

ROAD TRAFFIC REGULATION ACT 1984

THE COUNTY OF HEREFORD AND WORCESTER

**(CASTLE STREET, ST. ETHELBERT STREET AND CANTILUPE STREET,
HEREFORD)(STREET PARKING PLACES) ORDER 1998**

Hereford and Worcester County Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 32(1) and 35(1) 45, 46, 49 and 52 and part IV of Schedule 9 to the Road Traffic Regulation Act 1984 and of all other powers, and after consultation with the Chief of Police in accordance with Part III of Schedule 9 to the Act of 1984 hereby make the following Order:-

1. The City of Hereford (Various Street) (Prohibition and Restriction of Waiting, Loading and Unloading) Order 1974 is hereby varied and shall have effect as though item 24 (a) parts (i) and (ii) of Schedule 5 relating to St. Ethelbert Street were amended to read:-
(a) the west side (i) from its junction with St. Owens Street to a distance of 25.6 metres in a southerly direction, and (ii) from a point 64 metres south of its junction with St Owen Street to its junction with Castle Street.
 item 3 of Schedule 6 relating to Cantilupe Street; item 4 (a) parts (i) and (ii) and (b) parts (i) and (ii) of Schedule 6 relating to Castle Street and item 7 of Schedule 6 relating to Ethelbert Street (a) and (b) parts (i) and (ii) of Schedule 6 were deleted therefrom.

Citation

2. This Order shall come into operation on the 23 day of February 1998 and may be cited as the County of Hereford and Worcester (Castle Street, St. Ethelbert Street and Cantilupe Street, Hereford) (Street Parking Places) Order 1998.

Interpretation

3. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them:-

"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 as defined in the Act of 1984.

"parking place", means any part of a road authorised by this Order to be used as a parking place.

"parking permit" means a parking permit issued by the Council pursuant to the provisions of Article 15 of the Order.

"parking permit holder" means a person to whom a parking permit has been issued.

"resident" means a person whose usual place of abode is at premises the postal address of which is in any street described in the Schedule to this Order

"light goods vehicle" means a motor vehicle, the maximum gross weight of which does not exceed 7.5 tonnes, which is constructed or adapted for use for the carriage of goods or burden of any description, and is not drawing a trailer.

"motor cycle" and "invalid carriage" have the same meaning respectively as in section 136 of the Act of 1984.

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

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer.

"permitted hours" means at any time.

Designation of Parking Places

4. Each of the parts of the road specified in column 1 of the Schedule to this Order is authorised to be used, subject to the following provisions of this Order, as a parking place for such vehicles or classes of vehicles in such positions and on such days and during such hours as specified in relation to that part in the said Schedule.

Power to Suspend Parking Place

5. Nothing in Article 4 of this Order:-
 - (a) shall restrict the power of the Council, for preventing obstruction of the streets, by order on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place; or
 - (b) shall authorise the use of any part of the road so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any person entitled to the use of thereof, or so as to be a nuisance.

Vehicles for which Parking Places are Designated

6. Where in the Schedule to this Order a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place:-
 - (a) unless it is of the specified class; or

- (b) in a position other than that specified.

Use of Parking Places

7. A driver of a vehicle shall not use a parking place:-
- (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons entitled to do so, or so as to be a nuisance;
 - (b) when, for preventing obstruction of the streets the Council shall by order made on the occasion of any public procession, rejoicing or illumination or when the streets are thronged or liable to be obstructed have closed that parking place and exhibited notice of such closing on or near the parking place.
8. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
9. No persons shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.
10. When a vehicle is left in a parking place in contravention of any of the provisions contained in paragraph (a) or (b) or Article 6 or 7 of this Order a police constable in uniform, traffic warden or a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place.
11. Any person removing a vehicle by virtue of the last preceding Article of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it as aforesaid.
12. When a police constable in uniform, a traffic warden or a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 10 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

Restriction of Waiting of Vehicles in Parking Places

13. (a) Without prejudice to the foregoing provisions of this Order with respect to vehicles left in a parking place in accordance with those provisions, any vehicle may wait during the permitted hours anywhere on the carriageway in a parking

- (3) On receipt of an application duly made under the foregoing provisions of this Article, the Council, upon being satisfied that the applicant is a resident and is the owner of a vehicle of the class specified in paragraph (1) of this Article, shall issue to the applicant a parking permit in respect of that vehicle.

