

ROAD TRAFFIC REGULATION ACT 1984

LANCASHIRE COUNTY COUNCIL (CHURCH STREET AND FISHERGATE, PRESTON, PRESTON CITY) (REVOCATION, PROHIBITION OF WAITING, PROHIBITION OF WAITING (EXCEPT TAXIS), LIMITED WAITING, PROHIBITION OF LOADING AND TAXI RANK) ORDER 2013

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) **"Centre Line"** means the centre line of a highway as shown on the Ordnance Survey graphical information systems at the time that the Order was prepared.
- b) **"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.
- c) **"Disabled Person's Badge"** means a badge which was -
 - i) issued, or has effect as if issued, to a disabled person or an institution under The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or under regulations having effect in Scotland or Wales under Section 21 of the Chronically Sick and Disabled Persons Act 1970; and
 - ii) has not ceased to be in force.
- d) **"Disabled Person's Vehicle"** means a Vehicle displaying a disabled person's badge in the circumstances prescribed in Regulations 13, 14, 15 or 16 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.
- 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) **"Parking Place"** means any length of road subject to restriction in accordance with Articles 3, 4, 6a) and 6b).
- g) A Vehicle displays a disabled person's badge in the **"Relevant Position"** if –
 - i) the badge is exhibited on the dashboard or facia of the Vehicle, or

- ii) where the Vehicle is not fitted with a dashboard or facia 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.
- h) A Vehicle displays a Parking Disc in the "Relevant Position" if –**
- i) the disc is exhibited on the dashboard or facia of the Vehicle; or
 - ii) where the Vehicle does not have a dashboard or facia, 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.
- i) "Taxi" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002.**
- j) "Taxi Rank" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002.**
- k) "The Council's Duly Authorised Officer" means a person appointed by the council or its local agent, or authority, to administer the powers conferred on the said Council by the 1984 Act, with respect to this and other Traffic Regulations.**
- l) "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.**

2. Revocations

- a) The "Lancashire County Council (Church Street and Fishergate, Preston, Preston City) (Revocation, Prohibition of Waiting, Restriction of Waiting Prohibition of Loading/Unloading and Authorised Taxi Ranks) Order 2012" is hereby revoked in full.
- b) Those parts of the "Lancashire County Council, (Preston City Area) (On Street Parking Places, Prohibition and Restriction of Waiting), Consolidation Order 2009", as set out in Schedule 1 to this Order are hereby revoked.

3. Taxi Rank

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 between 18:30 and 00:00 and 00:00 until 08:00, in the lengths of road set out in Schedule 2 to this Order, unless that Vehicle is a Taxi.

4. No Waiting At Any Time except Taxis

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, in the lengths of road set out in Schedule 3 to this Order unless that Vehicle is a Taxi in which case that Vehicle may wait between 18:30 and 00:00 and 00:00 until 08:00.

5. 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, in the lengths of road set out in Schedule 4 to this Order.

6. Limited Waiting

- a) 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 30 minutes with no return within 1 hour, from Monday to Saturday (inclusively) between 08:00 and 18:30 in the lengths of road set out in Schedule 5 to this Order.
- b) 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 90 minutes with no return within 2 hours, from Monday to Saturday (inclusively), between 08:00 and 18:00 in the lengths of road set out in Schedule 6 to this Order.

7. Prohibition of Loading/Unloading

Save as is hereinafter provided, no person shall, except upon the direction of or with the permission of a Police Constable in uniform or a Civil Enforcement Officer, cause or permit any Vehicle to wait for the purposes of loading or unloading, at any time on any day in the lengths of road set out in Schedule 7 to this Order.

8. Restriction of Loading/Unloading

Save as is hereinafter provided, no person shall, except upon the direction of or with the permission of a Police Constable in uniform or a Civil Enforcement Officer, cause or permit any Vehicle to wait for the purposes of loading or unloading from Monday to Saturday (inclusively) between 8.15am -9.15am and 4.30pm-6.30pm in the lengths of road set out in Schedule 8 to this Order.

9. General Exemptions

Nothing in Articles 3, 4, 5 ,6a), 6b), 7 or 8 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road referred to therein for so long as may be necessary to enable:-

- a) a person to board or alight the Vehicle;
- b) 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 lengths of road;
 - iv) the laying, erection, alteration or repair in or near land adjacent to the said lengths 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;
- 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 fire brigade, ambulance or police purposes in pursuance of statutory powers or duties;

10. Additional Exemptions

Nothing in Articles 3, 4, 5, 6a) or 6b) of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road referred to therein for so long as may be necessary to enable :-

- a) goods to be loaded on to or unloaded from the Vehicle;
- b) 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;
- c) the Vehicle to wait at or near to any premises situated on or adjacent to the said lengths of road for so long as such waiting by the Vehicle is reasonably necessary in connection with any wedding or funeral.

