

**THIS IS A COPY OF THE SEALED ORDER**

**NORTH YORKSHIRE COUNTY COUNCIL**

**(RIPON CENTRAL AREA) (PARKING AND WAITING)**  
**ORDER 2002**

North Yorkshire County Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1(1), 2(1) to (3), 4(2), 32(1) and 35(1) 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 Part III of Schedule 9 to the Act, hereby make the following Order:-

1. (1) When used in this Order each of the following expressions has the meaning assigned to it below:-

"disabled person" means a person who holds a disabled person's badge in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (No. 682) (and in particular Regulation 4 thereof) or any re-enactment thereto;

"disabled person's badge" means a badge issued in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended) (in particular Regulation 11 and the Schedule thereto) or under regulations having effect in Scotland and Wales under Section 212 of the Chronically Sick and Disabled Persons Act 1970 as referred to currently by the Local Authorities Traffic Orders (Exemptions for Disabled) (England) Regulations 2000 (No. 683) or any subsequent further re-enactments thereof;

"disabled person's parking bay" means any area of carriageway designated as a parking bay reserved for disabled person's badge holders and which is comprised within and indicated by a road marking complying with diagram 1028.3 or 1033 in Schedule 6 to the Traffic Signs Regulations and General Directions 1994;

"disabled person's vehicle" means a vehicle driven by a disabled person as defined in Regulation 4(2) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (No 682);

"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 (and shall, as appropriate, bear the meaning assigned by Section 142 of the 1984 Act);

"goods" shall mean items of any description which cannot easily be carried by one person and do not include goods that are not pre-ordered, shopping, small fragile goods or cash or other valuable securities which are being collected or delivered from a bank/building society;

"goods vehicle" means a motor vehicle or trailer constructed or adapted for use for the carriage or haulage of goods or burden of any description;

"loading/unloading" means when a vehicle stops to load or unload bulky or heavy goods;

"loading bay" means any area of carriageway within the restricted zone designated as a parking bay reserved for goods vehicles loading or unloading goods or merchandise for commercial purposes at premises adjacent to the said area of carriageway and which is indicated by a sign of the size, colour and type shown in diagram 660.4 in Schedule 2 to the Traffic Signs Regulations and General Directions 1994;

"owner" in relation to a vehicle means the person by whom such vehicle is kept and used;

''parking attendant'' shall mean the person or persons duly authorised in writing in that behalf (from time to time) by the Council of the Borough of Harrogate;

''penalty charge'' means a charge set by the Council under the provisions of Section 74 of the 1991 Act in accordance with guidance given by the Secretary of State and specified in Article 10 of this Order, such charge being payable by virtue of Paragraph 3(1) and (2) of Schedule 3 of the 1991 Act in the manner set out in the Penalty Charge Notice;

''penalty charge notice'' means a Notice issued by the parking attendant pursuant to the provisions of Section 66 and Schedule 6 and related provisions of the 1991 Act;

''post office'' and any reference to ''post office vehicle'' or ''postal packets'' shall be construed in the context of the Postal Services Act 2000 and the Consequential Amendments Order 2001 (No. 2001/648) and shall include therefore references to ''universal service providers) such as Consignia Plc, as the context shall require;

''road'' means the full width of the highway including the carriageway and footway;

''taxi'' has the same meaning as in regulation 4 of the Traffic Signs Regulations and General Directions 1994;

''taxi rank'' means any area of carriageway within the restricted zone reserved for use by taxis waiting to pick up passengers and which is indicated by a sign of the size, colour and type shown in diagrams 639.1A and 650.2 in Schedule 2 to the Traffic Signs Regulations and General Directions 1994, varied in accordance with Drawing No: 0125/D/1 attached to this Order;

''the restricted zone'' means the area comprising the lengths of road specified in the First Schedule to this Order and which is indicated by a sign of the size, colour and type shown in diagrams 637 and 663 in Schedule 2 to the Traffic Signs Regulations and General Directions 1994, varied in accordance with Drawing Nos: 0125/B and 0125/F/2 attached to this Order;

''the 1991 Act'' means the Road Traffic Act 1991.

