

MEDWAY COUNCIL
TRAFFIC REGULATION ORDER
No. 527

The Medway Council (Rainham South) (Parking Places and Waiting, Loading and Stopping Restrictions)
Consolidation Order 2016

Made: 11th August 2016

Coming into force: 16th August 2016

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Medway Council, in exercise of its powers under sections 1, 2, 32, 35, 37, 45, 46, 49 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984¹ ("the Act") and of all other enabling powers, and having consulted the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

In accordance with the provisions of section 37 of the Act, this Order forms part of a general scheme of traffic control within the district of Medway Council.

PART 1 – PRELIMINARY

Commencement and Citation

1. This Order shall come into force on **Tuesday 16 August 2016** and may be cited as the Medway Council (Rainham South) (Parking Places and Waiting, Loading and Stopping Restrictions) Consolidation Order 2016.

Interpretation

2. (1) In this Order, except where the context otherwise requires:-

"ambulance" means a vehicle which is constructed or adapted for, and used for no other purpose than, the carriage of sick, injured or disabled people to or from welfare centres or places where medical or dental treatment is given, and is readily identifiable as such a vehicle by being marked with the word "Ambulance";

"annual visitor's permit" and "daily visitor's permit" mean permits issued to a resident under the provisions of Article 15(2) and 15(3) respectively;

"bus" means a motor vehicle which is constructed or adapted to carry more than eight passengers and is used for carrying passengers for hire or reward, or a motor vehicle which is not so constructed or adapted but is used in the course of a business of carrying passengers for hire or reward at separate fares;

"business user" means a person who uses a vehicle other than a bus or heavy goods vehicle which is essential to the operation of a business carried out at any premises the address of which is in a road or part of a road specified in Schedule 11 and which is used for the purchase and sale of goods or services in connection with that business;

"business user's permit" means a permit issued to a business user under the provisions of Article 15(4);

"carer" means a professional person who provides help and care in the community and who uses a vehicle, other than a bus or heavy goods vehicle, which is essential to the carrying out of their day to day occupation visiting clients who live at premises the address of which is in a road or part of a road specified in Schedule 11, or premises adjacent to any such road or part of a road;

"carer's permit" means a permit issued to a carer under the provisions of Article 15(6);

"civil enforcement officer" means a civil enforcement officer appointed by the Council under section 76 of the Traffic Management Act 2004²;

"Council" means Medway Council or its duly authorised agent or officer;

"disabled person's badge" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000³;

"driver", in relation to a vehicle that is left in a parking place, means the person driving the vehicle at the time it was left in the parking place;

¹ 1984 c. 27

² 2004 c. 18

³ S.I. 2000/683

"electronic communications network" has the same meaning as in the Communications Act 2003⁴;

"essential user" means a professional person who provides health care and treatment to the sick and housebound and who uses a vehicle, other than a bus or a heavy goods vehicle, which is essential to the carrying out of their day to day occupation visiting clients who live at premises the address of which is in a road or part of a road specified in Schedule 11 or premises adjacent to any such road or part of a road;

"essential user's permit" means a permit issued to an essential user under the provisions of Article 15(7);

"goods" means goods of any kind whether animate or inanimate and includes postal packets of any description and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"goods vehicle" means a motor vehicle or trailer constructed or adapted for use for the carriage or haulage of goods or burden or any description and not constructed or adapted solely for the carriage of passengers and their effects;

"heavy goods vehicle" means a goods vehicle which has a maximum gross weight exceeding 7.5 tonnes;

"local bus" has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016⁵;

"maximum gross weight" means the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016;

"Medway staff member" means a member of staff employed by or contracted to Medway Council who uses a vehicle, other than a bus or heavy goods vehicle, which is essential to the carrying out of their day to day duties on behalf of the Council in any road or part of a road to which the provisions of this Order apply, and such duties shall include (but not be limited to) visiting clients and attending site visits;

"parking charge" means an amount referred to in Article 13(1) and specified in Schedule 21 to this Order, being the amount which is payable at a ticket machine, subject to the provisions of this Order, in respect of a vehicle left in a parking place referred to in Schedule 15 or 16;

"parking clock" means a clock issued by the Council under the provisions of Article 15(5), 15(6), and 15(7) for the purpose of indicating the time at which a vehicle displaying either a special business permit, a carer's permit or an essential user's permit is left in a parking place specified in Schedule 12, 13, 14 or 16;

"parking disc" has the same meaning as in Regulation 3(1) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"parking period" means a period of time for which payment of the parking charge has been made in respect of a vehicle and during which, subject to the provisions of this Order, that vehicle may be left in a parking place referred to in Schedule 15 or 16;

"parking place" means any area on a highway or road which is designated or authorised as a parking place by this Order, including a loading place, and includes any part of a parking place;

"parking zone" means a zone which is indicated by a letter or letters as specified in Schedule 11, each comprising a group of roads or parts of roads in which residents or business users may apply for permits valid for use in certain parking places within that zone;

"particulars" means:-

- (a) in relation to a valid permit, the particulars specified in Article 15(14); and
- (b) in relation to a valid ticket, the particulars specified in Article 13(4);

