

**THE MEDWAY COUNCIL (PROHIBITION OF WAITING BY
GOODS VEHICLES) ORDER 2000**

Preliminary

Medway Council in exercise of the powers under sections 1, 32, 37, 45, 46A, 51, 53, 61 and 92 of the Road Traffic Regulation Act 1984 and all other enabling powers having regard to Section 122 of that Act and having consulted the Chief Officer of Police in accordance with Part III of Schedule 9 of that Act and in accordance with the Road Traffic (Permitted Parking Area and Special Parking Area)(Borough of Medway) Order 1999 made by the Secretary of State makes the following Order

In accordance with the provisions of section 37 of the Road Traffic Regulation Act 1984 this Order forms part of a general scheme of traffic control whose boundary is the boundary of the Medway Council area

Citation and Commencement

1 This Order maybe cited as the Medway Council Prohibition of Waiting by Goods Vehicles Order 2000 and shall have effect from _____

Revocation

2 Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into effect of this Order any prohibitions and restrictions of waiting as respects vehicles effective in the Medway area prior to this Order coming into effect relating to any of the lengths of road described herein are revoked to the extent that this Order takes effect

Definitions

3 In this Order:

“the Act” means the Road Traffic Regulation Act 1984 and references to section numbers are to sections of that Act unless the context admits otherwise

“The 1991 Act” means the Road Traffic Act 1991

“Carriageway” means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles but excludes any lay-by

“The Council” means Medway Council

“disabled person’s badge” has the meaning given by section 142 of the Act

“disabled person’s vehicle” has the meaning given by section 142 of the Act

“footway” has the meaning given by section 329 of the Highways Act 1980

“goods vehicle” has the meaning given by section 92 of the Transport Act 1968

“heavy goods vehicle” has the meaning given by section 20(1) of the Road Traffic Act 1988

“owner” in relation to a vehicle means the person who is liable to receive a notice to owner respecting any contravention of this Order

"parking attendant" means a person appointed by or on behalf of the Council to enforce the restrictions imposed by this general scheme of traffic control relating to stationary vehicles

"parking disc" has the meaning given by Regulation 4(3)(ii) of the Local Authorities' Traffic Orders (Exemption for Disabled Persons)(England and Wales) Regulations 1986

"penalty charge" means a charge set by the Council under the 1991 Act and following approval by the Secretary of State which is due to be paid to the Council following the issue of a penalty charge notice and within 28 days of the issue of that notice

"penalty charge notice" means a notice which complies with the requirements of section 66(3) of the 1991 Act and which is fixed to a vehicle or given to a person appearing to be in charge of a vehicle by or under the authority of a parking attendant

"reduced penalty charge" means a charge set by the Council under the 1991 Act and following approval by the Secretary of State which is due to be paid to the Council following the issue of a penalty charge notice and within 14 days of the issue of that notice

"undertaker" has the meaning given by section 48(4) of the New Roads and Street Works Act 1991

"verge" means any part of a road which is not a carriageway and includes a footway

Prohibitions

- 4 (1) Save as provided by Article 5 no person shall cause or permit a vehicle exceeding 7.5 tonnes gross weight to wait in any of the lengths of road specified in Schedule 1 hereto between the hours of 6 pm and 8 am on any day
- (2) Save as provided by Article 5 no person shall cause or permit a vehicle exceeding 5 tonnes gross weight to wait in any of the lengths of road specified in Schedule 1 hereto between the hours of 9 pm and 7 am on any day
- (3) Save as provided by Articles 5 hereof no person shall except with the permission or on the instructions of a police constable in uniform or a parking attendant cause or permit any vehicle to wait in any of the lengths of road specified in the Schedules to this Order
- (4) No person shall use any vehicle including a disabled person's vehicle which waits in any of the lengths of road specified in the Schedules hereto in connection with the selling or offering for hire of goods or services unless that person has obtained the written consent of the Council before doing so

Exceptions

- 5 Nothing in Article 4 above shall render it unlawful for a person to cause or permit a vehicle to wait in a length of road specified by virtue of Article 4 if:
- a) the vehicle is being used for the removal of any obstruction to traffic or
 - b) the vehicle is being used by or with the written consent of the Council and whilst being so used it is necessary for the vehicle to wait in that length of road
 - c) the person in charge of the vehicle is required by law to stop or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstances beyond his control or

d) the vehicle is being used for police fire brigade ambulance or other emergency service

e) the vehicle lawfully displays a disabled person's badge in accordance with Article 9 below

Disabled Persons Badges

9 For the purposes of this Order a vehicle shall be regarded as displaying:

a) a disabled persons' badge issued before 2 March 1992 in the relevant position if:

i) in the case of a vehicle fitted with a front windscreen the badge is exhibited on the near side of and immediately behind the windscreen and with its front facing forward so as to be legible from outside the vehicle or

ii) in the case of a vehicle not fitted with a front windscreen the badge is exhibited in a conspicuous position on the vehicle so that Part I of the badge is legible from outside the vehicle

b) a disabled badge issued on or after 2 March 1992 in a relevant position if;

i) in the case of a vehicle fitted with a dashboard or fascia panel the badge is exhibited thereon so that Part I of the badge is legible from outside the vehicle or

ii) in the case of a vehicle not fitted with a dashboard or fascia panel the badge is exhibited in a conspicuous place on the vehicle

