

**HART DISTRICT COUNCIL (CLEARWAY AND PROHIBITION OF STOPPING ON THE  
FOOTWAY AND OR VERGE) (TOTTERS LANE AND POTBRIDGE ROAD, HOOK)  
EXPERIMENTAL TRAFFIC ORDER 2017**

The Hart District Council pursuant to arrangements made under Section 101 of the Local Government Act 1972 with Hampshire County Council in exercise of its powers under sections section 9 & 10 of the Road Traffic Regulation Act 1984 (the Act of 1984) as amended 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 of 1984, hereby makes the following Order.

**SECTION 1 – PRELIMINARY**

Citation and commencement

1. This Order may be cited as Hart District Council (Clearway and Prohibition of Stopping on the Footway and or Verge) (Totters Lane and Potbridge Road, Hook) Experimental Traffic Order 2017
  
2. The reason for proceeding by way of an Experimental Traffic order is to assess the effects of the trial period before consideration is given to whether the provisions of the Experimental Traffic order should be made permanent. Currently the parking of vehicles effects the forward visibility and impedes the free flow of traffic along the road, and is causing damage to the carriageway, footway and or verge.

The reason for this order is to prevent parking in the interests of highway safety, secure the condition of the public highway, maintain forward visibility and allow the free passage for all vehicles, a traffic regulation order is considered desirable.

3. Whilst this Order is in force the Council or any person authorised by it may modify or suspend this Order or any provisions in it if it appears essential to do so for any purpose specified under section 10(2) of the 1984 Act.

4. This Order shall come into operation on the 2 December 2017 and shall cease to be in force on 18 months from the 24 November 2017 or such earlier date as is decided by the Head of Technical and Environmental Services

#### Interpretation

5. In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

“clearway” means the area marked red on the drawing dated September 2017  
Revision 1

“carriageway” has the same meaning as given in section 329 (1) of the Highways Act 1980

“motor vehicle” and other expressions relating to “vehicles” including part of a vehicle has the same meaning as s185 Road traffic Act 1988

“permitting” includes causing

“Council” means Hampshire County Council or, as the case may be, Hart District Council acting as Hampshire County Council’s agents;

“civil enforcement officer” means a person employed in accordance with Section 76 of the Traffic Management Act 2004 to carry out the functions therein or a person employed as a Parking Attendant for the purposes of Section 63A of the Road Traffic Regulation Act 1984;

“driver” in relation to a vehicle waiting in a restricted area, means the person driving the vehicle at the time it was left in the restricted waiting area;

“footway” has the same meaning as given in section 329 (1) of the Highways Act 1980

“motor-cycle” has the same meaning as that in S136 of the 1984 Act;

“owner” in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was the owner at any time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his / her employment and who is entitled to use such vehicle as though he / she were the registered keeper thereof;

“passenger vehicle” means a motor vehicle (other than a motor-cycle) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

“penalty charge” has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;

“penalty charge notice” has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;

“permit” means a permit issued by the Council under the provisions of this Order;

“permit holder” means a person to whom a permit has been issued under the provisions of this Order;

“prohibited road” means any of the sides or lengths of roads specified in Schedule 1 where waiting is prohibited provided that the expression “prohibited road” shall not include any parking place;

“road” means the full width including the carriageway and any footway and or verge of any length of Highway or of any other road to which the public have access, and includes bridges over which a road passes

“telecommunication system” has the same meaning as in the Telecommunications Act 1984;

“verge” means any part of a road not being a carriageway and includes road margins and those areas laid for ornamental purposes maintained by Hart District Council or Hampshire County Council

6. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order.
7. 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.
8. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked were Acts of Parliament thereby repealed.

## **SECTION 2 – Clearway**

### Prohibition of Stopping

9. No person shall, except upon the direction or with the permission of a police officer in uniform or civil enforcement officer, cause or permit any vehicle to stop at any time on any prohibited road as specified in Schedule 1.

### Emergency Services

10. Nothing in Articles 9 shall render it unlawful to cause or permit any vehicle to stop at any time in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable the vehicle to be used for fire and rescue, ambulance or police purposes.

