

**EAST SUSSEX COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984 & ROAD TRAFFIC ACT 1991
TRAFFIC MANAGEMENT ACT 2004**

The East Sussex (Various Roads in Hastings) (Prohibition of Stopping and Waiting on Footways or Verges) Traffic Regulation Order 2016

East Sussex County Council, in exercise of their powers under Sections 1(1), 2(1) to (4), 3(2), 4(2), 32, 35(1) and (3), 45, 49, 51, 52, 53 of, and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act") as amended, the Road Traffic Act 1991 (as amended), Part 6 of the Traffic Management Act 2004, 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 hereby make the following Order:-

- 1. Interpretation**
- 2. Penalty Charge Notice**
- 3. Sections and Schedules**
- 4. Citation and Commencement**

1. Interpretation.

Reference to any statute or statutory provision includes a reference to that statute or statutory provision as from time to time amended, extended, re-enacted or consolidated or modified whether substantial or not and whether before or after the date of this Order and all statutory instruments or orders made pursuant to it;

In this Order all references to measured distances are approximate, and unless otherwise stated, are measured from the prolongation of the kerbline of the indicated junction adjacent to the direction as described;

In this Order the following expressions shall have the meanings hereby respectively assigned to them;

"the Act of 1984" and "the 1984 Act" means the Road Traffic Regulation Act 1984, and any re-enactment or modification thereof from time to time in force;

"carriageway" or "footway" has the same meaning as defined in Section 329 of the Highways Act 1980 or any re-enactment or modification thereof from time to time in force;

"Higher Level Contravention" has the same meaning as defined in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007;

“Higher Level Penalty Charge” has the same meaning as defined in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007;

"This Order" means The East Sussex (Various Roads in Hastings) (Prohibition of Stopping and Waiting on Footways or Verges) Traffic Regulation Order 2016, or any re-enactment or modification thereof from time to time in force;

“Owner”, in relation to a vehicle, has the same meaning as defined in Section 92 of the Traffic Management Act 2004;

“Penalty Charge” means a penalty charge imposed under Part 6 of the Traffic Management Act 2004;

“Penalty Charge Notice” means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of Part 6 of the Traffic Management Act 2004;

“road” means the full width-including footway or verge of any length of highway or of any road to which the public has access;

"verge" means any land forming part of a road which is not a carriageway or a footway;

2. Penalty charge notice

2.1 Service

In the case of a vehicle in respect of which a Penalty Charge may have been incurred, a Penalty Charge Notice may be served by a Civil Enforcement Officer

2.2 In the case of a vehicle in respect of which the Penalty Charge may have been incurred, it shall be the duty of the Civil Enforcement Officer to serve the Penalty Charge Notice:

- (a) by attaching it to the vehicle in a conspicuous position; or
- (b) giving it to the person appearing to him to be in charge of the vehicle

2.3 A Penalty Charge Notice which has been served shall include the contents as laid down by the Schedule to Regulation 8 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 together with those laid down by regulation 3 to The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007

2.4. The amount of the Penalty Charge for a Higher Level Contravention shall be £70.00 and for all other contraventions the Penalty Charge shall be £50.00.

2.5. A Penalty Charge Notice fixed to a vehicle in accordance with any of the foregoing provisions of this Order, shall not be removed or interfered with except by or under the authority of either the Owner or person in charge of the vehicle or a Civil Enforcement Officer of the Council

2.6 Manner of payment of Penalty Charge

The Penalty Charge shall be paid to the Council either by cheque, bankers draft, money order or postal order which shall be delivered or sent by post so as to reach The Parking Shop, 32e Kings Road, St Leonards On Sea, TN37 6DX, no later than the 28th day following the day on which the penalty charge was served, or by credit or debit card or in cash in person at The Parking Shop, by telephone (08456 801129 – select Option 3) or via the Council Web Site at www.eastsussex.gov.uk/parking not later than as aforesaid.

The Penalty Charge will be discounted by 50% if payment is received by any of the methods aforesaid within 14 days of the date of service of the Penalty Charge

2.7 The period for which a vehicle may be left in a parking place during the charging hours after the Penalty Charge has been incurred shall not exceed two hours

2.8 “Higher Level Contraventions” are defined by the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 as those falling within one or more of the descriptions of contravention listed in column (2) of table 1 below, being descriptions based on Version 6.5 of the Standard PCN Codes used by local authorities engaged in parking enforcement and have the code number shown in column (1) of that table.

