

In the District of Shepway

**THE KENT COUNTY COUNCIL (THE DISTRICT OF SHEPWAY)
(PROHIBITION OF WAITING AND LOADING) (THE LEAS) EXPERIMENTAL ORDER 2016**

ROAD TRAFFIC REGULATION ACT 1984

THE KENT COUNTY COUNCIL acting as the local traffic authority and in exercise of their powers under sections 9 and 10 of the Road Traffic Regulation Act 1984 and of all other enabling powers, and 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 may be cited as "THE KENT COUNTY COUNCIL (THE DISTRICT OF SHEPWAY) (PROHIBITION OF WAITING AND LOADING) (THE LEAS) EXPERIMENTAL ORDER 2016" and shall come into effect on the 15th February 2016.
2. The prohibition imposed by this Order shall be in addition to and not in derogation from any restrictions or requirements imposed by any regulations made or made under the Act of 1984 or by or under any other enactment.

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 1994

"civil enforcement officer" has the same meaning as in Section 76 of the Traffic Management Act 2004 and a parking attendant appointed under section 63A of the Act of 1984 is by virtue of Section 76 of the Traffic Management Act 2004 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" have the same meaning as in the Disabled Persons' (Badges for Motor Vehicles) (England) 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;

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"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 respective kerb lines of the roads referred to and, where appropriate, measurements shall be taken from the point of intersection of the respective kerb lines as projected;

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

"loading" means both loading and unloading;

"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;

"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.

"restricted road" means any of the roads, lengths of road or sides of road specified in the First Schedule 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 Schedule to this Order and not suspended under the provisions of Article 11;

"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;

PART B
RESTRICTIONS ON WAITING, LOADING AND UNLOADING

PROHIBITIONS OF WAITING, LOADING AND UNLOADING

4. **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 vehicle to wait, load or unload on any length of road specified in Schedule 1 of this Order.

PART C
EXEMPTIONS TO THE 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 TO THE ORDER

6. 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;

(b) 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.

(c) 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;

(d) 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;

(e) 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 8th day of February 2016

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


Authorised Signatory



SCHEDULE 1

PROHIBITION OF WAITING, LOADING AND UNLOADING AT ANY TIME

ROADS IN FOLKESTONE

Location	Description
The Leas, Folkestone	North side of The Leas from the north-east side of 30-32 Clifton Road in an easterly direction for 189 Metres.