## General exemptions

11. Nothing in Articles 9 shall render it unlawful to cause or permit any vehicle to stop at any time in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable:
- (a) 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) building, shop fitting, industrial or demolition operations;
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
    - (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system,
  - (b) the vehicle, not being a passenger vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or its contractors in pursuance of that authority's statutory powers or duties;
  - (c) the vehicle of the Royal Mail or other universal service provider (as defined in section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail; or
  - (d) in any case where the person in control of the vehicle,
    - (i) is required by law to stop;
    - (ii) is obliged to stop so as to prevent an accident, or
    - (iii) is prevented from proceeding by circumstances outside his/her control. The vehicle will need to be removed within 24 hours.
  - (e) to wait on the carriageway while any gate or other barrier at the entrance to premises to which the vehicle required access or from which it has emerged is opened or closed if it is not reasonably practicable for the vehicle to wait otherwise than on that carriageway

### **SECTION 3 - PROHIBITION OF FOOTWAY AND OR VERGE PARKING**

12. No person shall, except upon the direction or with the permission of a police officer in uniform or civil enforcement officer, cause or permit any vehicle to stop at any time with one or more wheels on any part of the footway and or verge on any road or roads in the Schedule 1 to this order.
13. Nothing in Article 12 shall render unlawful to cause or permit any vehicle to wait on the footway and or verge of the road or roads referred to therein for so long as is necessary if:
  - (a) The vehicle is being used by the emergency services
  - (b) The vehicle is required to stop by law
  - (c) The vehicle is obliged to stop as to prevent an accident
  - (d) The vehicle is prevented from proceeding by circumstances beyond their control
  - (e) The vehicle is being used or the maintenance, improvement or reconstruction of the said sides of road or length of road
  - (f) The vehicle is being used for the laying, erection, alteration or repair in, or in land adjacent to the said sides of roads or lengths of roads or any sewer or any main pipe or apparatus for the supply of gas, water, electricity or of any telecommunications apparatus
  - (g) The vehicle is being used in the service of a local authority in pursuance of statutory powers or duties

### **SECTION 4 - CONTRAVENTION OF ORDER**

#### Contravention

14. If a vehicle is left in a prohibited or restricted road without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable.
15. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the 1984 Act or by or under any other enactment.

**SECTION 4 - VALIDITY**

16. If a court, the Department for Transport, the Traffic Penalty Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable; such declaration shall not invalidate the remainder of the Order.

THE COMMON SEAL of HART DISTRICT )  
COUNCIL was hereunto affixed this )  
day of 21<sup>st</sup> November )  
2017 in the presence )  
of:- )

*McGandy*







**SCHEDULE 1**  
**NO STOPPING AT ANY TIME**  
**SCHEDULE OF CLEARWAY AND PROHIBITION OF STOPPING ON FOOTWAY AND**  
**OR VERGE**

