

MC93

CITY OF MANCHESTER (PHILLIPS PARK ROAD)  
(CONTROLLED PARKING ZONE) ORDER 2003

ARRANGEMENT OF ORDER

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LIST OF SCHEDULES

1. Waiting and Loading and Unloading Controls
2. Permitted Parking Places
3. List of Eligible Properties for Parking Permit Issue

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The Council of the City of Manchester in exercise of its powers under Sections 1, 2, 3, 4, 5, 19, 32, 35 and 45 to 53 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (c.27) 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 Road Traffic Regulation Act 1984 hereby makes the following Order: -

**Commencement and Citation**

1. (1) This Order shall come into operation on the 6<sup>th</sup> day of August 2003 and may be cited as the City of Manchester (Phillips Park Road) (Controlled Parking Zone) Order 2003.

(2) The provisions of this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulation made or having effect as though made under the said Act of 1984 or by or under any other enactment.

**Interpretation**

2. (1) In this Order: -

a) a reference to an Article or a Schedule followed by a number is a reference to the Article of, or the Schedule to, this Order so numbered;

b) an entry in Column 1 of an item in a table in a Schedule to this Order applies to that column in subsequent items in that table where no other entry has been made subsequently.

(2) In this Order, except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them: -

(2.1) "the Act of 1984" means the Road Traffic Regulation Act 1984.

(2.2) "adopted highway" means for the purposes of this Order a length of highway which is maintainable at public expense.

(2.3) "business" includes: -

a) a trade, profession or employment, and

b) any activity carried on by a body of persons whether corporate or unincorporate; whether or not carried on for gain or reward.

(2.4) "business premises" means premises where business takes place.

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(2.5) "Phillips Park Road Controlled Parking Zone" means the area comprising the roads specified in Schedule 2

(2.6) "the Council" means the Council of the City of Manchester.

(2.7) "disabled person's badge" where issued under The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI 2000 No. 682) has the same meaning as in those Regulations and where issued under the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 (SI 1982 No. 1740) has the same meaning as in those Regulations.

(2.8) "disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge and is a vehicle which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (SI 2000 No. 683) to be included in an Order under the Act, has been or is to be used for carrying disabled persons.

(2.9) "driver" in relation to a vehicle left at or waiting in a Permitted Parking Place means the person driving the vehicle at the time it was left at or is waiting at the Permitted Parking Place.

(2.10) "dual purpose vehicle" means a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description being a vehicle of which the unladen weight does not exceed 2 tonnes.

(2.11) "dwelling house" means a dwelling house or part of a dwelling house used for residential occupation.

(2.12) "employer" means a person who satisfies the Council they are managing the business or acting on that persons behalf at a business premises.

(2.13) "entry location" means the vehicular access to the parking zone from a length of adopted highway.

(2.14) "event times" in respect of any length of road designated by virtue of Article 3 as a Permitted Parking Place means during the period and between the inclusive times on the dates stated on traffic signs at the entry locations to the parking zone.

(2.15) "goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description or a trailer so constructed or adapted.

(2.16) "highway authority" shall be as generally provided in the Highways Act 1980 (c.66).

(2.17) "invalid carriage" has the same meaning as in Section 136 of the Act of 1984.

