

THE KENT COUNTY COUNCIL (THE DISTRICT OF SHEPWAY)
(FOLKESTONE TOWN CENTRE AND THE BAYLE PARKING ZONE) ORDER 2012
(AMENDMENT NO 4) (ZONE A1 RELOCATION OF DISABLED PERSONS' PARKING PLACES)
ORDER 2014

ROAD TRAFFIC REGULATION ACT 1984

THE KENT COUNTY COUNCIL acting as the local traffic authority and in exercise of its powers under Sections 1, 2, 5, 32, 45, 46 and 124 of and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, and of all other powers and after consultation with the Chief of Police in accordance with Part III of Schedule 9 to said Act of 1984, hereby makes the following Order:

CITATION AND COMMENCEMENT:

1. This Order may be cited as "*The Kent County Council (The District of Shepway) (Folkestone Town Centre and The Bayle Parking Zone) Order 2012 (Amendment No 4) (Zone A1 Relocation of Disabled Persons' Parking Places) Order 2014*" and shall come into effect on the 18th December 2014

AMENDMENTS:

2. This Order shall amend "The Kent County Council (The District of Shepway) (Folkestone Town Centre and The Bayle Parking Zone) Order 2012" in the following manner:
 - (a) The lengths of road mentioned in Schedule 1 of this Order shall amend those same lengths of road mentioned in Schedule 5 of the main Order.
 - (b) The lengths of road mentioned in Schedule 2 of this Order shall amend those same lengths of road mentioned in Schedule 7 of the main Order
 - (c) The lengths of road mentioned in Schedule 3 of this Order shall amend those same lengths of road mentioned in Schedule 5B of the main Order
 - (d) The lengths of road mentioned in Schedule 4 of this Order shall amend those same lengths of road mentioned in Schedule 1 of the main Order

INTERPRETATION AND DEFINITIONS:

3. In this Order:-

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

"the Council" means the Kent County Council as traffic authority and, where appropriate, Shepway District Council acting on behalf of the traffic authority.

"ambulance" has the same meaning as in Schedule 2 of the Vehicle Excise and Registration Act (VERA) 1994

"bus" means a vehicle constructed or so adapted to carry more than 8 passengers exclusive of the driver

"bus stop clearway" means an area of carriageway intended for the waiting of buses which is comprised within and indicated by a road marking complying with either diagram 1025.1, 1025.3 or 1025.4 in Schedule 6 of the Traffic Signs Regulations and General Directions 2002;

Part A - General and Definitions

"bus stand" has the same meaning as "bus stop clearway" except the wording on the carriageway shall read "BUS STAND"

"civil enforcement officer" has the same meaning as in section 63A of the Road Traffic Regulation Act 1984 and by virtue of Section 76 Traffic Management Act 2004 a civil enforcement officer appointed under section 63A of the Road Traffic Regulation Act 1984 is a civil enforcement officer in relation to parking contraventions.

"delivering" and "collecting" in relation to any goods include checking the goods for the purpose of their delivery or collection;

"disabled person" and "disabled person's badge" (DPB) have the same meaning as in the Disabled Persons' (Badges for Motor Vehicles) Regulations 2000;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge and which is a vehicle which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 to be included in an Order under the Act of 1984, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying disabled persons as passengers;

"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;

"goods" has the meaning that the goods which are being loaded or unloaded must be of such burden of weight or bulk that they cannot reasonably be conveyed otherwise than by means of a vehicle. The goods must be of a type that cannot easily be carried by one person in one trip.

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description or a trailer so constructed or adapted;

"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 a person;

"junction" means the junction of the marked, or if not so marked, the imaginary centre lines of the roads referred to and, where appropriate, measurements shall be taken from the point of intersection of the respective centre lines as projected;

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

"loading and unloading" has the meaning that the loading or unloading of the goods to or from a vehicle is a continuous process and that stopping for any other reason, except an emergency, would mean that the act of loading or unloading has ceased. The vehicle must be parked as close to the building where the goods are being delivered to, or collected from, as possible.

