

**THE COUNCIL OF THE BOROUGH OF MILTON KEYNES  
(GREEN PARK DRIVE, KENNINGTON CLOSE AND ELTHORNE WAY  
(PARTS), NEWPORT PAGNELL) (PROHIBITION AND RESTRICTION  
OF WAITING AND STOPPING) ORDER 2003**

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) 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 AND DEFINITIONS**

1. This Order shall come into operation on the 6<sup>th</sup> day of October 2003 and may be cited as "The Council of the Borough of Milton Keynes (Green Park Drive, Kennington Close and Elthorne Way (Parts), Newport Pagnell) (Prohibition and Restriction of Waiting and Stopping) Order 2003".

2. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:-

"access way" means a length of road sufficient to enable a vehicle to have access to and egress from land or premises in or adjacent to the road;

"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;

"goods vehicle" means a motor vehicle which is constructed or adapted for the carriage of goods of any description and which does not exceed 3.5 tonnes gross laden weight;

"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;  
"prescribed days and hours" means those days and hours stated in Schedules 2 and 3 to this Order;  
"road" means a highway and any other road to which the public has access;  
"school term time" means Monday to Friday between the hours of 8.30am and 4.30pm when the school is open.  
"statutory undertaker" has the same meaning as in Section 329 of the Highways Act 1980;  
"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 plans and the Schedules it is the wording of the Schedules which shall prevail.

## **PART 2**

### **PROHIBITION OF WAITING**

5. 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 Schedule 1 to this Order.
6. Nothing in Article 5 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 to enable:
  - (1) a person to board or alight from the vehicle;
  - (2) goods to be loaded or unloaded from the vehicle;

- (3) 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 while such gate or other barrier is being opened or closed.
7. Nothing in Article 5, 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:
- (a) 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;
  - (b) 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:
    - i) building, industrial or demolition operations;
    - ii) the removal of any obstruction to traffic;
    - iii) 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;
    - iv) use in the service of any undertaker, the Environment Agency or any public authority in pursuance of statutory powers or duties;
    - v) in connection with any wedding or funeral;
    - vi) use for police, fire brigade or ambulance purposes;
    - vii) use for the purpose of delivering or collecting postal packets as defined by section 125 of the Postal Services Act 2000;
8. In accordance with the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000, nothing in Article 5 shall render it a contravention of this Order 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**

#### **RESTRICTION OF WAITING**

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 during the school term time during the prescribed days and hours in the length of road specified in Schedule 2 to this Order.
12. Nothing in Article 11 above shall render it a contravention of this Order to cause or permit a vehicle to wait in the length of road specified in Schedule 2 for so long as may be necessary to enable:
- (1) goods to be loaded or unloaded from the vehicle;
  - (2) 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 while such gate or other barrier is being opened or closed.

13. Nothing in Article 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 Schedule 2 for so long as may be necessary:
- (a) 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;
  - (b) 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:
    - i) building, industrial or demolition operations;
    - ii) the removal of any obstruction to traffic;
    - iii) 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;
    - iv) use in the service of any undertaker, the Environment Agency or any public authority in pursuance of statutory powers or duties;
    - v) in connection with any wedding or funeral;
    - vi) use for police, fire brigade or ambulance purposes;
    - vii) use for the purpose of delivering or collecting postal packets as defined by section 125 of the Postal Services Act 2000;

#### **PART 4**

#### **PROHIBITION OF STOPPING**

14. 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 stop during the school term time during the prescribed days and hours in the length of road specified in Schedule 3 to this Order.

15. Nothing in Article 14 above shall render it a contravention of this Order to cause or permit a vehicle to wait in the length of road specified in Schedule 3 for so long as may be necessary to enable:

- (1) goods to be loaded or unloaded from the vehicle;
- (3) 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 while such gate or other barrier is being opened or closed.

