

THE KENT COUNTY COUNCIL (THE DISTRICT OF SHEPWAY)  
(PROHIBITION OF LGV OVERNIGHT PARKING) ORDER 2015

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, 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) (Prohibition of LGV Overnight Parking) Order 2015 and shall come into effect on the

INTERPRETATION AND DEFINITIONS:

2. 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 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.

"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.

"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;

"large goods vehicle" has the meaning of any vehicle which has a gross vehicle weight rating in excess of 7,500kg and requires the driver to hold a category C component on their driver's licence to drive.

"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;

"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 13;~~

Folkestone

Hythe & Romney Marsh  
Shepway District Council



www.shepway.gov.uk

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P/26/10/2015/SH/1345

Part A - General and Definitions

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"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;

"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;

(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 ON THE WAITING OF VEHICLES

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PROHIBITIONS OF OVERNIGHT AND WEEKEND PARKING

a) Save as in Part C of this Order no person shall, except upon the direction of a police officer in uniform, a civil enforcement officer or any person authorised by the Council, cause or permit a large goods vehicle to wait on any length of road specified in Schedule 1 to this Order between 8pm and 7am on weekdays and at any time on Saturdays and Sundays.



## PART C

### EXEMPTIONS TO THE ORDER

#### EXEMPTION FOR EMERGENCY SERVICES

- 04 β. 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 TO THE ORDER

- 25 β. Except for Articles 4 a), nothing in Part B 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, in the case of an emergency where the structure of the building has become dangerously unsound and the building presents an immediate risk to the public or property on the highway to which the building fronts; 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 for a purpose authorised and described on a permit issued by the Transportation Manager on behalf of the Council provided such permit is displayed on the vehicle in the appropriate position.
  - (f) to enable the vehicle to be used by the highways engineer for highway works being undertaken on behalf of the Council;
  - (g) to enable 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

Part C – Exemptions to the Order

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- (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



Given under the Seal of the Kent County Council

This 26<sup>th</sup> day of October 2015

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



  
Authorised Signatory

1129-2015

## SCHEDULE 1

### PROHIBITION OF LGV OVERNIGHT PARKING

#### ROADS IN FOLKESTONE:

##### **Bowles Well Gardens**

All side, for its entire length

##### **Caesars Way**

Both sides, for its entire length

##### **Castle Hill**

Both sides, for its entire length

##### **Cheriton High Street**

Both sides, for its entire length

##### **Cheriton Road**

Both sides, for its entire length

##### **Dover Road**

Both sides, from its junction with Hill Road, north to its junction with Dover Hill

##### **Jointon Road**

Both sides, for its entire length

##### **Kingsmead**

Both sides, for its entire length

##### **Lower Sandgate Road**

Both sides, for its entire length

##### **Marine Parade**

Both sides, for its entire length

##### **Marine Terrace**

Both sides, for its entire length

##### **Pent Road**

Both sides, for its entire length

**Shearway**

Both sides, for its entire length

**Shorncliffe Road**

Both sides, for its entire length

**Wear Bay Road**

Both sides, for its entire length

**ROADS IN POSTLING:**

**Farthing Common**

Both sides, for its entire length

**ROADS IN SELLINDGE:**

**(A20) Ashford Road**

Both sides, for its entire length

**ROADS IN HYPHE:**

**(A20) Ashford Road**

Both sides, for its entire length

**(B2068) Stanford Interchange**

Both sides of both carriageways, from the Stanford Interchange, south for a distance of 310 metres