

THE BOROUGH OF HAVANT
(EMSWORTH: NEW BRIGHTON ROAD AND WESTBOURNE AVENUE)
(PROHIBITION OF WAITING) ORDER 2014

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), (2), 4 (2), 32 (1), 35 (1) of the Road Traffic Regulation Act 1984 ("the 1984 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 third day of October 2014 and may be cited as "The Borough of Havant (Emsworth: New Brighton Road and Westbourne Avenue) (Prohibition of Waiting) Order 2014".
2. (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 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;
 - "**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.
3. Save as provided in Article 4 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 lengths of roads specified in the Schedule to this Order.

4. (1) Subject to the provisions in Article 5 nothing in Article 3 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 lengths of roads 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 lengths of roads;
 - (e) the vehicle to wait at or near to any premises situated on or adjacent to the said lengths of roads 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 3 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.

5. Those vehicles described in Article 4 (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.
6. 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.

SCHEDULE
(Waiting Prohibited at all Times)

Lengths of roads in Emsworth

New Brighton Road

West side:-

- From a point 82 metres north of its junction with Horndean Road, northwards for distance of 54 metres

East side:-

- From a point 77 metres north of its junction with Horndean Road, northwards to its junction with Westbourne Avenue

Westbourne Avenue

North side:-

- From its junction with New Brighton Road, eastwards for a distance of 14 metres

South side:-

- From its junction with New Brighton Road, eastwards for a distance of 14 metres

THE COMMON SEAL OF THE
COUNCIL OF THE BOROUGH
OF HAVANT was hereunto
affixed this
twenty-fifth day of September 2014

In the presence of

Authorised signatory

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