

**DENBIGHSHIRE COUNTY COUNCIL**  
**(VARIOUS ROADS, MOEL FAMAU COUNTRY PARK)**  
**(PROHIBITION OF WAITING) ORDER 2022**

Denbighshire County Council in exercise of its powers under Sections 1(1), 2(1) to (3), 4, 25, 32, 35, 36, 45, 46, 46A, 47, 49, 51, 52 and 53 and 124(1) of the Road Traffic Regulation Act 1984 (the Act of 1984) as amended, The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Denbighshire) Order 2004 and of all other enabling powers and after consultation with the Chief Constable of North Wales Police and in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following Order.

**SECTION 1 – PRELIMINARY**

Citation and commencement

1. This Order shall come into operation of the 4<sup>th</sup> day of April 2022 and may be cited as the Denbighshire County Council (Various Roads, Moel Famau Country Park) (Prohibition of Waiting) Order 2022.

Interpretation

2. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made of having effect as if made under the Act of 1984 or by or under any other enactment provided that where a prohibition or restriction which is imposed, varied or revoked by this Order is in conflict with a prohibition or restriction imposed by a previous Order, then the provision of this Order shall prevail.
3. The On Street Plans forming Schedule 1 to this Order and titled "Denbighshire County Council (Various Roads, Moel Famau Country Park) (Prohibition of Waiting) Order 2022 On Street Plans" including the key (the "Plans") are hereby incorporated into this Order and are recorded in Schedule 2 to this Order "The Plan Index".
4. "The Plan Index" forms Schedule 2 to this Order.

5. This Order and the two schedules annexed hereto are sealed with the Common Seal of Denbighshire County Council.
6. In this Order except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

"Council" means Denbighshire County Council or its successor authority.

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

"the 2004 Act" means the Traffic Management Act 2004

"the 2013 Regulations" means the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013

"authorised person" means any person authorised in writing by the Council for the purposes of any function under the provisions of this Order;

"bus" means -

- (i) a motor vehicle constructed or adapted to carry 8 or more passengers (exclusive of the driver) or
- (ii) a local bus

"caravan" means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed) or being transported on a motor vehicle or trailer.

"clearway" means the main carriageway of any of the lengths of roads marked in accordance with the Traffic Signs Regulations and General Directions 2016 (as amended) and specified in the plans where stopping is prohibited during the restricted hours provided that the expression clearway shall not include any lay-by or parking place;

"disabled person's badge" means a badge issued by any Local Authority in accordance with the provisions of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Wales) Regulations 2000 as amended or a badge having effect under those regulations as if it were a Disabled Person's Badge under the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 as amended.

"disabled person's vehicle" means any vehicle displaying a valid disabled persons badge where the badge owner is in attendance as a passenger or as the driver when the vehicle is parked.

"driver" in relation to a vehicle waiting or parked in a restricted area or parking place respectively, means the person driving the vehicle at the time it was parked in the prohibited or restricted parking area or parking place;

"electric vehicle" means

(i) a vehicle powered only by electricity. The vehicle is charged by an external power source and incorporates regenerative braking. or

(II) a vehicle which combines a battery, electric drive motor and an internal combustion engine (ICE) and the ability to charge the battery from an external power source. The vehicle can be driven by the ICE, the electric drive motor or both together.

"emergency service vehicles" means a vehicle being used by the Police, Fire Brigade or Ambulance Services;

"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;

"goods" means goods of any kind whether animate or inanimate and includes postal packets of any description;

"goods vehicle" means a vehicle constructed or adapted for the use for the conveyance of goods or burden of any description.

"Hackney carriage" means a vehicle licensed under Section 38 of the Vehicle (Excise) Act, 1971;

"keeper" means:

- a) the owner of a qualifying vehicle; or
- b) a qualifying resident identified and authorised by a registered business as being the sole or main user of a qualifying vehicle owned or leased by that business; or*
- c) a qualifying resident identified and authorised by the owner of a qualifying vehicle as being the sole or main user of that vehicle, provided that both the owner of the qualifying vehicle and the qualifying resident are resident at the same address

"key" means the key attached to the Plans to be read in conjunction with the Plans;

"lay-by" in relation to a main carriageway means any area of a highway at the side of the main carriageway but not part of it and marked in accordance with the Traffic Signs and General Directions 2016 intended for the parking of vehicles, provided that no person shall cause or permit any vehicle to park in any lay-by for the purpose of selling goods or services from that vehicle;

"light goods vehicle" means a vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, the overall height of which does not exceed 1.85 metres and the unladen weight of which does not exceed 2540 kilograms and is not drawing a trailer;

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

"main carriageway" means that part of a public highway used primarily for through traffic provided that the expression main carriageway shall not include any lay-by;

"motor car" has the same meaning as that in S136 of the Act of 1984;

"motor caravan" means a motorhome and vice versa.

