

**THE COUNCIL OF THE BOROUGH OF MILTON KEYNES
(CHURCH STREET, WOLVERTON) (WAITING RESTRICTION) ORDER 2003**

The Council of the Borough of Milton Keynes ("the Council") in exercise of its powers under sections 1(1) and 2(1) to (3) of the Road Traffic Regulation Act 1984 ("the Act"), Part IV of Schedule 9 to the Act 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, hereby makes the following Order:

PART 1

IMPLEMENTATION, CITATION, DEFINITIONS AND REVOCATIONS

1. This Order shall come into operation on the 29th July 2003 and may be cited as "The Council of the Borough of Milton Keynes (Church Street, Wolverton) (Waiting Restriction) Order 2003".
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;

"Council" means The Council of the Borough of Milton Keynes;

"clearway hours" means the period of time specified in the heading of Schedule 1;

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

"local service" has the same meaning as in Section 2 of the Transport Act 1985;

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

"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;

"owner" in relation to a vehicle, means the person by whom such vehicle is kept and used;

"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 and General Directions Act 1991;

"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 Schedules it is the wording of the Schedules 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 4 hereto are hereby revoked to the extent stated in that Schedule.

PART 2

BUS STOP CLEARWAY RESTRICTIONS

6. Save as provided in Articles 7 and 8 of this Order no person shall, except upon the direction or with the permission of a traffic warden or a police officer in uniform, cause or permit any vehicle to wait in the lengths of road specified in Schedule 1 to this Order.
7. Nothing in Article 6 above shall render it a contravention of this Order to cause or permit a vehicle, being a local bus used in the provision of a local service, to wait in order to set down or pick up passengers or change drivers in any of the lengths of road specified in Schedule 1 hereto.
8. Nothing in Article 6 above shall render it a contravention of this Order 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) 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. use for police, fire brigade or ambulance purposes.
9. For the purposes of Article 6 of this Order a vehicle shall be deemed to wait in a bus stop area if, for a period of not less than two minutes, any point in that area is below the vehicle or its load when the vehicle is stationary whether or not the vehicle or its load have moved within the bus stop area during that period.

PART 3

PROHIBITION AND RESTRICTION OF WAITING

10. 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 at any time in any of the lengths of road specified in Schedules 2 and 3 hereto.
11. 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 8.00am and 6.00pm Monday to Saturday in the lengths of road specified in Schedule 3 hereto:
- (1) for a longer period than 1 hour; or
 - (2) if a period less than one hour has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle in the same length of road.

A vehicle which is present in a length of road specified in Schedule 3 hereto at the commencement of the hours of operation of any restrictions imposed by this Order shall be deemed to have been left in that length of road at the commencement of that period of operation of the restriction in question.

12. Nothing in Articles 10 and 11 above shall render it a contravention of this Order to cause or permit a vehicle to wait in any of the lengths of road specified in Schedules 2 and 3 for so long as may be necessary:
- (1) to enable goods to be loaded or unloaded from the vehicle.

- (2) to enable a person to board or alight from the vehicle.
- (3) 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;
- (4) 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 Schedules 1 and 2 to this Order while such gate or other barrier is being opened or closed;
- (5) to enable a taxi to wait upon any hackney carriage stand;
- (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 bay or bus stand;
 - 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.

13. 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 15 and 16 hereof to wait for a period not exceeding 3 hours in a length of road specified in Schedules 2 (except in a marked bus bay or bus stand) and 3 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).

14. In accordance with the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000, nothing in Article 11 shall render it unlawful to cause or permit a disabled person's vehicle which displays a disabled person's badge in the relevant position in accordance with Article 15 hereof to wait for any period of time in any of the lengths of road specified in Schedule 3 hereto.
15. 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.
16. 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 4

ENFORCEMENT OF RESTRICTIONS

17. 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 2002;

- (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.
18. The Council shall appoint parking attendants whose duty it shall be to patrol and enforce the waiting restrictions imposed by the Articles of this Order.
19. 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).
20. 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.