Surrender, Withdrawal and Validity of Parking Permits

16. (1) A parking permit holder may surrender a parking permit to the Council at any time and shall surrender a parking permit to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article.
- (2) The Council may, by notice in writing served on the parking permit holder by sending the same by the recorded delivery service to the parking permit holder at the address shown by that person on the application for the parking permit or at any other address believed to be that person's place of abode, withdraw a parking permit if it appears to the Council that any one of the events set out in paragraph (3) of this Article has occurred and the parking permit holder shall surrender the parking permit to the Council within 48 hours of the receipt of the aforementioned notice.
- (3) The events referred to in the foregoing provisions of this Article are:-
 - (a) the parking permit holder ceasing to be a resident;
 - (b) the parking permit holder ceasing to be the owner of the vehicle in respect of which the parking permit was issued;
 - (c) the withdrawal of the parking permit by the Council under the provisions of paragraph (2) of this Article;
 - (d) the vehicle in respect of which the parking permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 15(1) of this Order;
 - (e) the issue of a duplicate parking permit by the Council under the provisions of Article 18 of this Order;
- (4) Without prejudice to the foregoing provisions of this Article, a parking permit shall cease to be valid at the expiration of the month specified thereon or on the occurrence of any one of the events set out in paragraph (3) of this Article, whichever is the earlier.

Application for and issue of Duplicate Parking Permits

17. (1) If a parking permit is mutilated or torn or the figures or particulars thereon have become illegible, the parking permit holder shall either surrender it to the

- (x) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or merchandise, including, so far as a Bank is concerned, cash or other valuables or valuable securities, or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle not being a goods vehicle does not wait for such purpose for more than two hours or for such longer period as a police officer in uniform or a traffic warden may authorise; or, being a goods vehicle does not so wait for more than two hours or such longer period as aforesaid if it is in any part of a parking space;
- (b) Without prejudice to the foregoing provisions of this Order with respect to vehicles left in a parking place in accordance with those provisions, a vehicle may wait during the permitted hours if the vehicle displays a valid parking permit issued by the Council in respect of that vehicle.

Charge in connection with the use of Parking Permits

14. (1) The charge in connection with the use of a parking permit issued for the leaving of a vehicle in a parking place shall be £24.00 per annum to be reviewed annually.
- (2) Subject to the provisions of this Order, the charge in connection with the use of a parking permit issued for the leaving of a vehicle in a parking place shall be payable and shall be indicated by the issue of a parking permit and by affixing of the parking permit to that vehicle in the manner prescribed in paragraph (3) of this Article not later than on the first leaving of the vehicle in a parking place.
- (3) the manner in which a parking permit shall be affixed to the vehicle shall be as follows:-

The parking permit shall be affixed to the front windscreen of the vehicle so that particulars of the parking permit referred to in Article 18 of this Order are clearly visible when viewed from the front of the vehicle.

Application for and issue of Parking Permits

15. (1) Any resident who is the owner of a vehicle of the following class, that is to say a passenger vehicle, a light goods vehicle or a motor cycle, may apply to the Council for the issue to him of a parking permit in respect of that vehicle and any such application should be made on form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.
- (2) The Council may at any time require an applicant for a parking permit or any parking permit holder to produce to an officer of the Council such evidence in respect of an application for a parking permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any parking permit issued by them as they may reasonably call for to verify that the parking permit is valid

Council or apply to the Council for the issue to him of a duplicate parking permit and the Council, upon the receipt of the parking permit, shall issue a duplicate parking permit so marked and upon such issue the parking permit shall become invalid.