"motor car" and "motor cycle" have the same meaning as in section 136 of the Act of 1984;

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

Part A - General and Definitions

"parking disc" means a device which-

- (a) is 125 millimetres square and 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.

"passenger vehicle" means a motor vehicle (other than a motor cycle 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;

"public service vehicle" has the same meaning as in the Public Passenger Vehicles Act 1981;

"relevant position" means:-

In the case of a Disabled Person's Badge -

(a) A vehicle displays a disabled person's badge in the relevant position if:-

- (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from the outside the vehicle; or
- (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle.

(b) A vehicle displays a parking disc in the relevant position if:-

- (i) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle; or
- (ii) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle.

In the case of any other badge or permit -

A vehicle displays any other badge or permit in the relevant position if:-

- (i) in the case of a vehicle fitted with a front windscreen, the item is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen;
- (ii) in the case of a vehicle not fitted with a front windscreen, the item is exhibited in a conspicuous position on the front or near side of the vehicle.

"resident of Zone A1" means a person whose usual residence is at premises the postal address of which is in any street or part of a street other than Bayle Street, Church Street, The Bayle or the Parade described in the Schedules to this Order, and the meaning of "resident" shall also include any person whose usual place of work is at business premises the postal address of which is situated in the roads specified, and any business or organisation so situated;

"resident of Zone A2" means a person whose usual residence is at premises the postal address of which is in any street or part of a street described in the Schedules to this Order as Bayle Street, Church Street, The Bayle or the Parade, and the meaning of "resident" shall also include any person whose usual place of work is at business premises the postal address of which is situated in the roads specified, and any business or organisation so situated;

Part A - General and Definitions

"restricted road" means any of the roads, lengths of road or sides of road specified in the First or Second Schedules to this Order:-

PROVIDED ALWAYS that the expression "restricted road" shall not for the purposes of this Order include any designated parking place or any authorised parking place described in the various Schedules to this Order and not suspended under the provisions of Article 12;

"road" means the full width - including any footway or verge - of any length of highway or of any other road to which the public has access, and includes bridges over which a road passes;

"the main Order" means The Kent County Council (The District of Shepway) (Folkestone Town Centre and The Bayle Parking Zone) Order 2012

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, section 64 of the Act of 1984;

"Transportation Manager" means such person as shall be approved by Shepway District Council to manage the Transportation Department and;

"Transportation Department" means the service established by Shepway District Council to carry out parking activities under the Kent Highways partnership agreement between Kent County Council, as traffic authority, and Shepway District Council;

"vehicle" means a motor vehicle or a trailer and "motor vehicle" and "trailer" have the same meaning as in section 136 of the Act of 1984;

"Zone A1" means an area comprising the following roads:

- Bouverie Place
- Bouverie Road West, from its junction with Castle Hill Avenue to its junction with Middelburg Square
- Bouverie Square
- Cheriton Place
- Christ Church Road
- Clifton Gardens
- Grace Hill
- Guildhall Street
- Langhorne Gardens
- Longford Terrace
- Longford Way
- Manor Road, from its junction with Bouverie Road West to its junction with Sandgate Road
- Market Place
- Pleydell Gardens
- Pound Way
- Rendezvous Street
- Sandgate Road, from its junction with Castle Hill Avenue to its junction with Rendezvous Street
- The Leas, from its junction with Clifton Gardens to its junction with West Terrace
- Shakespeare Terrace
- Shellons Street
- St Eanswythes Way
- West Cliff Gardens
- West Terrace

Part A - General and Definitions

(2) In this Order, except where the context otherwise requires:-

(a) any reference to a numbered Article or a numbered Schedule is a reference to the Article or Schedule bearing that number in the main Order;

(b) any reference to a numbered or lettered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph bearing that number or letter in the Article or Schedule or (in the case of a sub-paragraph) paragraph in which the reference occurs; and

(c) any reference to a Table, or to a numbered Table, is a reference to the Table, or to the Table bearing that number, in the Article or Schedule in which that reference occurs.

