

THE KENT COUNTY COUNCIL
(THE DISTRICT OF SHEPWAY, VARIOUS ROADS)
(PROVISION OF ON-STREET DISABLED PERSONS' PARKING PLACES)
ORDER 2012 (AMENDMENT NO. 1)

ROAD TRAFFIC REGULATION ACT 1984

THE KENT COUNTY COUNCIL acting as the local traffic authority and in exercise of its powers under Sections 32, 35 and 124 of 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) (PROVISION OF ON-STREET DISABLED PERSONS' PARKING PLACES) ORDER 2012 (AMENDMENT NO. 1)*" and shall come in to force on the 26th July 2012

REVOCATION AND CONSOLIDATION:

2. This Order shall amend the "*THE KENT COUNTY COUNCIL (THE DISTRICT OF SHEPWAY, VARIOUS ROADS) (PROVISION OF ON-STREET DISABLED PERSONS' PARKING PLACES) ORDER 2012*" in the following manner: -

(A) By inserting the parking places mentioned in Schedule 1 to this Order into Schedule 1 of the "*THE KENT COUNTY COUNCIL (THE DISTRICT OF SHEPWAY, VARIOUS ROADS) (PROVISION OF ON-STREET DISABLED PERSONS' PARKING PLACES) ORDER 2012*"

(B) By revoking the parking places mentioned in Schedule 2 to this Order from Schedule 1 of "*THE KENT COUNTY COUNCIL (THE DISTRICT OF SHEPWAY, VARIOUS ROADS) (PROVISION OF ON-STREET DISABLED PERSONS' PARKING PLACES) ORDER 2012*"

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;

"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.

Part A - General

"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" 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" 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;

"highways 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;

"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 obverse side 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;

"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;

Part A - General

"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;

"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;

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

"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

PROVISIONS OF DISABLED PERSONS' PARKING PLACES

DISABLED PERSON'S PARKING PLACES

4. Save as Part C of this Order, no person, except upon the direction or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to wait in any lengths of road specified in the Schedules to this Order unless the vehicle displays a disabled persons' badge in the relevant position.

PART C

EXEMPTIONS FROM THIS ORDER

EXEMPTION FOR EMERGENCY SERVICES

5. Nothing in this Order shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of that provision would be likely to hinder the use of that vehicle for the purpose for which it is being used on that occasion.

GENERAL EXEMPTIONS FROM PROHIBITIONS AND RESTRICTIONS

6. Nothing in Parts B or C of this Order shall render it unlawful to cause or permit a vehicle to wait in any restricted road or in any parking place for so long as may be necessary for any of the following purposes -
- (a) to enable a person to board or alight from the vehicle or to load thereon or to unload there from personal luggage;
 - (b) for so long as may be necessary to enable goods to be loaded onto or unloaded from the vehicle
 - (c) to enable the vehicle to be used in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (d) to enable the vehicle to be used in connection with any of the following operations, namely -
 - (i) any building operation or demolition; or
 - (ii) the removal of any obstruction to traffic; or
 - (iii) the maintenance, improvement or reconstruction of that length of road; or
 - (iv) the laying, erection, alteration or repair in or near that length of road of any sewer or of any main, pipe, or apparatus for the supply of gas, water, electricity or of any telecommunications apparatus as defined in paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984; or
 - (v) to enable the vehicle to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties if the vehicle cannot be used for such a purpose without stopping on the length of road.
 - (e) to enable the vehicle to be used by the highways engineer for highway works being undertaken on behalf of the Council;
 - (f) to enable the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act, 1953;
 - (g) to enable the vehicle to wait at or near to any premises situated on or adjacent to any of the said lengths or sides of road for so long as waiting by that vehicle is reasonably necessary in connection with any wedding or funeral;

Part C – Exemptions from this Order

- (h) if the vehicle is waiting in any case where the person in control of the vehicle is-
 - (i) required by law to stop; or
 - (ii) obliged to do so in order to avoid an accident; or
 - (iii) prevented from proceeding by circumstances beyond his control