"motor cycle" has the same meaning as that in S136 of the Act of 1984;

"motorhome" means a licensed vehicle classed as a motorhome, by the Driver and Vehicle Licensing Agency.

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

"no loading hours" means in relation to any no loading road the hours during which loading and unloading is restricted on the Plans to this order;

"no loading road" means any of the lengths of road specified on the Plans where loading is prohibited provided that the expression "no loading road" shall not include any parking place

"no stopping hours" means in relation to any no stopping, the hours during which stopping is restricted on the Plans;

"no stopping road" means any of the lengths of road (including clearways) specified on the Plans where stopping is prohibited provided that "no stopping road" shall not include any parking place

"owner" in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was the owner at any time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his / her employment and who is entitled to use such vehicle as though he / she were the registered keeper thereof;

"park", "parking" and "parked" refer to the stopping of a vehicle and it remaining at rest for some time whether or not the driver is still in the vehicle and a vehicle shall be deemed to be parked for any period in the same parking place or parking bay (as the case may be) if any part of it is below the vehicle or the vehicle's load (if any) whether or not the vehicle is moved during that period;

"parking bay" means the area of a road within a parking place which is provided for the leaving of a vehicle and is indicated in such a manner as the local roads authority may determine by signs, carriageway markings, lines or other indications;

"parking place" means an area of a road designated by this Order for the parking of vehicles of specific classes within which parking bays may be indicated;

"passenger vehicle" means a motor vehicle (other than a motor-cycle) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

"Penalty Charge" means the charge set by the Council under Section 77 of part 6 and schedule 9 of the 2004 Act, which is to be paid, in accordance with the 2013 regulations, to the Council following the issue of a Penalty Charge Notice and within the period notified on the Penalty Charge Notice, from the date of issue of that notice.

"penalty charge notice" means a notice issued or served by a person authorised by the Council pursuant to the provisions of part 6 of the 2004 Act and the 2013 Regulations.

"plans" means the plans in Schedule 1 to this Order

"prohibited hours" means in relation to any prohibited road the hours during which waiting or loading is prohibited as specified on the Plans;

"prohibited road" means any of the sides or lengths of roads specified on the Plans where waiting is prohibited provided that the expression "prohibited road" shall not include any parking place;

"qualified medical practitioner" means a fully registered person within the meaning of the Medical Act 1983;

"relevant position" in respect of: -

a disabled person's badge and parking disc has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000, as amended;

"resident" means a person qualifying as a resident:-

a) a person who is solely or mainly resident at premises the postal address of which is in a road described in schedule 1; or

b) a qualified medical practitioner with consulting rooms the postal address of which is in such a road described in schedule 1; or

c) any person who owns or leases, on a long-term basis, any residential property the postal address of which is in a road described in schedule 1, where the said property is not the sole or main place of residence and is used as a second home or holiday home;

"restricted hours" means in relation to any restricted road the hours during which waiting is restricted or specific activities are restricted as specified on the Plans;

"restricted road" means any of the sides or lengths of roads specified on the Plans where waiting is restricted or specific activities are restricted during the restricted hours provided that the expression "restricted road" shall not include any parking place;

"telecommunication system" has the same meaning as in the Telecommunications Act 1984;

"trailer" means any apparatus drawn by a motor vehicle.

"vehicle" unless the context otherwise requires, means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads, whether or not by mechanical power;

“wait” and “waiting” refer to the stopping of a vehicle and it remaining at rest for some time whether or not the driver is still in the vehicle; Wait and waiting apply as for “park” and “parked”

“waiver certificate” means a certificate issued by or on behalf of the Council for the purposes of this Order 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 or prohibited.

“zone” means an area comprising the respective roads specified in the respective areas of the Plans

7. Any reference in this Order to a numbered Article or Schedule shall, unless the context requires otherwise, be construed as a reference to the Article or Schedule bearing that number in this Order and any reference to the Plans is a reference to the Plans incorporated into the Schedules to this Order.
8. 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.
9. 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 this Order were Acts of Parliament thereby repealed.
10. If a court, the Welsh Government or The Traffic Penalty Tribunal, declares any part of this Order to be invalid or un-enforceable, such declaration shall not invalidate the remainder of the Order.



