

MK12

**THE COUNCIL OF THE BOROUGH OF MILTON KEYNES  
(VARIOUS ROADS, LOUGHTON) (CONSOLIDATION OF WAITING  
RESTRICTIONS) ORDER 2002**

The Council of the Borough of Milton Keynes ("the Council") in exercise of its powers under Sections 1(1), 2(1) and (2), 4(2), and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act of 1984") 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 Act of 1984, hereby makes the following Order:

**PART 1**

**IMPLEMENTATION, CITATION, DEFINITIONS AND REVOCATIONS**

1. This Order shall come into operation on the 25<sup>th</sup> of March 2002 and may be cited as "The Council of the Borough of Milton Keynes (Various Roads, Loughton) (Consolidation of Waiting Restrictions) Order 2002".
2. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:-

"bus" means a motor vehicle constructed or adapted to carry more than eight passengers (exclusive of driver);

"bus stop area" means an area of carriageway of a specified road intended for the waiting of buses, which is comprised within and indicated by a road marking of a type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Act of 1984;

"disabled persons' vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"goods" includes postal packets of any description, cash or other valuable securities;

"delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"local bus" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions Act 1994;

"parking attendant" has the same meaning as in Section 63A of the Road Traffic Regulation Act 1984;

"payment day" means the date by which payment should be made, as specified in the most recent notice received by the driver or owner of the vehicle;

"penalty charge" has the same meaning as in Section 66(2) of the Road Traffic Act 1991;

"penalty charge notice" means a notice dispensed by a parking attendant informing the driver of the vehicle that they are in contravention of a restriction and that a penalty charge is now owed;

"postal packets" has the same meaning as in Section 125 of the Postal Services Act 2000;

"road" means a highway and any other road to which the public has access;

"statutory undertaker" has the same meaning as in Section 329 of the Highways Act 1980;

"taxi" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 1994;

"telecommunications apparatus" has the same meaning as in the Telecommunications Act 1984;

"traffic sign" means a 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.

3. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
4. The plan annexed to this Order identifies the lengths of road subject to this Order, provided that where there is any inconsistency between the plan and the Schedule it is the wording of the Schedule which shall prevail.
5. 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 provisions of any Orders mentioned in Schedule 2 hereto are hereby revoked to the extent stated in that Schedule.

## **PART 2**

### **PROHIBITION AND RESTRICTION OF WAITING**

6. No person shall except with the permission or under the direction of a police officer in uniform or a traffic warden cause or permit any vehicle to wait between the hours of 10.00 a.m. to 11.00 a.m. Monday to Friday inclusive in any of the lengths of road specified in Schedule 1 hereto.
7. Nothing in Article 6 above shall render it unlawful to cause or permit a vehicle to wait in any of the lengths of road specified in Schedule 1 for so long as may be necessary:

- (1) when the person in control 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 outside his control;
  - (2) for a vehicle to wait whilst 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, if it is not reasonably practicable for the vehicle to wait outside otherwise than in a length of road specified in Schedule 1 to this Order while such gate or other barrier is being opened or closed;
  - (3) to enable a taxi to wait upon any hackney carriage stand;
  - (4) to enable a person to board or alight from the vehicle;
  - (5) to enable goods to be loaded or unloaded from the vehicle;
  - (6) to enable the vehicle if it cannot reasonably be used for such purpose in any other road to be used in connection with any of the following:
    - a) building, industrial or demolition operations;
    - b) the removal of any obstruction to traffic;
    - c) the laying, erection or repair of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or any telecommunication system defined by the Telecommunications Act 1984;
    - d) use in the service of any undertaker, the Environment Agency or any public authority in pursuance of statutory powers or duties;
    - e) in connection with any wedding or funeral;
    - f) use for police, fire brigade or ambulance purposes;
    - g) use for the purpose of delivering or collecting postal packets as defined by section 125 of the Postal Services Act 2000;
    - h) the vehicle, being a bus, to wait in a bus stop area;
    - i) the vehicle being specially constructed or adapted for the delivery or collection of money or valuable securities to be used for those purposes in relation to premises in the vicinity.
8. In accordance with the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000, nothing in Article 6 shall render it unlawful to cause or permit a disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant

position in accordance with Articles 9 and 10 hereof to wait for a period not exceeding 3 hours in a length of road specified in Schedule 1 hereto (provided the period of exempted waiting does not begin less than one hour after a previous period of exempted waiting by the same vehicle in the same road on the same day).

