

Part A General

Kent County Council (Rose Avenue, Gravesend) (Prohibition of waiting) Order 2009

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 MAKES the following Order:-

CITATION, COMMENCEMENT

- 1 This Order shall come into operation on the 11th day of January 2010, and may be cited as 'The Kent County Council (Rose Avenue Gravesend) (Prohibition of waiting) Order 2009

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 Kent County Council as Traffic Authority and where appropriate Gravesham Borough Council acting on behalf of the traffic authority as its agent.

"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 Person's (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

Part A General

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.

"Goods" Large or heavy items that require close proximity to the destination this 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 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;

"Licensed taxi" means a taxi licensed for hire by Gravesham Borough Council.

"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;

"Civil Enforcement Officer" has the same meaning as found in the Traffic Management Act 2004;

"Parking Service" means the service established by Gravesham Borough Council to carry out parking activities under the Kent Highways partnership agreement between Kent County Council, as traffic and Enforcement Authority, and Gravesham Borough Council.

Part A General

"Parking Services Manager" means such person as shall be approved by Gravesham Borough Council to manage the parking service.

"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 the part 1 of the badge is legible from the outside of 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:-
 - a. 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.
 - b. 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.

Part A General

"Road" means the full width of any length of highway or of any road to which the public has access, and includes bridges over which a road passes;

"restricted road" means the roads, lengths of roads 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:-

PROVIDED that the expression "restricted road" shall not for the purposes of this Order include any designated parking place or any authorised parking place.

"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 1984;

"vehicle" means a motor vehicle or a trailer and "vehicle" and "trailer" have the same meaning as in section 136 at the Act 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.

Part B Prohibition on Waiting

PART B

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

- 7 **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 the road specified in the first schedule to this Order.

Part C

Exemptions from prohibitions and restrictions

EXEMPTION FOR EMERGENCY SERVICES

- 8 Nothing in Article 7 of this Order shall apply to any vehicle on an occasion when it is being used for the 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

- 9 (1) Nothing in article 7 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 purposes of preventing obstruction.

GENERAL EXEMPTION FROM PROHIBITION AND RESTRICTIONS

- 10 Nothing in article 7 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

Part C Exemptions from prohibitions and restrictions

- 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 a purpose authorised and described on a permit issued by the manager of the parking service 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 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.

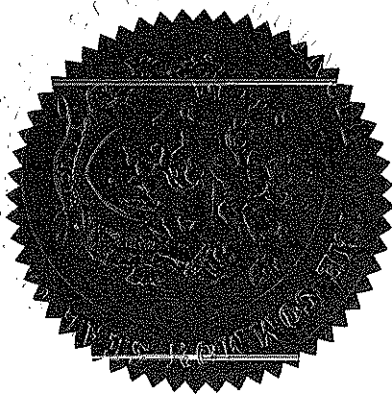
DISABLED PERSONS' VEHICLES

- 2 NOTHING IN Articles 1 of this Order shall render it unlawful to cause or permit a disabled persons vehicle which displays in the relevant position a disabled person's badge and a parking disc to wait in any of the roads, lengths of roads or sides of road referred to in any of the said articles or schedules to this Order for a period not exceeding three hours (not being a period separated by an interval of less than one hour from the previous period of waiting by the same vehicle in that length of road)

Given under the Seal of the Kent County Council

This 30TH day of DECEMBER 2009

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



1929

Authorised Signatory

First Schedule

No waiting at any time

Rose Avenue (north side) from a point in line with the eastern boundary of no 51 Rose Avenue to its eastern extremity.

Rose Avenue (south side) from a point in line with the eastern boundary of no 28 Rose Avenue to its eastern extremity including the entire turning head.