Table 1

(1) Code	(2) Description
01	Parked in a restricted street during prescribed hours
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force
12	Parked in a residents’ or shared use parking place without clearly displaying either a permit or voucher or pay and display ticket issued for that place
14	Parked in an electric vehicles’ charging place during restricted hours without charging
16	Parked in a permit space without displaying a valid permit
18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited
20	Parked in a loading gap marked by a yellow line
21	Parked in a suspended bay/space or part of bay/space
23	Parked in a parking place or area not designated for that class of vehicle
25	Parked in a loading place during restricted hours without loading
26	Vehicle parked more than 50 centimetres from the edge of the carriageway and not within a designated parking place
27	Parked adjacent to a dropped footway
40	Parked in a designated disabled person’s parking place without

	clearly displaying a valid disabled person's badge
41	Parked in a parking place designated for diplomatic vehicles
42	Parked in a parking place designated for police vehicles
45	Parked on a taxi rank
46	Stopped where prohibited (on a red route or clearway)
47	Stopped on a restricted bus stop or stand
48	Stopped in a restricted area outside a school
49	Parked wholly or partly on a cycle track
55	A commercial vehicle parked in a restricted street in contravention of an overnight waiting ban
56	Parked in contravention of a commercial vehicle waiting restriction
57	Parked in contravention of a coach ban
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways
62	Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)
99	Stopped on a pedestrian crossing and/or crossing area marked by zig-zags

3. Sections and Schedules

Section One

Prohibition of Stopping and Waiting on Footways or Verges At Any Time

1.	Save as provided in Article 2 no person shall except upon the direction or with the permission of a police constable in uniform or a civil enforcement officer, cause or permit any vehicle to stop or wait at any time with two or more wheels on any part of the footway or verge in the lengths of road specified in the Schedule to this Section.
2.	<p>Nothing in Article 1 of this Order shall render it unlawful to cause or permit any vehicle to wait in the length of road referred to in that Article for so long as may be necessary to enable:-</p> <p>(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 -</p> <ul style="list-style-type: none">(i) building, industrial or demolition operations;(ii) the removal of any obstruction to traffic;(iii) the maintenance, improvement or reconstruction of the said lengths of roads; or(iv) the laying, erection, alteration or repair in, or in land adjacent to, the said lengths of roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system as defined in the Telecommunications Act 1984; <p>(b) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;</p> <p>(c) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000 (Consequential Modifications to Local Enactments No.1) Order 2002 (S.I.2002/648);</p> <p>(d) the vehicle to be used for emergency services purposes.</p>
3.	Where any vehicle is waiting in contravention of any of the provisions contained within this Section and a Civil Enforcement Officer has reason to believe that a penalty charge is payable, he may:-
	(a) fix a penalty charge notice to the vehicle; or
	(b) give such a notice to the person appearing to him to be in charge of the vehicle; and

	(c)	arrange for the vehicle to be removed from the parking place by any person duly authorised by East Sussex County Council, who shall provide for the safe custody of the vehicle where it is so removed; or
	(d)	cause to be altered the position of the vehicle in order that its position shall comply with those provisions; or
	(e)	in the case of an emergency cause to be removed any vehicle left in a parking place to any place he thinks fit.

Schedule One
Prohibition of Stopping and Waiting on Footways or Verges At Any Time

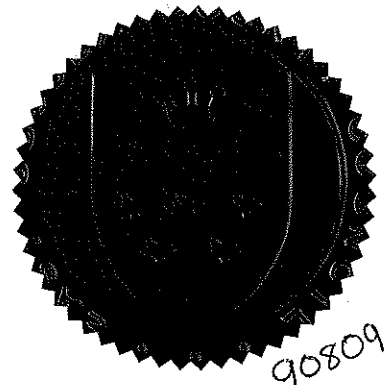
1	Ashburnham Road	(a)	Both Sides	1	From a point 15 metres north of its junction with Mount Road, southwards to its junction with Edgar Road
2	Mount Road	(a)	Both Sides	1	For its entire length

4. Citation and Commencement.

This Order may be cited as "The East Sussex (Various Roads in Hastings) (Prohibition of Stopping and Waiting on Footways or Verges) Traffic Regulation Order 2016" and shall come into effect on 11th January 2016.

THE COMMON SEAL of)
 EAST SUSSEX COUNTY COUNCIL)
 was affixed hereto)
 on the 5th day of January)
 Two Thousand and Sixteen)
 In the presence of:-)


 AUTHORISED SIGNATORY



H & T Ctte. 2.4.74 para 4.2 joint report of
 Director of Legal & Community Services
 & County Engineer - para 4