

**THE KENT COUNTY COUNCIL
(THE DISTRICT OF SHEPWAY) (FOLKESTONE PEDESTRIAN ZONE)
(PROHIBITIONS OF WAITING, LOADING AND UNLOADING) ORDER 2016**

THE KENT COUNTY COUNCIL acting as the local traffic authority and in exercise of its powers under sections 1(1), 2(1) to (3), 3(2), 4(1) and (2), 122, 124 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:

CITATION AND COMMENCEMENT

1. This Order may be cited as "The Kent County Council (The District of Shepway) (Folkestone Pedestrian Zone) (Prohibitions of Waiting, Loading and Unloading) Order 2016" and shall come in to force on the 29th August 2016.

INTERPRETATIONS 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 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.

"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;

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

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

"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;

"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;

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"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.

"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;

"Pedestrian Zone" means an area—

- (a) which has been laid out to improve amenity for pedestrians; and
- (b) to which the entry of vehicles is prohibited or restricted

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

"relevant position" means:-

- (a) 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;
- (b) 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;

"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;

3. 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.

4. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment;

5. 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;

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

PROHIBITION OF WAITING

7. Save as provided in Part C of this 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 Schedule 1 to this order during the times stated in each Schedule.

PROHIBITION OF LOADING AND UNLOADING

8. 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, load or unload on the lengths of road specified in Schedule 1 during the times stated in each Schedule.

EXEMPTIONS FROM THIS ORDER

Exemption for Emergency Services

9. 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

10. Nothing in 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 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.

(b) to enable the vehicle to be used by the highways engineer for highway works being undertaken on behalf of the Council;

(c) 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;

(d) if the vehicle is waiting owing to the driver being required by law to stop; or being prevented from proceeding by circumstances beyond his control or in order to avoid an accident.

(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 relevant position.

ENFORCEMENT PROVISIONS

11. If a vehicle is left without complying with the requirements of this Order then a contravention will have occurred.

12. Where a person duly authorised by the Council has reason to believe that a contravention has occurred, he shall serve a Penalty Charge Notice in respect of the vehicle concerned in accordance with the provisions of Part 6 of the Traffic Management Act 2004.

This ^{26th} day of ^{August} ~~XXXX~~, 2016

1322-2016

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



JCSU

JASON CFSU

Authorised signatory .

FIRST SCHEDULE

**STREET OR LENGTH OF STREET
WHERE WAITING, LOADING AND UNLOADING
IS PROHIBITED BETWEEN 10AM AND 6PM ON ALL DAYS**

ROADS IN FOLKESTONE

Sandgate Road- from the junction of West Terrace to the junction of Guildhall Street

Alexandra Gardens

Church Street

Guildhall Street

Rendezvous Street (between its junctions of The Old High Street and Sandgate Road)

The Old High Street

George Lane

Market Place