9. For the purposes of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 if:
  - (1) the badge is exhibited on the dashboard or fascia of the vehicle so that the front of the badge is clearly legible from the outside of the vehicle; or
  - (2) where the vehicle is not fitted with a dashboard or fascia, 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.
10. For the purposes of this Order a vehicle shall be regarded as displaying a parking disc in the relevant position under the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 if:
  - (1) the disc is exhibited on the dashboard or fascia of 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; or
  - (2) where the vehicle does not have a dashboard or fascia, 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.

### **PART 3**

#### **ENFORCEMENT OF RESTRICTIONS**

11. The Council shall, on or in the vicinity of a restricted road:
  - (1) Highlight each restricted area with notices, signs and road surface markings in accordance with the Traffic Signs Regulations and General Directions Act 1994;
  - (2) Maintain and from time to time alter the said notices, signs and road-surface markings;

- (3) Carry out such other work as is reasonably required for the purpose of the satisfactory operation of a restricted road.

12. The Council shall appoint parking attendants whose duty it shall be to patrol and enforce the waiting restrictions imposed by Article 6 of this Order.

13. Where a parking attendant is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a restricted road, he or she may attach to the vehicle in a conspicuous position or, at his or her discretion, hand the notice to a person whom he or she has reason to believe has incurred a penalty charge under this Order a Penalty Charge Notice ("PCN") in accordance with Section 66 of the Road Traffic Act 1991 (as amended).

14. Upon issue of a PCN, the procedure by which enforcement will be carried out will be:

- (1) If payment is made within fourteen days of issue of the PCN, the fee shall be one half of the amount stated on the PCN.
- (2) For fourteen days thereafter, the charge incurred will be the whole of the amount stated on the PCN.
- (3) Twenty-eight days after issue of the PCN, the Council will serve a Notice to Owner stating that the Penalty Charge remains unpaid and that, if payment is not received within a further thirty-five days, it may be increased to one and one half times the amount stated on the PCN.
- (4) After the said thirty-five days, the Council will serve on the owner of the vehicle a Charge Certificate, increasing the charge to one and one half times the amount stated on the PCN.
- (5) Fourteen days later, the Council will register the debt with the Traffic Enforcement Centre at Northampton County Court, an Order for Recovery will be sent to the owner of the vehicle and the charge will be increased to include any fees incurred during registration.
- (6) After a further twenty-one days, the Council will obtain from the Traffic Enforcement Centre a Warrant allowing bailiffs to recover the debt. The warrant will be enforceable for twelve months from issue and any expenses incurred by the bailiffs, as set out in the Enforcement of Road Traffic Debts (Certified Bailiffs) Regulations 1993, will be added to the amount owed.

15. The penalty charge shall be paid to the Council either by cheque or postal order which shall be delivered or sent by post to the Council's authorised agent, by cash, credit or debit card, cheque or postal order in person at the said agent's office, or by credit or debit card over the telephone to the said agent's office so as to reach the agent during office hours on or before the payment day, provided that if the said payment day falls upon a day on which the said agent's office is closed, the period within which payment of the said charge shall be made to the Council shall be extended to the next full day on which the said agent's office is open.
16. The recipient of a Penalty Charge Notice may make representations against the enforcement of the penalty at any time until the registration of the debt at the Traffic Enforcement Centre. Such action may alter the progression of the process set out above.

