

BOROUGH OF EASTLEIGH

THE BOROUGH OF EASTLEIGH (MITCHELL ROAD, EASTLEIGH) (PROHIBITION AND RESTRICTION OF WAITING) EXPERIMENTAL ORDER 2005

The Council of the Borough of Eastleigh (hereinafter referred to as "the Council") pursuant to arrangements made under Section 101 of the Local Government Act 1972 with the Hampshire County Council in exercise of the powers of the said County Council under Sections 9 and 10 of the Road Traffic Regulation Act 1984 ("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 I- GENERAL

Commencement and Citation

1. This Order shall come into operation on 31 October 2006 and may be cited as the "Borough of Eastleigh (Mitchell Road, Eastleigh) (Prohibition and Restriction of Waiting) Experimental Order 2005".

Interpretation

2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"disabled parking disc" means a device which:-

- (a) is coloured blue;
- (b) has been issued by a local authority and has not ceased to be valid; and
- (c) is capable of showing the quarter hour period during which a period of waiting has begun.

"disabled person's badge" means a badge which was-

- (a) issued, or has effect as if issued, to a disabled person or an institution under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or under regulations having effect in Scotland or Wales under section 21 of the Chronically Sick and Disabled Persons Act 1970; and
- (b) has not ceased to be in force;

as defined in The Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled persons badge, as defined under Section 142 of the Act;

"driver", in relation to a vehicle waiting in a parking place or street or part of a street specified in this Order, means the person in charge of the vehicle at the same time it was left in the parking place or street or part of a street aforesaid;

"goods" includes all chattels personal, other than things in action and money, including postal packets of any description and "delivery and collection", in relation to any goods, includes checking the goods for the purpose of their delivery or collection;

"goods vehicle" means a vehicle not exceeding 3.5 tonnes max gross weight and which is constructed or adapted for use for the carriage of goods or burden of any description, and is not a drawing trailer;

"hackney carriage" has the same meaning as in the Town Police Clauses Act 1947 and The Local Government (Miscellaneous Provisions) Act 1976;

"invalid carriage" means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical default or disability and is used solely by such person as defined in Section 136 of the Act;

"licensed taxi" has the same meaning as in section 13(3)(a) of the Transport Act 1985;

"motorcycle" means a mechanically propelled vehicle (not being an invalid carriage) with fewer than 4 wheels, of which the weight unladen does not exceed 410 kilograms as defined in Section 136 of the Act;

"owner", in relation to a vehicle, means the person named in the vehicle registration document or the person by whom such vehicle is kept and used;

"parking attendant" shall have the same meaning as in section 63A of the Act;

"parking space" means a space in a parking place which is provided for the leaving of a vehicle;

"passenger vehicle" means a vehicle (other than a motorcycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer;

"permitted hours" means between the times specified in the various Articles and Schedules to this Order.

"postal packet" means a letter, parcel, packet or other article transmissible by post as defined in Section 125 of the Postal Services Act 2000

"taxi rank" means any road or length of road or side of road appointed as a stand for hackney carriages by Article 20 of this Order;

"telecommunication apparatus" has the same meaning as in Section 4 of the Telecommunications Act 1984;

"vehicle" means a motor vehicle and "motor vehicle" has the same meaning as in section 136 of the Act.

(2) For the purpose of this Order a vehicle displays a disabled person's badge in the relevant position if it is displayed in accordance with The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(4) The conditions, provisions, prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any other such matter imposed by any Order or regulation made, or having effect as if made, under the Act of 1984, or by or under any other enactment.

(5) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART II- PROHIBITION AND RESTRICTION OF WAITING

3. Save as provided in Articles 4 and 5 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform or a parking attendant cause or permit any vehicle to wait at any time in the roads, on the sides of roads, or in any of the lengths of roads specified in the First Schedule to this Order.
4. Nothing in Article 3 of this Order shall render it unlawful to cause or permit any vehicle to wait on the sides of roads or in the lengths of roads referred to therein for so long as is necessary to enable-
 - (a) a person to board or alight from a vehicle;
 - (b) goods to be loaded on or unloaded from the vehicle;
 - (c) 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 operation;
 - ii. the removal of any obstruction by traffic;

- iii. the maintenance, improvement or reconstruction of the said sides of road or length of road;
 - iv. the laying, erection, alteration or repair in, or in land adjacent to the said sides of roads or lengths of roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus;
- (d) the vehicle, if it cannot be 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;
- (e) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125 of the Postal Services Act 2000; or
- (f) the vehicle to be used for Fire Brigades, Ambulance or Police purposes.
5. Nothing in Article 3 of this Order shall render it unlawful to cause or permit a disabled persons vehicle which displays in the relevant position a disabled persons badge and a disabled 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) issued by any local authority to wait on the sides of roads 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 in the same length of road.

