

**THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, SHANKLIN)
(TRAFFIC REGULATION) ORDER NO 1 2017**

The Isle of Wight Council ('the Council') in exercise of their powers under Sections 1 (1) and (2), 2(1), to (3) and 4(2) of the Road Traffic Regulation Act 1984 ('the Act' of 1984), the Road Traffic Act 1991 ("the Act of 1991") 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 make the following Order:

Citation and commencement

1. This Order shall come into operation at 0001 hours on the 5th day of May 2017 and may be cited as the Isle of Wight Council (Various Streets, Shanklin) Order No 1 2017.
2. The Isle of Wight Council (Various Streets, Shanklin) Order No 1 2017 Plans (the "Plans") are incorporated into this Order.

Revocations

3. a) The Isle of Wight Council (Various Streets, Shanklin, IW) (Traffic Regulation) Order No. 1 2012 is hereby revoked.

b) The Isle of Wight Council (Donnington Drive, Shanklin, IW) (Experimental Traffic Order) No 1 2016

Interpretation

4. In this Order except where the context otherwise requires the following expressions are the meanings hereby respectively assigned to them:

"disabled person's badge" has the same meaning as in the Disabled Persons

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(Badges for Motor Vehicles) (England) Regulations 2000;

"no loading hours" means in relation to any no loading road the hours during which loading and unloading is restricted on the Plans;

"no loading road" means any of the sides or lengths of roads specified on the Plans where loading is prohibited provided that the expression "no loading road" shall not include any parking place;

"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;

"parking attendant / civil enforcement officer" means a person employed in accordance with section 63A of the Act of 1984 to carry out the functions therein;

"permitted hours" means the periods specified for each parking place during which waiting by vehicles of a specific class is permitted as specified on the Plans;

"restricted hours" means in relation to any restricted road, the period and hours during which waiting is restricted as specified on the Plans.

"restricted road" means any of the sides or lengths of road specified on the Plans where waiting is restricted or specific activities are restricted during the restricted hours provided that the expression "restricted road" shall not include any parking place.

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Restrictions

5. Save as provided in Articles 9, 10, 11, 12, 14 and 15 of this Order no person shall except upon the direction or with the permission of a parking attendant/civil enforcement officer or a police officer in uniform cause or permit any vehicle to wait during the restricted hours in the lengths of road specified as a restricted road in the Plans.
6. Save as provided in Articles 9, 10, 11, 13, 14 and 15 of this Order no person shall except upon the direction or with the permission of a parking attendant/civil enforcement officer or a police officer in uniform cause or permit any vehicle to wait during the permitted hours in the lengths of road where waiting is permitted;
 - a. for a period longer than specified ; or
 - b. if a period of less than the specified period has elapsed since the termination of the last period of waiting (if any) of the vehicle in the same length of road,
all as specified on the Plans.
7. Save as provided in Articles 9, 10, 11, 12, 14 and 15 of this Order no person shall except upon the direction or with the permission of a parking attendant/civil enforcement officer or a police officer in uniform cause or permit any vehicle to wait for the purposes of loading or unloading in the lengths of road where loading is limited to a maximum length of stay;
 - a. for a period longer than specified ; or
 - b. if a period of less than the specified period has elapsed since the termination of the last period of waiting (if any) of the vehicle in the same

- length of road,
all as specified on the Plans.
8. Save as provided in Articles 9, 14 and 15 of this Order no person shall except upon the direction or with the permission of a parking attendant/civil enforcement officer or police officer in uniform cause or permit any vehicle to wait during the no loading hours in the lengths of road specified as a no loading road in the Plans.
9. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand so that every part of the vehicle is within the limits of a parking space.

Exemptions

10. Nothing in Articles 5, 6, 7 and 8 of this Order shall prevent any person from causing or permitting a vehicle to wait in the lengths of road referred to in that Article for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths of road so referred to, or the laying, erection, alteration or repair in or near to any of the said lengths of road of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or other apparatus as defined in Schedule 2 to the Telecommunications Act 1984.
11. Nothing in Articles 5, 6 and 7 of this Order shall prevent any person from causing or permitting a vehicle to wait in any lengths of road referred to in those Articles for so long as may be necessary:
- a. To enable a person to board or alight from the vehicle; or
 - b. To enable any vehicle owned by a funeral director or owner of funeral vehicles to be used as part of a funeral cortege or otherwise in connection with a funeral.

