

**THE OXFORDSHIRE COUNTY COUNCIL (NORTH SUMMERTOWN)**  
**(CONTROLLED PARKING ZONE AND WAITING RESTRICTIONS)**  
**ORDER 2007**

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**THE OXFORDSHIRE COUNTY COUNCIL (NORTH SUMMERTOWN)**  
**(CONTROLLED PARKING ZONE AND WAITING RESTRICTIONS)**  
**ORDER 2007**

The Oxfordshire County Council ("the Council") in exercise of its powers under Sections 1(1), 2(1), 2(2), 4(2), 32(1), 35(1), 37, 45, 46, 49(4) and 53 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act") and of all enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, make the following Order:-

**PART 1**  
**GENERAL**

**Citation and Commencement**

1. This Order shall come into operation on 19<sup>th</sup> November 2007 and may be cited as "The Oxfordshire County Council (North Summertown) (Controlled Parking Zone and Waiting Restrictions) Order 2007.

**General Scheme of Traffic Management**

2. This Order is made by virtue of Section 37 of the Act for a general scheme of traffic management in respect of the area stated in Schedule 1 to this Order.

**Definitions**

3. In this Order, except where the context otherwise requires, the following expressions have the following meanings:-

"Access Way" means a length of footway, cycle track or verge which has been lowered to meet the level of the carriageway for the purpose of assisting vehicles entering or leaving the carriageway across the footway, cycle track or verge;

"Business" means any trade or profession conducted from premises whose address is listed in Part A of Schedule 4 and which are wholly or principally used or adapted for use for those purposes, such premises being listed in either a local or central non-domestic rating list;

"business operation" means the operation of a business for business purposes and for the avoidance of doubt does not include commuting;

"Business Permit" means a permit issued by the Council to a Business under the provisions of Part VIII of this Order to park a Permitted Vehicle, subject to the provisions of this Order, in the Permit Parking Places or without time limit in the Timed Parking Places specified in Parts A, B and C of Schedule 3;

"Business Permit Holder" means a Business to which a Business Permit has been issued under the provisions of Part VIII of this Order to whom a Business Permit has been issued under the provisions of Part VIII of this Order;

"Carers Permit Order" means the City of Oxford and the Parish of North Hinksey (Carers Permit) Order 1999 as amended from time to time;

"Controlled Length" means a length of road where waiting is not permitted (as indicated by a Traffic Sign/Marking) further to any act, order regulation, bylaw or notice (other than a traffic regulation order) at such times and for so long only as the length of road is subject to such waiting restriction;

"Disabled Person's Badge" has the meaning given to it in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"Disabled Persons' Parking Places" means the disabled persons' parking places (as defined in the Disabled Persons' Parking Places Order) which are set out from time to time in Schedule 1 to the Disabled Persons' Parking Places Order;

"Disabled Persons' Parking Places Order" means the Oxfordshire County Council (Disabled Persons' Parking Places – Oxford) Order 2007 as amended from time to time;

"Disabled Person's Vehicle" means a vehicle lawfully displaying  
(a) in the Relevant Position a Disabled Person's Badge or  
(b) a Recognised Badge;

"Driver" in relation to a vehicle waiting in a Parking Place, means the person driving the vehicle at the time it was left in the Parking Place;

"Goods" includes cash or other valuable securities and 'delivering' and 'collecting' in relation to any Goods includes checking the Goods for the purpose of their delivery or collection and taking orders and collecting payment for any Goods (in association with their delivery or collection);

"Home" means a Property which is either a home for older people (including a nursing home for older people) or a communal home for nurses or hostel for nurses.

"Hotel Visitors' Permit" means a permit issued by the Council to a hotel or guesthouse under the provisions of Part X of this Order to park a Permitted Vehicle, subject to the provisions of this Order, in the Permit Parking Places or without time limit in the Timed Parking Places specified in Parts A, B and C of Schedule 3;

"Hotel Visitors' Permit Holder" means a hotel or guesthouse to which a Hotel Visitors' Permit has been issued under the provisions of Part X of this Order;

"including" means including without limitation or prejudice to the generality of any preceding description, defining term, phrase or word(s) and "include" will be construed accordingly;

"index linked" means adjusted as provided in Schedule 5 to this Order.

