LL19 8PE.
Penmorfa C.P. - Prestatyn, Dawson Drive, Prestatyn, LL19 8SY.
Pentrecelyn, Pentrecelyn, Ruthin, LL15 2HG.

Rhuddlan C.P., Ysgol y Castell, Hylas Lane, Rhuddlan, LL18 5AG.
Rhyl High School, Grange Road, Rhyl, LL18 4BY.
Ruthin C.P., Rhos Street, Ruthin, LL15 1DY.
Tir Morfa School, Derwen Road, Rhyl, LL18 2RN.
Trefnant Controlled, Henllan Road, Trefnant, LL16 5UF.
Tremeirchion Controlled, Tremeirchion, St. Asaph, LL17 0UN.
Twm o'r Nant C.P. - Denbigh, Rhyl Road, Denbigh, LL16 3DP.
Ysgol Glan Clwyd, Denbigh Road, St. Asaph, LL17 0RP.
Ysgol Heulfre Junior - Denbigh, Gwaenynog Road, Denbigh, LL16 3RU.
Ysgol y Faenol C.P., John's Drive, Bodelwyddan, Near. Rhyl, LL18 5TG.
Ysgol y Llys - Prestatyn, Princes Avenue, Prestatyn, LL19 8RW.
Ysgol y Parc Infants - Denbigh, Ruthin Road, Denbigh, LL16 3ER.

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

Chairman

Authorised Signatory

Dated this 24th day of July 2007