

O. 620

OLDHAM BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE OLDHAM - EDEN STREET (OLDHAM) AMENDMENT AND
DISABLED PERSONS PARKING PLACE ORDER 2002

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The Oldham Borough Council in exercise of its powers under Sections 1(1), 2(1), 2(2), 32(1) and 35(1) of the Road Traffic Regulation Act 1984, as amended, and all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the said Act of 1984 hereby make the following Order:-

1. This Order shall come into operation on 13th November 2002 and may be cited as The Oldham - Eden Street (Oldham) Amendment and Disabled Persons Parking Place Order 2002.
2. The Oldham (Coldhurst Street/Nile Street/Lombard Street/Flora Street, Oldham) (Prohibition of Waiting) Order 1986 (hereinafter referred to as "the Principal Order") shall have effect as though the entry referred to in Part 1 of Schedule 1 below was deleted, and the entries contained in Part 2 of Schedule 1 are inserted into Schedule 2 of the Principal Order.
3. Article 2 and Schedule 1 hereto shall be construed as one with the principal Order.
4. (1) In this Order:-

"disabled person's badge" in respect of a badge issued by a local authority before 2nd March 1992 has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) Regulations 1982;

"disabled person's badge" in respect of a badge issued by a local authority after 2nd March 1992 has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) Regulations 1982, as amended by The Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1991;

"disabled person's vehicle" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986;

- (2) For the purpose of this Order a vehicle shall be regarded as displaying:-
 - (i) a disabled person's badge issued before 2nd March 1992 in the relevant position if -
 - (a) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon on the near side of and immediately behind the windscreen and with its front facing forward so as to be legible from outside the vehicle; or
 - (b) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the vehicle.
 - (ii) a disabled persons badge issued on or after 2nd March 1992 in the relevant position if -
 - (a) in the case of a vehicle fitted with a dashboard or facia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside the vehicle; or

- (b) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle.
- (3) "driver" in relation to a vehicle in the parking place means the person driving the vehicle at the time it was left in the parking place.
- (4) "parking place" means the part of the road authorised by this Order to be used as the parking place.
- (5) 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.
5. The part of the road specified in column 1 of Schedule 2 to this Order is authorised to be used, subject to the following provisions, of this Order, as a parking place for disabled person's vehicles in such a position as is specified in relation to that part of road in the said Schedule. The driver of a disabled person's vehicle shall not permit it to wait in the part of road specified in the Schedule hereto:-
- (a) unless it is of the class specified in the Schedule; or
- (b) if it is in a position other than that specified in the Schedule.
6. The driver of a disabled person's vehicle shall not use the parking place so as to unreasonably prevent access to any premises adjoining the road or the use of the road by any other person or so as to be a nuisance.
7. The driver of a disabled person's vehicle using the parking place shall stop the engine as soon as the disabled person's vehicle is in 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.
8. No person shall use a disabled person's vehicle whilst it is in the parking place in connection with the sale of any article to persons in or near the parking place or in accordance with the selling or offering for hire of his or her skill or services.
9. Subject to the proviso hereto, when a disabled person's vehicle is left in the parking place in contravention of any of the provisions contained in articles 3 and 4 of this Order an authorised person may remove the disabled person's vehicle or arrange for it to be removed from the parking place; provided that when a disabled person's vehicle is waiting in the parking place in contravention of the provisions of article 3(b) of this Order, an authorised person may alter or cause to be altered the position of the disabled person's vehicle in order that its position shall comply with that provision.
10. Any person removing a disabled person's vehicle or altering its position by virtue of the last preceding article of this Order may do so by towing or driving the disabled person's vehicle or in such other manner as he or she may think necessary and may take such measures in relation to the disabled person's vehicle as he or she may consider necessary to enable him or her to move it or alter its position as the case may be.
11. When a person removes or makes arrangements for the removal of a disabled person's vehicle from the disabled person's parking place by virtue of article 7 of this Order he or she shall make such arrangements as may be reasonably necessary for the safe custody of the disabled person's vehicle.

12. Nothing in this Order shall render it unlawful for any person to cause or permit any vehicle to wait in the parking place for so long as may be necessary in connection with fire brigade, ambulance or police purposes or any wedding or funeral or any building operation or demolition in or adjacent to the said parking place, the removal of any obstruction to traffic, the maintenance, cleansing, improvement or reconstruction of the part of road authorised to be used as the parking place or the laying, erection, alteration or repair in or adjacent to the said parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984.

SCHEDULE 1

PART 1

Eden Street East side from a point 102 metres south of its junction with Belmont Street for a distance of 59 metres in a southerly direction including the cul-de-sac end.

PART 2

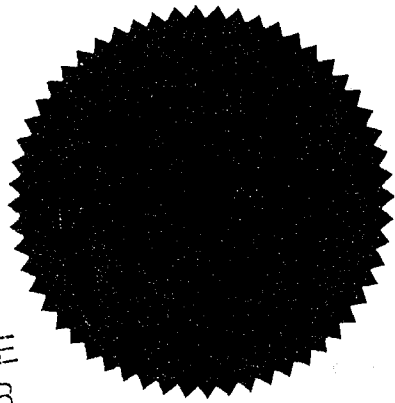
Eden Street East side from a point 102 metres south of its junction with Belmont Street for a distance of 28 metres in a southerly direction.

Eden Street East side from a point 136.6 metres south of Belmont Street for a distance of 24.4 metres in a southerly direction including the cul-de-sac end.

SCHEDULE 2

Part of Road in the Borough of Oldham authorised as a parking place	Position in which vehicle may wait	Classes of Vehicle	Days of Operation of parking place	Hours of Operation of parking place	Maximum period for which vehicle may wait
1	2	3	4	5	6
The east side of Eden Street from a point 130 metres south of its junction with Belmont Street for a distance of 6.6 metres in a southerly direction	Wholly in parking spaces defined in accordance with diagram 1028.3 "Disabled" in the Traffic Signs Regulations and General Directions 1994	Disabled Persons Vehicles which display in the relevant position a disabled persons badge	All days	All hours	No limit

THE COMMON SEAL of)
THE OLDHAM BOROUGH)
COUNCIL was hereunto)
affixed this 13th)
day of November 2002 .)
in the presence of:-)



P.A. Entwistle

PAUL A. ENTWISTLE
SENIOR SOLICITOR

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