PART D

PROVISIONS OF ON STREET DISABLED PERSONS' PARKING PLACES

7. The Council shall:
 - a) Cause the limits of each parking place to be indicated in the carriageway by placing and maintaining appropriate traffic signs of a prescribed size, colour and type;
 - b) Place and maintain on or in the vicinity of each parking place, traffic signs of any prescribed size, colour and type indicating the number of such parking places and, where appropriate, the permitted hours of use and permitted class of vehicle;
 - c) Carry out such other work as is reasonably required for the satisfactory operation of the parking place.
8. Nothing in this Order shall prevent a person duly authorised by the Council from closing a parking place to prevent any obstruction of the street:
 - a) on the occasion of any public procession, rejoicing or illumination;
 - b) where the streets are thronged or are liable to be obstructed;
 - c) for the convenience of occupiers of adjacent premises at the times of weddings, funerals or other special occasions;
9. The driver of a vehicle shall not permit a vehicle to wait in a parking place for longer than the maximum waiting period stated in the relevant Schedule to this Order.
10. The driver of a vehicle shall not permit it to wait in a parking place provided by Article 4 of this Order unless it is of the specified class and in the specified position.
11. The driver of a vehicle shall not use a parking space so as to unreasonably prevent access to any premises adjoining the road or inhibit use of the road by others or so as to be a nuisance to others.
12. No person, except with the permission of a person duly authorised by the Council, shall drive any vehicle in a parking place other than for the purpose of leaving that vehicle in or to depart from said parking place.
13. No person shall use a parking place as a means of passage from one road to another.
14. No person shall use a vehicle whilst in a parking place, in connection with the sale of any article to any person in or near the parking place or in connection with the sale or hire of any skill or service.
15. No person shall do anything in contravention of any signs erected or surface markings laid by the Council whilst in that parking place.
16. Where a vehicle is left in a parking place in contravention of this Order, a person authorised by the Council may remove the vehicle or arrange for it to be removed from that parking place.

Part D – Provisions of on street Disabled Persons' Parking Places

17. A person authorised by the Council moving a vehicle by virtue of Article 16 of this Order may do so by towing or driving the vehicle, or in such other manner as he may think necessary.
18. Where a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 16 of this Order, he shall make reasonable arrangements for the safe custody of the vehicle.
19. 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 or having effect as if made under The Road Traffic Regulation Act 1984, or by any other enactment.

PART E

PARKING WAIVERS AND PARKING PERMISSIONS

PROVISIONS OF PARKING WAIVERS

20. Any person, contractor or tradesman may apply to the Council for the issue of a parking waiver for their vehicle.
21. The application shall be made on a form issued by and obtainable from the Council and shall include the information and particulars required by the form and shall be accompanied by the appropriate monies required by the Council
22. The parking waiver must be displayed in the relevant position so that the waiver and the relevant information on said waiver is clearly visible by a civil enforcement officer from the front or nearside of a vehicle.
23. The Council will require the applicant to demonstrate that there is no other suitable alternative place to park in connection with their business.
24. The parking waiver will exempt the holder from the provisions contained in Schedule to this Order, PROVIDED ALWAYS that the vehicle is parked so as not to cause any obstruction or danger to other users of the highway.
25. The parking waiver is only valid for the dates and site specified on the waiver, it is not valid for use in any off – street parking place.
26. The Council reserves the right to vary the format of the mark on the parking waiver where exceptional circumstances apply where it can be demonstrated that the applicant might otherwise be disadvantaged.
27. The Council may at any time require an applicant for a parking waiver to produce to an officer of the Council reasonable evidence to verify any particulars or information given to them, or that the parking waiver is current and valid.
28. The Council reserves the rights to terminate all exemptions granted by the parking waiver at any time if there is any contravention of the provisions contained within this Order. In such circumstances the holder of said waiver shall **not** be entitled to any refund of any monies paid in respect of the parking waiver WITHOUT PREJUDICE to any other rights of the Council against the parking waiver holder in respect of any breach of condition giving rise to such a termination.