## **SECTION 2 – PROHIBITION AND RESTRICTION OF WAITING**

### **Prohibition of waiting**

11. Save as provided in Articles 13 to 20 no person shall, except upon the direction or with the permission of an authorised person or of a police officer in uniform, cause or permit any vehicle to wait / park at any time on any prohibited road as specified on the Plans.

### **Restriction on stopping**

12. Save as provided in Articles 13, 14 and 19 no person shall, except upon the direction or with the permission of an authorised person or of a police officer in uniform, cause or permit any vehicle to stop on any no stopping road or clearway during the no stopping hours as specified on the Plans.

### **Emergencies**

13. Nothing in Articles 11 to 12 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 or loading areas or goods vehicle loading areas specified therein for so long as may be necessary to enable the vehicle to be used in an emergency for fire and rescue, ambulance or police purposes:

### **General exemptions**

14. Nothing in Articles 11 to 12 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 or loading areas or goods vehicle loading areas specified therein for so long as may be necessary to enable:

- (a) 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, shop fitting, 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 telecommunications system,
- (b) the vehicle, not being a passenger vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or its contractors in pursuance of that authority's statutory powers or duties;
- (c) the vehicle of the Royal Mail or other 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; or
- (d) 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/her control.

#### Loading and unloading

15. Nothing in Articles 11 to 12 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 or loading areas specified therein for so long as may be necessary to enable goods to be loaded to or unloaded from a vehicle (or goods or merchandise to be delivered or collected).

#### Board and alight from a vehicle

16. Nothing in Articles 11 and 12 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 person to board or alight from the vehicle.

#### Funerals and weddings

17. Nothing in Articles 11 to 12 shall render it unlawful to cause or permit any vehicle to wait, if it cannot safely and conveniently do so elsewhere, in any of the roads, lengths of road or on the sides of road specified therein if it is an official vehicle being used for funerals or weddings.

#### Parking places

18. Nothing in Articles 11 to 12 shall render it unlawful to cause or permit any vehicle to park upon a designated parking place.

#### Waiting by vehicle displaying a waiver certificate

19. Nothing in Articles 11 to 12 shall prevent any person from causing or permitting a vehicle to wait in any prohibited or restricted road if it is displaying in the relevant position a valid waiver certificate issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

#### Waiting or parking by disabled persons' vehicle

20. Nothing in Articles 11 to 12 shall render it unlawful to cause or permit a disabled person's vehicle, which is not causing an obstruction and which displays in the relevant position a disabled person's badge, to wait or park in a prohibited road or a restricted road specified on the Plans (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 the vehicle immediately before or after the act of waiting or parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

#### General conditions of waiting

21. No person shall cause or permit any vehicle to wait unless all wheels are on the carriageway and, if conditions dictate that the vehicle should wait parallel to the kerb, so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50cms.
22. No person shall cause or permit any vehicle to wait so that any part of the vehicle obstructs any dropped kerb or any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting.

### **SECTION 3 - CONTRAVENTION AND PENALTY CHARGE**

#### Contravention

23. If a vehicle is waiting or parked without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable and or the vehicle may be moved from that parking place.

#### Restriction on removal of penalty charge notices

24. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of this Order, no person, not being the driver of the vehicle, a police officer in uniform, or an authorised person shall remove the notice from the vehicle unless authorised to do so by the keeper of the vehicle.

Removal of vehicle

25. Where an authorised person has removed or caused to be removed a vehicle in accordance with the provisions of this Order,
- (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 Act of 1984 as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council.
26. Nothing in respect of removal of a vehicle shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.
27. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

THE COMMON SEAL of DENBIGHSHIRE )  
COUNTY COUNCIL was hereunto affixed )  
This 30<sup>th</sup> day of March 2022 )  
in the presence of:- )

Authorised Signatory: *S. B. Hoddar*



427

## **SCHEDULES**

**Schedule I** - Denbighshire County Council (Various Roads, Moel Famau Country Park)  
(Prohibition of Waiting) Order 2022 On Street Plans.

**SEE ATTACHED PLANS**

**Schedule 2 - Denbighshire County Council (Various Roads, Moel Famau Country Park)**  
(Prohibition of Waiting) Order 2022 Plan Index.

<b>AW99</b>
<b>AX99</b>
<b>AX98</b>
<b>AY98</b>
<b>AY97</b>
<b>AZ97</b>
<b>AZ96</b>
<b>BA96</b>
<b>BB96</b>
<b>BB95</b>