

(1)

**THE KENT COUNTY CONCIL
(NEW ROAD, GRAVESEND) (PARKING PLACES) ORDER 2002**

The Council of the County of Kent in exercise of their powers under sections 1(1), 2(1) to (3), 3(2), 4(1) and (2), 45, 46, 49 and 53 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 Paragraph 20 of Schedule 9 to the Act, hereby make the following Order:-

CITATION, COMMENCEMENT and REVOCATIONS

1. This Order shall come into operation on the 6th day of July, 2002, and may be cited as "The Kent County Council (New Road, Gravesend) (Parking Places) Order 2002"

**PART A
General**

INTERPRETATION

2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"the Act of 1984" means the Road Traffic Regulation Act 1984;

"the Council" means the Kent County Council, as Traffic Authority;

"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 Regulation 3 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000 to be included in an order under the 1984 Act, 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;

"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;

"goods" includes postal packets of any description;

"Gravesham" means the administrative area of the Gravesham Borough Council;

"highway manager" means such person as shall be approved by Gravesham Borough Council to manage the Highway Unit;

"Highway Unit" means the Highway Unit established by Gravesham Borough Council to carry out highway activities under the Kent Highways partnership agreement between Kent County Council, as traffic authority, and Gravesham Borough Council;

PART A
GENERAL

"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;

"medical practitioner" has the same meaning as "legally qualified medical practitioner" in section 52 of the Medical Act 1956;

"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 attendant" has the same meaning as in section 63A of the Act of 1984;

"parking disc" means a disc, issued by a local authority, 125 millimetres square, coloured orange, and capable of showing the quarter hour period during which a period of waiting begins;

"parking place" means an area on a highway designated or authorised and described as a parking place by any of the various Articles or Schedules of this Order;

"parking space" means a space in a parking place which is provided for the leaving of a vehicle;

"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 section 1 of the Public Passenger Vehicles Act 1981;

"relevant position" means:-

(1) 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.

(2) In the case of any other badge or permit a vehicle displays that badge or permit in the relevant position if:-

(i) in the case of a vehicle fitted with a front windscreen, the badge or permit 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 badge or permit is exhibited in a conspicuous position on the front or near side of the vehicle.

"road" means the full width 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;

"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
DESIGNATED PARKING PLACES

PART B

Authorisation and Use of Parking Places

AUTHORISATION OF PARKING PLACES

3. Each area on a highway comprising the lengths of carriageway described in the First Schedule to this Order and, unless otherwise so described, bounded on one side of that length by the edge of the carriageway and having a width throughout of 2.7 metres, is authorised as a loading bay for goods vehicles at all times.
4. The limits of each parking place and the limits of any parking space shall be indicated by a road marking of a kind shown in one of the diagrams of the Traffic Signs Regulations and General Directions 1994, appropriate to the position in which a vehicle may park.
5. The Council or a police constable in uniform may suspend a designated parking place or part thereof in accordance with the provisions of Article ¹⁰ ~~12~~ of this Order.

USE OF GOODS VEHICLE LOADING BAYS

- ^{8+9? (re PART C)}
6. SAVE as provided in Article ¹⁰ ~~11~~ of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a parking attendant, cause or permit any vehicle to wait in any of the loading places described in the First Schedule to this Order unless it is a goods vehicle and loading or unloading is taking place.

CONDUCT OF PARKING PLACES

7. PROVIDED ALWAYS that the provisions of Part D of this Order shall apply to any authorised parking place and, in the event of any contravention of, or non-compliance with, a provision of Part D of this Order, the person responsible shall be guilty of an offence.