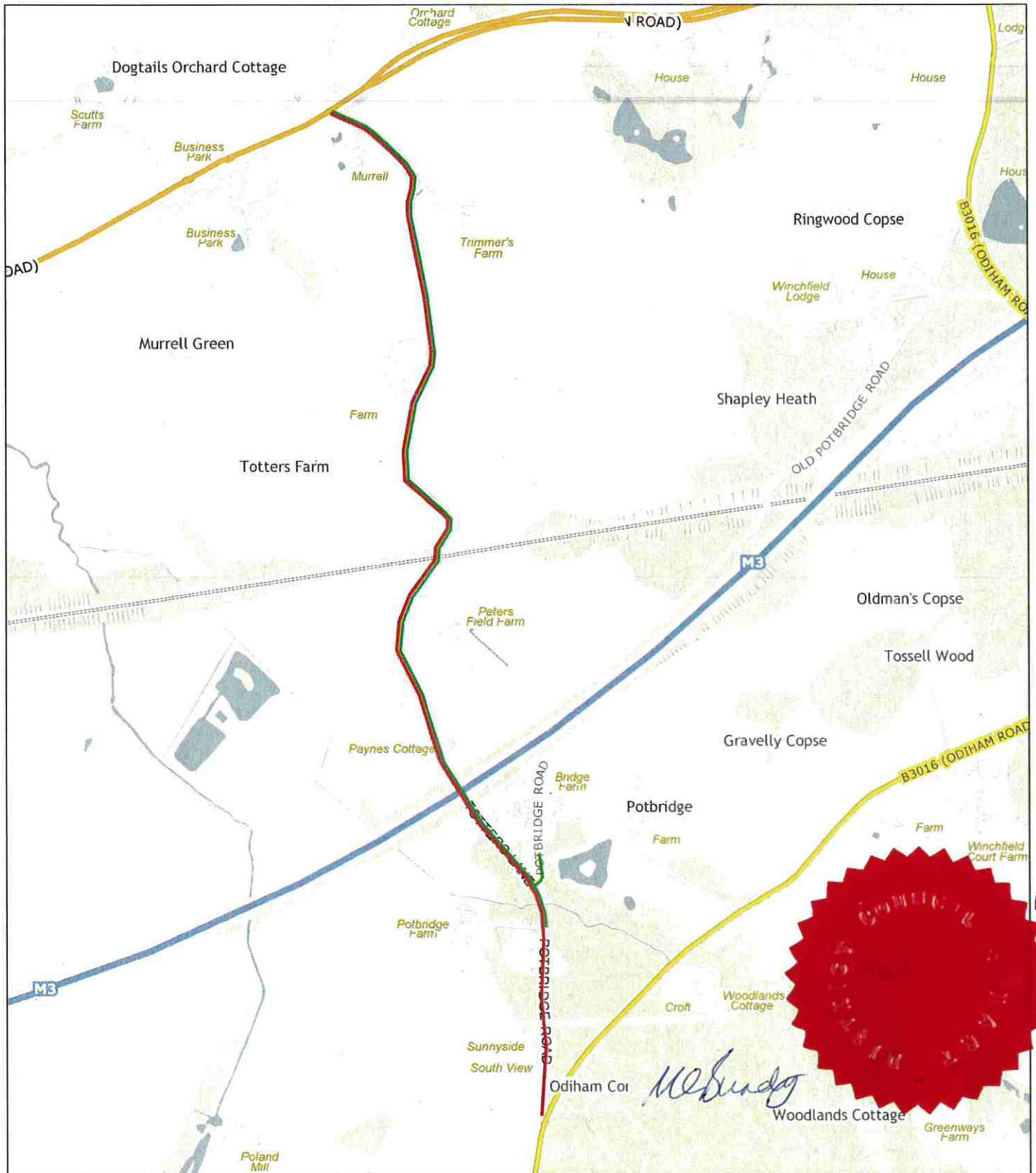
**Totters Lane: Clearway and Prohibition of stopping on footway and or verge**

1. Clearway on Totters Lane for a distance of 1.8km in a northerly direction when measured from the centre line of the give way line at its junction with Potbridge Road [spur section], as shown red on the attached map
2. Prohibition of stopping on footway and or verge for a distance of 1.8km in a northerly direction when measured from the centre line of its junction with Potbridge Road [spur section] along its eastern and western edges, as shown by the green line on the attached map
3. Prohibition of stopping on footway and or verge for a distance of 84m in a southerly direction when measured from the centre line of its junction with Potbridge Road along its eastern and western edges, as shown by the green line on the attached map

**Potbridge Road [main section] and [spur section]: Clearway and Prohibition of stopping on footway and or verge**

1. Clearway on Potbridge Road [main section] for a distance of 488m in a northerly direction when measured from the centre line of the give way line at its junction with B3016 Odiham Road, as shown red on the attached map.
2. Prohibition of stopping on footway and or verge of on Potbridge Road [main section] for a distance of 84m starting from a point measured 484m in a northerly direction from the centre line of the give way line at its junction with B3016 Odiham Road along its eastern and western edges, as shown green on attached map
3. Clearway on Potbridge Road [spur section] for a distance of 65m in a northerly direction when measured from the centre line of the give way line at its junction with Totters Lane/Potbridge Road [main section], as shown purple on the attached map
4. Prohibition of stopping on footway and or verge of on Potbridge Road [spur section] for a distance of 65m in a northerly direction when measured from the centre line of the give way line at its junction with Totters Lane along its eastern and western edges, as shown yellow on attached map





SCALE - 1:7,500



- CLEARWAY
- VERGE AND FOOTPATH RESTRICTION

THE HART DISTRICT COUNCIL (CLEARWAY AND PROHIBITION OF STOPPING ON THE FOOTWAY AND OR VERGE) (TOTTERS LANE AND POTBRIDGE ROAD, HOOK) EXPERIMENTAL TRAFFIC ORDER 2017



Hart District Council  
Civic Offices  
Harlington Way  
Fleet  
Hampshire  
GU51 4AE

September 2017  
Revision 1

Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationary Office (c) Crown Copyright 2000. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Hart DC licence No. 100019202 2015



1856

