

Dated 13th March 2007

**THE BOROUGH OF FAREHAM (VARIOUS ROADS)
(PROHIBITION OF MOTOR VEHICLES AND CYCLES ON GRASS VERGES)
(CONSOLIDATION) ORDER 2007**

**G M Bailey
Solicitor to the Council**

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The Council of the Borough of Fareham (hereinafter referred to as "The Council") pursuant to arrangements made under Section 19 of the Local Government Act 2000 with the Council of the County of Hampshire in exercise of the powers of the said County Council under Section 1(1) and (2), 2(1) to (3) and 4(2) of the Road Traffic Regulation Act 1984 ("the 1984 Act"), the Road Traffic Act 1991 ("the 1991 Act") and of all other enabling powers after consultation with the chief officer of police in accordance with part III of Schedule 9 to the Act hereby make the following Order:-

Citation and commencement

1. This Order shall come into force on 2nd April 2007 and may be cited as the Borough of Fareham (Various Roads)(Prohibition of Motor Vehicles and Cycles on Grass Verges (Consolidation) Order 2007.

Intpretation

2. (i) In this Order:-

"grass verge" means any unmetalled area between the edge of the carriageway and the highway boundary

"motor vehicle" has the same meaning as that in Section 136 of the Road Traffic Regulation Act 1984

"pedal cycle" means a unicycle, bicycle, tricycle, or a cycle having four or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle of such class as is to be treated as not being a motor vehicle for the purpose of the Road Traffic Regulation Act 1984;

"parking attendant/civil enforcement officer" means a person authorised by or on behalf of the Council to supervise any parking place or enforce restrictions indicated on the Plans;

(ii) 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

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

Restriction

3. No person shall drive or park any motor vehicle or cycle on the areas of grass verges in the roads specified in the Schedule to this Order.
4. 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 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.
5. 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.

Waiver certificates

6. The Council may issue a waiver certificate to park on a grass verge in exceptional circumstances on receipt of written application with at least 5 working days notice and may impose terms and conditions as appropriate.
7. A charge may be made for a waiver certificate as determined by the Council.
8. A waiver certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid. Notification of such cancellation shall be in writing to the holder of the waiver certificate at any address that the Council believes to be that person's address and the waiver certificate shall forthwith be surrendered to the Council.

Contravention

9. If a vehicle is left in a grass verge on any road or length of road in contravention or 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 removed from that location.

Penalty Charge Notice

10. In the case of vehicles in respect of which a penalty charge may have been incurred, it shall be the duty of the Parking attendant / civil enforcement officer to attach to the

vehicle in a conspicuous position a notice which shall include the following particulars:

- (a) the registration mark of the vehicle or, where the vehicle is being used under a trade license, the number of the trade plate carried by the vehicle;
- (b) the grounds on which the parking attendant / civil enforcement officer believes that a Penalty Charge is payable in respect of that vehicle;
- (c) the amount of Penalty Charge required to be paid;
- (d) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion or amount;
- (e) that if the penalty charge is not paid before the end of the 28 day period a Notice to owner may be served by the Council on the person appearing to be the owner of the vehicle; and
- (f) the address to which payment of the Penalty Charge must be sent.

Manner of Payment of Penalty Charge and Reduced Penalty Charge

11. The owner of a vehicle in respect of which the Penalty Charge has been incurred shall pay the Penalty Charge to the Council by cheque or postal order which shall be delivered or sent by post so as to reach the Council's Offices within 28 days of the issue of the penalty charge OR in cash in person at the Council's Offices not later than as aforesaid OR by credit card or debit card OR electronically through the Council's web site.
12. If the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the Penalty Charge Notice, the amount of the Penalty Charge will be reduced by 50%.
13. Payment shall be received not later than 1600 hours on the 28th day following the day on which such Penalty Charge was incurred or the 14th day following the day on which the Charge was incurred if the reduced charge is paid PROVIDED THAT if the said 28th or 14th day falls upon a day on which the Councils Offices are closed the period within which payment of the said Penalty Charge shall be made to the Council shall be extended until 1600 hours on the next full day on which the Councils Offices are open.
14. If the owner fails to pay the penalty charge by the end of the 28 day period, a notice of owner may be served; and if the charge is not paid within a further 28 days it may be increased by 50% on the issue of a charge certificate in accordance with the provisions of paragraph 6 of schedule 6 of the 1991 Act.
15. Continuing failure to pay the penalty charge may result in a judgement in the County Court against the owner to enable the Council to recover the payments due.

