

**HAMPSHIRE COUNTY COUNCIL****ROAD TRAFFIC REGULATION ACT 1984****THE HAMPSHIRE (VARIOUS ROADS, EAST HAMPSHIRE) (PARKING PLACES AND PROHIBITION OF STOPPING, WAITING, LOADING AND UNLOADING AND CLEARWAY) ORDER 2012**

Hampshire County Council in exercise of its powers under Sections 1, 2, 4, 32, 35, 45, 46, 49, 53 and 124 of Road Traffic Regulation Act 1984 ("the Act"), as amended by the Road Traffic Regulation (Parking) Act 1986, Part IV of Schedule 9 to the Act, 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 makes the following order:

**PART 1 – GENERAL**

1a. In this order, and the preamble and schedules hereto:

"the Council" means Hampshire County Council or, as the case may be, East Hampshire District Council acting as Hampshire County Council's agents;

"disabled person's badge" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"driver" in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;

"enactment", "local service", "public service vehicle", "telecommunications apparatus", "goods vehicle", "passenger vehicle", "taxi" and "taxi rank" have the same meaning as in the Traffic Signs Regulations and General Directions 2002;

"heavy commercial vehicle" has the same meaning as in Section 138(1) of the Act;

"layby" means any area of carriageway intended for the waiting of vehicles and bounded partly by a traffic sign of the type shown in diagram 1010 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002 and partly by the outer edge of the carriageway on the same side of the road as the traffic sign;

"local bus" means a public service vehicle used for the provision of a local service not being an excursion or a tour;

"local service" has the meaning given in Schedule 2 of the Transport Act 1985;

"main Carriageway" in relation to the road specified in the Schedule means any carriageway of that road used primarily by through traffic and excludes any lay-by;

"motor vehicle", "motor car", "motor cycle" and "invalid carriage" have the same meaning as in Section 136 of the Road Traffic Regulation Act 1984;

"parking disc" means a disc, issued by a Local Authority, 125 millimetres square, coloured orange or blue and capable of showing the quarter hour period during which a period of waiting begins;

"parking place" means any part of a road authorised by this order to be used as a parking place;

"relevant vehicle" means a passenger vehicle or a goods vehicle with an unladen weight of less than 1 tonne;

"resident" means a person whose usual place of abode is at premises the postal address of which is eligible for the issue of a Permit, in accordance with the Council's Permit Procedures;

"road" means any length of highway or any other length of road to which the public has access, and includes bridges over which a road passes;

"a slip road" means any slip road leading to or from the trunk road; and

- 1b. The Order will come into effect on 25 February 2012.

"verge" means any part of a road which is not a carriageway.

2. Regulation 4 of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 has effect for the purpose of defining the expression "relevant position" in this order.
3. In the event of any dispute as to the meaning of any heading or legend used in any part of this order, any schedule to this order or any plan attached to this order, the substantive wording in the order or schedule shall prevail over the heading or legend. 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 regulations made or having effect as if made under the Act or by or under any other enactment.

## **PART II – AUTHORISATION AND USE OF PARKING PLACES**

4. (i) Subject to the following provisions of this order, each of the parts of a road specified in schedule I to this order is authorised to be used as a parking place for:
- (a) such classes of vehicles, on such days, during such hours and for such maximum periods as are specified in the said schedule in relation to that part of the road; or
  - (b) a passenger vehicle or a goods vehicle with an un-laden weight of not more than 1 tonne, or a motor car, motor cycle or invalid carriage outside of such days and such hours and without a limit at these times to the maximum period for which a vehicle may wait as specified in Article 4(i)(a) of this order.
- (ii) Nothing in paragraph (i) of this article shall restrict the power of the Council to close any parking place.
5. Where in schedule I to this order a parking place is described as available for vehicles of a specified class, the driver of the vehicle shall not permit it to wait in that parking place:
- (a) unless it is of the specified class; and
  - (b) unless it is positioned within the parking areas defined by white lines on the surface of the road and the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than fifty centimetres.
6. A driver of a vehicle shall not use a parking place:
- (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance;