"Motor Cycle" means a mechanically propelled vehicle with fewer than four wheels of which the weight unladen does not exceed 410 kilogrammes;

"Parking Attendant" means a person authorised under Section 63A of the Act to supervise and enforce the restrictions imposed by this Order;

"Parking Disc" has the meaning given in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"Parking Place" means a length of road authorised to be used as a parking place by Parts III – V of this Order and thereby comprises any Timed Parking Place and any Permit Parking Place;

"Parking Space" means a space in a Parking Place which is provided for the leaving of a Permitted Vehicle subject to the provisions of this Order;

"Penalty Charge" means a penalty charge as specified in Schedule 3 to the Road Traffic Act 1991 and set by the Council under the provisions of Section 74 of that Act (as substituted by the Road Traffic (Permitted Parking Areas and Special Parking Areas) (the City of Oxford and Parish of North Hinksey) Order 1996 as amended) in accordance with guidance given by the Secretary of State for Transport and which is to be paid in the manner described in the Penalty Charge Notice;

"Penalty Charge Notice" means a notice issued by a Parking Attendant pursuant to the provisions of Section 66 of the Road Traffic Act 1991 (as applied and modified by the aforementioned Order);

"Permit Parking Place" means any length of road specified in Part C of Schedule 4 to this Order which is authorised to be used as a parking place, subject to the provisions of this Order, by a Permitted Vehicle which displays in the Relevant Position a valid Residents' Permit, a valid Temporary Permit, a valid Business Permit, a valid Visitors' Permit or a valid Hotel Visitors' Permit;

"Permit Parking Space" means a space in a Permit Parking Place which is provided for the leaving of a Permitted Vehicle subject to the provisions of this Order;

"Permitted Vehicle" means

- (a) any vehicle whose maximum gross weight (as defined in Regulation 4 of the Traffic Sign Regulations and General Directions 2002) does not exceed 2.25 tonnes, whose height does not exceed 2 metres, whose length does not exceed 5 metres and whose width does not exceed 2 metres and which is:-
  - (i) a passenger vehicle, being a vehicle constructed or adapted for the carriage of not more than twelve passengers exclusive of the driver and their effects and not drawing a Trailer; or





(ii) a dual purpose vehicle, as defined in Regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986; or

(iii) a light goods vehicle, being any motor vehicle or Trailer which is constructed or adapted for the carriage of goods of any description

(b) a Motor Cycle

"Postal Packets" means a letter, parcel, packet or other article transmissible by post;

"Prescribed Hours" means:-

(a) in relation to any length of road specified in Part A or B of Schedule 3 the period between 8.00 a.m. and 6.30 p.m. on Monday to Friday inclusive (excluding Christmas Day, Good Friday and bank holidays); -

(b) in relation to any length of road specified in Part C of Schedule 3, the period between 10.00am and 4.00pm on Mondays to Fridays inclusive (excluding Christmas Day, Good Friday and bank holidays);

(c) In relation to any length of road specified in Part C of Schedule 4 the period between 9.00am and 5.00pm on Mondays to Fridays inclusive (excluding Christmas Day, Good Friday and bank holidays)

"Property" means a property the postal address of which is within the list of addresses in Part A of Schedule 4 to this Order and for the avoidance of doubt:-

- (a) each flat comprised in a block of flats constitutes a single Property;
- (b) any house or flat divided into or let out as bed sitting room or rooms constitutes a single Property; and
- (c) each school, college, hotel, hostel or guest house constitutes a single Property only.

"Recognised Badge" has the meaning given in Section 21A of the Chronically Sick and Disabled Persons Act 1970

"Registered Owner/Keeper" means:-

(a) the person whose name appears in the vehicle registration document of the vehicle and in whose name the vehicle is registered at the Driver and Vehicle Licensing Agency, or

(b) a person who has established to the satisfaction of the Council that he has the permanent use of a specified vehicle and that the person whose name appears in the vehicle registration document of the vehicle and in whose name the vehicle is registered at the Driver and Vehicle Licensing Agency is his employer;

- (c) a person who has established to the satisfaction of the Council that he has an arrangement with a vehicle leasing business for the lease for a minimum period of 12 months of a specified vehicle and that the person whose name appears in the vehicle registration document of the vehicle and in whose name the vehicle is registered at the Driver and Vehicle Licensing Agency is that vehicle leasing business;
- (d) a person who has established to the satisfaction of the Council that he has the permanent use of a specified vehicle, that his employer for whom he works full-time has an arrangement with a vehicle leasing business for the lease of that vehicle and that the person whose name appears in the vehicle registration document of the vehicle and in whose name the vehicle is registered at the Driver and Vehicle Licensing Agency is that vehicle leasing business, provided always that where such circumstances apply if the person works part-time only then at the absolute discretion of the Council such person may be treated as a Registered Owner/Keeper for the purposes of this Order.