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- (2.18) "motor cycle" means a mechanically propelled vehicle (not being an invalid carriage) with fewer than 4 wheels of which the weight unladen does not exceed 410 kilograms and not having a side car attached.
- (2.19) "owner" means the person by whom the vehicle is kept and used and in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, includes the person entitled to possession of the vehicle.
- (2.20) "parking attendant" means a person authorised by or on behalf of the Council under Section 63A of the Act of 1984 to supervise and enforce the restrictions imposed by this Order.
- (2.21) "parking disc" means a disc, issued by a local authority, 125 millimetres square, but coloured blue if issued on or after 1st April 2000 or orange if issued before that date and capable of showing the quarter hour period during which a period of waiting begins, which has not ceased to be valid.
- (2.22) "Parking Permit" means a permit issued by the Council for the purpose of leaving a vehicle in a Permitted Parking Place under the provisions of this Order
- (2.23) "Parking Permit holder" means the person to whom a Parking Permit has been issued under the provisions of this Order.
- (2.24) "parking zone" means the Phillips Park Road Controlled Parking Zone.
- (2.25) "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 12 passengers exclusively of the driver and not drawing a trailer.
- (2.26) "Permitted Parking Place" means the lengths of road described in Schedule 2, where vehicles may wait subject to the restrictions and provisions set out in this Order.
- (2.27) "permitted vehicle" means a passenger vehicle, dual purpose vehicle, a goods vehicle having a weight not exceeding 3.5 tonnes gross vehicle weight or 1525 kilograms unladen weight, an invalid carriage or a motorcycle.
- (2.28) "premises" includes land and buildings.
- (2.29) "principal place of residence" means a place where the applicant for a Parking Permit stays over night for at least four nights per week during a period of at least 10 months per year.
- (2.30) "public service vehicle" means a motor vehicle (other than a tramcar) which –
- a) being a vehicle adapted to carry more than eight passengers is used for carrying passengers for hire or reward; or

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b) being a vehicle not so adapted, is used for carrying passengers for hire or reward at separate fares in the course of a business of carrying passengers.

(2.31) "relevant position" for the purposes of this Order means: -

a) in the case of a vehicle fitted with a front windscreen, the disabled person's badge or Parking Permit is exhibited thereon so that the badge is legible from outside the vehicle; or

b) in the case of a vehicle not fitted with a dashboard or facia panel the disabled person's badge or Parking Permit is exhibited in a conspicuous position on the vehicle.

(2.32) "restricted hours" in respect of any restricted road specified in Schedule 1 means on the days and between the hours specified in Column 3 of Schedule 1.

(2.33) "restricted road" means any length of road or carriageway specified in Schedule 1.

(2.34) "road" means the entire width of the road between defined boundaries including any verges.

(2.35) "telecommunications apparatus" has the same meaning as in the Telecommunications Act 1984 (c.12).

(2.36) "traffic sign" means any sign of any size, colour and type prescribed or authorised under or having effect as though prescribed or authorised under Section 64 of the Act of 1984.

(2.37) "trailer" means a vehicle other than a motor vehicle.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended or substituted by any subsequent enactment.

(4) Any reference in this Order to a masculine gender shall include reference to the feminine gender.

(5) Any reference in this Order to a singular includes the plural.

(6) The Interpretation Act 1978 (c.30) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament

### **Part I - Designation of Permitted Parking Places**

3. Each area of road in the City of Manchester which is described in Schedule 2 of this Order, other than those parts of road or lengths of road: -

specified in Schedule 1 of this Order;

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- a) where waiting is not permitted as indicated by a traffic sign prescribed by regulations made under Section 36 of the Road Traffic Act 1988 (c.52) or by the exercise of powers conferred by the Act of 1984 and this being indicated by a traffic sign shown in Schedule 6 to Traffic Signs and General Directions 2002 (SI 2002 No. 3113); or
- b) which a vehicle may reasonably cross to get to or from any road or to any vehicular access to premises adjoining the road;

is designated as a Permitted Parking Place during event times subject to the restrictions and provisions set out in this Order.

## **Part II - Restrictions on Use of Permitted Parking Places**

### **Permitted Parking Places**

4. (1) Save as provided in Articles 5 and 19 no person shall leave a vehicle at a Permitted Parking Place during event times unless: -

- a) he is the holder of a valid Parking Permit in respect of the Permitted Parking Place at which the vehicle is left and the Parking Permit is displayed on that vehicle in accordance with Article 16; or
- b) it is left in accordance with the requirements specified in Column 3 of Schedule 2 and the provisions of Article 21 of this Order.

(2) Except as provided in the foregoing provisions of this Article, the driver of a vehicle shall not cause or permit a vehicle to wait in a Permitted Parking Place during event times.

