

NORTHAMPTONSHIRE COUNTY COUNCIL

2007 No. 1578

**THE NORTHAMPTONSHIRE COUNTY COUNCIL
(CORBY BOROUGH COUNCIL)
(WAITING AND LOADING RESTRICTIONS) CONSOLIDATION ORDER 2007**

Date of Order : 9th May 2007

Coming into Operation : 14th May 2007

Northamptonshire County Council (hereinafter referred to as "the Council") in exercise of the powers conferred by Section 1 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act of 1984"), as amended and the Road Traffic Act 1991 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 Road Traffic Act 1991, hereby make the following Order:-

**PART I
CITATION AND INTERPRETATION**

1. This Order shall come into operation on the 14th May 2007 and may be cited as The Northamptonshire County Council (Corby Borough Council) (Waiting and Loading Restrictions) Consolidation Order 2007

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 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 parking place" means any parking place on a road authorised or designated 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 975 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;

"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 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 burden of any description 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;

"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;

"permitted hours" means the hours identified on the plans attached 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;

"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;

"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 a Schedule 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 nearside 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 300 millimetres;
- (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 attached 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 Corby Borough 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.
4. 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

PART II

PROHIBITION AND RESTRICTION OF WAITING

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 a traffic warden, cause or permit any vehicle to wait on the roads or sides of the roads identified and for the periods identified (or, in the case of a road or side of road where limited waiting is permitted, otherwise than during the period identified) on the plans listed in Schedule 1 attached to this Order.
7. Nothing in Article 6 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 attached to this Order.
8. (1) Nothing in Article 6 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 telecommunication system;
 - (c) the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or of a water authority in pursuance of 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.
- (2) Nothing in Article 6 of this Order shall render it unlawful to cause or permit any vehicle
- (a) to wait upon an authorised parking place, or
 - (b) 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 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). Provided that in respect of the roads identified in the plans attached to this Order when loading is permitted at all times or limited to certain times such period lies entirely within the period during which loading is permitted.
10. 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 to wait at the sides of the roads identified on the plans attached to this Order where limited waiting 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
DESIGNATED PARKING PLACES FOR DISABLED PERSONS' VEHICLES

13. (1) The areas of land identified in the plans attached to this Order and therein designated "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 attached to this Order.
13. (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.
14. All the traffic regulation orders listed in Schedule 3 to this Order are hereby revoked.

Dated 9th May 2007

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

Senior Solicitor
(The Officer appointed for this purpose)

SCHEDULE 3

The following Orders have been consolidated into the new Order :

- The Trunk Road (High Street and Stamford Road, Weldon) (Prohibition of Waiting) Order 1967
- The Urban District of Corby (Various Streets) (Prohibition and Restriction of Waiting) (No.2) Order, 1968
- The Urban District of Corby (Various Streets) (Prohibition and Restriction of Waiting) Order, 1969
- The Urban District of Corby (Various Roads) (Street Parking Places and Prohibition and Restriction of Waiting) Order 1971
- The Urban District of Corby (Studfall Area) (Street Parking Place and Restriction of Waiting) Order 1972
- The Northamptonshire County Council (Various Roads, Corby) (Prohibition and Restriction of Waiting) Order, 1977
- The Northamptonshire County Council (Darley Dale Road, Corby) (Restriction of Waiting) Order 1979
- The Northamptonshire County Council (Willowbrook Road, Corby) (Prohibition of Waiting) Order, 1980
- The Northamptonshire County Council (Various Roads in Corby Town Centre) (Prohibition and Restriction of Waiting) Order, 1983
- The Corby District Council Traffic Regulation (Motala Close) Restriction of Waiting Order 1983 NO.1
- The Corby District Council (South Road, Corby) (Restriction of Waiting) Order 1990 No.1
- The Northamptonshire County Council (Various Roads in Corby Town Centre) (Prohibition and Restriction of Waiting) Order 1983 (Amendment No. 2) Order 1991
- The Corby District Council (St. James Industrial Estate, Corby) (Prohibition and Restriction of Waiting) Order 1992
- The Corby District Council (Birchington Road, Corby) (Prohibition of Waiting) Order 1992
- The Corby District Council (A427/ Station Road Junction, Corby) (Prohibition of Waiting) Order 1992
- The Corby Borough Council (Various Roads in Corby Old Village) (Prohibition and Restriction of Waiting) Order 1995
- The Northamptonshire County Council (George Street, Corby) (Prohibition and Restriction of Waiting) Order 1998