21. 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.
22. 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

BUS STOP CLEARWAY RESTRICTIONS – 24 HOURS A DAY 7 DAYS A WEEK WITHIN THE MARKED AND SIGNED BUS STOPS

CHURCH STREET – SOUTH SIDE

- BC1 From a point in line with the eastern boundary of number 55 Church Street to a position in line with the western kerbline of St Georges Way.

SCHEDULE 2

NO WAITING AT ANY TIME

CHURCH STREET – NORTH SIDE

- NW1 From a point in line with the eastern kerbline of Radcliffe Street for a distance of 13.0 metres in an easterly direction.
- NW2 From a position 109.0 metres east of a point in line with the eastern kerbline of Radcliffe Street for a distance of 6.0 metres in an easterly direction.
- NW3 From a position 131.0 metres east of a point in line with the eastern kerbline of Radcliffe Street for a distance of 6.0 metres in an easterly direction.
- NW4 From a position 165.0 metres east of a point in line with the eastern kerbline of Radcliffe Street in an easterly direction to a point in line with the western kerbline of Creed Street.
- NW5 From a point in line with the western kerbline of Radcliffe Street for a distance of 17 metres in a westerly direction.

SCHEDULE 3

WAITING LIMITED TO 1 HOUR,
MONDAY TO SATURDAY 8 AM TO 6 PM
NO RETURN WITHIN 1 HOUR

CHURCH STREET – NORTH SIDE

- LW1 From a position 13.0 metres east of a point in line with the eastern kerbline of Radcliffe Street for a distance of 96.0 metres in an easterly direction.
- LW2 From a position 115 metres east of a point in line with the eastern kerbline of Radcliffe Street for a distance of 16.0 metres in an easterly direction.
- LW3 From a position 137.0 metres east of a point in line with the eastern kerbline of Radcliffe Street for a distance of 28.0 metres in an easterly direction.

SCHEDULE 4

REVOCATIONS

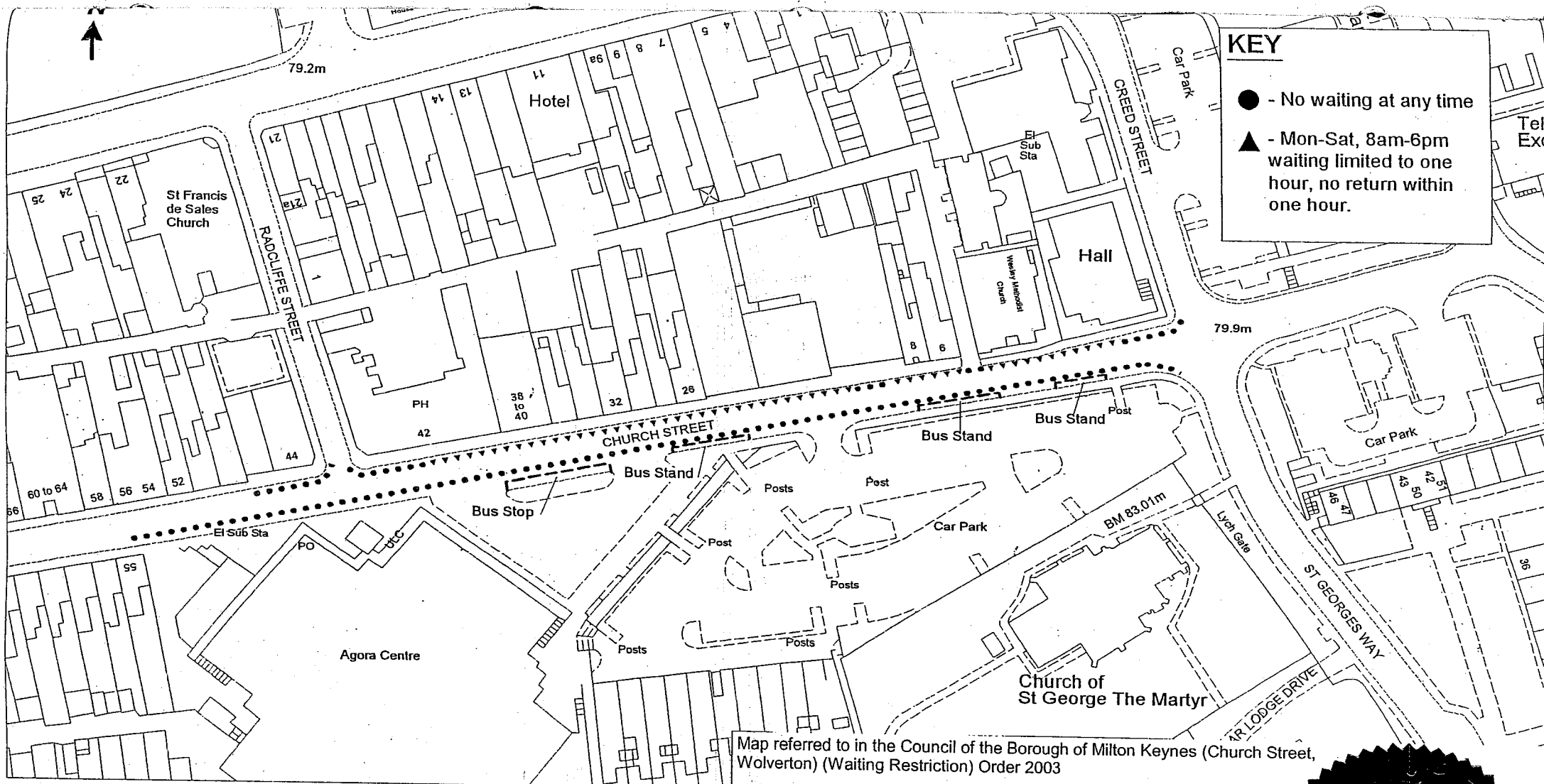
The following Order IS HEREBY REVOKED to the extent stated below:

