

**THE COUNCIL OF THE BOROUGH OF MILTON KEYNES
(CHURCH STREET, WOLVERTON) (ELECTRIC VEHICLE
PARKING PLACES) ORDER 2013**

The Council of the Borough of Milton Keynes ("the Council") in exercise of its powers under sections 1(1), 2(1) and (2) and 4(1) and (2) of the Road Traffic Regulation Act 1984 ("the Act of 1984") of the Road Traffic Regulation Act 1984 ("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 AND DEFINITIONS

1. This Order shall come into operation on 10 October 2013 and may be cited as "The Council of the Borough of Milton Keynes (Church Street, Wolverton) (Electric Vehicle Parking Places) Traffic Order 2013".

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

"Civil Enforcement Officer" ("CEO") has the same meaning as in Section 76 of the Traffic Management Act of 2004;

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

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

"dual purpose vehicle" has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986;

"E-Car Club or any successor taking over the duties of that organisation" means an organisation which hires electric vehicles to members of the public within the Wolverton community;

"Electric vehicle" means any electric or hybrid vehicle which uses one or more electric motors for propulsion, or an alternative means of propulsion such as a conventional internal combustion engine propulsion system and one or more electric motors;

"Electric vehicle charging post" means the apparatus which supplies electricity for the charging of electric vehicles;

"Electric vehicle charging point" means the location at which an electric vehicle charging post is situated for the purpose of the charging of electric vehicles;

"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;

"moped" means a two or three wheel vehicle fitted with an engine having a cylinder capacity not exceeding 50 cm³ if of the internal combustion type and a maximum design speed of not more than 45 kilometres per hour;

"motor cycle" has the same meaning as in Section 136 of the Act of 1984;

"parking place" means an area marked out on the highway under the provisions of the Traffic Signs Regulations and General Directions 2002, within which the limits of a parking space (bay) is marked out for the parking of a single electric vehicle;

"parking space" means a space within a parking place which is provided for the leaving of a vehicle of the class specified in Article 5 of this Order;

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer;

"Penalty Charge Notice" means a notice issued under the provisions of Part 6 of Traffic Management Act 2004, informing the driver of a vehicle that they are in contravention of a restriction and that a penalty charge is now owed;

"prescribed hours" means those hours stated in Schedule 1 of this Order;

"relevant tax disc" means a valid current Electric Vehicle tax disc issued by the Driver and Vehicle Licensing Agency;

"restricted road" means a road which is subject to parking restrictions;

"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;

"street trading vendor's vehicle" means a vehicle constructed or adapted so as to enable hot or cold food to be prepared in and sold from the vehicle;

"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;

"user" in relation to a vehicle, means the person by whom such vehicle is owned, kept or used.

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 length 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.

PART 2

ELECTRIC VEHICLE PARKING PLACES

5.
 - (1) Each of the lengths of road specified in Schedule 1 of this Order is authorised to be used during the prescribed hours, subject to provisions to this Part of this Order, as a parking place for electric vehicles displaying a relevant tax disc.
 - (2) Nothing in paragraph (1) of this Article shall apply so as to permit a trailer, whether or not attached to a vehicle, to park at any time in an electric vehicle parking place.
 - (3) No person shall park any street trading vendor's vehicle in an electric vehicle parking place or use any such vehicle while it is in such a parking place, in connection with the sale of any article to any person in or near the parking place or in connection with the selling or offering for hire of his skill or services, provided that nothing in this Article:-
 - a) shall prevent the sale of goods from a vehicle if the vehicle is of a class specified in paragraph (1) of this Article and if the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected; or
 - b) shall apply if the person has obtained the written consent of the Council before doing so.
6. No person shall except with the permission or under the direction of a police officer in uniform, a traffic warden or CEO cause or permit any vehicle to park during the prescribed hours every day of the week in any of the lengths of road specified in Schedule 1 hereto unless that vehicle is of the class specified in Article 5.

7. A vehicle which is present in an electric vehicle parking place specified in Schedule 1 at the commencement of the hours of operation of any restrictions imposed by this Order shall be deemed to have been left in that parking place at the commencement of that period of operation of that parking place.
8.
 - (1) The limits of each electric vehicle parking place and of every parking space within an electric vehicle parking place and of any access way in an electric vehicle parking place shall be indicated on the road by the appropriate traffic signs;
 - (2) Any vehicle standing in an electric vehicle parking space shall stand wholly within the limits so marked or, if the length of that vehicle precludes the vehicle being positioned in that manner, so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle;
 - (3) 'E-Car Club' shall install one electric vehicle charging post in such position as it thinks fit in the vicinity of the electric vehicle parking spaces specified in Schedule 1 of this Order.
 - (4) 'E-Car Club' or any successor taking over the duties of that organisation shall maintain in proper working order any electric vehicle charging post installed under the provisions of (3) above.
9. The driver of a vehicle using an electric vehicle parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine of the vehicle except when about to change the position of the vehicle in or to depart from the parking place.
10. The charge for an electric vehicle parked in an electric vehicle parking place shall be as specified in Schedule 3 of this Order.
11. No charge for parking in any electric vehicle parking place, the use of which has not been suspended, shall be payable by any disabled persons' vehicle which displays in the relevant position a disabled persons' badge.
12. 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.
13.
 - (1) A police officer in uniform, traffic warden, or CEO may in case of emergency move or cause to be moved any vehicle left in an electric vehicle parking place to any place he thinks fit.

- (2) Any person authorised to remove a vehicle or alter its position by virtue of paragraph (1) of this Article may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.