(2) For the purpose of defining the expression "relevant position" in this Order a vehicle shall be regarded as displaying -

(a) a disabled person's badge issued before 2nd March 1992 in the relevant position if -

(i) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon on the near side of and immediately behind the windscreen and with its front facing forward so as to be legible from outside the vehicle; or

(ii) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the vehicle.

(b) a disabled person's badge issued on or after 2nd March 1992 in the relevant position if -

(i) in the case of a vehicle fitted with a dashboard or facia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside the vehicle; or

(ii) in the case of a vehicle not fitted with a dashboard or facia 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.

- (3) Except where otherwise stated, any reference in this Order to a numbered article or Schedule is a reference to the article or Schedule bearing that number in this Order.
2. For the purposes of this Order any reference to a length of road shall be construed as a reference to the length specified in column 4 of the First Schedule to this Order of the side or sides of road specified in respect of that length in column 3 thereof in relation to the road named in respect of that side or those sides in column 2 of that Schedule.
3. Save as provided in article 4 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 at any time in any length of road within the restricted zone specified in Part 1 of the First Schedule to this Order.
4. (1) Nothing in article 3 of this Order shall render it unlawful to cause or permit any vehicle to wait in any length of road within the restricted zone specified in Part 1 of the First Schedule to this Order for so long as may be necessary to enable:-
- (a) a person to board or alight from the vehicle or
  - (b) goods to be loaded on or unloaded from the vehicle or
  - (c) the vehicle if it cannot conveniently be used for such purposes in any other road to be used in connection with any of the following operations:-
    - (i) building, industrial or demolition operations
    - (ii) the removal of any obstruction to traffic
    - (iii) the maintenance, improvement or reconstruction of any length of road within the restricted zone specified in Part 1 of the said First Schedule or
    - (iv) the laying, erection, alteration or repair, in or in land adjacent to, any length of road within the restricted zone specified in Part 1 of the said First Schedule of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
    - (v) the delivery or collection of postal packets as defined in Section 87 of the Post Office Act 1953 at or from premises fronting any length of road within the restricted zone specified in Part 1 of the said First Schedule.
  - (d) 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 or a water authority for the purpose of the performance of the statutory functions of such authority;
  - (e) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to any length of road within the restricted zone specified in Part 1 of the said First Schedule;
  - (f) the vehicle to wait at or near to any premises situated on or adjacent to any length of road within the restricted zone specified in Part 1 of the said First Schedule for so long as is reasonably necessary to enable the vehicle to be used for or in connection with the purposes of any wedding or funeral taking or to take place from or at any such

premises;

(g) the vehicle to be used for fire brigade, ambulance or police purposes.

- (2) Nothing in article 3 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge whilst such vehicle is being used by or for the convenience of a disabled person 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 lengths of road within the restricted zone referred to in that article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road on the same day).
5. Save as provided in article 9 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 other than a taxi to wait at any time in any length of road within the restricted zone specified in Part 2 of the First Schedule to this Order, such lengths of road being designated as taxi ranks.
6. Save as provided in article 9 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 other than a goods vehicle for so long as may be necessary to load on or unload goods or merchandise from the vehicle to wait at any time in any length of road within the restricted zone specified in Part 3 of the First Schedule to this Order, such lengths of road being designated as loading bays.
7. Save as provided in article 9 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 other than a disabled person's vehicle to wait between the hours of 8.00 am and 6.00 pm in the length of road within the restricted zone specified in Part 4 of the First Schedule to this Order:-
- (a) for a longer period than one hour; or
- (b) if a period of less than two hours has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same side of the same length of road,
- such length of road being designated as a disabled person's parking bay.
8. Save as provided in article 9 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 other than a disabled person's vehicle to wait between the hours of 8.00 am and 6.00 pm in the length of road within the restricted zone specified in Part 5 of the First Schedule to this Order:-
- (a) for a longer period than 30 minutes; or
- (b) if a period of less than two hours has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same side of the same length of road,
- such length of road being designated as a disabled person's parking bay.
9. Nothing in articles 5, 6, 7 and 8 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of road to which those articles apply during the hours prescribed in those articles if it is necessary to do so to enable:-