11. Emergency Exemptions

Nothing in Articles 3, 4, 5, 6 a), 6 b), 7 or 8 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

12. Exemption for Disabled Person's Vehicle

- a) Nothing in Articles 4 or 5 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 Articles 6a) or 6b) of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of roads referred to therein 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.

13. 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.

14. 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 13 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.

15. 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 13 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.

16. 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 article 11 of this Order 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 13 so that every part of the Vehicle is within the limits of the Parking Place.

17. Power to suspend use of Parking Places

- a) The Council's Duly Authorised Officer may suspend the use of a 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, an authorised Traffic Sign or cone indicating that waiting by Vehicles is prohibited.
- d) No person shall cause or permit a Vehicle to be left in any part of a Parking Place during such period when an authorised 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 11; or

- iii) left in such Parking Place with the permission of the person suspending the use of the Parking Place.

18. Restriction of use of a Vehicle in a Parking Place

While any Vehicle is in the lengths of road specified in articles 3, 4, 6a) or 6b), 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.

19. Miscellaneous

The restriction 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.

20. Effect of Contravention

Failure by a person to comply with any prohibition or restriction contained within this order or any subsequent orders shall constitute a contravention of the same and shall result in the issue by Lancashire County Council and/or its Agents of a Penalty Charge Notice which shall be payable by such persons in accordance with the legislation.

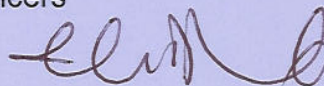
21. Commencement of Order

This Order shall come into force on the 20th December 2013 and may be cited as the "Lancashire County Council (Church Street And Fishergate, Preston, Preston City) (Revocation, Prohibition Of Waiting, Prohibition Of Waiting (Except Taxis), Limited Waiting, Prohibition Of Loading And Taxi Rank) Order 2013".

Dated this 18th day of December 2013.

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

Authorised Signatory



22959

Schedule 1 – Revocations

1. No Waiting At Any Time

- a) Church Street, the north-west side, from the centre line of Birley Street to a point 14 metres north-east of the centre line of Derby Street
- b) Church Street, the north-west side, from a point 21 metres south-west of the centre line of Pole Street to its junction with Ringway

2. No Waiting Mon-Sat 8am-6.30pm

- a) Fishergate, the south side, between its junction with Church Street and a point 15 metres east of Glovers Court

3. No Loading/Unloading At Any Time

- a) Church Street, the south-east side, from the centre line of St. John's Place for a distance of 16 metres in a north-easterly direction
- b) Church Street, the south-east side, from a point 34 metres north-east of the centre line of St. John's Place for a distance of 12 metres in a north-easterly direction

Schedule 2 Introduce a Taxi Rank, from 18:30 until midnight and from midnight until 08:00 in the following lengths of road:

- a) Church Street, Preston, the south-east side from a point 3 metres south-west of the centreline of St John's Place to a point 20 metres north-east of the centreline of Boltons Court.
- b) Church Street, Preston, the south side from a point 4.5 metres west of the centreline of Boltons Court to a point 15 metres east of the centreline of Avenham Street.
- c) Church Street, Preston, the south-east side from a point 4 metres north-east of the centreline of St. John's Place for a distance of 34 metres in a north-easterly direction.
- d) Church Street, Preston, the south-east side from a point 16.5 metres north-east of the centreline of Manchester Road for a distance of 41.5 metres in a north-easterly direction.

Schedule 3 Introduce a prohibition of waiting at any time, except Taxis who may wait from 18:30 until midnight and from midnight until 08:00 in the following lengths of road:

- a) Church Street, the south-east side from a point 20 metres north-east of the centreline of Boltons Court to a point 40.5 metres north-east of the centreline of Boltons Court.
- b) Church Street, Preston, the south side from a point 4.5 metres west of the centreline of Boltons Court to a point 15 metres east of the centreline of Avenham Street.
- c) Church Street, Preston, the south-east side from a point 16.5 metres north-east of the centreline of Manchester Road for a distance of 41.5 metres in a north-easterly direction.
- d) Church Street, Preston, the south-east side from a point 3 metres south-west of the centreline of St John's Place to a point 20 metres south-west of the centreline of St John's Place.