(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 restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made under or having effect as if made under the Road Traffic Regulation Act, 1984 or by or under any other enactment;

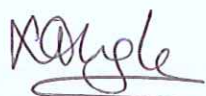
(5) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Part B – The Common Seal of the Kent County Council

Given under the Seal of the Kent County Council

This 18th day of December 2014

THE COMMON SEAL OF THE
KENT COUNTY COUNCIL was
hereunto affixed in the
presence of:-



Authorised Signatory



Schedule 1 – Provision of Limited Waiting Parking Places

SCHEDULE 1

PROVISION OF LIMITED WAITING PARKING PLACES

1. Location of parking place	2. Position in which vehicles may wait	3. Class of vehicles	4. Days of operation of parking restriction	5. Hours of operation of parking restriction	6. Period for which a vehicle may wait
Sandgate Road Both sides, from a point 94.2 metres south west of its junction with West Terrace to a point 123.3 metres south west of that junction	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes	Monday to Saturday (both days inclusive)	08:00 – 18:00 hours	2 hours no return within 2 hours
Sandgate Road South east side, from a point 9 metres south west of its junction with Shakespeare Terrace, south west for a distance of 11 metres	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes	Monday to Saturday (both days inclusive)	08:00 – 18:00 hours	2 hours no return within 2 hours
Sandgate Road North west side, from a point 22.7 metres north east of its junction with Castle Hill Avenue, north east for a distance of 43 metres	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes	Monday to Saturday (both days inclusive)	08:00 – 18:00 hours	2 hours no return within 2 hours
Shakespeare Terrace West side, from a point 18 metres south of its junction with Sandgate Road, south for a distance of 20 metres	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes	Monday to Saturday (both days inclusive)	08:00 – 18:00 hours	2 hours no return within 2 hours

Schedule 2 – Provision of Disabled Persons' Parking Places

SCHEDULE 2

PROVISION OF DISABLED PERSONS' PARKING PLACES

1. Location of parking place	2. Position in which vehicles may wait	3. Class of vehicles	4. Days of operation of parking restriction	5. Hours of operation of parking restriction	6. Period for which a vehicle may wait
Sandgate Road Sandgate Road, both sides from a point 94.2 metres south west of its junction with West Terrace, to a point 107.4 metres south west of that junction	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes which displays a valid DPB in the relevant position	Monday to Saturday (both days inclusive)	08:00 – 18:00 hours	3 hours no return within 2 hours
Sandgate Road South east side, from a point 15.4 metres south west of its junction with Shakespeare Terrace, south west for a distance of 13.2 metres;	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes which displays a valid DPB in the relevant position	Monday to Saturday (both days inclusive)	08:00 – 18:00 hours	3 hours no return within 2 hours
Sandgate Road North east side, from a point 65.7 metres north east of its junction with Castle Hill Avenue, north east for a distance of 13.2 metres	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes which displays a valid DPB in the relevant position	Monday to Saturday (both days inclusive)	08:00 – 18:00 hours	3 hours no return within 2 hours

Schedule 3 – Provision of Permit Holder Only Parking Places

SCHEDULE 3

PROVISION OF PERMIT HOLDER ONLY PARKING PLACES

1. Location of parking place	2. Position in which vehicles may wait	3. Class of vehicles	4. Days of operation of parking restriction	5. Hours of operation of parking restriction	6. Period for which a vehicle may wait
Shakespeare Terrace South west side, from a point 16.5 metres south east of the northern carriageway, south east for a distance of 28.5 metres	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes which displays a valid "Zone A1" permit in the relevant position	All Days	08:00 – 18:00 hours	24 hours

SCHEDULE 4

REVOCATION OF PROHIBITIONS OF WAITING AT ANY TIME

Roads in Folkestone

Sandgate Road:

South east side from a point 9 metres south west of its junction with Shakespeare Terrace, south west for a distance of 5 metres

Shakespeare Terrace:

South east side, from a point 38 metres south east of its junction with Sandgate Road, south for a distance of 2 metres

South west side, from a point 14.5 metres from its junction with the northern carriageway of Pleydell Gardens, south east for a distance of 15 metres