(3) Nothing in this Article shall restrict the powers of the Council to suspend any Permitted Parking Place in accordance with Article 23.

### **Exemptions**

5. Nothing in Article 4 shall prevent any person from causing or permitting any vehicle to be left in a Permitted Parking Place: -

- a) if the vehicle is displaying in the relevant position a valid disabled person's badge;
- b) for the purpose provided in Article 19 for waiting.

## **Part IV- Provisions as to Parking Permits and Badges**

### **Application and Issue of Parking Permits**

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11. On receipt of any application duly made under the foregoing provisions of this Order the Council upon being satisfied that the conditions specified in Articles 7, 8 or 9 are met may issue to the applicant one Parking Permit for the parking in a Permitted Parking Place during event times of the vehicle to which the Parking Permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward.

12. The Council may issue to any person who is entitled to a Parking Permit under the provisions of Articles 7 and 9 above a visitors' Parking Permit for the parking of a vehicle in a Permitted Parking Place during event times by persons visiting the usual place of residence of the resident or the business as the case may be Provided Always that the Council shall not be required to issue more than one visitors' Parking Permit per residence and not more than 3 visitors' Parking Permits per business premises.

13. (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 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 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 residence or place of business withdraw a Parking Permit if it appears to the Council that any 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 receipt of the said notice.

(3) The events referred to in the foregoing provisions of this Article are:-

- a) the Parking Permit holder ceasing to meet the conditions for issue of a Parking Permit specified in Articles 7, 8 and 9 above as the case may be;
- b) the Parking Permit holder ceasing to be the owner of the vehicle in respect of which the Parking Permit was issued;
- c) the vehicle in respect of which the Parking Permit was issued being adapted or used in such a manner that it is not a permitted vehicle;
- d) the issue of a duplicate Parking Permit by the Council under the provisions of Article 14 of this Order;
- e) the expiry of the period for which the Parking Permit was issued; or
- f) misuse of the Parking Permit.

14. (1) If a Parking Permit is mutilated or defaced or the figures or particulars on it have become illegible or the colour of the Parking Permit has become altered by fading or otherwise the Parking Permit holder shall surrender it to the Council and then may apply to the Council for the issue to him of a duplicate Parking Permit.

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(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.

(3) Any person making application for a duplicate Parking Permit by virtue of paragraphs (1) and (2) of this Article may be required to pay a sum of £15 exclusive of VAT to the council.

(4) The provisions of this Order shall apply to a duplicate Parking Permit and an application for such a Parking Permit as if it were a Parking Permit or as the case may be an application for a Parking Permit.

(5) Any Parking Permit issued by virtue of the provisions of paragraphs (1) or (2) of this Article shall be marked as a duplicate and upon the issue of a duplicate Parking Permit the Parking Permit which it duplicates shall become invalid.

#### **Form of a Parking Permit**

15. A Parking Permit shall be in writing and shall include the following particulars:-

(1) in the case of a Parking Permit issued in pursuance of Articles 7, 8 or 9 above the registration mark of the vehicle in respect of which the Parking Permit has been issued and in any other case a unique reference number allocated to the Parking Permit by the Council;

(2) an authentication that the Parking Permit has been issued by the Council.

#### **Display of a Parking Permit**

16. Save as provided in Articles 5 and 19 there shall be displayed in the relevant position on a vehicle at all times during which a vehicle is left in a Permitted Parking Place a valid Parking Permit issued in respect of that vehicle so that all the particulars referred to in Article 15 of this Order are readily visible from the outside of the vehicle

17. Where a Parking Permit has been displayed on a vehicle in accordance with the provisions of Article 16 of this Order no person shall remove the Parking Permit from the vehicle unless authorised to do so by the driver of the vehicle.

#### **Restriction of Waiting, Loading and Unloading of Vehicles in Certain Roads**

18. Save as provided in Articles 19 and 20 of this Order, no person shall, except upon the direction or with the permission of a parking attendant cause or permit any vehicle to wait in any restricted road during the restricted hours.

