

MEDWAY COUNCIL
TRAFFIC REGULATION ORDER
No. 530

The Medway Council (Various Areas) (Waiting and Loading 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, 37 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 in 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 (Various Areas) (Waiting and Loading 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";

"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;

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

"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;

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

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

"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;

¹ 1984 c. 27

² 2004 c. 18

³ S.I. 2000/683

⁴ 2003 c. 21

⁵ S.I 2016/362

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

- (a) in relation to a restricted street specified 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, this means the period of time specified in column 5 in relation to that restricted street;

"restricted street" means any road or length of road specified in columns 2, 3 and 4 of a Schedule 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;

"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.

(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 the 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.

Waiting and loading restrictions

3. (1) Except as provided by Article 4, no person shall cause or permit any vehicle to wait during the prescribed hours in any restricted street specified in Schedule 1, 2, 3 or 4 except, subject to the provisions of paragraph (2) of this Article, for so long as may be necessary for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the restricted street.

(2) Except as provided by Article 4, no person shall cause or permit any vehicle to wait for the purpose of delivering or collecting goods or loading or unloading the vehicle during the prescribed hours in any restricted street specified in Schedule 5 or 6.

Exemptions

4. (1) Nothing in Article 3(1) shall apply in relation to:-
- (a) any vehicle waiting for as long as may be necessary to enable any person to board or alight from it or to load items of personal luggage upon it or unload them from it;
 - (b) any vehicle displaying in the relevant position a disabled person's badge and a parking disc, issued by any local authority, provided that:-
 - (i) the provisions of Article 3(2) do not apply in the length of the restricted street where the vehicle is waiting, at the time the vehicle is waiting;
 - (ii) the vehicle does not wait in the restricted street for a period of more than 3 hours;
 - (iii) the driver, or other person in charge of the vehicle, marks on the parking disc the quarter hour period during which the period of exempted waiting began; and
 - (iv) the period of exempted waiting does not begin less than 1 hour after a previous period of exempted waiting by the same vehicle in the same road on the same day;
 - (c) any local bus waiting at an authorised stopping place or at a terminal or turning point;
 - (d) any licensed hackney carriage while waiting upon a duly authorised taxi rank;
 - (e) any vehicle waiting while it is in actual use in connection with the removal of furniture to or from an office, dwelling-house or depository;
 - (f) any vehicle being used in the service of a local authority;
 - (g) any vehicle waiting for as long as may be necessary to enable a postal service provider to deliver or collect postal packets and to load those postal packets upon the vehicle or to unload them from it;
 - (h) any vehicle being used by a business in connection with any building, industrial or demolition operation in the road concerned;
 - (i) any vehicle being used in connection with the maintenance, improvement, reconstruction, cleansing or lighting of the road concerned, or the laying, erection, alteration or repair of any sewer, main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications network, or the placing, maintenance or removal of any traffic sign;
 - (j) any vehicle waiting where it is required to do so by law or in order to avoid an accident or where the vehicle is prevented from proceeding by circumstances beyond the driver's control;
 - (k) any vehicle being used in connection with the removal of any obstruction to traffic or in connection with the enforcement of this Order; or
 - (l) any vehicle waiting while any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is being opened or closed.
- (2) Nothing in Article 3(1) or 3(2) shall apply in relation to:-
- (a) anything being done at the direction of, or with the permission of, a police constable in uniform;
 - (b) any vehicle being used for fire brigade, ambulance or police purposes; or

- (c) any vehicle waiting in accordance with the written consent of the Council, and any conditions or requirements imposed by the Council are being complied with.

Removal of vehicles

5. If a vehicle is left in any road or length of road to which this Order applies, without complying with the provisions of this Order, the vehicle may be removed or caused to be removed from that road or length of road as provided for by Regulations made under section 99 or 101 of the Road Traffic Regulation Act 1984.

Contraventions

6. If a vehicle is left in road or length of road to which this Order applies without complying with the provisions of this Order, then a contravention of this Order and a parking contravention within Part 1 of Schedule 7 to the Traffic Management Act 2004, shall have occurred.

Revocations

7. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into force of this Order, the Orders specified in Schedule 7 to this Order are hereby revoked.

Given under the Common Seal of the Council this 11th day of August 2016.

THE COMMON SEAL OF
MEDWAY COUNCIL WAS
hereunto affixed in the presence of

Authorised Signatory