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

SCHEDULE 1

NO WAITING AT ANY TIME

Item NW30 IS HEREBY REVOKED

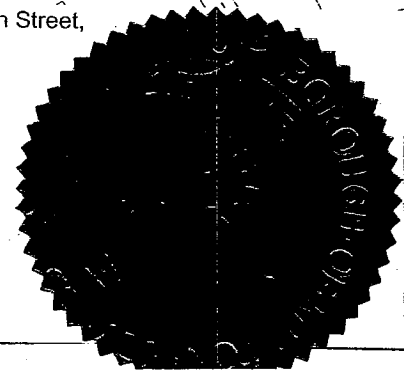


Map referred to in the Council of the Borough of Milton Keynes (Church Street, Wolverton) (Waiting Restriction) Order 2003

Scale 1:1250

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

ACTING STRATEGIC DIRECTOR - ENVIRONMENT

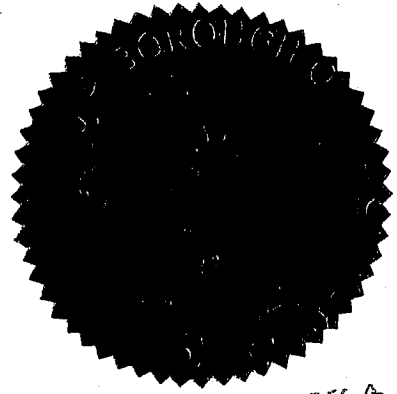


SCHEDULE 3

WAITING LIMITED TO 1 HOUR
MONDAY TO SATURDAY 8.00 A.M. TO 6.00 P.M.
WITH NO RETURN WITHIN 1 HOUR

Item LW3 IS HEREBY REVOKED

THE COMMON SEAL of the **COUNCIL OF
THE BOROUGH OF MILTON KEYNES** was
hereunto affixed this 24th day of July 2003 in
the presence of:




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ACTING STRATEGIC DIRECTOR - ENVIRONMENT