⁴ 2003 c. 21

⁵ S.I 2016/362

"permit", without more, means a permit issued under the provisions of Article 15 being either a resident's permit, a business permit, a special business permit, an annual visitor's permit, a daily visitor's permit, a special business permit, a carer's permit, an essential user's permit or a special staff permit;

"permit holder" means a person to whom a permit has been issued under the provisions of Article 15;

"postal packet" means a letter, parcel, packet or other article transmissible by post;

"postal service provider" means a provider of a universal postal service (within the meaning of the Postal Services Act 2000), or part of such a service;

"prescribed hours" means a period of time during which the provisions of Part 2 of this Order apply, and:-

- (a) in relation to a restricted street specified in columns 2, 3 and 4 of Schedule 1, 3 or 5, this means at any time;
- (b) in relation to a restricted street specified in columns 2, 3 and 4 of Schedule 2, 4 or 6 or a road or length of road specified in columns 2, 3 and 4 of Schedule 8 or 9, this means the period of time specified in column 5 in relation to that restricted street or road or length of road as the case may be; and
- (c) in relation to a road or length of road specified in column 2 of Schedule 7, this means the period of time specified in column 3 in relation to that road or length of road;

"protective cover" means a protective cover issued by the Council under the provisions of Article 15(1), 15(2), 15(4), 15(5), 15(6), 15(7) or 15(8);

"recorded delivery" means a duly authorised service for delivering and recording the delivery of postal packets;

"resident" means any person whose usual place of abode is at premises the address of which is in any road or part of a road specified in Schedule 11;

"resident's permit" means a permit issued to a resident under the provisions of Article 15(1);

"restricted hours" means a period of time during which the provisions of Parts 3 and 4 of this Order apply, and:-

- (a) in relation to a parking place specified in columns 2, 3 and 4 of Schedule 13 or 17, this means at any time;
- (b) in relation to a parking place specified in columns 2, 3 and 4 of Schedule 12, 15, 16, 18 or 20, this means the period of time specified in column 6 in relation to that parking place; and
- (c) in relation to a parking place specified to in columns 2, 3 and 4 of Schedule 14 or 19, this means the period of time specified in column 5 in relation to that parking place;

"restricted street" means any road or length of road specified in columns 2, 3 and 4 of Schedule 1, 2, 3, 4, 5 or 6 of this Order;

"Restricted Zone" means an area in which all the roads are subject to waiting restrictions (other than a length of road which is designated as a parking place by an Order made under section 1, 9 or 45 of the Act), and which is indicated by the placing of zone entry and exit signs, and repeater signs within the zone, instead of the placing of yellow lines or kerb-markings on the road;

"section 106 obligation" means an obligation or agreement with Medway Council whereby as a condition of planning approval granted in respect of a housing development, the residents of that development are excluded from being eligible to obtain a permit;

"special business permit" means a permit issued to a special business user under the provisions of Article 15(5);

"special business user" means a person who uses a vehicle, other than a bus or heavy goods vehicle, which is essential to their day to day business carried out at any premises in a road or part of a road specified in Schedule 11 or any other road or part of a road to which the provisions of this Order apply, and such business shall include (but not be limited to) the carrying out of plumbing, gas, electrical, telecommunications or building work;

"special staff permit" means a permit issued to a member of Medway Council staff under the provisions of Article 15(8);

"taxi" has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016;

"ticket" means a ticket issued by a ticket machine in accordance with Article 13(2) which indicates that the parking charge has been paid and the date and time of expiry of the parking period;

"ticket machine" means a type of parking meter being a device installed by the Council in the vicinity of each parking place referred to in Schedule 15 or 16 for the purpose of accepting payment of the parking charge and issuing a ticket in accordance with the provisions of this Order;

"traffic sign" means a sign of any size, type and colour prescribed and authorised under, or as having effect as though prescribed or authorised under section 64 of the Road Traffic Regulation Act 1984;

"relevant position", in relation to a vehicle displaying a disabled person's badge, has the same meaning as in Regulation 4(1) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"visitor" means a person who is visiting a resident and who has obtained either an annual visitor's permit or a daily visitor's permit with the permission of that resident.

(2) Any reference in this Order to any enactment means that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.

(3) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.

(4) Except as specified in paragraph (5) below, any reference in this Order to a distance to or from a junction means the distance measured along the edge of the carriageway to or from the mid-point of the curve on the nearest corner of that junction.

(5) For the purposes of paragraph (4) above, if the distance extends along the side of the road opposite a junction, it shall be measured to or from a point directly opposite the mid-point of the curve on the nearest corner of that junction.

(6) Any reference in this Order to a restricted street shall be construed as a reference to the whole width of the restricted street except where only one side is specified in which case it shall be construed as a reference to so much of the width of that restricted street as lies between the land or property immediately adjacent to that side and the centre of the carriageway.

(7) Any reference in this Order to a road or length of road shall be construed as a reference to a road or length of road in the district of Medway Council.

(8) The restrictions, prohibitions and requirements imposed by this Order are in addition to and not in limitation of any restriction, prohibition or requirement imposed by any other enactment.