#### **Exemptions from Parking and Waiting Controls**

19. (1) Nothing in Articles 4 and 18 of this Order shall prevent any person from causing or permitting a vehicle to wait in any restricted road or in a Permitted Parking Place if the use of that Permitted Parking Place has not been suspended: -

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- a) for so long as may be necessary to enable a person to board or alight from a vehicle;
- b) for so long as may be necessary to enable 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 sides of lengths of road; or
  - iv.) the laying, erection, alteration or repair, in or on land adjacent to the said lengths of road, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any telecommunications apparatus defined in the Telecommunications Act 1984, wide area traffic control cable, apparatus or traffic signs;
- c) if the vehicle is a vehicle used for fire brigade purposes or an ambulance, or any vehicle in the service of a local authority or police force in either case being used in pursuance of statutory powers or duties;
- d) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
- e) if the vehicle is in the service of or employed by the Post Office, or a telecommunications operator and is waiting while postal packets addressed to premises adjacent to that road are being unloaded from the vehicle or, having been unloaded therefrom, are being delivered or while postal packets are being collected from premises or posting boxes adjacent to that road; or is in use in connection with the servicing of telephone kiosks adjacent to that road;
- f) for the purpose of loading or unloading the vehicle while the vehicle is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
- g) if the vehicle is being used in connection with any wedding or funeral;
- h) if it is a vehicle which displays in the relevant position a disabled person's badge, and a parking disc (on which the driver or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait on the side of length of road referred to in those Articles for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle on the same side

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of length of road on the same day) provided always that no such vehicle shall so wait in any of the restricted roads between the hours specified in Column 4 of Schedule 1 to this Order.

(2) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any Regulations made or having effect as if made under Section 25 of the Act of 1984.

### **Exemption for Loading and Unloading**

20. (1) Nothing in Articles 4 or 18 of this Order shall prevent any person from causing or permitting a vehicle to wait in any restricted road for so long as may be necessary for the purpose of delivering or collecting goods or merchandise or loading or unloading a vehicle at premises adjoining that restricted road except during the period of time specified in Column 4 of Schedule 1 provided that nothing shall apply so as to restrict the loading or unloading of any vehicle while the vehicle is in actual use in connection with the collection or delivery of goods which cannot reasonably be loaded or unloaded outside the restricted hours PROVIDED THAT NOTICE IS GIVEN TWENTY FOUR HOURS IN ADVANCE TO THE COUNCIL AND ITS CONSENT IS OBTAINED

(2) Notwithstanding anything in paragraph (1) of this Article, the driver of a vehicle waiting for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle shall move the same on the instruction of a police officer in uniform whenever such movement may be reasonably necessary for the purpose of preventing obstruction.

### **Part IV Miscellaneous**

#### **Manner of Standing in Permitted Parking Places**

21. A person causing or permitting a vehicle to wait in a Permitted Parking Place by virtue of the provisions of Article 4 or Article 26 shall take all such steps as are necessary to ensure that where special provisions as to the manner of standing of vehicles in that place are specified in Column 3 of Schedule 2 that the vehicle shall stand in accordance with those provisions: -

- a) so that every part of the vehicle is on the carriageway;
- b) the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 30 centimetres (twelve inches) where specified parallel to the kerb;
- c) so that no part of the vehicle or a trailer drawn by it remains at rest on a road in such a position or in such condition or in such circumstances as to be likely to obstruct free passage along a road or cause danger to other persons using the road; or

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- d) so that no part of the vehicle or a trailer drawn by it remains at rest on the road in such a position or in such condition as to be likely to obstruct access or egress to any premises adjoining the road.