Schedule 4 Introduce a prohibition of waiting at any time, in the following lengths of road:

- a) Church Street, Preston, the south-east side from a point 20 metres north-east of the centreline of Boltons Court to a point 4.5 metres west of the centreline of Boltons Court.
- b) Church Street, Preston, the north-west side from its junction with Birley Street to its junction with Ringway including the slip road onto Ringway.
- c) Church Street, Preston, the south side from a point 15 metres east of the centreline of Avenham Street to its junction with Main Sprit Weind.
- d) Church Street, Preston, the south-east side from its junction with Ringway to a point 42 metres south-west of the centreline of Ringway including both sides of the slip road.

- e) Church Street, Preston, the south-east side from a point 54 metres south-west of the centreline of Ringway to a point 111.4 metres east of the centreline of Cotton Court.
- f) Church Street Preston, the south-east side from a point 15.5 metres north-east of the centreline of Blue Bell Place to a point 17.5 metres south- west of the centreline of Grimshaw Street.
- g) Church Street Preston, the south-east side from a point 16.5 metres north-east of the centreline of Manchester Road to a point 22 metres north-east of the centre line of Guild Row.
- h) Church Street, Preston, the south-east side from a point 4 metres north-east of the centreline of St John's Place to a point 3 metres south-west of the centreline of St John's Place.
- i) Church Street, Preston, the south-east side from the centreline of Cotton Court for a distance of 7 metres in a north-easterly direction.
- j) Fishergate, Preston, the north side from Cheapside to Birley Street.
- k) Fishergate, Preston the south side from its junction with Main Sprit Weind to its junction with Glovers Court.
- l) Fishergate, the south side, from Glovers Court to Pitt Street

Schedule 5 Introduce Limited Waiting 30 Minutes No Return within 1 Hour Mon-Sat (inclusively) 8am-6.30pm in the following lengths of road:

- a) Church Street, Preston, the south-east side from a point 4 metres north-east of the centreline of St.Johns Place for a distance of 34 metres in a north-easterly direction.
- b) Church Street, Preston, the south-east side from a point 40.5 metres east of the centreline of Boltons Court to a point 20 metres south-west of the centreline of St John's Place.

Schedule 6 Introduce Limited Waiting 90 minutes No Return Within 2 hours Mon-Sat (inclusively) 8am-6pm in the following lengths of road:

- a) Church Street, Preston, the south-east side from a point 29 metres north-east of the centreline of Cotton Court for a distance of 32 metres in a north-easterly direction.
- b) Church Street, Preston, the south-east side from a point 42 metres south-west of the centreline of Ringway for a distance of 12 metres in a south-westerly direction.
- c) Church Street, Preston, the south-east side from a point 68 metres north-east of the centreline of Cotton Court for a distance of 12.5 metres in a north-easterly direction.
- d) Church Street, Preston, the south-east side from a point 88.5 metres north-east of the centreline of Cotton Court for a distance of 23 metres in a north-easterly direction.
- e) Church Street, Preston, the south-east side from a point 15.5 metres east of the centreline of Blue Bell Place for a distance of 16.5 metres in an easterly direction.
- f) Church Street, Preston, the south-east side from a point 7 metres north-east of the centreline of Cotton Court for a distance of 17 metres in a north-easterly direction.

Schedule 7 Introduce No Loading/Unloading At Any Time in the following lengths of road:

- a) Church Street, Preston, the south side from its junction with Ringway to a point 42 metres south-west of the centreline of Ringway including the slip road.
- b) Fishergate, Preston, the north side from Cheapside to Birley Street.

Schedule 8 Introduce No Loading Mon-Sat (inclusively) 8.15am-9.15am and 4.30pm-6.30pm in the following lengths of road:

- a) Church Street, Preston, the north-west side from its junction with Birley Street to its junction with Ringway including the slip road onto Ringway.
- b) Church Street, Preston, the south-east side from a point 15.5 metres north-east of the centreline of Blue Bell Place to a point 22 metres north-east of the centreline of Guild Row.
- c) Church Street, Preston, the south-east side from a point 4 metres north-east of the centreline of St John's Place to a point 20 metres south-west of the centreline of St John's Place.
- d) Church Street, Preston, the south-east side from a point 40.5 metres north-east of the centreline of Boltons Court to its junction with Main Sprit Weind.

Church Street



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