

**Kent County Council (Various Roads, Borough of Gravesham)
(Prohibition of Waiting) Order 2007**

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) and 53 of the Road Traffic Regulation Act 1984, ("the Act") 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 REVOCATION

- 1 (1) This Order shall come into operation on the 15th January, 2007, and may be cited as "Kent County Council (Various Roads, Borough of Gravesham) (Prohibition of Waiting) Order 2007"
- (2) The Borough of Gravesham (Prohibition and Restriction of Waiting) (Consolidation) Order 1992 shall be amended by the deletion of Wingfield Road, Gravesend from the Schedules to that Order.

**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 1986 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;

"exemption permit" means a permit issued by the Parking Services Manager on behalf of the Council under the Provisions of Part D of this Order;

"goods" includes postal packets of any description;

"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;

PART A GENERAL

"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;

"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 Road Traffic Regulation Act 1984;

"parking disc" means a device which-

(a) is 125 millimetres square and coloured blue, if issued on or after 1st April 2000 or orange, if issued before that date;

(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;

"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;

PART B
PROHIBITIONS ON WAITING

(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;

"restricted road" means the roads, lengths of road or sides of road (including any footway or verge and the perimeter of any central reservation, roundabout or traffic island) specified in the Schedules to this Order.

"vehicle" means a motor vehicle or a trailer and "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
PROHIBITIONS ON WAITING

PART B

**Prohibitions and Restrictions on the waiting of vehicles
or the loading or unloading of vehicles**

NO WAITING AT ANY TIME

- 3 SAVE as provided in Part C of this Order no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to wait at any time in any restricted road specified in the First Schedule to this Order.

NO WAITING 9.30am-10am MONDAYS - SATURDAYS

- 4 SAVE as provided in Part C of this no person shall 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 between the hours of 9.30am and 10am on Mondays to Saturdays in any restricted road specified in the Second Schedule to this Order unless it is a vehicle which is displaying in the relevant position an exemption permit issued by the traffic authority identifying the vehicle as being excepted from the restriction.

ADMINISTRATION OF EXEMPTION PERMIT SCHEMES

- 5 (1) The administration of any Exemption Permit Scheme shall be in accordance with the provisions of Part D of this Order.

PART C

Exemptions from prohibitions and restrictions

EXEMPTION FOR EMERGENCY SERVICES

- 6 Nothing in Articles 3 or 4 of 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.

EXEMPTION FOR LOADING AND UNLOADING OF GOODS

- 7 (1) Nothing in Articles 3 or 4 of this Order shall render it unlawful to cause or permit a vehicle to wait in any restricted road for so long as may be necessary to enable goods to be loaded onto or unloaded from the vehicle.
- (2) Notwithstanding anything in paragraph (1), the driver of a vehicle waiting for the purposes of delivering or collecting goods or merchandise or loading or unloading the vehicle shall move the vehicle on the instruction of a police constable in uniform whenever such moving may be reasonably necessary for the purpose of preventing obstruction.

GENERAL EXEMPTION FROM PROHIBITIONS AND RESTRICTIONS

- 8 Nothing in Articles 3 or 4 of this Order shall render it unlawful to cause or permit a vehicle to wait in any restricted road 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;

PART C
EXEMPTIONS FROM PROHIBITIONS AND RESTRICTIONS

- (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 a purpose authorised and described on a permit issued by the Parking Services Manager on behalf of the Council provided such permit is displayed on the vehicle in the appropriate position;
- (g) 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;
- (h) 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;
- (i) 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.

DISABLED PERSONS' VEHICLES

- 9 Nothing in Articles 3 or 4 of this Order shall render it unlawful to cause or permit a disabled persons vehicle which displays in the relevant position a disabled persons badge and a parking disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in any of the roads, lengths of road or sides of road referred to in the said Articles 3 or 4 for a period not exceeding 3 hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle that length of road).

PART D

Exemption Permits

EXEMPTION PERMITS

- 10 (1) The Council may issue a permit (an "exemption permit") to identify those vehicles which are excepted from the prohibition on waiting contained in Article 4 of this Order.
- (2) The Council will apply an administration charge as authorised by The Local Authorities (Transport Charges) Regulations 1998.
- (3) The Council, having regard to the cost to them of dealing with any such permit issues, will periodically review the amount of administration charge ("the appropriate administration fee") and permit holders will be informed accordingly.

ELIGIBILITY FOR EXEMPTION PERMITS

- 11 (1) Any resident may apply to the Council for the issue of an exemption permit for the leaving of a vehicle of the permitted class and any such application shall be made on a form issued by and obtainable from the Council and shall include the information required by such form and shall be accompanied by the appropriate administration fee.