- (i) the vehicle to be used for the removal of any obstruction to traffic, or
- (ii) the vehicle to be used for Police, Fire Brigade or Ambulance purposes, or
- (iii) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in pursuance of statutory powers or duties or in connection with any building operation or demolition, the maintenance, improvement or reconstruction of the road or the laying, erection, alteration or repair in, or in land adjacent to the road of any sewer or of any main, pipe, wire or cable or any apparatus for the supply of gas, water or electricity or of any telecommunications apparatus defined in the Telecommunications Act 1984.

**PENALTY CHARGE AND PAYMENT**

10. From the date The Road Traffic (Permitted Parking Area and Special Parking Area) (County of North Yorkshire) (Borough of Harrogate) Order 2002 takes effect on the 15th July 2002, hereinafter called the Designation Order, the following provisions shall apply by operation of law, namely:-

- (1) Where a vehicle:-
  - (a) waits, parks or is left on a road in contravention of the foregoing provisions of this Order or otherwise contravenes or fails to comply with the provisions of this Order, insofar as it relates to a vehicle waiting, parking or being left on a road; or
  - (b) waits, parks or is left on a road in contravention of any other Traffic Regulation Order the provisions of which are not consolidated into this Order or fails to comply with the provisions of any such Order insofar as it relates to a vehicle waiting, parking or being left on a road; or
  - (c) parks in contravention of the provisions of Section 19 or 21 of the Road Traffic Act 1988 (prohibition of parking of HGVs on verges, central reservations and footways), and (driving or parking on cycle tracks);

then a Penalty Charge of £60 shall be payable within 28 days beginning with the date of the Notice under Section 66(3) of the 1991 Act.

- (2) In the case of a vehicle in respect of which a Penalty Charge is payable under Paragraph (1) of this Article, a Penalty Charge Notice may be issued by a parking attendant in accordance with the requirements of Section 66 of the 1991 Act and may accordingly be affixed to the vehicle or given to the person appearing to be in charge of the vehicle;
- (3) A Penalty Charge Notice shall contain the details required by Section 66(3) of the 1991 Act;
- (4) Where a Penalty Charge Notice has been issued and affixed or given in the manner set out above, it shall not be removed or interfered with except by or under the authority of the owner or person in charge of the vehicle or a parking attendant or some other duly authorised person. The Penalty Charge shall be payable by the owner of the vehicle in respect of which that notice was issued in accordance with Section 66 and Schedule 6 of the 1991 Act in the sum specified in paragraph (1) above.
- (5) A Penalty Charge shall be deemed to be paid when it is received by the Council in accordance with Section 82(5) of the 1991 Act.
- (6) In accordance with Section 66(3) (d) of the 1991 Act (as amended), where a Penalty Charge Notice has been issued and the Penalty Charge has been paid within 14 days of the date of issue of the Penalty Charge Notice, the lesser sum of £30.00 shall be payable by the owner of the vehicle in respect of which that Notice was served.
- (7) If in accordance with Section 66(3) as above and Schedule 6 of the 1991 Act, the Penalty

Charge Notice is not paid within 28 days of the issue date of the Penalty Charge Notice the Council may serve a Notice to Owner on the owner of the vehicle when the alleged contravention occurred stating the matters required by Schedule 6, paragraph 1(2) amongst other things that the owner may make representations to the Council against the said Notice invoking one or more grounds specified in paragraph 2(4) of the said Schedule.