Enforcement

10 (1) Where a vehicle contravenes any provision of this Order a Penalty Charge Notice giving the information required by the 1991 Act and stating the prescribed amount payable as a penalty charge and the amount of the reduced penalty charge payable maybe fixed to the vehicle or given to a person appearing to be in charge of the vehicle by a parking attendant in accordance with the 1991 Act

(2) A penalty charge shall be paid to the Council by such means of payment as may be approved by the Council and which shall be delivered or sent by post to the address or addresses shown on the penalty charge notice and in accordance with the instructions on that notice to arrive not later than 4 pm on;

a) the 14th day after the date shown on the penalty charge notice as being the date of issue of the notice in which case a reduced penalty charge as indicated on the notice shall be payable or;

b) the 28th day after the date shown on the penalty charge notice as being the date of issue of the notice

(3) Provided that if the aforesaid 14th or 28th day fall upon a day on which the offices at the address or addresses given are not open for the receipt of payment then the day by which the penalty charge or reduced penalty charge shall be payable shall be deemed to be extended until 4 pm on the next following day upon which the said offices are open for the receipt of such payments

11 (1) Where a vehicle is left in contravention of the provisions of this Order and a Penalty Charge Notice has been affixed to the vehicle or given to a person appearing to be in charge of the vehicle a parking attendant or a person acting on the direction of a parking attendant may affix an immobilisation device to that vehicle and a notice which complies with the provisions of the Act

(2) Where an immobilisation device has been affixed to a vehicle that immobilisation device shall only be removed on payment of the amount of the Penalty Charge or Reduced Penalty Charge as the case may be together with such release fee as may be prescribed

(3) No immobilisation device shall be affixed to a vehicle which lawfully displays a disabled person's badge

12 (1) Where a vehicle is left in contravention of the provisions of this Order and a Penalty Charge Notice has been affixed to that vehicle a parking attendant or a person acting on the direction of a parking attendant may remove that vehicle in accordance with the provisions of the Road Traffic Regulation Act 1984

(2) Where a vehicle has been removed in accordance with paragraph (1) above that vehicle shall only be released on payment of any Penalty Charge or Reduced Penalty Charge as the case may be which is due to be paid in respect of that vehicle together with any charge for the removal and storage of that vehicle as may be prescribed

The COMMON SEAL of)

MEDWAY COUNCIL)

was affixed hereto)

This _____ day of 2000

In the presence of:-

SCHEDULE 1

Abbotts Close, Borstal Street, Brambletree Crescent, Cambria Avenue, Cookham Hill, Cordelia Crescent, Elm Tree Drive, Farmdale Avenue, Hill Road, Ivy Place, Kennard Close, Laura Place, Manor Lane, Mansell Drive, Nashenden Lane, Priestfields, Prospect Place, Sidney Road, Silver Hill, Victoria Terrace, Warwick Crescent and Wouldham Road

SCHEDULE 2

Alamein Avenue, Albany Road, Albert Road, Aldershot Road, Alexandra Road, Allison Avenue, Amanda Close, Ambrose Hill, Anglesey Close, Ansell Avenue, Arnhem Drive, Ash Close, Ash Tree Lane, Aspen Way, Aston Close, Austin Close, Bader Crescent, Baffin Close, Bank Street, Bankside, Barrington Close, Barnfield, Beacon Hill, Beacon Road, Beaconsfield Road, Beechen Bank Road, Beechmore Drive, Beechwood Avenue, Berkshire Close, Birkhall Close, Bleakwood Road, Blockmakers Court, Bolner Close, Booth Road, Bournville Avenue, Boxley Road (from Robin Hood Lane to Lordswood Lane), Bracken Lea, Bradfields Avenue, Bradfields Avenue West, Bramble down, Brier Close, Bright Road, Brisbane Road, Bronington Close, Brownelow Copse, Brownhill Close, Bryant Street, Buckland Close, Buller Road, Bulrush Close, Burma Way, Camerom Close, Champion Close, Capstone Road, Carlton Crescent, Castle Road, Chaffinch Close, Chalk Pit Hill, Chamberlain Road, Charter Street, Chatham Grove, Chatham Hill, Cherbourg Crescent, Chestnut Avenue, Chevening Close, Chickfield Gardens, Church Hill, Church Terrace, Churchill Avenue, Claremont Way, Clarence Road, Clover Bank View, Cobden Road, Cobtree Close, Clochester Close, Connaught Road, Constitution Hill, Constitution Road, Coronation Road, Corral Close, Cossington Road, Cottall

