

HAMPSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE HAMPSHIRE (THE BOROUGH OF TEST VALLEY) (PROHIBITION AND RESTRICTION OF WAITING AND PARKING PLACES) CONSOLIDATION ORDER 2021

Hampshire County Council in exercise of its powers and duties under sections 1, 2, 3, 4, 32, 35, 45, 46, 47, 49, 51, 53, 122 (1) and 122 (2) of the Act, Part IV of Schedule 9 to the Act, and of all other enabling and amending legislation and powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:

PART 1

GENERAL

Citation and commencement

- 1. This Order shall come into operation on *30th August* 2021 and may be cited as The Hampshire (The Borough of Test Valley) (Prohibition and Restriction of Waiting and Parking Places) (Consolidation) Order 2021.
- 2. The Map Schedules attached hereto in Schedule 7 ("the Map Schedules") are incorporated into this Order.
- 3. All the traffic regulation orders and parts of traffic regulation orders imposing waiting, Loading and stopping prohibitions and restrictions and all on street Parking Places orders which relate to Roads in the Borough of Test Valley made prior to this Order and listed in Schedule 1 to this Order are hereby revoked. This Order consolidates all the contents of those orders in this Order.

Definitions

- 4. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:
 - "the Act" means the Road Traffic Regulation Act 1984;
 - "the Council" means Hampshire County Council or, as the case may be, The Borough Council of Test Valley acting as Hampshire County Council's agents;
 - "the Regulations of 2016" means the Traffic Signs Regulations and General Directions 2016;
 - "Area identifier" means an alpha and or alpha/numeric identifier specified in Column 1 of Schedule 3, applicable to the type of Parking Places specified in Column 2, which indicates the Permit Zone specified in Column 3 and is used on permits to identify the Permit Parking Places or areas for which they are valid and on signs at relevant Parking Places or areas and in the Map Tile Labels and/or Map Schedule Legend in the Map Schedule to indicate the permits valid at those Parking Places or areas;
 - "Bus" means a Public Service Vehicle as defined in Section 1 of the Public Passenger Vehicles Act 1981 which is being used on a schedules Local Service;
 - "Carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of Vehicles;

"Civil Enforcement Officer" means a person in uniform authorised by or on behalf of the Council;

"Clearway" means the Main Carriageway of any of the sides or lengths of Roads specified in the Map Schedules where stopping is prohibited during the Restricted Hours provided that the expression Clearway shall not include any lay-by or Parking Place;

"Community Bus" means a Vehicle adapted to carry more than 8 persons which is being used by a community-based organisation to provide local Bus services planned in response to local needs on a non-profit making basis;

"Designated Parking Places" means the designation of on-street Parking Places, parking bays, or Parking Areas, as the case may be, in the provisions of this Order;

"Disabled Person's Badge" means either:

- (a) a badge in the form prescribed by Regulation 11 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000; or
- (b) a replacement badge issued in accordance with Regulation 7 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

"Disabled person's Vehicle" has the same meanings as in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"Driver" in relation to a Vehicle means the person driving the Vehicle at the time it was left in the Parking Place or the contravention occurred (as the case may be);

"Enactment" means any Enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an Enactment and any reference in this Order to any Enactment shall be construed as a reference to that Enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent Enactment;

"Goods" includes postal packets of any description and cash over five kilograms in weight or one thousand pounds value; and "delivering" and "collecting" in relation to any Goods includes checking the Goods for the purpose of their delivery or collection;

"Goods Vehicle" has the same meaning as in the Regulations of 2016;

"Grass Verge" means any unmetalled area between the edge of the Carriageway and the highway boundary;

"Invalid Carriage" has the same meaning as that in Section 136 of the Act;

"Layby" means an area of Carriageway intended for the waiting of Vehicles and bounded partly by a traffic sign of the type shown in diagram 1010 of Schedule 11, Part 4 of the Regulations of 2016, and partly by the outer edge of that Carriageway on the same side of the Road as that on which the sign is placed;

"Loading" means the Loading or unloading of Goods to or from a Vehicle;

"Loading Bay", "Loading Place" or "Loading Area" means any of the sides or lengths of Roads as specified on the Map Schedules as being for Loading and/or unloading of specified classes or Vehicles at specified periods, subject to the provisions of this Order;

"Local Authority" means a County Council or a District Council within England;

"Local Service" has the same meaning as in the Regulations of 2016;

"Main Carriageway" in relation to the Roads specified in the Map Schedules means any

Carriageway of those Roads used primarily by through traffic and excludes any lay-by;

"Map Schedule" means the Map Tiles attached to this Order in Schedule 7 and listed in Schedule 2, which depict the stopping, waiting and Loading prohibitions and restrictions and Parking Places, Loading Places and Parking Areas designated by this Order, and in conjunction with the Map Schedule Legend and/or Map Tile Label, identifies the type of each particular type of prohibition, restriction, Parking Place, Loading Place or Parking Area and certain of its governing provisions;

