

ROAD TRAFFIC REGULATION ACT 1984
LANCASHIRE COUNTY COUNCIL
(SULYARD STREET, LANCASTER, LANCASTER CITY)
(PART REVOCATION, DISABLED PARKING PLACE, PROHIBITION OF WAITING AND
GOODS VEHICLE LOADING/UNLOADING BAY) ORDER 2012

The County Council of Lancashire ("the Council") in exercise of its powers under Sections 1, 2 and 4 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended ("the Act"), and of all other enabling powers, 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. Definitions and Interpretation

For all the purposes of this Order the terms described in this Article shall have the meanings specified:

- a) i) **"Loading Bay"** means any area of highway which is indicated by a road marking complying with diagram 1028.3 variant in Schedule 6 to the Traffic Signs Regulations and General Directions 2002 and for which the restrictions on use are described in Article 4 of this Order; and
- ii) For which the restrictions on use are described in article 6 of this Order
- b) **"disabled parking place"** means an area comprised within the carriageway of a road, the boundary of which is:-
- ii) marked in accordance with Diagram 1028.3 of the Traffic Signs Regulations and General Directions 2002 ("the regulations") and accompanied by a sign in accordance with Diagram 661A of the Regulations indicating the restrictions on the use of the parking place; and
- iii) for which the restrictions on use are described in Articles 4 of this Order
- c) **"disabled person's vehicle"** means a vehicle lawfully displaying a disabled person's badge and which is a vehicle which, immediately before or after any period of waiting allowed by virtue of Article 3 of this Order, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying disabled persons as passengers.
- d) **"disabled person's badge"** means the form and size of badge shown in Part 1 of Schedule 2 of the Disabled Persons (Badges for Motor Vehicles) Regulations 1982, as amended by the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1991;
- e) **"parking disc"** means a device which:-
- i) is 125 millimetres square and coloured blue, if issued on or after 1st April, 2000 or orange if issued before that date;
- ii) has been issued by a local authority and has not ceased to be valid; and
- iii) is capable of showing the quarter hour period during which a period of waiting has begun.

- f) A vehicle displays a disabled person's badge in the relevant position if -
 - a. the badge is exhibited on the dashboard or fascia of the vehicle, or
 - b. where the vehicle is not fitted with a dashboard or fascia the badge is exhibited in a conspicuous position on the vehicle, so that the front of the badge is clearly legible from the outside of the vehicle.
- g) A vehicle displays a parking disc in the relevant position if -
 - a. the disc is exhibited on the dashboard or fascia of the vehicle; or
 - b. where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle so that when marked to show the quarter hour period during which a period of waiting began that period is clearly legible from the outside of the vehicle.
- h) "**vehicle**" means a motor vehicle, a passenger vehicle, a dual-purpose vehicle, a goods vehicle, a motorcycle or an invalid carriage or any other vehicle of any description whether drawn or propelled along a road by animal or mechanical power.
- i) "**Goods Vehicle**" has the same meaning as that ascribed to it in Section 192(1) of the Road Traffic Act 1988.
- j) "**Civil Enforcement Officer**" means a person authorised by or on behalf of Lancashire County Council in accordance with Section 76 of the Traffic Management Act 2004;
- k) "**Parking Place**" means any area of highway, as described in articles 4 and 6 to this Order.

2. Revocations

Those parts of the Order, specified in Schedule 1 to this Order, are hereby revoked.

3. Prohibition of Waiting

Save as is hereinafter provided, 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 at any time, on any day, Sulyard Street, Lancaster, north side, from a point 9 metres east of the centreline of Friar Street for a distance of 11 metres in an easterly direction.

4. Restriction of Waiting in Disabled Parking Place

Save as is hereinafter provided, 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 for a period exceeding 3 hours, with no return within 6 hours, between 1100 hours and 1800 hours, Monday to Saturday, in the disabled parking place, located on Sulyard Street, Lancaster, south side, from a point 9 metres east of the centreline of Friar Street for a distance of 11 metres in an easterly direction.

