

THE BOROUGH OF HAVANT
(WATERLOOVILLE: A3 LONDON ROAD)
(RESTRICTION OF WAITING, LOADING AND UNLOADING)
AND (REVOCATION OF LOADING AND UNLOADING) ORDER 2013

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-eighth day of September 2013 and may be cited as "The Borough of Havant (Waterlooville: A3 London Road) (Restriction Of Waiting, Loading and Unloading) and (Revocation of Loading and Unloading Order 2013."

2. The parts of Order specified in the First Schedule to this Order are hereby revoked.

3. (1) In this Order -

"**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;

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

"**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;

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

(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 Article 6, loading and unloading only between the hours of 9.00 a.m. and 5.30 p.m. Monday to Friday, (2Tonnes max vehicle weight), in the length of road specified in the Third Schedule to this Order.

5. Save as provided in Article 7 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 between the hours of 9.00 a.m. and 5.30p.m. Monday to Friday, excluding Public and Bank Holidays (2Tonnes max vehicle weight), in the length of road specified in the Fourth Schedule to this Order -
 - (a) for a longer period than 30 minutes; or
 - (b) if a period of less than 30 minutes has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle in the same length of road.
6. Nothing in Article 4 shall render it unlawful to cause or permit any vehicle to wait on the length of road specified in the Third Schedule 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.
7. (1) Subject to the provisions in Article 8 nothing in Article 5 shall render it unlawful to cause or permit any vehicle to wait in the lengths of roads 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 lengths of roads; 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 5 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 length of road referred to therein.

8. Those vehicles described in Article 7 (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.
9. 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 Hampshire (Various Roads, Waterloo, Cowplain and Horndean) (Parking Places) and Prohibition of Waiting and Loading and Unloading Order 2012

EXTENT OF REVOCATION

Schedule I - Part II – Waiting restricted to 30 minutes (return prohibited within 30 minutes), Mondays to Fridays 9.00am to 5.30pm, 2Tonnes max vehicle weight - in its entirety.

Schedule I - Part III – Loading/Unloading only – Mondays to Fridays 9.00am to 5.30pm, 2Tonnes max vehicle weight - in its entirety.

Schedule I – Part VI – Side of road at Cowplain in the Borough of Havant – Waiting restricted to 30 minutes (return prohibited within 30 minutes), Mondays to Fridays, 6.00pm to 8.00am

Schedule II – No waiting or loading/unloading at any time – in so far as it relates to the length of road specified in the Second Schedule to this Order.

Schedule IV - Side of road at Cowplain in the Borough of Havant – No waiting, loading / unloading Mondays to Fridays, 6.00pm to 8.00am.