PART III- DESIGNATION OF A TAXI RANK

6. Each of the parts of roads specified in the Second Schedule to this Order are hereby designated as, and is authorised to be used, subject to the provisions of this Order, as a taxi rank for hackney carriages on such days and during such hours as are specified in relation to that part of the road in the said Schedule.
7. Save as provided in Article 8 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform or a Parking attendant cause or permit any vehicle other than a hackney carriage to stop or wait during the period indicated on a taxi rank.
8. Nothing in Articles 6 and 7 of this Order shall render it unlawful for a person to cause or permit a vehicle to wait on a taxi rank-
- (a) if the vehicle is being used in connection with any of the following operations and it cannot conveniently be used for such purpose in any other road:
- i. building, industrial or demolition operation;
 - ii. the removal of any obstruction by traffic;
 - iii. the maintenance, improvement or reconstruction of the said sides of road or length of road;
 - iv. the laying, erection, alteration or repair in, or in land adjacent to the said sides of roads or lengths of roads of any sewer or of

any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus;

- (b) if the vehicle is being used in the service of a local authority or a water authority in pursuance of statutory powers or duties and it cannot be conveniently be used for such purpose in any other road;
- (c) if the vehicle is being used for Fire Brigades, Ambulance or Police purposes.
- (d) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his or her control or to such waiting being necessary in order to avoid an accident;
- (e) if the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;

(2) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 35 of the Act.

9. A driver of a hackney carriage shall not use a taxi rank:

- (a) So as to unreasonably 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 taxi rank.

10. When a hackney carriage is left in a taxi rank in contravention of any of the provisions contained in this Order, a person authorised by the Council to do so may remove the hackney carriage or arrange for it to be removed from that taxi rank.

11. Any person removing a hackney carriage or altering its position by virtue of Article 10 of this Order may do so in such a manner as appears necessary.

12. When a person authorised by the Council removes or makes arrangements for the removal of a hackney carriage from a taxi rank by virtue of Article 10 of this Order, that person shall make such arrangements as may be reasonably necessary for the safe custody of the hackney carriage.

Placing of Traffic Signs

13. The Council shall:

- (a) cause the limits of each taxi rank to be indicated on the carriageway by placing and maintaining thereon traffic signs of any size, colour and type prescribed or authorised under Section 64 of the Act;
- (b) place and maintain on or in the vicinity of each taxi rank traffic signs of any size, colour and type prescribed or authorised under Section 64 of the Act indicating that such taxi rank may be used during the permitted hours for the leaving only of the hackney carriages specified in Articles 6 and 7 to this Order; and

- (c) carry out such other works as are reasonably required for the purposes of the satisfactory operation of a taxi rank.

Manner of Standing in a Taxi Rank

14. Every hackney carriage left in a taxi rank in accordance with the foregoing provisions of this Order shall so stand, in the case of any taxi rank:-
- (a) That except where the limits of the taxi rank are marked out otherwise the left or nearside of the hackney carriage is adjacent to the left-hand edge of the carriageway and that the distance between the edge of the carriageway and the nearest wheel of the hackney carriage is not more than 300 millimetres;
 - (b) that every part of the hackney carriage is within the limits of the taxi rank.

Removal of Vehicles from a Taxi Rank

15. Where a Police Constable in uniform or a parking attendant is of the opinion that any of the provisions contained in the Articles of this Order have been contravened or not complied with in respect of a vehicle left in a taxi rank, he or she may remove or cause to be removed the vehicle from the taxi rank, and where it is so removed shall provide for safe custody of the vehicle.

Movement of Vehicles in a Taxi Rank in Emergencies

16. A Police Constable in uniform or a parking attendant may remove or cause to be moved in cases of emergency, to any place he or she thinks fit, any vehicle left in a taxi rank.