Indications As Evidence

16. The particulars given in the penalty charge notice attached to a vehicle in accordance with Article 10 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

Restriction On Removal Of Notices

17. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 10, no person, not being the driver of the vehicle, a police constable in uniform, a parking attendant/civil enforcement officer or some other person duly authorised by the Council, shall remove the notice from the vehicle unless authorised to do so by the keeper of the vehicle.

Removal of vehicle

18. Where a parking attendant/civil enforcement officer in uniform has removed or caused to be removed a vehicle in accordance with Article 9:-
- (a) he 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 removal, storage and disposal of the vehicle as it might prescribe from time to time;
 - (c) the provisions of the Road Traffic Regulation Act 1984 as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.

Nothing in this Article shall apply in respect of a vehicle displaying in the relevant position a valid disabled person's badge issued by any local authority.

Revocations

19. The Orders as listed below in so far as they prohibit parking on verges in the Borough of Fareham are hereby revoked

The Borough of Fareham (Various Roads Portchester) (Prohibition of Motor Vehicles and Cycles on Grass Verges) (No 1) Order 1999

The Borough of Fareham (Various Roads) (Prohibition of Motor Vehicles and Cycles on Grass Verges) (No 5) Order 2000

The Borough of Fareham (Chaucer Close and Various Roads) (Prohibition of Motor Vehicles and Cycles on Grass Verges) (No 2) Order 2002

The Borough of Fareham (Various Roads) (Prohibition of Motor Vehicles and Cycles on Grass Verges) (No 1) Order 2003

The Borough of Fareham (Various Roads) (Prohibition of Motor Vehicles and Cycles on Grass Verges) (No 1) Order 2004

The Borough of Fareham (Various Roads) (Prohibition of Motor Vehicles and Cycles on Grass Verges) (No 1) Order 2005

The Borough of Fareham (Various Roads) (Prohibition of Motor Vehicles and Cycles on Grass Verges) (No 5) Order 2006

Dated this 13th day of March 2007

Executed as Deed by affixing
Its Common Seal of
FAREHAM BOROUGH COUNCIL
In the presence of:-

JK Greenwood

Authorised Signatory

THE SCHEDULE

Roads and lengths of road in the Borough of Fareham

Anson Grove	Both sides for its entire length
Portsview Avenue	Both sides for its entire length
Carlton Road	Both sides for its entire length
Kelvin Grove	Both sides for its entire length
Portsdown Road	Both sides for its entire length
Pentland Rise	Both sides for its entire length
Hill Road	Both sides for its entire length
Seaview Avenue	Both sides for its entire length
Orchard Grove	Both sides for its entire length
Merton Avenue	Both sides for its entire length
Merton Crescent	Both sides for its entire length
Cranleigh Road	Both sides for its entire length
Laverock Lea	Both sides for its entire length
Richmond Rise	Both sides for its entire length
Hillview Road	Both sides for its entire length
Linden Lea	Both sides for its entire length
Red Barn Avenue	Both sides for its entire length
Dore Avenue	Both sides for its entire length
Buriton Close	Both sides for its entire length
Hatherley	Both sides for its entire length
Quintrell Avenue	Both sides for its entire length
Lapwing Grove	Both sides for its entire length
Rooksway Grove	Both sides for its entire length
Merrow Close	Both sides for its entire length
Seaway Grove	Both sides for its entire length
Central Road	Both sides for its entire length
Carbery Drive	Both sides for its entire length
Westlands Grove	Both sides for its entire length
Bayly Avenue	Both sides for its entire length
Roman Grove	Both sides for its entire length

Castle View Road	Both sides for its entire length
Coral Close	Both sides for its entire length
Grove Avenue	Both sides for its entire length
Olive Crescent	Both sides for its entire length
Norgett Way	Both sides for its entire length
Foxbury Grove	Both sides for its entire length
Winnham Drive	Both sides for its entire length
Romsey Avenue	Both sides for its entire length
The Spinney	Both sides for its entire length
Tamar Close	Both sides for its entire length
Beaulieu Avenue	Both sides for its entire length
Birdwood Grove	Both sides for its entire length
Severn Close	Both sides for its entire length
The Pines	Both sides for its entire length
Hatherley Drive	Both sides for its entire length
The Thicket	Both sides for its entire length
Stoneleigh Close	Both sides for its entire length
The Hillway	Both sides for its entire length
Oak Road	Both sides for its entire length
Priory Road	Both sides for its entire length
Blackbrook Road	Both sides for its entire length
Anjou Crescent	Both sides for its entire length
Jonathan Road	Both sides for its entire length
Southmead Road	Both sides for its entire length
Meadowbank Road	Both sides for its entire length
Abbey Road	Both sides for its entire length
Barnwood Road	Both sides for its entire length
Blackbrook Park Avenue	Both sides for its entire length
Nicholas Crescent	Both sides for its entire length
Brook Farm Avenue	Both sides for its entire length
Harting Gardens	Both sides for its entire length
Portsview Gardens	Both sides for its entire length
East Street	Both sides for its entire length
Place House Close	Both sides for its entire length

