

THE KENT COUNTY COUNCIL
(THE DISTRICT OF SHEPWAY, VARIOUS ROADS)
(RESTRICTIONS AND PROHIBITIONS OF WAITING, LOADING AND UNLOADING)
CONSOLIDATION ORDER 2010 (AMENDMENT NO 6A)

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 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, and of all other enabling 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:

PART A

GENERAL

CITATION:

1. This Order may be cited as “*The Kent County Council (The District of Shepway, Various Roads) (Restrictions and Prohibitions of Waiting, Loading and Unloading) Consolidation Order 2010 (Amendment No 6a)*” and shall come in to force on the 3rd May 2011

REVOCATION AND CONSOLIDATION:

2. This Order amends The Kent County Council (The District of Shepway, Various Roads) (Restrictions and Prohibitions of Waiting, Loading and Unloading) Consolidation Order 2010

INTERPRETATIONS 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;

"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;

"civil enforcement officer" has the same meaning as in Part 6, Section 76 of the Traffic Management Act 2004 and as "parking attendant" as described in Section 63A of the Road Traffic Regulations Act 1984.

"cycle track" means an area of carriageway intended for the use of cycles as defined in the Cycle Track Act 1984;

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

Part A – General

"disabled person" and "disabled person's badge" 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;

"emergency vehicle" means a vehicle used by the emergency services and immediately identifiable as such;

"goods" includes postal packets of any description;

"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;

"highway engineer" means such person as shall be approved by Shepway District Council to maintain its interests on the highway

"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;

"legally qualified medical practitioner" has the same meaning as within the Medical Act 1983;

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

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

"owner" has the same meaning as in Section 142 of The Act of 1984;

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

"parking attendant" 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 parking attendant appointed under section 63A of the Road Traffic Regulation Act 1984 is a civil enforcement officer in relation to parking contraventions.

Part A – General

"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.

"parking zone" means either –

- (a) an area –
 - i) in which, except where parking places have been provided, every road has been marked with one or more of the diagrams shown in 1017, 1018.1, 1019 and 1020.1; and
 - ii) into which the entrance for vehicular traffic has been indicated by the sign shown in diagram 663 or 663.1; **or**
- (b) an area –
 - i) in which at least one of the signs shown in diagram 640.2A has been placed on the side of every road; and
 - ii) into which each entrance for vehicular traffic has been indicated by the sign shown in diagram 665

"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;

"period indicated" means between the times indicated on a sign placed in conjunction with a taxi rank which complies with Diagram 650.1, 650.2 or 650.3 of the Traffic Signs Regulations and General Directions 2002;

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

"police vehicle" means a vehicle being used for police purposes or operating under the instructions of a chief officer of police;

"relevant position" means:-

- i) in the case of a vehicle fitted with a front windscreen, the permit, waiver or DPB is exhibited thereon with the front facing forwards on the nearside of and immediately behind the windscreen, **or**;
- ii) in the case of a vehicle not fitted with a front windscreen, the permit, waiver or DPB is exhibited in a conspicuous position on the front nearside of the vehicle so that it can be readily seen by a civil enforcement officer whilst inspecting the parking places;

"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 20;

Part A – General

"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;

"Shepway" means the administrative area of Shepway District Council;

"taxi" has the same meaning as "hackney carriage" in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976;

"taxi stand" means any road, length of road or side of road appointed as a stand for taxis by Shepway District Council in local legislation made under the Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 which complies with the road marking prescribed in Diagram 1028.2 of the Traffic Regulations and General Directions 2002

"The Interpretation Act 1978" shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament;

"the main Order" means The Kent County Council (The District of Shepway, Various Roads) (Restrictions and Prohibitions of Waiting, Loading and Unloading) Consolidation Order 2010

"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;

"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;

"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;

(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 this 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

RESTRICTIONS AND PROHIBITIONS OF WAITING, LOADING AND UNLOADING

PROHIBITION OF WAITING

4. Save as provided in Part C of the main Order, no person shall, except upon the permission or direction of a Police Constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to wait on the lengths of road specified in Schedules 1 and 2 of this Order during the times stated in each Schedule

Given under the Seal of the Kent County Council

This day of 2011

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

The Kent County Council (The District of Shepway, Various Roads) (Restrictions and Prohibitions of Waiting, Loading and Unloading) Consolidation Order 2010 (Amendment No 6a)

Schedule 1 – No waiting at any time

Schedule 2 – No waiting between 06:00 hours and 20:00 hours Monday to Saturday (both days inclusive)

SCHEDULE 1

NO WAITING AT ANY TIME

ROADS IN FOLKESTONE

Bowles Well Gardens

Both sides, from its junction with Wear Bay Road, south for a distance of 54 metres

SCHEDULE 2

NO WAITING BETWEEN 06:00 HOURS AND 20:00 HOURS MONDAYS TO SATURDAYS
(BOTH DAYS INCLUSIVE)

ROADS IN FOLKESTONE

Bowles Well Gardens

Both sides, from a point 54 metres south of its junction with Wear Bay Road, south for a distance of 91 metres

Both sides, from its junction with Bowles Well Gardens, to a point 19 metres west of that junction