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Amended by Order 2137 &
2160

THE NORTHAMPTONSHIRE COUNTY COUNCIL
(WELLINGBOROUGH DISTRICT)
(WAITING AND LOADING RESTRICTIONS AND ON-STREET PARKING PLACES)
(CONSOLIDATION) ORDER 2009

Date of Order : 11th December 2009

Coming into Operation : 18th December 2009

Northamptonshire County Council (hereinafter referred to as "the Council") in exercise of the powers conferred by Sections 1, 2, 3, 4, 5, 32 and 35 to 39 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act of 1984"), as amended and the Traffic Management Act 2004 and of all other powers them enabling and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984 and with the Traffic Management Act 2004, hereby make the following Order:-

PART I

CITATION AND INTERPRETATION

1. This Order shall come into operation on the 18th December 2009 and may be cited as The Northamptonshire County Council (Wellingborough District) (Waiting and Loading Restrictions and On-Street Parking Places) (Consolidation) Order 2009.

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

"ambulance" has the same meaning as in the Vehicle Excise and Registration Act 1994;

"authorised agent" means the parking services contractor or any other organisation appointed by or duly authorised to act on behalf of the Council for the purposes of the supervision and enforcement of this Order;

"authorised cab rank" means any area of carriageway which is comprised within and indicated by a road marking complying with diagram 1028.2 in the 2002 Regulations;

"authorised Officer" means a Civil Enforcement Officer or a person duly authorised by the Council for the purposes of this Order

"authorised parking place" means any parking place on a road authorised by this Order;

"bus" has the same meaning as in Regulation 22 of the 2002 Regulations;

"bus stop" means any area of carriageway, intended for the waiting by buses, which is comprised within and indicated by road markings complying with diagram 1025.1 and incorporating the words "Bus Stop" in Schedule 6 and a sign complying with diagram 974 in Schedule 5 to the 2002 Regulations;

"bus stop clearway" means any area of carriageway intended for the waiting by buses, which is comprised within and indicated by road markings complying with diagram 1025.1 in Schedule 6 and a sign complying with diagram 974 in Schedule 5 to the 2002 Regulations;

"carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

"civil enforcement officer" has the same meaning as that given in section 76 of the Traffic Management Act 2004

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

"disabled person's badge", "disabled person's vehicle" and "parking disc" have the same meanings as in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"driver", in relation to a vehicle waiting in a parking place or on a road or length of road, means the person driving the vehicle at the time it was left in that parking place or road or length of road;

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;

"goods" means goods or burden of any description that are not designed to be carried by hand other than over short distances and includes postal packets of any description;

"goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or a trailer so constructed or adapted;

"hackney carriage" means a vehicle licensed under Section 37 of the Town Police Causes Act 1847, Section 6 of the Metropolitan Carriages Act 1869, or any similar enactment;

"hackney stand" means an area of carriageway which is comprised within and indicated by road markings complying with diagram 1028.2 in Schedule 6 to the 2002 Regulations;

"immobilisation device" has the same meaning as in Section 104(9) of the Act of 1984;

"loading" means the loading or unloading of goods to or from a vehicle;

"motorcycle" and "invalid carriage" have the same meanings as in Section 136 of the Act of 1984;

"owner", in relation to a vehicle means a resident who is named in the vehicle registration document as the registered keeper of a goods or passenger vehicle or who has the use of such a vehicle in the course of his employment and who is entitled to use such a vehicle as though he were the registered keeper thereof;

"parking place" means a road or length of road which is provided for the leaving of vehicles;

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) not exceeding 5.30 metres in length and 2.25 metres in height and constructed or adapted for the carriage of passengers and their effects;

"penalty charge" has the same meaning as that given in section 92 of the Traffic Management Act 2004

"penalty charge notice" means a notice showing the information required by the Schedule of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

"permit" means a permit issued under the provisions of Part IV of this order;

"permit holder" means a person to whom a permit has been issued;

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"permitted hours" means the hours identified on the plans listed in Schedule 1 attached to this Order and/or set out in Schedule 2 to this Order;

"relevant position" in respect of: -

- (a) a disabled person's badge or a parking permit, means
 - (i) in the case of a vehicle fitted with a front windscreen, that the badge or permit is exhibited thereon with the front facing forward on the nearside of and immediately behind the windscreen; or
 - (ii) the case of a vehicle not fitted with a front windscreen, that the badge or permit is exhibited on the front or nearside of the vehicle;
- (b) a disabled person's parking disc, means that the side showing the time is facing forward or outward and immediately behind the windscreen or side window nearest to the kerb;

"resident" means a person whose usual place of abode is at premises the postal address of which is in a road or part of a road identified as a residents' parking zone on the plans listed in Schedule 1 attached to this Order

"school bus" has the same meaning as in Section 46(3) of the Public Passenger Vehicles Act 1981, and which is being used to provide free school transport;

"special permit" means a permit issued to a person in accordance with Article 21 of this Order

"specified position" a vehicle left in a parking place during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand:-

- (a) in the case of the parking place in relation to which special provisions as to the manner of standing of a vehicle in that place are specified in an item specified in Schedule 2 as to be in accordance with those provisions;
- (b) in the case of any other parking place –
 - (i) if the parking place is not in a one-way street, that the left or near-side of the vehicle is adjacent to the left-hand edge of the carriageway;
 - (ii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50cm;
- (c) so that every part of a vehicle is within the limits of a parking place;
- (d) that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.