16. Nothing in Article 14, 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 3 for so long as may be necessary:

- (a) 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;
- (b) 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:
  - i) building, industrial or demolition operations;
  - ii) the removal of any obstruction to traffic;
  - iii) 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;
  - iv) use in the service of any undertaker, the Environment Agency or any public authority in pursuance of statutory powers or duties;
  - v) in connection with any wedding or funeral;
  - vi) use for police, fire brigade or ambulance purposes;
  - vii) use for the purpose of delivering or collecting postal packets as defined by section 125 of the Postal Services Act 2000;

## PART 5

### 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 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.
18. The Council shall appoint parking attendants whose duty it shall be to patrol and enforce the prohibition of stopping and 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**

#### **NO WAITING AT ANY TIME**

##### **GREEN PARK DRIVE, NEWPORT PAGNELL – NORTH WESTERN SIDE**

- NW1 From a point approximately 45.5 metres south-west of the centre-line of the junction with Kennington Close to a point approximately 22 metres northeast of the junction for an overall distance of approximately 67.5 metres.

##### **GREEN PARK DRIVE, NEWPORT PAGNELL – SOUTH EASTERN SIDE**

- NW2 From a point approximately 20 metres northeast of the centre-line of the junction with Elthorne Way, to a point approximately 53 metres southwest of the junction, for an overall distance of approximately 73 metres.

##### **KENNINGTON CLOSE, NEWPORT PAGNELL – BOTH SIDES**

- NW3 From the northwestern kerbline of Green Park Drive in a northwesterly direction for a distance of approximately 13 metres along its centre-line.



ELTHORNE WAY, NEWPORT PAGNELL - BOTH SIDES

NW4 From the southeastern kerbline of Green Park Drive in a southeasterly direction for a distance of approximately 15 metres along its centre-line.

## SCHEDULE 2

### RESTRICTED WAITING BETWEEN THE HOURS OF 8.30AM AND 4.30PM MONDAY TO FRIDAY DURING SCHOOL TERM TIME

GREEN PARK DRIVE, NEWPORT PAGNELL - NORTH WESTERN SIDE

RW1 From a point approximately 45.5 metres south west of the centre-line of its junction with Kennington Close for a distance of approximately 87.7 metres in a south-westerly direction.

## SCHEDULE 3

### PROHIBITION OF STOPPING BETWEEN THE HOURS OF 8.30AM AND 4.30PM MONDAY TO FRIDAY DURING SCHOOL TERM TIME

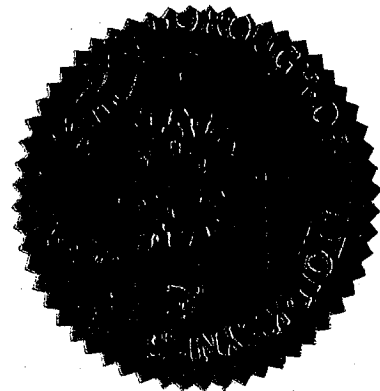
GREEN PARK DRIVE, NEWPORT PAGNELL - NORTH WESTERN SIDE

RS1 From a point approximately 45.5 metres south west of the centre-line of its junction with Kennington Close for a distance of approximately 87.7 metres in a south-westerly direction.

THE COMMON SEAL OF the **COUNCIL OF  
THE BOROUGH OF MILTON KEYNES** was  
hereunto affixed this *15* day of *October*, 2003  
in the presence of:-

*[Signature]*

.....  
HEAD OF LEGAL AND PROPERTY SERVICES



11930A

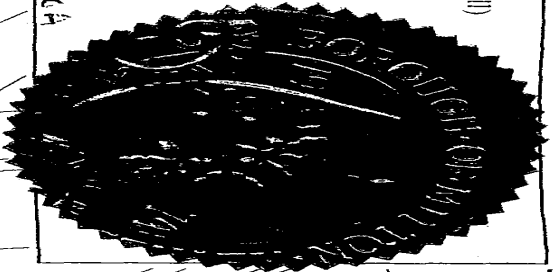
Map referred to in the Council of the Borough of Milton Keynes  
(Green Park Drive, Kennington Close and Elthorne Way (Parts), Newport Pagnell)  
(Prohibition and Restriction of Waiting and Stopping) Order 2003

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

HEAD OF LEGAL AND PROPERTY SERVICES

*M. J. J.*

19364



**KEY**

Extent of proposed "No Waiting  
at any Time" Restriction

Extent of existing School  
Keep Clear markings,  
proposed restriction (No  
stopping or waiting Mon.  
- Fri 8.30am to 4.30pm)