- (2) For the purposes of this Part of the Order,

"resident" means a person whose usual residence is at premises the frontage of which is in any part of a road described in the Second Schedule to this Order; and

"vehicle of the permitted class" means a passenger vehicle, a dual purpose vehicle, a goods vehicle having a gross weight not exceeding 3500 kilograms, or a motor cycle with or without a sidecar

APPLICATIONS FOR EXEMPTION PERMITS

- 12 On receipt of an application made under the foregoing provisions of this Article, and of the appropriate administration fee, the Council, upon being satisfied that the applicant is a resident, may issue to that applicant an exemption permit for the leaving in any length of road specified on the permit of a vehicle of the permitted class by the owner of such vehicle or by any person using such vehicle with the consent of the owner; provided that, subject to the provisions of Article 18 of this Order, the Council shall not issue a permit to any resident which would be valid for any period during which any other permit issued to that resident extends.

VERIFICATION OF PARTICULARS

- 13 The Council may at any time require an applicant for a permit to produce to an officer of the Council such evidence in respect of an application for a permit made to them as they may reasonably require to verify any information given to them.

PART D
PROVISIONS RELATING TO EXEMPTION PERMITS

RESTRICTION ON NUMBERS OF PERMITS TO BE HELD

- 14 Exemption Permits shall be restricted to a maximum of one permit per household at premises having one or more off-street parking spaces and two permits per household at premises having no off-street parking spaces.

FORM OF PERMIT

- 15 A permit shall be in writing and shall include the following particulars —

- (i) the address of premises in respect of which the permit has been issued;
- (ii) the period during which, subject to the provisions of Article 17 (4) of this Order, the permit shall remain valid;
- (iii) an authentication that the permit has been issued by the Council;
- (iv) an indication that the appropriate administration fee has been paid to the Council.

TERMINATION OF RIGHTS

- 16 The Council shall be entitled to terminate all rights granted by the Exemption Permit if at any time there is any contravention of any of the provisions contained in this Order and in such circumstances the permit holder shall not be entitled to any refund whatsoever of any amount paid in respect of such Exemption Permit

WITHOUT PREJUDICE to any other rights of the Council against the permit holder in respect of the breach of condition giving rise to the termination of the rights granted by that permit.

SURRENDER, WITHDRAWAL AND VALIDITY OF EXEMPTION PERMITS

- 17 (1) An Exemption Permit shall be valid for a period of not more than 5 years from the first day of the month of issue.
- (2) An Exemption Permit shall not be assigned or transferred to any other person except as hereinafter provided but a permit holder may surrender a permit to the Council at any time and shall surrender a permit on the occurrence of any one of the events set out in paragraph (3) of this Article.
- (3) The Council may, by notice in writing served on the permit holder by sending the same by the recorded delivery service to the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode, withdraw a permit if it appears to the Council that any one of the events set out in paragraphs (4) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt to the aforementioned notice.
- (4) The events referred to in the foregoing provisions of this Article are:-

PART D

PROVISIONS RELATING TO EXEMPTION PERMITS

- (a) the permit holder ceasing to be a resident of the premises for which the Exemption Permit in question was issued;
- (b) the issue of a revised permit or a duplicate permit by the council under the provisions of the next following Article of this Order;
- (c) the permit ceasing to be valid pursuant to the provisions of paragraph (5) of this Article.
- (d) the withdrawal of such permit by the Council under paragraph (2) of this Article;

(5) WITHOUT PREJUDICE to the foregoing provisions of this Article, a permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any one of the events set out in paragraph (3) of this Article, whichever is earlier.

ISSUE OF DUPLICATE PERMITS

- 18 (1) If a permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall either surrender it to the Council or apply to the Council for the issue to him of a duplicate permit and the Council, upon the receipt of the permit and a fee of £5, shall issue a duplicate permit so marked and upon such issue the permit which it duplicates shall become invalid.
- (2) If a permit is lost or destroyed the permit holder may apply to the council for the issue of a duplicate and the Council, upon being satisfied as to the loss or destruction and upon receipt of a fee of £5 shall issue a duplicate permit so marked and upon such issue the permit shall become invalid.
- (3) The provisions of this Order shall apply to a duplicate permit and an application therefor as if it were a permit or as the case may be an application therefor

<p>SIGNED FOR AND ON BEHALF OF THE KENT COUNTY COUNCIL BY PETE RAINE MANAGING DIRECTOR OF ENVIRONMENT AND REGENERATION FOR KENT HIGHWAY SERVICES OR BY HIS AUTHORISED SIGNATORY</p>	<p><i>Pete Raine</i> for DIVISIONAL MANAGER</p>
---	---

DATED THE 18TH DAY OF DECEMBER, 2006

FIRST SCHEDULE

**STREET OR LENGTH OF STREET
WHERE WAITING IS PROHIBITED
AT ALL TIMES**

WINGFIELD ROAD On both sides

(a) between its junction with Wrotham Road and a point 14 metres east of that junction;

(b) between its junction with Windmill Street and a point 14 metres west of that junction

SECOND SCHEDULE

**STREET OR LENGTH OF STREET
WHERE WAITING IS PROHIBITED
BETWEEN 1pm and 1.30pm MONDAYS TO SATURDAYS**

EXCEPT PERMIT HOLDERS

WINGFIELD ROAD On both sides between points 14 metres east of the junction with Wrotham Road and 14 metres west of the junction with Windmill Street.