Power to Suspend the Use of a Taxi Rank

17. (1) Any person duly authorised by the Council may suspend the use of a taxi rank or of any part thereof whenever he or she considers such suspension reasonably necessary:-
- (a) for the purpose of facilitating movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or adjacent highway or part of the highway or the highway or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus or traffic sign;
 - (c) for the purpose that any street may be thronged or obstructed by reason of some special attraction;

(2) A Police Constable in uniform or a parking attendant may suspend for not longer than 24 hours the use of a taxi rank or any part thereof whenever he or she considers that such suspension is reasonably necessary for the purpose of facilitating the movement of traffic or promoting safety.

(3) Any person suspending the use of a taxi rank or any part thereof in accordance with the provisions of paragraph (1) or (2) of this Article shall thereupon place or cause to be placed in or adjacent to that taxi rank or a part thereof the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.

(4) No person shall cause or permit a vehicle to be left in any taxi rank or part of a taxi rank during such period as there is in or adjacent to that taxi rank or part of a taxi rank a traffic sign placed in pursuance of paragraph (3) of this Article provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for Police, Fire Brigade or Ambulance purposes or any vehicle being used for any purpose specified in Article 8(b), (d) or (e) of this Order to be left in the taxi rank or part of a taxi rank during any such period, or to cause or to permit any other vehicle to be so left if that vehicle is left with the permission:-

- (a) of the person suspending the use of the taxi rank or a part thereof in pursuance of paragraph (1) of this Article,
- (b) of a Police Constable in uniform or a parking attendant.

Restriction of Use of Vehicles at Taxi Ranks

18. No person shall use any vehicle, whilst it is in a taxi rank, in connection with the sale of any article to any person in or near the taxi rank or in connection with the selling or offering for sale of a skill or handicraft or service in any other capacity.

19. Insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act of 1984 and existing at the time when this Order comes into operation, and which imposes a restriction or prohibition on waiting by vehicles other than stage carriages or express carriages in a bus stop area or grants an exemption from such restriction or prohibition, that provision of that Order shall prevail.

PART V- REVOCATION OF EXISTING TRAFFIC REGULATION PROVISIONS

20. The Orders specified in the Third Schedule to this Order are hereby temporarily revoked to the extent specified in the said Schedule.

FIRST SCHEDULE
No Waiting at any time

Road	Side	Description
1. Mitchell Road	West	From its junction with Wells Place northwards for its entire length.
2. Mitchell Road	East and north	From a point 7 metres south of the access to the multi storey car park northwards to the closed end of the road, including the eastern and northern turning heads.
3. Mitchell Road	East	From a point 43 metres north of the junction with Wells Place northwards for a distance of 31 metres.
4. Mitchell Road	East	From a point 21 metres north of the junction with Wells Place northwards for a distance of 11 metres.
5. Mitchell Road	East	From the junction with Wells Place northwards for a distance of 15 metres.