Abbeyfield Drive	Both sides for its entire length
The Cloisters	Both sides for its entire length
Greyfriars Road	Both sides for its entire length
Somervelle Drive	Both sides for its entire length
Norton Drive	Both sides for its entire length
Mallory Crescent	Both sides for its entire length
Morshead Crescent	Both sides for its entire length
Wakefield Avenue	Both sides for its entire length
Lynton Gardens	Both sides for its entire length
The Mallards	Both sides for its entire length
Potters Avenue	Both sides for its entire length
Beaumont Rise	Both sides for its entire length
Kennedy Avenue	Both sides for its entire length
Crawford Drive	Both sides for its entire length
Maylings Farm Avenue	Both sides for its entire length
Kingston Gardens	Both sides for its entire length
Inverness Avenue	Both sides for its entire length
Odell Close	Both sides for its entire length
Highlands Road	Both sides from Greyfriars Road to Place House Close
Burnham Wood	Both sides for a distance of approximately 33 metres from its junction with Kiln Road
The Avenue	Both sides from Highlands Road to a point approximately 25 metres east of Sandringham Road
Rossan Avenue	Both sides for its entire length
Beacon Mount	Both sides for its entire length
Beacon Bottom	Both sides for its entire length
Ambledale	Both sides for its entire length
St Micheals Road	Both sides for its entire length
Plymouth Drive	Both sides for its entire length
Crofton Lane	Both sides for its entire length
The Croft	Both sides for its entire length

Pembroke Crescent	Both sides for its entire length
Cottes Way	Both sides for its entire length
Harold Road	Both sides for its entire length
Westbrook Close	Both sides for its entire length
Birchen Road	Both sides for its entire length
Beresford Road	Both sides for its entire length
Dale Road	Both sides for its entire length
Elizabeth Road	Both sides for its entire length
Short Road	Both sides for its entire length
Southways	Both sides for its entire length
Hurst Close	Both sides for its entire length
Beverley Close	Both sides for its entire length
Beacon Way	Both sides for its entire length
Barnbrook Road	Both sides for its entire length
Old Farm Lane	Both sides for its entire length
Bells Lane	Both sides for its entire length
Cuckoo Lane	Both sides for its entire length
Carisbrook Avenue	Both sides for its entire length
Moody Road	Both sides for its entire length
Queens Crescent	Both sides for its entire length
Northways	Both sides for its entire length
Eastbrook Close	Both sides for its entire length
Locks Road	Both sides for its entire length
Solent Road	Both sides for its entire length
Alfred Road	Both sides for its entire length
Martin Avenue	Both sides for its entire length
Mancroft Avenue	Both sides for its entire length
Westways	Both sides for its entire length
Elsfred Road	Both sides for its entire length
East House Avenue	Both sides for its entire length
The Crossway	Both sides for its entire length
The Leaway	Both sides for its entire length
The Downsway	Both sides for its entire length
The Fairway	Both sides for its entire length

The Kingsway	Both sides for its entire length
The Queensway	Both sides for its entire length
Hillson Drive	Both sides for its entire length
Thorni Avenue	Both sides for its entire length
Wynton Way	Both sides for its entire length
Cort Way	Both sides for its entire length
Privett Road	Both sides for its entire length
The Close	Both sides for its entire length
Winnington	Both sides for its entire length
Leigh Road	Both sides for its entire length
Arundel Drive	Both sides for its entire length
The Drive	Both sides for its entire length
Tennyson Gardens	Both sides for its entire length
Denbigh Drive	Both sides for its entire length
Beaufort Avenue	Both sides for its entire length
Chaucer Close	Both sides for its entire length
Bentley Crescent	Both sides for its entire length