

DENBIGHSHIRE COUNTY COUNCIL
(HIGH STREET, PRESTATYN)
(NO STOPPING) (EXCEPT TAXIS) ORDER 2009

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), 32, 35, 45, 47, 49, 51, 52 and 124 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 17th day of August 2009 and may be cited as the Denbighshire County Council (High Street, Prestatyn) (No Stopping) (Except Taxis) Order 2009
2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"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;

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

"parking place" means any parking place indicated on a carriageway by markings in accordance with the 2002 Regulations, on a road designated by an order made of 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

"specified position" a vehicle left in a parking place during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand:-

- (a) in the case of the parking place in relation to which special provisions as to the manner of standing of a vehicle in that place are specified so as to be in accordance with those provisions;
- (b) in the case of any other parking place -
 - (i) if the parking place is not in a one-way street, that the left or near-side of the vehicle is adjacent to the left-hand edge of the carriageway;
 - (ii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres;
- (c) so that every part of a vehicle is within the limits of a parking place;
- (d) that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.

“specified hours” means the hours identified as referred to in this Order;

“taxi” has the meaning given by Regulation 4 of the 2002 Regulations.

“The 2002 Regulations” means the Traffic Signs Regulations and General Directions 2002;

“The Act of 1984” means the Road Traffic Regulation Act 1984;

“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.

- 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 Order revoked by Article 10 were Acts of Parliament thereby repealed.

PART II
PROHIBITION AND RESTRICTION OF WAITING

7. No person shall, except upon the direction or with the permission of a police constable cause or permit any vehicle unless it is a taxi to stop or remain at rest on the roads or sides of the road identified and for the periods identified in the Schedule attached to this Order

PART III
PENALTY CHARGE

8. If a person contravenes any provision(s) of this Order they will be liable to pay a penalty charge
9. The penalty charge shall be paid in the manner specified on the penalty charge notice

PART IV
REVOCATIONS

10. The Denbighshire County Council (Prohibition and Restriction of Waiting and Street Parking Places) Consolidation Order 2004 is hereby revoked in so far as it relates to the prohibitions and restrictions of waiting and street parking places on the said length of road in the Schedule hereto

SCHEDULE
Length of Road at Prestatyn in the County of Denbigh
No Stopping Except Taxis

High Street - North East side; from a point 3 metres north west of its junction with Church Walks for a distance of 12 metres in a north westerly direction.

Class of Vehicle Permitted to park

Taxi.

Position in which vehicles may park - wholly within the parking place as marked on the surface of the carriageway by broken lines.

Times of operation:- Midnight to 6.00 am and 6.00 p.m. to Midnight.

THE COMMON SEAL of DENBIGHSHIRE)

COUNTY COUNCIL was hereunto affixed in the presence of:-)

Chairman

Authorised Signatory

Dated this 4th day of August 2009

H.14/102