"specified hours" means the hours identified for parking or unloading places on the plans listed in Schedule 1 attached to this Order and/or in Schedule 2 to this Order;

"telecommunication system" has the same meaning as in the Telecommunications Act 1984;

"the 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002;

"the Council" means Northamptonshire County Council;

"traffic sign" means a sign of any size, colour and type prescribed or authorised pursuant to or having the effect as though prescribed or authorised pursuant to Section 64 of the Act of 1984.

3. (a) Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order;
- (b) insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act of 1984 and existing at the time when this Order comes into operation and which imposes a restriction or prohibition on waiting by vehicles other than buses in a bus stop clearway or grants an exemption from such restriction or prohibition, that provision of that Order shall prevail.

The prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act of 1984, or by or under any other enactment.

5. Save where the contrary is indicated, any reference in this Order to:-

- (a) this Order or another Order shall be construed as such a reference to this Order or, as the case may be, such other Order, as the same may have been or may from time to time be amended, varied or supplemented;
- (b) a Statute or Regulation shall be construed as reference to such Statute or Regulations as the same may have been, or may from time to time be amended or re-enacted

Schedule 2 revoked by Order 1912

PART II

PROHIBITION AND RESTRICTION OF WAITING AND GENERAL EXEMPTIONS TO THIS ORDER

6. Save as provided in Articles 7 to 12 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or authorised officer, cause or permit any vehicle to wait on the roads or sides of the roads identified and for the periods identified on the plans listed in Schedule 1 attached to this Order.
7. Nothing in Articles 6, 14 and 15 of this Order shall render it unlawful to cause or permit any vehicle to wait so long as it may be necessary for the purpose of enabling goods to be loaded on or unloaded from the vehicles on the roads identified and for the periods identified on the plans listed in Schedule 1 attached to this Order, unless there are loading restrictions identified on the plans listed in Schedule 1 attached to this Order.
8. (1) Nothing in Articles 6, 14 and 15 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road specified therein for so long as may be necessary to enable:
- (a) a person to board or alight from the vehicle;
 - (b) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
 - (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any

communication system;

- (c) the vehicle, if it cannot conveniently be used for such purposes in any of the roads, lengths of road, or on any of the sides of road, to be used in the service of a local authority or of a water authority pursuant to statutory powers or duties;
- (d) the vehicle of a universal service provider (as defined in section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;
- (e) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths or sides of road; or
- (f) to enable the vehicle to be used for fire brigade, ambulance or police purposes;
- (g) in any case where the person in control of the vehicle,
 - (i) is required by law to stop;
 - (ii) is obliged to stop so as to prevent an accident, or
 - (iii) is prevented from proceeding by circumstances outside his control
- (h) the vehicle to wait at or near to any premises situated on or adjacent to the said length of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral.
- (i) to enable goods to be loaded or unloaded from vehicles in connection with any market, unless there are loading restrictions identified on the plans listed in Schedule 1 attached to this Order.

(2) Nothing in Article 6 of this Order shall render it unlawful to cause or permit any vehicle being a hackney carriage, to wait upon a hackney stand or authorised cab rank.

- 9. Nothing in Article 6 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking disc, on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began, to wait in any of the roads, lengths of road or on any of the sides of road identified on the plans listed in Schedule 1 attached to this Order for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road or on the same side of road on the same day).
- 10. Article 9 is not applicable unless, in relation to the roads identified on the plans listed in Schedule 1 attached to this Order, loading is permitted.
- 11. Insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act and existing at the time when this Order comes into operation, and which imposes a restriction or prohibition on waiting by

vehicles other than a public service vehicle in a bus stop clearway area or grants an exemption from such restriction or prohibition, that provision of that Order shall prevail.

12. Nothing in Article 6 to this Order shall render it unlawful for the driver of a public service vehicle to cause that vehicle to wait at a recognised timing point.