14. Nothing in this Part of this Order shall render it a contravention of this Order to cause or permit a vehicle to park during the prescribed hours in an electric vehicle parking place 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 a person to board or alight from the vehicle;
- (3) to enable goods to be loaded or unloaded from the vehicle;
- (4) 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, or for military purposes when driven by special forces on operational duties;
 - f) use for the purpose of delivering or collecting postal packets as defined by Section 125 of the Postal Services Act 2000;
 - g) 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;
 - h) the removal of furniture or household effects to or from a shop, office, depository or dwellinghouse adjacent to the electric vehicle parking place.

15. No person shall cause or permit a vehicle to park in an electric vehicle parking place by virtue of the provisions of paragraph (4) of Article 14 above otherwise than:
- (1)
 - (a) unless the length of the vehicle precludes compliance with this paragraph, so that every part of the vehicle is within the limits of an electric vehicle parking place; or
 - (b) if the length of the vehicle precludes compliance with the preceding paragraph, so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle; and
 - (2) so that no part of the vehicle obstructs any access way other than from or to the premises referred to in paragraph (4)(h) of Article 14.
16. (1) Any person authorised by the Council may suspend the use of an electric vehicle parking place or any part thereof, whenever and for such duration as the Council considers such suspension reasonably necessary:
- a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - b) for the purpose of building, industrial or demolition operations;
 - c) for the purpose of the maintenance, improvement or reconstruction of the parking place;
 - d) for the purpose of 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;
 - e) for the convenience of occupiers of premises adjacent to the electric vehicle parking place on any occasion of the removal of furniture or household effects to or from a shop, office depository or dwellinghouse;
 - f) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed;
 - g) for the convenience of occupiers of premises adjacent to the electric vehicle parking place at times of weddings or funerals, or on other special occasions.
- (2) A police officer in uniform, traffic warden or CEO may suspend for not longer than twenty-four hours the use of an electric vehicle parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

- (3) Without prejudice and in addition to all other enabling powers the Council shall have the power from time to time as it deems appropriate to close or suspend for as long as it considers necessary the use of an electric vehicle parking place for the purpose of enabling such parking place to be used by exhibition or public information vehicles of official or quasi official authorities or bodies whose contents are intended to be and are made available for inspection by and for the public without any charge of any kind being made to the public.

17. On the suspension of the use of an electric vehicle parking place or any part thereof in accordance with the provisions of Article 16 of this Order:-

- (1) the person authorising or causing such suspension shall, if the use of the whole or of any part of the electric vehicle parking place is suspended, place or cause to be placed in or adjacent to that parking place a traffic sign indicating that the use of the parking place is suspended and that waiting and loading by vehicles is prohibited;
- (2) the person authorising or causing such suspension may, if the use of the whole or part of the electric vehicle parking place is suspended, place or cause to be placed over or on the electric vehicle charging post which relates to that parking place a hood or other cover indicating that the use of the electric vehicle parking place is suspended.

18. (1) Save as provided in paragraph (2) of this Article no person shall cause or permit a vehicle to be left in an electric vehicle parking place or part thereof during any period when there is in or adjacent to that parking place or part thereof a traffic sign placed in pursuance of paragraph (1) of Article 17 of this Order that the whole or part of that parking place has been suspended.

- (2) Subject to the overriding requirement that the person in control of the vehicle shall move it on the instruction of a police officer in uniform, a traffic warden or CEO whenever such moving shall be necessary for the purpose of preventing obstruction, nothing in paragraph (1) of this Article shall render it a contravention of this Order to cause or permit any vehicle being used for fire brigade, ambulance, police or military purposes by special forces on operational duties, or any vehicle being used for any purpose or eventuality specified in paragraph (1) of Article 16 of this Order to be left in the electric vehicle parking place or part thereof during any such period when the use thereof has been suspended, or to any other vehicle so left if that vehicle is left with the permission of a police officer in uniform, traffic warden or CEO.

PART 3

ELECTRIC VEHICLE CHARGING

19. An electric vehicle may be left in an electric vehicle parking place specified within Schedule 1 during the prescribed hours:-
- (a) whilst charging;
 - (b) whilst not charging.

PART 4

ENFORCEMENT OF RESTRICTIONS

20. 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.
21. The Council shall appoint Civil Enforcement Officers (CEOs) whose duty it shall be to patrol and enforce the waiting and parking restrictions imposed by the Articles of this Order.

PART 5

SCHEDULE 1

ELECTRIC VEHICLE PARKING PLACES

THE WHOLE 24 HOURS OF EVERY DAY OF THE WEEK

CHURCH STREET, WOLVERTON
NORTH SIDE

- EV1 From a point approximately 68 metres south-west of its junction with Creed Street for a distance of approximately 11 metres in a south-westerly direction (2 SPACES)

SCHEDULE 2

ELECTRIC VEHICLE CHARGING POINTS

CHURCH STREET, WOLVERTON
NORTH SIDE

CP1 From a point approximately 73.5 metres south-west of its junction with
Creed Street

SCHEDULE 3

ELECTRIC VEHICLE PARKING PLACES CHARGES

COLUMN 1

**CHARGES FOR ELECTRIC VEHICLES
PARKING IN PLACES SPECIFIED IN
SCHEDULE 1**

Nil

COLUMN 2

PERIOD

For the whole 24 hours of
every day of the week

THE COMMON SEAL OF the **COUNCIL OF
THE BOROUGH OF MILTON KEYNES** was
hereunto affixed this *9th* day of October 2013
in the presence of:-



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PRINCIPAL SOLICITOR – LAW AND GOVERNANCE



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