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NORTHAMPTON BOROUGH COUNCIL

TRAFFIC REGULATION ORDER

NORTHAMPTON BOROUGH COUNCIL (VARIOUS AREAS)  
(PROHIBITION OF VERGE AND FOOTWAY WAITING) ORDER 2001

Made: 22 June 2001

Coming into operation: 2 July 2001

NORTHAMPTON BOROUGH COUNCIL (VARIOUS AREAS) (PROHIBITION OF VERGE AND FOOTWAY WAITING) ORDER 2001

Northampton Borough Council ("the Council") pursuant to arrangements made under Section 101 of the Local Government Act 1972 with the Northamptonshire County Council and in exercise of the powers of the said County Council under Sections 1, 2, 3 and 4 of the Road Traffic Regulation Act 1984 ("the Act") the Road Traffic Act 1991 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:-

1. This Order having been made on the twenty second day of June 2001 shall come into operation for all purposes on the second day of July 2001 and may be cited as Northampton Borough Council (Various Areas) (Prohibition of Verge and Footway Waiting) Order 2001.
- 2(1). In this Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:

"authorised officer" means a parking attendant or a person duly authorised by the Council for the purposes of this Order

"carriageway" means a way constituting or comprised in a road being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles (and includes a properly constructed parking bay within the verge)

"footway" means a way comprised in a road which also comprises a carriageway, being a way over which the public have a right of way on foot only

"made up carriageway" means a carriageway or part thereof which has been metalled or in any other way provided with a surface for the passage of vehicle

"parking attendant" has the same meaning as defined in Section 63A of the Act

"penalty charge" has the same meaning as defined in sections 66 and 82(1) of the Road Traffic Act 1991 payable by virtue of Schedule 3 to the Road Traffic Act 1991 and a "penalty charge notice" means a notice showing the information required by section 66(3) of the Road Traffic Act 1991

"relevant position" means

- (a) in the case of a vehicle fitted with a front windscreen the permit is exhibited thereon with the obverse side facing forwards on the nearside of and immediately behind the windscreen and
- (b) in the case of a vehicle not fitted with a front windscreen the permit is exhibited in a conspicuous position on the front or nearside of the vehicle

"telecommunications apparatus" has the same meaning as in the Telecommunications Act 1984.

"vehicle crossing" means a properly constructed vehicle crossing approved by the highway authority

"verge" means any part of a road which is not a carriageway or footway but includes a way over which the public have a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988) with or without a right of way on foot

- (2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- (3) The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.
3. The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.
4. If a vehicle is left on any part of a verge or footway in any of the lengths of roads specified in the Schedule hereto a penalty charge shall be payable.
5. In the case of a vehicle in respect of which a penalty charge is payable a penalty charge notice showing the information required by section 66(3) of the Road Traffic Act 1991 may be issued by a parking attendant in accordance with the requirements of the Road Traffic Act 1991.
6. The penalty charge shall be paid to the Council by cheque or such other method deemed appropriate by the Council which shall be delivered or sent by post to the Council at the address indicated on the penalty charge notice and in accordance with the instructions on that notice.
7. Save as provided in Articles 8 and 9 of this Order, no person shall cause or permit any vehicle to wait at any time on any part of the verges and footways in the lengths of roads specified in the Schedule hereto.
8. Nothing in Article 7 hereto shall render it unlawful to cause or permit any vehicle to wait for so long as may be necessary:-
  - (a) to enable a person to pass and repass over and along a properly constructed vehicle crossing
  - (b) to enable the vehicle, to be used in connection with any maintenance, improvement or reconstruction of the verges and footways in the roads specified in the Schedule hereto or the laying, erection, alteration or repair in or near the said verges and footways in the roads specified in the Schedule hereto of any sewer or of any main, pipe or apparatus for the supply of gas, water, electricity or of any telecommunications apparatus or
  - (c) to enable the vehicle, to be used in the service of the local authority in pursuance of statutory powers or duties.
  - (d) if the vehicle is used by persons displaying in the relevant position a permit issued by the Council

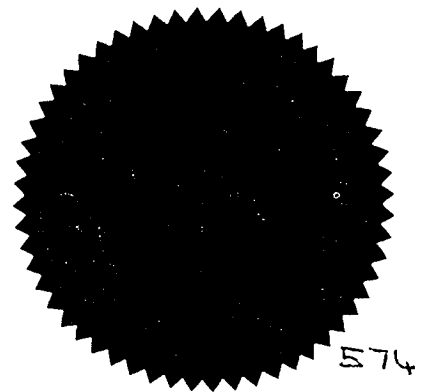
9. Nothing in Article 7 hereto shall apply to anything done with the permission of a police officer in uniform.
10. The Council may, on or in the vicinity of any part of the verges and footways in the lengths of roads specified in the Schedule hereto:-
  - (a) erect such notices and signs as they consider requisite for the purpose of this Order;
  - (b) maintain and from time to time alter the said notices and signs;
  - (c) carry out such other work as is reasonably required for the purpose of the satisfactory operation of this Order.
11. Where an authorised officer is of the opinion that any provision of this Order has been contravened or not complied with in respect of a vehicle left or waiting on any part of a verge or footway in any of the lengths of roads specified in the Schedule hereto or in case of emergency, he may immobilise, remove or cause to be removed the vehicle from any part of a verge or footway in any of the lengths of roads specified in the Schedule hereto and where it is so removed, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
12. An authorised officer who removes or alters the position of a vehicle pursuant to Article 11 of this Order 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.
13. Should a vehicle be removed by an authorised officer in accordance with Article 12 of this Order or is immobilised, a recovery charge and/or release fee will be payable before the vehicle is released.

Nothing contained in this Order shall restrict the powers of an authorised officer pursuant to powers contained in or regulations made under Sections 100 to 106 inclusive of the Act in removing/immobilising a vehicle contravening a provision of this Order.

The COMMON SEAL of  
NORTHAMPTON BOROUGH COUNCIL  
was hereunto affixed in the presence of:-



P A Newham  
Borough Solicitor



SCHEDULE

No Waiting at any time on any part of the verges and footways  
in the below-mentioned roads

ROAD	SIDE	LENGTH
Fairway	North East Side	For its entire length
Malcolm Drive	Both	For its entire length
Park Avenue North	West	From its junction with Abington Avenue to its junction with Birchfield Road
Park Avenue South	West	From its junction with Billing Road to its junction with Christchurch Road
Wellingborough Road	The layby between Great Billing Way and Penfold Lane	Both sides for its entire length
Great Billing Way	The layby to the north of its northern junction with Rectory Farm Road	Both sides for its entire length, and end of layby
Weedon Road	West Side	From its junction with Abbotts Way to its junction with Ross Road