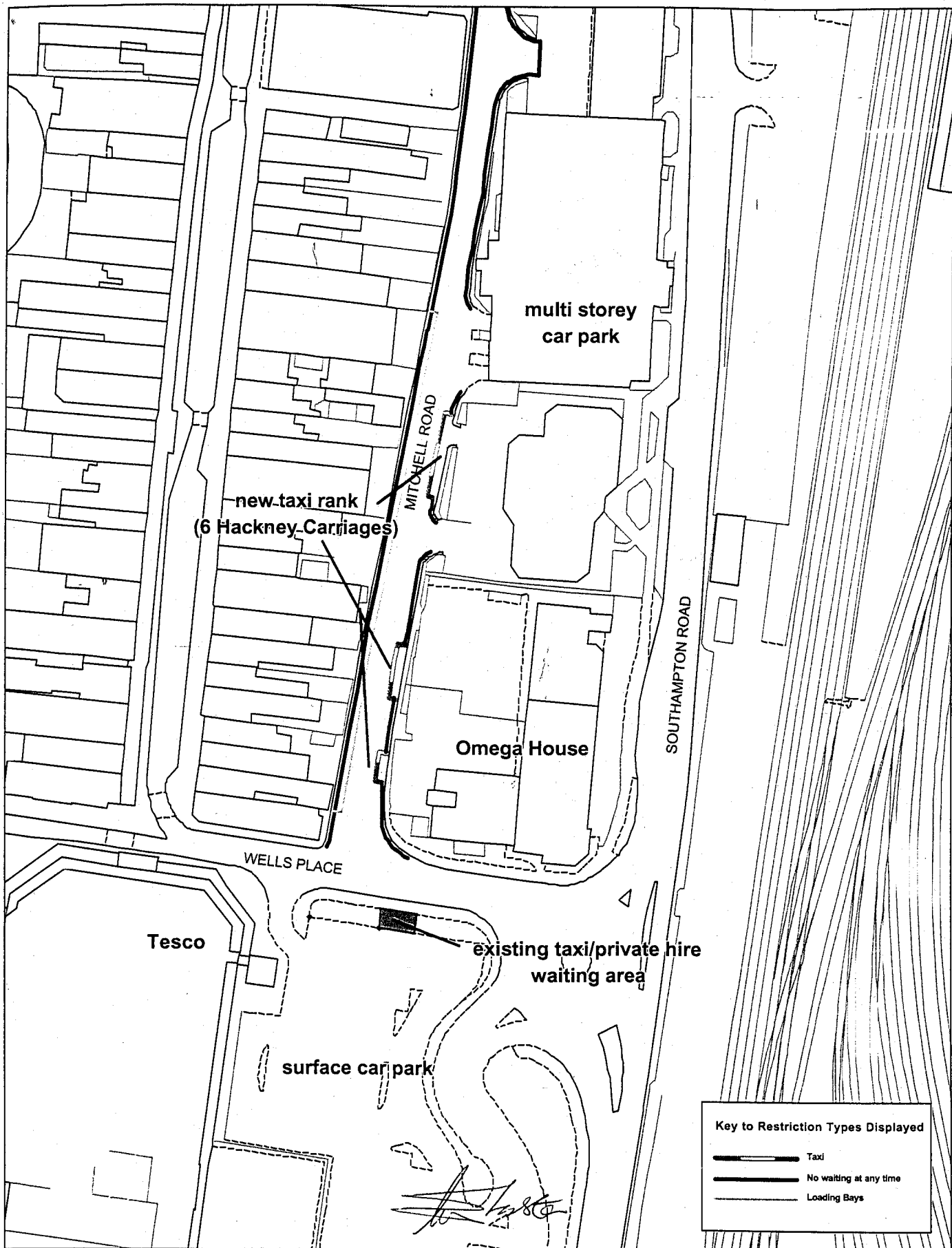
SECOND SCHEDULE
No Stopping except Hackney Carriages

Road	Side	Description
1. Mitchell Road	East	From a point 15 metres north of the junction with Wells Place northwards for a distance of 6 metres.
2. Mitchell Road	East	From a point 32 metres north of the junction with Wells Place northwards for a distance of 11 metres.
3. Mitchell Road	East	From a point 74 metres north of the junction with Wells Place northwards for a distance of 17 metres.

THIRD SCHEDULE

The Borough of Eastleigh (Eastleigh Town Centre) (Prohibition and Restriction of Waiting) (Disabled Persons Parking Places) Order 2004 as amended

First Schedule - Item 89



Key to Restriction Types Displayed

- Taxi
- No waiting at any time
- Loading Bays

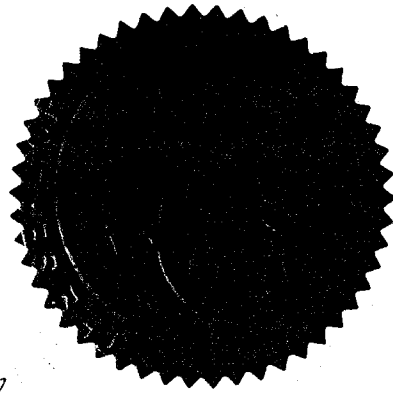
EASTLEIGH
BOROUGH COUNCIL

Experimental taxi rank: Mitchell Road, Eastleigh

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SCALE	1 : 1000
DATE	20/09/2005
DRAWING No.	E/TM/01/P/36/001
DRAWN BY	PG
CHECKED BY	DJM

Dated this 18th day of October 2005



THE COMMON SEAL of EASTLEIGH)
BOROUGH COUNCIL was hereunto)
affixed in the presence of:-)

Assistant Head of Legal & Democratic Services

DATED 18th October 2005

BOROUGH OF EASTLEIGH

THE BOROUGH OF EASTLEIGH
(MITCHELL ROAD, EASTLEIGH)
(PROHIBITION AND RESTRICTION
OF WAITING) EXPERIMENTAL
ORDER 2005

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