5. Exception for a disabled persons vehicle

- a) Nothing in Article 3 of this Order shall render it unlawful to cause or permit any vehicle to wait in the length of road referred to therein 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 length of road on the same day) if the vehicle is a disabled person's vehicle which displays in the relevant position both a disabled person's badge and a parking disc marked to show the quarter hour period during which the period of waiting began.
- b) Nothing in Article 4 of this Order shall be in contravention of this Order to cause or permit any disabled person's vehicle, which displays in the relevant position a disabled person's badge (or a badge having effect under the provisions of the Disabled Person's (Badges for Motor Vehicles) (Amendment) Regulations 1991, as if it were a disabled person's badge) to wait for a maximum stay of 3 hours, with no return within 6 hours, on the length of road referred to therein.

6. Prohibition of Waiting With Exception for Loading/Unloading

Save as is hereinafter provided 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, Monday to Saturday, 0800 hours until 1100 hours, other than for a goods vehicle being used to load or unload goods, on Sulyard Street, Lancaster, south side, from a point 9 metres east of the centreline of Friar Street for a distance of 11 metres in an easterly direction.

7. General Exception

Nothing in Articles 3 or 4 of this Order shall be in contravention of this Order 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 the vehicle;
- b) goods to be loaded onto or unloaded from the vehicle;
- c) 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:-
 - 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;
 - iv) the laying, erection, alteration or repair in or near land adjacent to the said length of road of any sewer or of any main, pipe or apparatus or the exercise of any other statutory power or duty for the maintenance and supply of gas, water or electricity or of any telecommunications system as defined in Section 4 of the Telecommunications Act 1984;
- d) the vehicle to be used for the purposes of a local authority in pursuance of statutory powers or duties if it cannot conveniently be used for such purpose in any other road;

e) A Royal Mail liveried vehicle engaged in the collection and/or delivery of letters in accordance with the statutory provisions as defined in the Postal Services Act 2000

f) the vehicle to be used for fire brigade, ambulance or police purposes in pursuance of statutory powers or duties.

g) 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 the vehicle is reasonably necessary in connection with any wedding or funeral.

8. Exemptions for Loading/Unloading Bay

Nothing in Articles 6 of this Order shall render it unlawful to cause or permit any vehicle to load/unload during the prohibited period, in the length of road referred to therein, for so long as may be necessary to enable:-

a) a person to board or alight 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:-

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 roads;

iv) the laying, erection, alteration or repair in or near land adjacent to the said lengths of roads of any sewer or of any main, pipe or apparatus or the exercise of any other statutory power or duty for the maintenance and supply of gas, water or electricity or of any telecommunications system as defined in Section 4 of the Telecommunications Act 1984;

c) the vehicle to be used for the purposes of a local authority in pursuance of statutory powers or duties if it cannot conveniently be used for such purpose in any other road;

d) the vehicle to be used for delivering or collecting postal packets as defined in The Postal Services Act 2000;

e) the vehicle to be used for fire brigade, ambulance or police purposes in pursuance of statutory powers or duties.

f) 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 the vehicle is reasonably necessary in connection with any wedding or funeral.

9. Additional Exemptions

Nothing in Article 3, 4, or 6 of this Order shall render it unlawful to cause or permit any vehicle to wait, in the length of road referred to therein When the person in control of the vehicle

- i. is required by law to stop;
- ii. is obliged to stop in order to avoid an accident; or
- iii. is prevented from proceeding along the road due to circumstances beyond his/her control;

10. Manner of standing in a Parking Place

- a) The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in a position in the parking place and shall not start the engine except when about to change the position of the vehicle in or, or depart from, the parking place.
- b) Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall be left so that every part of the vehicle is within the limits of the parking place.
- c) A driver of a vehicle shall not use a parking place so as unreasonably to prevent access to any premises adjoining a road or the use of a road by other persons or so as to be a nuisance.

11. Alteration of position of a vehicle in a Parking Place

Where any vehicle is left standing in a parking place in contravention of the provisions of Article 10 of this Order, a police constable in uniform or a civil enforcement officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

12. Removal of a Vehicle from a Parking Place

Where a police constable in uniform or a civil enforcement officer is of the opinion that any of the provisions contained in Article 10 of this Order have been contravened or not complied with in respect of a vehicle left in a parking place, he/she may remove or cause to be removed the vehicle from the said parking place, and where it is so removed, shall provide for the safe custody of the said vehicle.