- (8) The Council will consider any such representations and may cancel the Notice if it accepts one or more statutory grounds are made out but if such are rejected by the Council the Council will serve a "Notice of Rejection" in accordance with Schedule 6, paragraph 4 of the 1991 Act and enclose a "Notice of Appeal" in accordance with the Adjudicator's Directions to Local Authorities.
- (9) Within 28 days of service of a Notice of Rejection the Penalty Charge must be paid or the person upon whom the Notice of Rejection was served must appeal to the Adjudicator who will then carry out an adjudication on the Appeal.
- (10) Where a Notice to Owner is served on any person and the Penalty Charge to which it relates is not paid before the end of the relevant period, the authority serving the notice may serve on that person a statement (a "Charge Certificate") to the effect that the penalty charge in question is increased by 50 per cent.
- (11) The relevant period, in relation to a Notice to Owner, is the period of 28 days beginning:-
  - (A) where no representations are made under paragraph 2(4) of Schedule 6 to the 1991 Act, with the date on which the notice to owner is served;
  - (B) where:-
    - (i) such representations are made;
    - (ii) a notice of rejection is served by the Council; and
    - (iii) no appeal against the notice of rejection is made, with the date on which notice of the adjudicator's decision is served on the appellant.
- (12) Where an appeal against a notice of rejection is made but is withdrawn before the adjudicator gives notice of his decision, the relevant period in relation to a notice to owner is the period of 14 days beginning with the date on which the appeal is withdrawn.
- (13) When the Charge Certificate has been served on any person and the increased penalty charge provided for in the Certificate is not paid within 14 days of service the Council may register a debt at Northampton County Court (for enforcement purposes), which has been designated as the Traffic Enforcement Centre.
- (14) If the charge Certificate is not paid within 14 days of registration at the County Court the Council can apply to the Traffic Enforcement Centre for authorization to issue a bailiffs warrant in accordance with the Lord Chancellors Regulations made under Section 78 (2) of the Road Traffic Act 1991.

#### **REVOCATION OF EXISTING ORDERS**

11. The Traffic Regulation Order specified in Column 1 of the Second Schedule to this Order is hereby revoked to the extent specified in Column 2 of that Schedule, and to the extent that the provisions of this Order are inconsistent with, or incompatible with, the provisions of any other Order, Byelaws or enactment relating to traffic regulation in the City of Ripon area not specifically

referred to in the said Schedule, the provisions of this Order shall prevail for all purposes.

**OPERATION OF THE ORDER**

12. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any Order or regulations made or having effect as if made under the Act or by or under any other enactment.
13. This Order is intended to operate within the provisions of the Road Traffic Regulation Act 1984 and the Road Traffic Act 1991 as amended and applied to the administrative area of the County of North Yorkshire (Borough of Harrogate) by the Designation Order referred to in Article 10 above together with any other related enactment or consequential provision as referred to therein or any further Order that the Secretary of State for Local Government Transport and the Regions shall later make.
14. This Order shall come into operation on 15 July 2002 and may be cited as "North Yorkshire County Council (Ripon Central Area) (Parking and Waiting) Order 2002".

**THE FIRST SCHEDULE**

**ROADS IN THE CITY OF RIPON**

**THE RESTRICTED ZONE**

**PART 1**

**WAITING PROHIBITED AT ALL TIMES WITH EXEMPTIONS**

<b><u>Column 1 Item</u></b>	<b><u>Column 2 Road</u></b>	<b><u>Column 3 Side</u></b>	<b><u>Column 4 Length</u></b>
1	Queen Street	Both	From its junction with Moss's Arcade, to its junction with Market Place.
2	Market Place East	Both	For its entire length.
3	Market Place South	Both	For its entire length.
4	Market Place West	Both	For its entire length.
5	Market Place North	South	For its entire length.
6	Kirkgate	Both	For its entire length.

