

THE BOROUGH OF HAVANT
(HAVANT: BULBECK ROAD, HOMEWELL AND PARK ROAD SOUTH) (PROHIBITION
OF WAITING, LOADING AND UNLOADING) (DISABLED PERSONS PARKING AND
LOADING AND UNLOADING BAYS ONLY) ORDER 2012

The Council of the Borough of Havant hereby gives notice that pursuant to arrangements made under Section 19 of the Local Government Act 2000 with the Council of the County of Hampshire in exercise of the powers conferred on that County Council under Sections 1 (1) 2 (1) and (2) and 4 (2) of the Road Traffic Regulation Act 1984 ("the Act") and Part IV of Schedule 9 to 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. This Order shall come into operation on the twenty-first day of February 2013 and may be cited as "The Borough of Havant (Havant: Bulbeck Road, Homewell and Park Road South) (Prohibition Of Waiting, Loading and Unloading) (Disabled Persons Parking and Loading and Unloading Bays Only) Order 2012."
2. The parts of Order specified in the First Schedule to this Order are hereby revoked.
3. (1) In this Order -

"Council" means the Council of the Borough of Havant;

"Civil Enforcement Officer" means a person (being a person appointed under Section 76 of the Traffic Management Act 2004 and/or under Section 63A of the 1984 Act) authorised by or on behalf of the Council to supervise any parking place and act as indicated by the use of the expression in any of the Articles in this Order;

"delivering" and **"collecting"** in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"disabled person's badge" or **"blue badge"** has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 SI 682;

"disabled person's vehicle" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 as amended;

"disabled persons' parking place" means a area on a highway which is designated as a disabled persons' parking place and is comprised within and indicated by a road marking complying with diagram 1028.3 or diagram 1033 of the Traffic Signs Regulations and General Directions 2002;

"loading" means the loading or unloading of goods to or from a vehicle;

"loading bay area" means the part of the road authorised by this Order to be used as a loading and unloading only area and indicated by sign diagram 660.4 as defined in Schedule 2 of the Traffic Signs Regulations and General Directions 2002;

"tradesmen's waiver" means a waiver issued by the Council permitting vehicles to be loaded and unloaded in connection with any deliveries, services or trades.

- (2) For the purpose of this Order a vehicle shall be regarded as displaying a disabled person's badge or a parking disc in the relevant position when and only when they are displayed in accordance with Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
- (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.
4. Save as provided in Articles 5 and 6 no person shall except upon the direction or with the permission of a police constable in uniform or a Civil Enforcement Officer cause or permit any vehicle to wait, load or unload in the lengths of roads specified in the Second Schedule to this Order.
5. Nothing in Article 4 shall apply so as to restrict or prohibit the loading/unloading of any vehicle whose driver has applied for a tradesmen's waiver in connection with any deliveries, services or trades required to be undertaken in the lengths of roads specified in the Second Schedule in so far as it relates to Homewell.
6. Nothing in Article 4 shall render it unlawful to cause or permit any vehicle to wait on the lengths of roads specified in the Second Schedule to this Order for so long as may be necessary:-
- (a) to enable a person to board or alight from a vehicle.
 - (b) to enable a vehicle to be used by the emergency services in pursuance of their statutory powers or duties.
7. Save as provided in Article 8 no person shall except upon the direction or with the permission of a police constable in uniform or a Civil Enforcement Officer cause or permit any vehicle to wait in the length of road specified in the Third Schedule to this Order.
8. (1) Subject to the provisions in Article 9 nothing in Article 7 shall render it unlawful to cause or permit any vehicle to wait in the length of road referred to therein for so long as may be necessary to enable -
- (a) a person to board or alight from the vehicle;
 - (b) 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 industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance improvement or reconstruction of the said length of road; or
 - (iv) the laying erection alteration or repair in or in land adjacent to the said length of road of any sewer or of any main pipe or cable or other apparatus for the provision of gas water electricity or telecommunications by a utility organization attending their apparatus in pursuance of their statutory powers or duties; or
 - (v) in pursuance of a local authority's highways management, works, maintenance, waste collection or street cleansing.

- (c) the vehicle if it is a Universal Service Provider as defined in Section 4(3) of the Postal Services Act 2000 used for the delivering or collecting of postal packets;
- (d) the vehicle to take in petrol oil water or air from any garage situated on or adjacent to the said length of road;
- (e) the vehicle to wait at or near to any premises situated on or adjacent to the said length of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral; or
- (f) the vehicle if it is being used by the emergency services in pursuance of their statutory powers or duties; or
- (g) the vehicle if it is required by law to stop or obliged to stop so as to prevent an accident or prevented from proceeding by circumstances beyond its control.
- (h) the vehicle to wait for the purpose of enabling goods to be loaded on or unloaded from the vehicle.