PROVISIONS OF PARKING PERMISSIONS

29. The Council may issue a Parking Permission to persons who can demonstrate that the nature of their business is such that in order for that person to carry out their duties there is no other suitable alternative parking place and that parking where restrictions apply is essential to their duties.
30. The application shall be made on a form issued by and obtainable from the Council and shall include the information and particulars required by the form and shall be accompanied by the appropriate monies required by the Council

Part E – Parking Waivers and Parking Permissions

31. The parking permission must be displayed in the relevant position so that the waiver and the relevant information on said waiver is clearly visible by a civil enforcement officer from the front or nearside of a vehicle.
32. The parking permission will exempt the holder from the provisions contained in the Schedules to this Order, PROVIDED ALWAYS that the vehicle is parked so as not to cause any obstruction or danger to other users of the highway.
33. The parking permission is only valid for the dates and site specified on the permission, it is not valid for use in any off – street parking place.
34. The Council reserves the right to vary the format of the mark on the parking permission where exceptional circumstances apply where it can be demonstrated that the applicant might otherwise be disadvantaged.
35. The Council may at any time require an applicant for a parking permission to produce to an officer of the Council reasonable evidence to verify any particulars or information given to them, or that the parking waiver is current and valid.
36. The Council reserves the rights to terminate all exemptions granted by the parking permission at any time if there is any contravention of the provisions contained within this Order. In such circumstances the holder of said permission shall **not** be entitled to any refund of any monies paid in respect of the parking waiver WITHOUT PREJUDICE to any other rights of the Council against the parking permission holder in respect of any breach of condition giving rise to such a termination.
37. Parking permissions may be provided free of charge to voluntary workers subject to the relevant voluntary organisation providing their workers with vehicle identification badges in a format approved by the Council.

Part F – The Common Seal of the County Council

Given under the Seal of the Kent County Council

This day of 2012

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

Authorised Signatory

Schedule 1
Disabled Persons' Parking Places

SCHEDULE 1
DISABLED PERSONS' PARKING PLACES

1. Location of parking place	2. Position in which vehicles may wait	3. Class of vehicles permitted to wait	4. Days of parking place operation	5. Hours of parking place operation	6. Maximum period for which vehicles may wait
Abbott Road, Folkestone In the vicinity of number 3	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours
Bouverie Road West, Folkestone In the vicinity of number 71	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours
Garden Road, Folkestone In the vicinity of number 42	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours
Linden Crescent, Folkestone In the vicinity of number 43	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours
Mackenzie Drive, Folkestone In the vicinity of number 57	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours
Marshall Street, Folkestone In the vicinity of number 96	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours
Morehall Avenue, Folkestone In the vicinity of number 91	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours

Schedule 1
Disabled Persons' Parking Places

New Street, Folkestone In the vicinity of number 3	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours
Cinque Ports Avenue, Hythe In the vicinity of number 13	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours
Cinque Ports Avenue, Hythe In the vicinity of number 71	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours
Sir John Moore Avenue, Hythe In the vicinity of number 7	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours
Blenheim Road, New Romney In the vicinity of number 27	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours
Station Road, Lyminge In the vicinity of number 26	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours

Schedule 2
Revocation of Disabled Persons' Parking Places

SCHEDULE 2

REVOCATION OF DISABLED PERSONS' PARKING PLACES

1. Location of parking place	2. Position in which vehicles may wait	3. Class of vehicles permitted to wait	4. Days of parking place operation	5. Hours of parking place operation	6. Maximum period for which vehicles may wait
Church Road, Folkestone In the vicinity of number 32	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours
Morehall Avenue, Folkestone In the vicinity of number 65	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours
Royal Military Avenue, Folkestone In the vicinity of number 22	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours
Woodfield Avenue, Folkestone In the vicinity of number 5	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours
Seabrook Road, Hythe In the vicinity of number 188	Wholly within the limits of the parking place	Disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position.	All Days	All Hours	24 Hours