

**THE COUNCIL OF THE BOROUGH OF MILTON KEYNES
(FYFIELD BARROW, WALNUT TREE)
(PROHIBITION OF WAITING) ORDER 2015**

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 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 7th day of September 2015 and may be cited as "The Council of the Borough of Milton Keynes (Fyfield Barrow, Walnut Tree) (Prohibition of Waiting) Order 2015".

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 said road;

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

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

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

"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;

"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;

"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;

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

"restricted road" means a road which is subject to parking and waiting 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;

"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 plans annexed to this Order identify the roads and areas 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, a traffic warden or a Civil Enforcement Officer (CEO) cause or permit any vehicle to wait at any time in any of the lengths of roads specified in Schedule 1 hereto.
6. Nothing in Article 5 above shall render it a contravention of this Order to cause or permit any vehicle to wait in any of the lengths of roads specified in Schedule 1 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) If the vehicle is a goods vehicle and is delivering and/or collecting;
- (4) 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;
- (5) 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;
- (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) any wedding or funeral;
- f) use for police, military, 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 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;
- i) to carry out the removal of furniture or household effects to or from a shop, office, depository or dwelling house in the vicinity.

- 7. 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 8 and 9 hereof to wait in any of the lengths of road specified in Schedule 1 hereto.

8. 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 facia 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 facia, 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.

9. 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 facia 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 facia, 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

10. 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.

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

SCHEDULE 1

NO WAITING AT ANY TIME

FYFIELD BARROW, WALNUT TREE

NORTH SIDE

- NW1** From its junction with the south-western kerb line of V11 Tongwell Street continuing for a distance of 80 metres in a south-westerly then north-westerly direction

FYFIELD BARROW, WALNUT TREE

NORTH SIDE

- NW2** From a point 82.5 metres south-west of its junction with the south-westerly kerb line of V11 Tongwell Street continuing for a distance of 31 metres in a south-westerly direction

FYFIELD BARROW, WALNUT TREE

SOUTH SIDE

- NW3** From its junction with the south-western kerb line of V11 Tongwell Street continuing for a distance of 75.5 metres in a north-westerly then south-westerly direction

FYFIELD BARROW, WALNUT TREE

SOUTH SIDE

- NW4** From a point 53.3 metres south-west of its junction with the south-western kerb line of V11 Tongwell Street continuing for a distance of 57 metres in a south-westerly direction

THE COMMON SEAL of the
COUNCIL OF THE BOROUGH OF
MILTON KEYNES as hereunto
affixed this 1st day of September 2015
in the presence of:-


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HEAD OF LEGAL SERVICES



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