(2) Nothing in Article 7 shall render it unlawful to cause or permit a disabled person's vehicle which validly displays in the relevant position a disabled person's badge in the circumstances prescribed in Regulations 7, 8 or 9 and subject to the limitation set out in Regulation 6(2) of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 SI 683 to wait in the lengths of road referred to therein.

9. Those vehicles described in Article 8 (1) (a) to (h) are subject to the provision that:-
 - (a) there is no reasonable alternative place to stop or wait; and
 - (b) they only stop and wait for so long as is necessary.
10. Save as provided in Article 12, no person shall except upon the direction or with the permission of a police constable in uniform or a Civil Enforcement Officer cause or permit any vehicle other than a disabled persons' vehicle, which validly displays in the relevant position a disabled person's badge in the circumstances prescribed in Regulations 7, 8 or 9 and subject to the limitation set out in Regulation 6(2) of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 SI 683 to wait in the length of road specified in the Fourth Schedule to this Order.
11. Save as provided in Article 12, no person shall except upon the direction or with the permission of a police constable in uniform or a Civil Enforcement Officer cause or permit any vehicle to be in the length of road specified in the Fifth Schedule to this Order other than for the purposes of loading and unloading only.
12. Nothing in Articles 10 and 11 shall render it unlawful to cause or permit any vehicle to wait on the lengths of roads specified in the Fourth and Fifth Schedules to this Order for so long as may be necessary to enable a vehicle to be used by the emergency services in pursuance of their statutory powers or duties.
13. 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 regulations made or having effect as if made under the Act or by or under any other enactment.

FIRST SCHEDULE
(Parts of Order to be revoked)

ORDER

The Borough of Havant (Various Roads)
Prohibition and Restriction of Waiting
(Consolidation) Order 2005

EXTENT OF REVOCATION

Schedule No: 4 – No waiting at any
time – Paragraph 4.119.

SECOND SCHEDULE
(Waiting, Loading and Unloading prohibited at all times)

Lengths of roads in Havant

Bulbeck Road

Inner side:-

- From its northern-most junction with Park Road South, following the kerblin around the multi-storey car park to its southern-most junction with Park Road South, but excluding the Disabled Persons Parking Bay as specified in the Fourth Schedule to this Order.

North side:-

- From its northern-most junction with Park Road South, eastwards for a distance of 29 metres.
- From a point 80 metres east from its northern-most junction with Park Road South, eastwards and southwards to its junction with Homewell.

South and east side:-

- From its southern-most junction with Park Road South, eastwards and northwards to its junction with Homewell.

Homewell

East side:-

- From the eastern flank frontage of No.12 Homewell, following the kerblin, southwards to its termination as publicly maintainable highway.

North side:-

- From its junction with Bulbeck Road, following the kerblin eastwards, to the eastern flank frontage of No.12 Homewell.

South side:-

- From its junction with Bulbeck Road, following the kerbline, eastwards thence southwards to its termination as publicly maintainable highway.

Park Road South

East side:-

- From the centre-line of its northernmost junction with Bulbeck Road, northwards for a distance of 10 metres.

THIRD SCHEDULE
(Waiting Prohibited At All Times)

Length of road in Havant

Bulbeck Road

Both sides:-

- From its northernmost junction with Park Road South throughout its entire length to its southernmost junction with Park Road South, but excluding the Disabled Persons Parking Bay as specified in the Fourth Schedule to this Order and the Loading Bay as specified in the Fifth Schedule to this Order.

FOURTH SCHEDULE
(Disabled Persons Parking Bay Only)

Length of road in Havant

Bulbeck Road (lay-by opposite Homewell)

West side:

- From a point 97 metres from its southernmost junction with Park Road South, following the kerbline, northwards for a distance of 11 metres.

FIFTH SCHEDULE
(Loading and Unloading Bay Only)

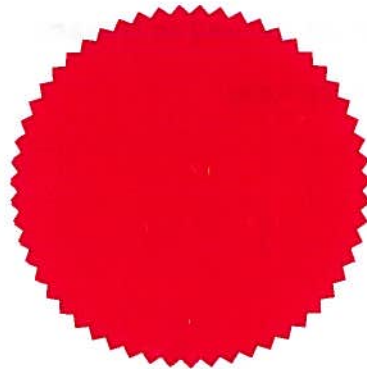
Length of road in Havant

Bulbeck Road

North side:

- From a point 60 metres east from its northern-most junction with Park Road South, eastwards for a distance of 20 metres.

THE COMMON SEAL OF THE)
COUNCIL OF THE BOROUGH)
OF HAVANT was Hereunto)
affixed this)
19th day of February 2013)
In the presence of)
S. Shaw)
Deputy to the)
Solicitor to the Council)



AS/TRO/217
Plan No: 2012 HAV 6