Provided that the Council does not accept responsibility for inaccuracies contained in the Ordnance Survey data relied upon to create the Map Schedule and where a prohibition, restriction, Parking Place, Loading Place or Parking Area is depicted on the Map Schedule, that provision continues to apply irrespective of any subsequent changes that have been made to the underlying Ordnance Survey data;

"Map Schedule Legend" means the Map Schedule Legend to this Order which, when used in conjunction with a Map Tile as listed in Schedule 2, identifies the specific types of prohibitions and restrictions of stopping, waiting, Loading and the Parking Places, Loading Places or Parking Areas designated by this Order and, where appropriate, certain of their governing provisions;

"Map Tile" means an individual map with a specific tile reference, being part of the Map Schedules as listed in Schedule 2 to this Order;

"Map Tile Label", where shown on a Map Tile forming part of the Map Schedule in relation to a prohibition or restriction of stopping, waiting or Loading, or a Designated Parking Place, Loading Place or Parking Area, means a label which indicates the type of provision and, if appropriate, certain of its governing conditions;

"Motor Car" has the same meaning as that in Section 136 of the Act;

"Motor Cycle" has the same meaning as that in Section 136 of the Act;

"Motor Vehicle" has the same meaning as that in Section 136 of the Act;

"No Loading Hours" means in relation to any No Loading Road the hours during which Loading is prohibited as specified on the Map Schedules;

"No Loading Road" means any of the sides or lengths of Roads identified on the Map Schedules where Loading is restricted during the No Loading Hours save that the expression "No Loading Road" shall not include any Parking Place so authorised pursuant to Part 3 of this Order;

"No Stopping Hours" means in relation to any No Stopping Restriction or Road the hours during which stopping is restricted or prohibited as specified on the Map Schedules;

"No Stopping Road" means any of the sides or lengths of Roads (including Clearways) identified on the Map Schedules where stopping is prohibited or restricted during the No Stopping Hours as specified in the Map Schedules, provided that the expression "No Stopping Road" shall not include any Parking Place;

"Owner" in relation to a Vehicle means the registered Keeper under the Vehicle Excise and Registration Act 1994 at the time of the contravention;

"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 in accordance with Regulation 8(5) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

"Parking Place" or "Parking Area" means any part of a Road or an area designated as a Parking Place or Parking Area by this Order, and identified as such in the Map Schedules to this Order, which is provided by the Council for the leaving of a Vehicle or Vehicles under the provisions of this Order, and is indicated, where applicable, by the appropriate traffic signs;

"Passenger Vehicle" means a 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 12 passengers exclusive of the Driver and not drawing a trailer;

"Pedal Cycle" means a unicycle, bicycle, tricycle, or a cycle having four or more wheels, not being in any case mechanically propelled unless it is an electrically assisted Pedal Cycle of such class as is to be treated as not being a Motor Vehicle for the purposes of the Act;

"Pedestrian Zone" has the same meaning as in Part 2, Schedule 1 of the Regulations of 2016;

"Penalty Charge" and "Reduced Penalty Charge" means a charge set by the Council under the provisions of Part 6 of the Traffic Management Act 2004 which is to be paid to the Council within 28 days beginning with the date of the Penalty Charge Notice, or 14 days in the case of a Reduced Penalty Charge, following the issue of a Penalty Charge Notice, or 21 days in the case of a Penalty Charge Notice sent by post (Postal PCN);

"Penalty Charge Notice" means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of Part 6 of the Traffic Management Act 2004 Act containing the particulars therein required;

"Permit" means a device issued by The Council under the provisions of this Order to allow the authorised use of a Parking Place or area;

"Permit Holder" means a person to whom a Permit or Virtual Parking Permit has been issued under the provisions of the Order;

"Permit Parking Area" has the same meaning as in the Regulations of 2016;

"Permit Parking Place" means any part of a Road identified in the Map Schedules to this Order, which is provided by the Council for the leaving of a Vehicle under the provisions of this Order, and is indicated by the prescribed traffic signs;

"Permit Zone" means a named Area listed in Schedule 3, and includes those Roads and parts of Roads specified in Schedule 5 that contain Permit Parking Places or Areas so indicated in the Map Schedule, where the Area identifier indicated for such Parking Places or Areas indicates the Permit Zone which those Parking Places belong;

"Permitted Hours" means in relation to any of the Roads shown on the Map Schedules to this Order the hours and days during which waiting or Loading is permitted as specified on the Map Schedules, provided that (for the avoidance of doubt) where no days or hours are specified the periods specified shall be taken to be all days and all hours;

"Prohibited Hours", in relation to:

- (a) any Prohibited Road, Pedestrian Zone or Restricted Parking Zone, being the hours during which a Vehicle may not wait whilst