PART III

AUTHORISATION AND USE OF STREET PARKING PLACES

13. (1) The parts of the roads identified on the plans listed in Schedule 1 attached to this Order are authorised to be used, subject to the following provisions of this Order, as parking places for such classes of vehicles in such positions and on such days and during such hours as is identified on the plans listed in Schedule 1 attached to this Order and/or set out in Schedule 2 to this Order.
- (2) Nothing in paragraph (1) of this Article shall restrict the power of this Council, for preventing obstruction of the streets, by Order on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place.

14. Save as provided in Articles 7, 8 and 20 and/or identified in the plans listed in Schedule 1 attached to this Order a parking place is described as available for vehicles of a specified class or in a specified position and the driver of a vehicle shall not permit it to wait in that parking place -

- (a) unless it is of the class identified on the plans listed in Schedule 1 attached to this Order and/or in Schedule 2 to this Order; or
- (b) in a position other than that identified on the plans listed in Schedule 1 attached to this Order and/or in Schedule 2 to this Order.

Addition to
article
inserted by
Order 1835

15. (1) Save as provided in Articles 7, 8 and 20 of this Order, the driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in relation to that parking place as identified on the plans listed in Schedule 1 attached to this Order and/or set out in Schedule 2 to this Order.
- (2) Save as provided in Articles 7, 8 and 20 of this Order, when a vehicle has left a parking place after waiting thereon the driver thereof shall not within the period specified in Schedule 2 relating to that parking place and/or as identified on the plans listed in Schedule 1 attached to this Order after its leaving permit it to wait again upon that parking place.

16. A driver of a vehicle shall not use a parking place -

- (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any other persons, or so as to be a nuisance;
- (b) when for preventing obstruction of the streets the Council shall by Order made on the occasion of any public procession, rejoicing or illumination or when the streets

are thronged or liable to be obstructed have closed that parking place exhibited notice of such closing on or near the parking place.

17. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in a position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
18. Save as provided in Article 20 of this Order no person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.
19. The following vehicles left in a parking place shall be exempt from any limitation on time-
Amended by Order 1946
 - (i) an invalid carriage;
 - (ii) a vehicle left by the driver thereof, being a disabled person's vehicle which displays in the relevant positions a disabled person's badge and a parking disc.
20. The provisions contained in Article 14, 15 and 18 of this Order shall not apply to any hackney carriage while waiting upon a hackney stand.

PART IV

PERMITS

21. (1) Any resident who is the owner of a passenger vehicle, or a goods vehicle, or an invalid carriage or a motorcycle may apply to the Council or an authorised agent for a permit for the parking of that vehicle in a parking place specified in paragraph (8) of this Article and any such application shall be made on a form issued by and obtainable from the Council or authorised agent and shall include the particulars and information required by such form to be supplied and such fee as is for the time being prescribed by the Council.
- (2) Any person may apply to the Council for the issue of a special permit for the leaving of a vehicle which is a passenger vehicle, dual purpose vehicle, goods vehicle or a motor cycle belonging to that person and subject to all other provisions of this Article the Council may in its absolute discretion issue a special permit to such person.
- (3) The Council may in its absolute discretion limit the number of special permits that are issued at any one time in respect of a particular dwelling house or other premises and may require the production and delivery up of the used permit before issuing a further permit. The procedure, validity and terms of use of a special permit shall be the same as the procedure, validity and terms of use of the residents' permit,
- (4) The Council or authorised agent may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council or authorised agent such evidence in respect of an application for a permit as they may reasonably require to verify the particulars or information given to them or to verify that the permit is

valid.

- (5) The Council or authorised agent upon being satisfied that the applicant is a resident who is the owner of a vehicle of the class specified in paragraph (1) of this Article, shall issue to the applicant :
 - (a) a Residents Parking Permit for the leaving during the permitted hours in a parking place of the vehicle or vehicles to which such permit relates, by the owner or by any person using such vehicle or vehicles with the consent of the owner (other than a person to whom such vehicle or vehicles have been let for hire and reward);
 - (b) one protective cover for the display of the permit.
 - (6) A charge being the administrative fee for the issue of a permit to a resident by the Council shall be as determined by the council and such fee may be altered from time to time by order of the Council.
 - (7) A permit, once issued, shall be valid for a period of twelve months from the date of issue and no such permit shall be issued unless the requisite fee has been paid.
 - (8) a Residents Parking Permit shall only be a valid for use in a parking place on a road identified on the plans listed in Schedule 1 attached to this Order by holders of such permits and in accordance with the guidance and regulations issued by the Council for the use thereof;
22. Notwithstanding the provisions contained in Article 21 the Council may also grant permits to such other persons as they may think fit.
23. (1) A resident permit holder may surrender such permit to the Council or authorised agent at any time and shall surrender such permit to the Council or authorised agent on the occurrence of any one of the events set out in paragraph (3) of this Article.
- (2) The Council or authorised agent may, by notice in writing served on the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's residence, withdraw a permit if it appears to the Council or authorised agent that any one of the events set out in paragraph (3) of this Article has occurred and the permit holder shall surrender the permit to the Council or authorised agent within 48 hours of the receipt of the aforementioned notice.
- (3) The events referred to in the foregoing provisions of this Article are:-
- (a) the permit holder ceasing to be a resident ;
 - (b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
 - (c) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article