- (2) If a parking permit is lost or destroyed, the parking permit holder may apply to the Council for the issue to him of a duplicate parking permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate parking permit so marked and upon such issue the parking permit shall become invalid.
- (3) The provisions of this Order shall apply to a duplicate parking permit and an application therefore as if it were a parking permit or as the case may be an application therefore as if it were a parking permit or as the case may be an application therefore.
- (4) A charge of £5.00 will be payable to the Council for the issuing of a duplicate parking permit.

Form of Parking Permits

18. A parking permit shall be in writing and shall include the following particulars:-

- (a) the registration mark of the vehicle in respect of which the parking permit was issued;
- (b) a calendar of the month during which, subject to the provisions of Article 16(4) of this Order, the parking permit shall remain valid; and
- (c) an indication that the parking permit was issued by the Council;

Restriction on removal of Parking Permits

18. Where a parking permit has been displayed on a vehicle in accordance with the provisions of Article 14(3) of this Order, no person, not being the driver of the vehicle, shall remove the parking permit from the vehicle unless authorised to do so by the driver of the vehicle.

Placing of Traffic Signs

19. The Council shall:-

- (a) cause the limits of each parking place to be indicated on the carriageway by placing and maintaining thereon traffic signs of any size, colour and type prescribed in The Traffic Signs and General Directions 1994, and
- (b) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

Dated this 12 day of February 1998

The Common Seal of Hereford and)
Worcester County Council was)
hercunto affixed in the presence of-) L.S.

THE COUNTY OF HEREFORD AND WORCESTER (CASTLE STREET, ST. ETHELBERT STREET AND CANTILUPE STREET, HEREFORD) (STREET PARKING PLACES) ORDER 1998

On 12 February 1998 Hereford and Worcester County Council made an Order which will :

A. AMEND EXISTING WAITING RESTRICTIONS AND PROHIBIT WAITING BETWEEN THE HOURS OF 8.00AM AND 6.30PM, MONDAY TO SATURDAY on the following lengths of road:

- ✓ **St. Ethelbert Street, west side** from a point 25.6 metres south of its junction with East Street for a distance of 38.4 metres in a southerly direction.

B. AMEND EXISTING WAITING RESTRICTIONS AND LIMIT WAITING TO TWO HOURS (RETURN PROHIBITED WITHIN TWO HOURS) BETWEEN THE HOURS OF 8.00AM AND 6.30PM, MONDAY TO SATURDAY on the following lengths of road:

RESIDENTS OF THE ROADS, SPECIFIED BELOW WILL BE EXEMPT FROM THE PROVISIONS OF THE ORDER PROVIDED THEY DISPLAY A PARKING PERMIT AVAILABLE FROM HEREFORD CITY COUNCIL. A PERMIT WILL BE REQUIRED FOR EVERY VEHICLE (ONE PERMIT PER DWELLING) AND WILL COST £24

Cantilupe Street, east side from a point 45.7 metres south of its junction with St. Ethelbert Street for a distance of 18.4 metres in a southerly direction.

- ✓ **Cantilupe Street, west side** from point 45.7 metres south of its junction with St. Ethelbert Street to a point 19 metres north of its junction with Mill Street.
- ✓ **Castle Street, south side** from its junction with St. Ethelbert Street in a westerly direction to a point 4.6 metres east of its junction with Quay Street and from a point 4.6 metres west of its junction with Quay Street to the entrance to the Cathedral Close.
- ✓ **Castle Street, north side** from the entrance to the Cathedral Close to a point 4.6 metres west of its junction with Ferrers Street and from a point 4.6 metres east of its junction with Ferrers Street for a distance of 89.6 metres in an easterly direction.
- ✓ **St. Ethelbert Street, east side** from a point 4.6 metres south of its junction with East Street for a distance of 59.4 metres in a southerly direction.

A copy of the Order, relevant map, Statement of Reasons for making the Order and affected existing regulations may be inspected at County Hall, Spetchley Road, Worcester, WR5 2NP during normal office hours.

The validity of the Council's powers in making the Order or this exercise of them may be questioned by application to the High Court by 26 March 1998

ROGER K. YATES
Director of Administrative and Legal Services