Avenue, Crestway, Cromwell Terrace, Cunningham Crescent, Curzon Road, Dagmar Road, Damien Close, Derby Road, Devon Close, Downsview, Dunkirk Drive, Durrell Gardeens, East Street, Eden avenue, Edinburgh Road, Edward Street, Ernest Road, Eton Close, Fallowfield, Farm Road, First Avenue, Fisher Road, Flamingo Close, Forest Drive, Foresters Close, Foxglove Crescent, Francis Drive, Freeman Gardens, Freshwater Road, Friars Avenue, Gatcombe Close, Gentian Close, Gerald Avenue, Glamis Close, Glencoe Road, Glenwoof Close, Goose Close, Gordon Road, Gorse Avenue, Grange Hill, Great South Avenue, Green Bank, Greenacre Close, Grove Road, Haig Avenue, Ham Lane, Hampshire Close, Hampton Close, Hare Street, Hartington Street, Hazel Grove, Heather Close, Heathfield Close, Henley Close, Henry Street, Herbert Road, Heritage Road, Herman Terrace, Heron Way, Highgrove Road, Hilda Road, Hill Chase, Holcombe Road, Holly Close, Honeysuckle Close, Hope Street, Hopewell Drive, Hunters Way West, Illustrious Close, Ingle Road, Ironside Close, Jacklin Close, Jasmin Close, Jenkins Dale, Joiners Court, Juniper Close, Kyes Avenue, King George Road, Kingfisher Drive, Kings Road, Kingsway, Kinross Close, Kitchener Avenue, Larch Croft, Larkspur Road, Lavender Close, Lawn Close, Leonard Road, Leopold Road, Lester Road, Letchworth Avenue, Leybourne Close, Leyton Avenue, Limetree Close, Listmas Road, Little John Avenue, Longhurst Drive, Luton High Street, Luton road, Mafeking Road, Magpie Hall Road, Maida Road, Mallow Way, Malta Avenue, Marion Close, Marston Close, Maunders Close, Mayweed Avenue, Meadow Close, Melbourne Road, Mermaid Close, Mill Lane, Mills Terrace, Mitchell Avenue, Monarch Close, Montford Road, Montgomery Avenue, Montrose Avenue, Mount Road, Mountbatten Avenue, Myrtle Crescent, Natal Road, Neale Street, Nelson Terrace, Newnham Street, Nicklaus Drive, Nore Close, Norton Grove, Nutfield Close, Oakhurst Close, Oakliegh Close, Oakum Court, Olliffe Close, Osprey Avenue, Otway Street, Otway Terrace, Packer Place, Palmerston Road, Paarham Road, Park Crescent, Penfold Close, Pheasant Road, Pimpernel Way, Polhill Drive, Portland Street, Post Barn Road, Pretoria Road, Prospect Row, Queens Road, Raliegth Close, Ramillies Close, Redvers Road, Redwing Road, Refom Road, Repton Way, Resolution Close, Robin Hood Lane (from Tuxbury Avenue to Boxley Road), Roosevelt Avenue, Ropemakers Court, Rosemary Close, Rowan Lea, Rowland Avenue, Rowland Close, Rugby Close, Russell Court, Ryde Close, Saffron Way, Sailmakers Court, Salisbury Road, Sandstone Rise, Saracen Fields, Sawyers Court, Scotteswood Avenue, Second Avenue, Sedge Crescent, Settington Avenue, Seymour Road, Shanklin Close, Sharon Crescent, Shawstead Road, Sheridan Close, Sheriff Drive, Sherwood Avenue, Shipwrights Avenue, Short street, Silver Hill, Silverbank, Silverweed Road, Skinner Street, Snowdon Close, Solent Gardens, Somerset Close, Sorrell Road, Southill Road, Speedwell Avenue, Spencer Close, St Leonards Avenue, Stalin Avenue, Star Mill Lane, Stone Cross Lea, Street end Road, Sturla Road, Sussex Drive, Swallow Rise, Sydney Road, Symons Avenue, Teasel Road, Tedder Avenue, Terence Close, The Beeches, The Covert, The Glade, The Links, The Spinney, The Wirrals, Third Avenue, Thorold Road, Thrush Close, Timberbank, Tobruk Way, Travertine Road, Trevino Drive, Tufa Close, Tunbury Avenue (from Robin Hood Lane to Victoria Road), Underdown Way, Upper Luton Road, Urquhart Close, Valerian Close, Ventnor Close, Victoria Road, Vulcan Close, Waghorn Street, Walderslade Road (from Robin hood Lane to Ridgeway), Walnut Close, Warner Street, Watling Avenue, Wayfield Road, Wedgewood Drive, Weeds Wood Road, Westbrooke Close, Wheatear Way, White Road, Whitehorse Hill, Whyman Avenue, Wiltshire Close, Winchester Avenue, Windsor Avenue, Woodlands, Wordsworth Close, Yarrow Road, York Avenue and York Hill.