12. Nothing in Articles 5, 6 and 7 of the Order shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of road referred to in those Articles for so long as may be necessary to enable goods to be loaded on to or unloaded from the vehicle provided that so vehicle shall so wait in a no loading road during the no loading hours, all as specified on the Plans. Nothing in Articles 5, 6, 7 and 8 of this Order shall apply to an emergency service vehicle whilst being used in the course of duty.

Disabled persons' vehicles

13. Nothing in Article 5 and 7 of this Order shall render it unlawful to cause or permit any disabled person's vehicle to wait in the lengths of road referred to in that Article for a period not exceeding three hours, not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same road or part of the road in the same day, provided that a disabled person's badge is displayed in the relevant position as specified in Regulation 4 of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulation 2000 along with a parking disc capable of showing the quarter hour period during which a period of waiting begins and the driver or other person in charge of the vehicle has marked the time at which the period of waiting began.
14. Nothing in Article 6 of this Order shall apply to a disabled person's vehicle provided that a disabled person's badge is displayed in the relevant position on the vehicle.
15. Nothing in Articles 5, 6, 7 and 8 of this Order shall apply to an emergency service vehicle whilst being used in the course of duty.

Waiver certificate

16. Nothing in Articles 5, 6 and 7 shall prevent any person from causing or permitting

a vehicle to wait in any prohibited or restricted road if it is displaying in a conspicuous position and legible from the near side of the vehicle a valid waiver certificate issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

Contravention

17. If a vehicle is left in any road or length of road in contravention of or without complying with the requirements of this Order a contravention shall have occurred and a penalty charge shall be payable and/or the vehicle may be removed from that location.

Penalty charge notice

18. In the case of a vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of the parking attendant / civil enforcement officer to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:
- a. the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
 - b. the grounds on which the parking attendant / civil enforcement officer believes that a penalty charge is payable in respect of that vehicle;
 - c. the amount of penalty charge required to be paid;
 - d. that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion or amount;
 - e. that if the penalty charge is not paid before the end of the 28 day period a Notice to owner may be served by the Council on the person appearing to be the owner of the vehicle; and
 - f. the address to which payment of the penalty charge must be sent.

Manner of payment of penalty charge

19. The penalty charge shall be paid to the Council within 28 days of the issue of the penalty charge notice either;

- a. by cheque, bankers' draft, money order or postal order delivered to any Isle of Wight Council office which accepts such payments, or
- b. by cheque, postal order, in cash, by credit card or debit card in person at any Isle of Wight Council office which accepts such payments, or
- c. by credit card or debit card over the phone or through the Council's web site using the number specified on the penalty charge notice

Provided that, if the said twenty eight day falls upon a day on which the said department or office is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.00pm on the next full day on which the said department is open.

20. If the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by 50%.

21. If the owner fails to pay the penalty charge by the end of the 28 day period, a notice of owner may be served; and if the charge is not paid within a further 28 days it may be increased by 50% on the issue of a charge certificate in accordance with the provisions of paragraph 6 of schedule 6 of the Act of 1991.

22. Continuing failure to pay the penalty charge may result in a judgement in the County Court against the owner to enable the Council to recover the payments due.

Indications as evidence

23. The particulars given in the penalty charge notice attached to a vehicle in accordance with Article 17 shall be treated as evidence in any proceedings

relating to failure to pay such penalty charge.

Restriction on removal of notices

24. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 17 no person, not being the driver of the vehicle, a police officer in uniform, a parking attendant / civil enforcement officer or some other person duly authorised by the Council shall remove the notice from the vehicle unless authorised to do so by the keeper of the vehicle.
25. The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any regulations made or having effect as if made under the Road Traffic Regulation Act of 1984 or by or under any other enactment.

THE COMMON SEAL of THE ISLE OF WIGHT COUNCIL
was hereunto affixed this 4th
day of May 2017 in the presence of :

Authorised Signatory


BEN GARD
LAWYER
AUTHORISED SIGNATORY
ISLE OF WIGHT COUNCIL

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