13. Movement of a Vehicle in a Parking Place in an Emergency

- a) A police constable in uniform or a civil enforcement officer may in case of emergency move or cause to be moved any vehicle left in a Parking Place to any place he thinks fit and shall provide for the safe custody of the vehicle.
- b) A person causing or permitting a vehicle to wait in a Parking Place by virtue of the provisions of paragraph a) of this Article shall take all such steps as are necessary to ensure that in the case of a Parking Place it shall stand in accordance with Article 10 so that every part of the vehicle is within the limits of the Parking Place.

14. Power to suspend use of Parking Places

- a) The Council's duly authorised officer may suspend the use of Parking Place or any part thereof whenever he/she considers such suspensions reasonably necessary and make such charge for the administration of this service, as may from time to time be determined by the Council.
- b) A police constable in uniform may suspend for not longer than 7 days the use of a Parking Place or any part thereof whenever he/she considers such suspension reasonably necessary for the purpose of mitigating congestion or obstruction of traffic or a danger to or from traffic in consequence of extraordinary circumstances.
- c) Any persons suspending the use of a Parking Place or any part thereof in accordance with the provisions of paragraph a) or b) of this Article shall thereupon place or cause to be placed in or adjacent to any part of that Parking Place the use of which is suspended, a Traffic Sign or cone indicating that waiting by vehicles is prohibited, as specified by Schedule 12 Part II of the Traffic Signs Regulations and General Directions 2002.
- d) No person shall cause or permit a vehicle to be left in any part of a Parking Place during such period when a Traffic Sign or cone is placed in or adjacent to that part of the Parking Place pursuant to paragraph c) of this Article provided that this paragraph shall not apply to a vehicle:
 - i) being used by the respective Fire or Police Authority or Ambulance Health Trust to deal with an emergency; or
 - ii) being used for any purpose specified in Article 9; or
 - iii) left in such Parking Place with the permission of the person suspending the use of the Parking Place.

15. Restriction of use of a vehicle in a parking place

While any vehicle is in a parking place no person shall use the said vehicle in connection with the sale of any article to any person in or near the parking place or in connection with the selling of or offering for sale of his/her skills or services.

16. Miscellaneous

The prohibitions 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 Act or by or under any other enactment.

17. Commencement of Order

This Order shall come into force on the 8th February 2012 and may be cited as the "Lancashire County Council (Sulyard Street, Lancaster, Lancaster City)(Part Revocation, Disabled Parking Places, Prohibition Of Waiting And Goods Vehicle Loading/Unloading Bay) Order 2012".

Dated this 8th day of February 2012.

THE COMMON SEAL of the
Lancashire County
Council was hereunto affixed pursuant
to the
Scheme of Delegation to Chief Officers.



Authorised Signatory

A handwritten signature in dark ink, appearing to read "Lancashire", is written over the text "Authorised Signatory".

21290

SCHEDULE 1

Part Revocations:

Revoke the following parts of "Lancashire County Council (Lancaster City Area) (On Street Parking Places, Prohibition And Restriction of Waiting) Consolidation Order 2009,"

- a) Schedule 5.01, Item 1, Ambulance Parking Place on Sulyard Street, Lancaster, north side, from a point 5 metres east of its junction with Dalton Square for a distance of 11 metres in an easterly direction.
- b) Schedule 8.08, Item 6, Goods Vehicle Loading/Unloading on Sulyard Street, Lancaster, south side, from a point 5 metres east of its junction with Dalton Square for a distance of 11 metres in an easterly direction.

Wesley
House

BRYER S

REVOKE EXISTING PARKING RESTRICTION AND
INTRODUCE PROPOSED NO WAITING AT ANY TIME
RESTRICTION

SULYARD STREET

Pub
3

2

12

REET

REVOKE EXISTING PARKING RESTRICTION AND
INTRODUCE PROPOSED LOADING FOR GOODS VEHICLES ONLY
RESTRICTION 8AM TO 11AM, MONDAY TO SATURDAY/
DISABLED PARKING BAY 11AM TO 6PM, MONDAY TO SATURDAY
3 HOUR MAX STAY,
NO RETURN WITHIN 6 HOURS

4

5

Car Park

7
Surgery

8

Car
Park

NELSON STREET