- (b) when the Council has closed that parking place and exhibited a notice of such closing on or near the parking place.
7. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
  8. No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.
  9. A vehicle which displays in the relevant position a disabled person's badge shall be exempt from any limitation on time specified in column 5 of part 1 of schedule I to this order, other than Part 17 – Permit Holders Only and Part 19 – Loading / Unloading.
  10. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in article 4, article 5 or article 6 of this order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place; provided that when a vehicle is waiting in a parking place in contravention of the provision of article 5(b) of this order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.
  11. Any person removing a vehicle or altering its position by virtue of the last preceding article of this order 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.
  12. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of article 10 of this order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

### **PART III – PERMITS**

13. Any resident who is the keeper or user of a passenger vehicle or a goods vehicle with an un-laden weight of not more than 1 tonne, or a motor cycle, may apply to the Council for the issue of a permit for the leaving of that vehicle at any time in a parking space in any parking place specified in schedule I to this order where restricted in Schedule 1 Part 1 Column 2 to vehicles displaying a permit issued in accordance with this Order and the Council's Permit Procedures and any such application shall be made on a form issued by, or on behalf of, the Council and shall include the particulars and information required by such form to be supplied.
14. The Council may require an applicant for a permit or a permit holder to produce such evidence in respect of the application as they may reasonably require to verify any particulars of information given to them.
15. The Council, upon being satisfied that an applicant is a resident and is the keeper or user of a vehicle of a class specified in article 13 of this order and on receipt of the appropriate fee, may issue to that applicant a permit, valid for a period of twelve months, for the leaving of that vehicle at any time in a parking space in any parking

place referred to in article 13 of this order by the owner or by any person using such vehicle with the consent of the owner (other than a person to whom such vehicle has been let for hire or reward).

16. A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any of the events set out in article 18 of this order; a permit holder who surrenders a permit:
  - (a) before the permit becomes valid shall be entitled to a refund of the fee paid in respect thereof;
  - (b) after the permit has become valid shall be entitled to a refund of part of the fee paid in respect thereof calculated in accordance with the provisions of the Council's Permit Procedures, provided that no refund is payable if the permit is surrendered as a consequence of any of the events specified in article 18(d), (e) or (f) of this order.
17. The Council may, by notice in writing served on the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's residence, withdraw a permit if it appears to the Council that any of the events set out in article 18 of this order has occurred, and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the said notice.
18. The events referred to in article 16 and 17 of this order are:
  - (a) the permit holder ceasing to be a resident;
  - (b) the permit holder ceasing to be the keeper or user of the vehicle in respect of which a permit was issued;
  - (c) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of a class specified in article 13 of this order;
  - (d) the issue of a duplicate permit by the Council under the provisions of article 20 of this order;
  - (e) the expiry of the period for which the permit was issued;
  - (f) a breach of any condition which may from time to time be determined by the Council and is specified on the permit and/or form referred to in article 13 of this order.
19. A permit shall cease to be valid on the occurrence of any one of the events set out in article 18 of this order.
20. If a permit is mutilated or defaced or the figures or particulars on it have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and may then apply to the Council for the issue of a duplicate permit.
21. If a permit is lost or destroyed, the permit holder may apply to the Council for the issue of a duplicate permit.
22. The provisions of this Order shall apply to a duplicate permit and an application for such a permit as if it were a permit or, as the case may be, an application for a permit.
23. Any permit issued by virtue of the provisions of articles 20 or 21 of this order shall be marked as a duplicate, and upon the issue of a duplicate permit the permit which it duplicates shall become invalid.