PART C

Exemptions from prohibitions and restrictions

EXEMPTION FOR EMERGENCY SERVICES

8. 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 EXEMPTION FROM PROHIBITIONS AND RESTRICTIONS

9. Nothing in Part B of this Order shall render it unlawful to cause or permit a vehicle to wait in any parking place for so long as may be necessary -
- (a) to enable a person to board or alight from the vehicle or to load thereon or to unload therefrom personal luggage;
 - (b) to enable a medical practitioner, or to enable a Midwife, a District Nurse or a Health Visitor registered under the Nurses, Midwives and Health Visitors Act 1979, to make a house call on a patient;
 - (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 if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely
 - (i) the removal of any obstruction to traffic;
 - (ii) the maintenance, improvement or reconstruction of the road; or
 - (iii) the laying, erection, alteration or repair of any sewer or any main, pipe, or apparatus for the supply of gas, water, electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984;
 - (e) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority in pursuance of statutory powers or duties;
 - (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;
 - (h) 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.
 - (i) to enable the vehicle to be used for a purpose authorised and described on a permit issued by the Highway Manager on behalf of the Council provided such permit is displayed on the vehicle in the appropriate position.

PART D
CONDUCT OF PARKING PLACES

PART D

Conduct of Parking Places

SUSPENSION OF PARKING PLACES

10. (1) The Council may, by Notice or by Order, suspend the use of any parking place or any part thereof

- (a) if it is satisfied that use of that parking place should be restricted or prohibited by reason that works are being or are proposed to be executed on or near the road, or by reason of the likelihood of danger to the public or of serious damage to the highway, or
- (b) for the purpose of facilitating the movement or traffic or promoting its safety; or
- (c) for preventing obstruction of the streets on the occasion of any public procession rejoicing or illumination or when the streets are thronged or liable to be obstructed.

subject to such conditions or exceptions as they consider necessary.

(2) A police constable in uniform may suspend for not longer than seven days the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary -

- (a) for the purpose of facilitating the movement of traffic or promoting its safety; or
- (b) for the convenience of occupiers of premises adjacent to the parking place on any occasion of 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; or
- (c) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
- (d) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.

PROVIDED ALWAYS that any person suspending the use of a parking place in accordance with the provisions of this Article shall place or cause to be placed in or adjacent to that parking place or the part thereof the use of which is suspended such traffic signs as are necessary to indicate that waiting by vehicles is prohibited.

MISCELLANEOUS CONDITIONS

11. A driver of a vehicle shall not use a parking place

- (a) so as unreasonably to prevent access to any premises adjoining a road or the use of a road by other persons or so as to be a nuisance;
- (b) when such parking place has been closed in accordance with the provisions of the preceding Article of this Order.

12. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.

13. No person shall

- (a) sell, offer or exhibit for sale or hire any vehicle while it is in a parking place, or
- (b) use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skills in handicraft or services in any capacity.

PROVIDED ALWAYS that this Article shall not be deemed to prohibit persons employed in connection with a licensed public service vehicle or a licensed taxi operation from plying for hire or accepting passengers for hire in accordance with any regulation or condition under which the service is required by law to operate.

14. No person shall carry out upon any vehicle while it is in a parking place any work of construction cleaning maintenance or repair except such as may be necessary to enable the vehicle to be moved from the parking place.

MOVEMENT AND REMOVAL OF VEHICLES

15. (1) When a vehicle is left in a parking place in contravention of or non-compliance with any of the provisions of this Order a police constable or a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place.

(2) In case of an emergency a police constable or a person authorised in that behalf by the Council may alter the position of that vehicle in the parking place; or remove the vehicle or arrange for it to be removed from that parking place to any place he thinks fit.

(3) Any person altering the position of a vehicle in, or removing a vehicle from, a parking place by virtue of the preceding paragraphs of this Article may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position, as the case may be.

SAFE CUSTODY OF VEHICLES REMOVED FROM PARKING PLACES

16. When a police constable or a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of the preceding Article he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.



Given under the Seal of the Kent County Council

This 3rd day of July, 2002

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

Authorised signatory

FIRST SCHEDULE

**STREET OR LENGTH OF STREET WHERE PARKING IS AT ALL TIMES LIMITED TO
GOODS VEHICLES LOADING OR UNLOADING**

NEW ROAD, GRAVESEND

on the northern side of New Road between the boundary of 56/57 New Road
and the boundary of 61/62 New Road.