

DENBIGHSHIRE COUNTY COUNCIL
(BOUGHTON AVENUE, RHYL)

(PROHIBITION OF WAITING, LOADING AND UNLOADING) ORDER 2010

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 26th day of April 2010 and may be cited as the Denbighshire County Council (Boughton Avenue, Rhyl) (Prohibition of Waiting, Loading and Unloading) Order 2010
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 Highways 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 Regulation 22 of the 2002 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 diagram 1025.1 or 1025.3 or 1025.4 and incorporating the words "Bus Stop" in Schedule 6 and a sign complying with diagram 974 in Schedule 5 to the 2002 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 diagram 1025.1 or 1025.3 or 1025.4 and incorporating the words "Bus Stand" in Schedule 6 and a sign complying with diagram 975 in Schedule 5 to the 2002 Regulations;
 - "bus stop clearway" means any area of carriageway intended for the waiting by buses, which is comprised within and indicated by road markings complying with diagram 1025.1 or 1025.3 or 1025.4 in Schedule 6 and a sign complying with diagram 974 in Schedule 5 to the 2002 Regulations;
 - "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;
 - "civil enforcement officer" means a person authorised by or on behalf of the Council to enforce the prohibitions, restrictions and regulations imposed by this order;

“disabled person’s vehicle” has the same meanings as in the Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (Wales) Regulations 2000;

“disabled person’s badge ” and “parking disc” mean the badge and disc issued by a local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 or being a badge having effect under these regulations as if it were a disabled person’s badge;

"driver", in relation to a vehicle waiting in a parking place or on a road or length of road, means the person driving the vehicle at the time it was left in that parking place or road or length of road;

"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;

"goods" means goods or burden of any description and includes postal packets of any description;

"goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and which does not exceed 5.30 metres in length or 2.25 metres in height;

“hackney carriage” means a vehicle licensed under Section 38 of the Vehicle (Excise) Act, 1971;

“taxi rank” means an area of carriageway which is comprised within and indicated by road markings complying with diagram 1028.2 in Schedule 6 to the 2002 Regulations;

“household” means the occupants of a dwelling used or suitable for use as a separate dwelling;

“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 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

"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;
- (b) a disabled person's parking disc, means that the side showing the quarter hour during which the period of waiting began is legible from outside the vehicle;
- (c) a waiver certificate, means
 - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the permit is exhibited thereon so that the certificate 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 the certificate is legible from the outside of the vehicle;

"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;
“telecommunication apparatus” has the same meaning as in the Telecommunications Act 1984;

“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.

“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 Schedules 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 and 9 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 (or, in the case of a road or side of road where

limited waiting is permitted, otherwise than during the period identified) in the Schedules attached to this Order

8. (1) Nothing in Article 7 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road specified therein for so long as may be necessary to enable:
- (a) a person to board or alight from the vehicle;
 - (b) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
 - (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any line of telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (c) the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority, water undertaker, sewerage undertaker or the National Rivers Authority in pursuance of statutory powers or duties;
 - (d) the vehicle of a universal service provider (as defined in section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;
 - (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 .

9. 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

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

PART IV
REVOCATIONS

12. 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 lengths of road in the Schedules hereto

Lengths of Road at Rhyl in thje County of Denbigh

SCHEDULE

No Waiting, Loading or Unloading At Any time

Boughton Avenue, Rhyl

South West side:

- i From the south easterly kerbline of Russell Road for a distance of 79 metres in a south easterly direction.

North East side:

- i. From the south easterly kerbline of Russell Road for a distance of 10 metres in a south easterly direction;
- ii From a point 39 metres south east of the south easterly kerbline of Russell Road for a distance of 51 metres in a south easterly direction (measured around the turning head)

THE COMMON SEAL of DENBIGHSHIRE _____)

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

Chairman

Authorised Signatory

Dated this 14th

day of April

2010

H.14/104