### **SCHEDULE 1**

#### **NO WAITING**

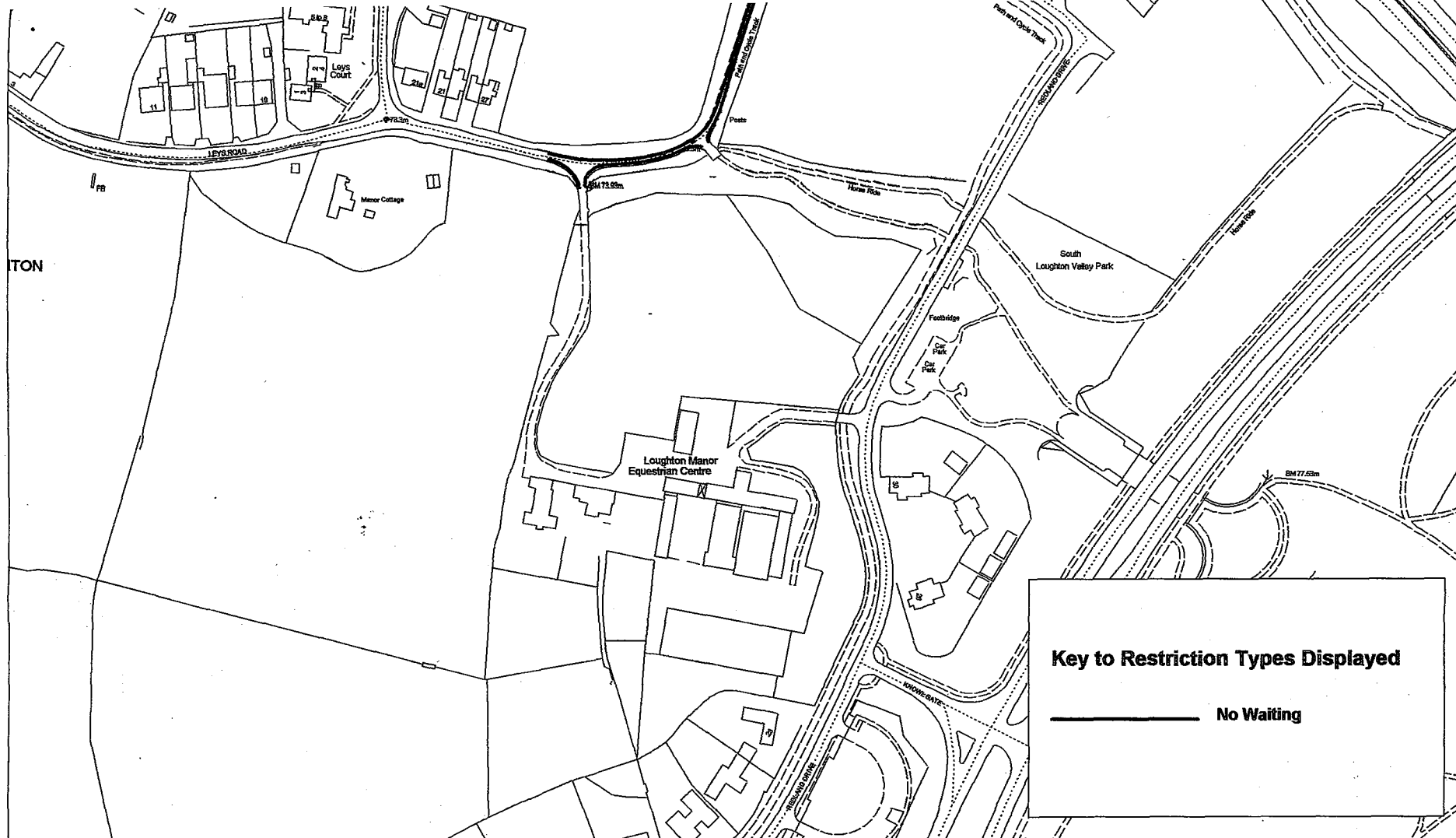
**MONDAY – FRIDAY 10.00 a.m. – 11.00 a.m.**

#### **COMMON LANE – BOTH SIDES**

NW1 From its north-eastern extremity to its junction with Leys Road (its whole length).

#### **LEYS ROAD – BOTH SIDES**

NW2 From its junction with Common Lane to a point 71 metres east of the centre line of Pitcher Lane.



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Map referred to in the Council of the Borough of Milton Keynes (Various Roads,  
Loughton) (Consolidation of Waiting Restrictions) Order 2002

Scale 1:2500

The common seal of the Council of the Borough of Milton Keynes  
was hereunto affixed in the presence of:

HEAD OF LEGAL AND PROPERTY SERVICES

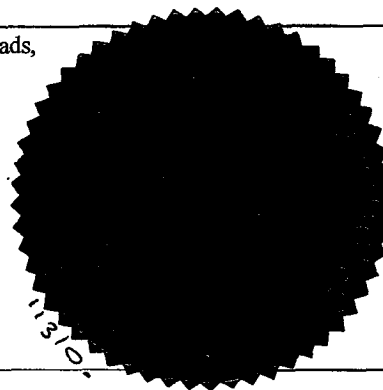
1 : 2500

04/03/2002

LO001

RTAA/MKC

LOUGHTON







**SCHEDULE 2**

**REVOCATIONS**

The following Order IS HEREBY REVOKED to the extent stated below:

**THE BUCKINGHAMSHIRE COUNTY COUNCIL**  
**(CENTRAL MILTON KEYNES AND LOUGHTON)**  
**(PROHIBITION AND RESTRICTION OF WAITING) ORDER 1995**

**SCHEDULE 3** in its entirety.

THE COMMON SEAL OF the **COUNCIL OF  
THE BOROUGH OF MILTON KEYNES** was  
hereunto affixed this 14 day of March 2002  
in the presence of:-



*[Signature]*

HEAD OF LEGAL AND PROPERTY SERVICES

Certified to be a true copy of the original:

*[Signature]*

P. SMITH

Milton Keynes Council  
Civic Offices  
1 Saxon Gate East  
Milton Keynes  
MK9 3HG