21(1);

- (d) the issue of a duplicate permit by the Council under the provisions of Article 26;
- (e) the expiry of the period for which the permit was issued;
- (f) where a permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit shall cease to be of any effect;

24. Without prejudice to the provisions of Article 23, a permit shall be valid for a period of twelve months from the date of issue and no permit shall be issued unless the requisite fee has been paid.
25. Upon receipt of an application pursuant to Article 21 (1) and of the relevant permit, the Council or authorised agent may amend the permit accordingly, or to such extent as they think fit, or at their discretion issue a revised permit, and if a revised permit is so issued, the permit shall become invalid and shall be surrendered to the Council.
26. (1) If a permit is accidentally mutilated or defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council or authorised agent and apply to the Council or authorised agent for the issue to him of a duplicate permit, whereupon Council or authorised agent, shall issue a duplicate permit so marked and upon such issue the original permit shall become invalid.
- (2) If a permit is lost or destroyed, the permit holder may apply to the Council or authorised agent for the issue to him of a duplicate permit and the Council or authorised agent upon being satisfied as to such loss or destruction, shall issue a duplicate permit on payment of a further administration fee as the Council may determine from time to time.
- (3) All the provisions of this Order shall apply to a duplicate permit to the same extent as they applied to the original permit.
27. A permit shall be in writing and shall include the following particulars:-
- (a) the registration mark of the vehicle in respect of which the permit has been issued;
 - (b) the period during which, subject to the provisions of Article 24, the permit shall remain valid;
 - (c) an authentication that the permit has been issued by the Council;
 - (d) a code indicating the parking area for which the permit is valid.
28. At all times during which a vehicle is left in a parking place specified in Article 21(8) during the permitted hours, there shall be displayed in the relevant position a permit issued in respect of that vehicle valid for that parking place.

Amended by Order 1835

When a permit has been displayed in accordance with the provisions of Article 28, no person other than a Civil Enforcement Officer shall remove such permit or notice from the vehicle unless authorised to do so by the driver of that vehicle.

30. Notwithstanding the foregoing provisions of this Order, the Council may at its discretion issue a discretionary notice allowing a specific vehicle to wait in a road or a parking place during the hours of operation of any restriction or prohibition to the contrary.

PART V

PARKING PLACES FOR DISABLED PERSONS' VEHICLES

31. (1) The areas of highway identified on the plans listed in Schedule 1 attached to this Order and therein authorised as "Disabled Badge Holders Only" may be used, subject to the provisions of this Order, as parking places for disabled persons' vehicles, in such positions as are identified on the plans listed in Schedule 1 attached to this Order and/or in Schedule 2 to this Order.
- (2) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in the parking bay unless it is a disabled person's vehicle.

Article 6 amended by Order 1912
and new article inserted as 6B.

PART VI

CONTRAVENTION CHARGES AND REMOVAL/IMMOBILISATION

32. (1) Subject to the following provision, where an authorised officer is of the opinion that any of the provisions of this Order have been contravened or not complied with in respect of a vehicle left in a parking place or any length of road identified on the plans listed in Schedule 1 attached to this Order, he may immobilise, remove or cause to be removed the vehicle and, where it is removed, he will make arrangements as reasonably necessary for the safe custody of the vehicle :

Provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 14b of this Order, an authorised officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.

- (2) If a vehicle is left in a parking place or any length of road as identified on the plans listed in Schedule 1 attached to this Order, in contravention of this Order, a penalty charge shall be payable. The period for which a vehicle may be left in a parking place during the prescribed hours after the penalty charge has been incurred shall not exceed one hour.
- (3) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may be issued by a Civil Enforcement Officer or served by post in accordance with the requirements of the Traffic Management Act 2004.

- (4) The penalty charge shall be paid to the council by such method appropriate by the Council in accordance with the instructions on the charge notice.

PART VII
REVOCATIONS

Ref Orders;
(Original) Order 1577
(Amend 1) Order 1585
(Amend 2) Order 1603
(Amend 5) Order 1655 - missing from documents

33. All the traffic regulation orders listed in Schedule 3 to this Order are hereby revoked.

Dated this 11th day of December 2009

THE COMMON SEAL of NORTHAMPTONSHIRE
COUNTY COUNCIL was hereunto
affixed in the presence of:-

Property Manager
(The Officer appointed for this purpose)