**Alteration of Position of Vehicle in Permitted Parking Places**

22. Where any vehicle is standing in a Permitted Parking Place in contravention of the provisions of Article 21 of this Order, a parking attendant may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

**Power to Suspend Use of Permitted Parking Places**

23. (1) Any person duly authorised by the Council may subject to such conditions or exceptions as he considers appropriate suspend the use of a Permitted Parking Place or any part thereof whenever he considers such suspension reasonably necessary: -

- a) for the purposes of facilitating the movement of traffic or promoting its safety;
- b) for the purpose of any building operation, demolition or excavation in or adjacent to the Permitted Parking Place or the maintenance, improvement or reconstruction of the Permitted Parking Place or the laying, erection, alteration, removal or repair in or adjacent to the Permitted Parking Place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus or traffic sign;
- c) for the convenience of occupiers of premises adjacent to the Permitted Parking Place on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
- d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed;
- e) for the convenience of occupiers of premises adjacent to the Permitted Parking Place at times of weddings or funerals, or on other special occasions;  
or
- f) in exceptional circumstances.

(2) A police officer in uniform may suspend for not longer than TWENTY FOUR HOURS the use of a Permitted Parking Place or any part thereof whenever he considers such suspension reasonably necessary.

(3) Any person suspending the use of a Permitted Parking Place or any part thereof in accordance with the provisions of sub-paragraphs (1) a) or (1) b) of this Article shall thereupon place or cause to be placed in or adjacent to any part of that Permitted Parking Place the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.

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26. A police constable in uniform, a parking attendant, or any person duly authorised by the Council may in case of emergency move or cause to be moved any vehicles left in a Permitted Parking Place to any place he thinks fit.

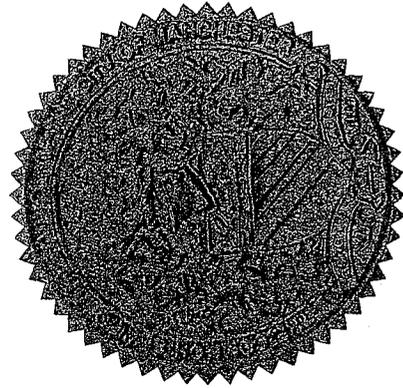
GIVEN under the Common Seal of the Council of the City of Manchester this 31st day of July 2003

THE COMMON SEAL of THE COUNCIL

OF THE CITY OF MANCHESTER was

hereunto affixed in pursuance of an Order

of the Council of the said City:-



*MC*

*Maria Sougan*

Authorised Signatory

1015914

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LIST OF SCHEDULES

- 1 Waiting and Loading and Unloading Controls
- 2 Permitted Parking Place
- 3 List of Eligible Properties for Permit Issue

SCHEDULES

Schedule 1

No person shall cause or permit any vehicle to wait during the period specified in Column 3 of Schedule 1 or to load or unload a vehicle during the period specified in Column 4 of the said Schedule on the roads specified in Column 1 of the said Schedule for the lengths of road as specified in Column 2 of the said Schedule.

Column 1	Column 2	Column 3	Column 4
No Items			

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Schedule 2

The roads specified in Column 1 of Schedule 2 for the lengths of road as specified in Column 2 of Schedule 2, other than those parts where other traffic regulations pertaining to stationary vehicles apply, are authorized to be used as a parking place for use by vehicles displaying a valid parking permit during event times.

Column 1	Column 2	Column 3
Road	Length of Road	Special Manner of Standing
Cambrian Street	Both sides for its entire length	Parallel to the kerb
Edwin Road	Both sides for its entire length	Parallel to the kerb
Hillkirk Street	Both sides that part which lies south east of the river Medlock	Parallel to the kerb
Keymer Street	Both sides for its entire length	Parallel to the kerb
Phillips Park Road	Both sides from its junction with Cambrian Street to its junction with Allams Street	Parallel to the kerb
Pottery Row	Both sides for its entire length	Parallel to the kerb

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Schedule 3

The properties specified in Column 2 of Schedule 3 in relation to road name at which those properties are situated are eligible to apply for a permit.

Column 1	Column 2
Road	Eligible Properties
Cambrian Street	All properties
Edwin Road	All properties
Hillkirk Street	All properties
Keymer Street	All properties
Phillips Park Road	All properties
Pottery Row	All properties