<u>Column 1 Item</u>	<u>Column 2 Road</u>	<u>Column 3 Side</u>	<u>Column 4 Length</u>
7	Duck Hill	Both	For its entire length.
8	Minster Road	Both	From its junction with Kirkgate, eastwards for a distance of 92.2 metres, measured from the centre line of Kirkgate along the centre line of Minster Road.
9	Bedern Bank	Both	From its junction with Kirkgate, southwards for a distance of 16.6 metres, measured from the centre line of Kirkgate along the centre line of Bedern Bank.

PART 2  
WAITING PROHIBITED AT ALL TIMES EXCEPT FOR TAXIS

<u>Column 1 Item</u>	<u>Column 2 Road</u>	<u>Column 3 Side</u>	<u>Column 4 Length</u>
10	Queen Street/Market Place East	East	(a) From a point 5 metres south of the point where the projection of the south kerb line of Moss's Arcade meets the projection of the east kerb line of Queen Street/Market Place East, south for a distance of 12.9 metres;
10	Queen Street/Market Place East	East	(b) From a point 4 metres south of termination point in (a) above, south for a distance of 62.5 metres.

PART 3  
WAITING PROHIBITED AT ALL TIMES EXCEPT FOR LOADING OR UNLOADING BY GOODS VEHICLES

<u>Column 1 Item</u>	<u>Column 2 Road</u>	<u>Column 3 Side</u>	<u>Column 4 Length</u>
11	Market Place East	East	From a point 86.9 metres south of the point where the projection of the south kerb line of Moss's Arcade meets the projection of the east kerb line of Queen Street/Market Place East, south for a distance of 15.8 metres.



<u>Column 1 Item</u>	<u>Column 2 Road</u>	<u>Column 3 Side</u>	<u>Column 4 Length</u>
12	Market Place South	South	(a) From a point where the projection of the west kerb line of Market Place East meets the south kerb line of Market Place South, west for a distance of 14.3 metres;  (b) From a point 15.1 metres west of the termination point in (a) above, west for a distance of 10.1 metres.
13	Market Place North	North	For its entire length.

PART 4

WAITING PROHIBITED EXCEPT FOR DISABLED PERSONS VEHICLES AND LIMITED BETWEEN THE HOURS OF 8.00 AM AND 6.00 PM TO NOT LONGER THAN ONE HOUR, RETURN PROHIBITED WITHIN TWO HOURS

<u>Column 1 Item</u>	<u>Column 2 Road</u>	<u>Column 3 Side</u>	<u>Column 4 Length</u>
14	Market Place East	East	From a point 102.7 metres south of the point where the projection of the south kerb line of Moss's Arcade meets the projection of the east kerb line of Queen Street/Market Place East, south for a distance of 7.7 metres.

PART 5

WAITING PROHIBITED EXCEPT FOR DISABLED PERSONS VEHICLES AND LIMITED BETWEEN THE HOURS OF 8.00 AM AND 6.00 PM TO NOT LONGER THAN 30 MINUTES, RETURN PROHIBITED WITHIN TWO HOURS

<u>Column 1 Item</u>	<u>Column 2 Road</u>	<u>Column 3 Side</u>	<u>Column 4 Length</u>
15	Market Place South	South	From a point 39.5 metres west of the point where the projection of the west kerb line of Market Place East meets the south kerb line of Market Place South, west for a distance of 8.2 metres.

THE SECOND SCHEDULE

REVOCATION OF TRAFFIC REGULATION ORDER

<u>Column 1</u> <u>Title of Order</u>	<u>Column 2</u> <u>Extent of Revocation</u>
"North Yorkshire County Council (Prohibition and Restriction of Waiting Zone) (Ripon Central Area) Order 2001".	In its entirety.

Given under **THE COMMON SEAL** of )  
**NORTH YORKSHIRE COUNTY COUNCIL** )  
this 10th day of July 2002 )  
in the presence of:- )

**THIS IS A COPY OF THE SEALED ORDER**