24. A permit shall be in writing and shall include the following particulars:
- (a) the registration mark of the vehicle in respect of which the permit has been issued;
  - (b) the parking area in respect of which the permit is valid;
  - (c) the period during which, subject to the provisions of article 19 of this order, the permit shall remain valid; and
  - (d) an authentication that the permit has been issued by, or on behalf of, the Council.
25. Whenever a vehicle has been left in a parking space in a parking place for longer than any period of restricted waiting in column 5 of Part 1 of Schedule 1 during any part of any period of restricted waiting in that parking place there shall be displayed in the relevant position a permit valid in respect of that vehicle so that all the particulars referred to in article 24 of this order are readily visible from outside the vehicle.
26. When a permit has been displayed on a vehicle in accordance with the provisions of article 25 of this order, no person shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.
27. Any resident may apply to the Council for the issue of a permit valid for one day only, for the leaving of a vehicle of a class specified in article 13 of this order by any visitor to that resident, or any other person resident at the same address, at any time in any parking place specified in schedule I to this order and any such application shall be made on a form issued by, or on behalf of, the Council and shall include the particulars and information required by such form to be supplied.
28. The Council, upon being satisfied that an applicant is a resident and on receipt of the appropriate fee as specified in the Council's Permit Procedures, may issue to that applicant a permit, valid for one day only for the leaving of a vehicle as provided in that article at any time in any parking place specified in schedule I to this order.
29. Articles 14 to 26 (inclusive) of this order shall have effect in respect of a permit issued in accordance with article 28 of this order as though article 16 and sub-paragraph (b) of article 18 were omitted.

#### **PART IV - RESTRICTION OF WAITING**

30. Save as provided in articles 31 and 32 of this order, no person shall, except upon the direction or with the permission of a police constable in uniform or traffic warden, cause or permit any vehicle to wait:
- (i) at any time on any side of road specified in Schedule 2 to this order;
  - (ii) between the hours of 8.00am and 6.00pm on any side of road specified in Schedule 3 to this order;
  - (iii) between the hours of 9.00am and 6.00pm on any side of road specified in Schedule 4 to this order;
  - (iv) between the hours of 8.00am and 6.00pm from Monday to Saturday (both days inclusive) on any side of road specified in Schedule 5 to this Order;
  - (v) between the hours of 9.00am and 6.00pm from Monday to Saturday (both days inclusive) on any side of road specified in Schedule 6 to this order; and
  - (vi) between the hours of 9.00am and 6.00pm from Monday to Friday (both days inclusive) on any side of road specified in Schedule 7 to this order.
31. Nothing in article 30 of this order shall render it unlawful to cause or permit any vehicle to wait on any side of road referred to in that article for so long as may be necessary:

- (a) to enable a person to board or alight from the vehicle;
  - (b) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with the following operations namely:
    - (i) building or demolition;
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction of the said side of road;
    - (iv) the laying, erection, alteration or repair in, or in land adjacent to, the said side of road, of any sewer, of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus;
  - (c) to enable 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, the Environment Agency or a water or sewerage undertaker within the meaning of the Water Act 1989 in pursuance of statutory powers or duties;
  - (d) to enable the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said sides of road;
  - (e) to enable a public service vehicle being used in the operation of a local service to wait at any authorised stopping place for the purpose of:
    - (i) allowing a person to board or alight from the vehicle or to pay a fare, or
    - (ii) allowing the vehicle to wait, if it arrives at the stopping place in advance of the advertised time for a period not exceeding 2 minutes;
  - (f) to enable the vehicle to be used in the service of a licensed universal postal service provider for the purpose of sorting, delivering or collecting postal packets in the course of the provision of a universal postal service as defined in the Postal Services Act 2000;
  - (g) to enable the vehicle to wait at or near to any premises situated on or adjacent to the said sides of road for so long as is reasonably necessary in connection with any wedding or funeral;
  - (h) to enable the vehicle to be used for fire and rescue service, ambulance or police purposes; or
  - (i) to enable the vehicle to be used by a registered medical practitioner, a midwife or a district nurse in the course of his or her professional duties.
32. Save as provided in Article 34, nothing in article 30 of this order shall render it unlawful to cause or permit a vehicle to wait on any of the sides of road specified in Schedules 2 to 7 (both inclusive) to this order for so long as may be necessary to enable goods to be loaded onto or unloaded from the vehicle.
33. Save as provided in Article 34, nothing in article 30 of this order shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled person's badge and, if appropriate, a parking disc (on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began) to wait on any of the sides of road referred to in that article 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 on the same side of road on the same day).
34. Articles 32 and 33 of this order shall not apply at any time in respect of any sides of road specified in Schedule 8 to this order

#### **PART V – CLEARWAYS**