"Relevant Position" means:-

- (a) in respect of a Disabled Person's Badge, displayed in the manner prescribed by Regulation 12 of the Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000;
- (b) in respect of a Parking Disc displayed in the manner described in Regulation 4 (2) of the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;
- (c) in respect of a Residents' Parking Permit, Temporary Permit Business Permit, Visitors' Permit or Hotel Visitors' Permit, displayed on a vehicle so that the permit is readily visible and legible from the front or nearside of the vehicle.

"Renewal Date" means 1<sup>st</sup> November (or such other date as specified by the Council from time to time) in each year.

"Resident" means a person who has as his usual place of abode a property, the postal address of which is within the list of addresses in Part A of Schedule 4 to this Order and who has established this to the satisfaction of the Council;

"Resident (Short-term)" means a person who is temporarily resident for work purposes for a minimum of a month at a Property, the postal address of which is within the list of addresses in Part A of Schedule 4 to this Order and who has established this to the satisfaction of the Council and for the avoidance of doubt a Resident (Short-term) does not include a person who is resident for study purposes. A Resident (Short-term) is a Resident for the purposes of Part VI and Part VII of this order.

"Residents' Permit" means a permit issued by the Council to a Resident under the provisions of Part VI of this Order to park, subject to the provisions of this Order, the vehicle in respect of which the permit has been issued, in the Permit

Parking Places or without time limit in the Timed Parking Places specified in Parts A, B and C of Schedule 3.

"Residents' Permit Holder" means a Resident to whom a Residents' Permit has been issued under the provisions of Part VI of this Order;

"Restricted Road" means any road or length of road specified in Schedule 2 to this Order but excluding any:-

- (a) Parking Place;
- (b) Controlled Length
- (c) Disabled Persons' Parking Place

"road" means a road or any part of a road;

"Temporary Permit" means a permit issued by the Council to a Resident under the provisions of Article 30 of this Order to park, subject to the provisions of this Order, the vehicle in respect of which the permit has been issued, in the Permit Parking Places or without time limit in the Timed Parking Places specified in Parts A, B or C of Schedule 3 to this Order.

"Timed Parking Place" means any length of road specified in Parts A, B or C of Schedule 3 to this Order which is authorised to be used further to Part III of this Order as a parking place by a Permitted Vehicle, subject to the provisions of this Order;

"Traffic Sign/Marking" means any object, device, line or mark for conveying to traffic on roads or any specified class of traffic warnings, information, requirements, restrictions or prohibitions as specified in Section 64 of the Act;

"Trailer" means a vehicle drawn by a mechanical propelled vehicle intended or adapted for use on roads;

"Universal Service Provider" has the meaning given in Sections 4(3) and (4) of the Postal Services Act 2000;

"vehicle" means a motor vehicle being a mechanically propelled vehicle intended or adapted for use on roads

"Visitors' Permit" means a permit issued by the Council to a Resident under the provisions of Part VII of this Order to enable a person visiting the Resident to park a Permitted Vehicle, subject to the provisions of this Order, in the Permit Parking Places or without time limit in the Timed Parking Places specified in Parts A, B or C of Schedule 3;

"Visitors' Permit Holder" means a Resident to whom a Visitors' Permit has been issued under the provisions of this Order.

### Interpretation

4. (1) Any reference in this Order to the Council includes any person (including any body corporate) authorised to act on behalf of the Council.
- (2) Any reference in this Order to any enactment (meaning any act and any subordinate legislation as defined in the Interpretation Act 1978) shall be construed as a reference to that enactment as amended or replaced by any subsequent enactment.
- (3) Words importing the masculine gender shall also include the feminine gender and words in the singular include the plural and vice versa.
- (4) The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any other enactment.
- (5) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to a numbered Article or Schedule bearing that number in this Order.
- (6) Headings are inserted for convenience and shall not affect the construction or interpretation of this Order.

## PART II NO WAITING

### Restrictions on Waiting

5. Save as provided in Articles 6 and 7 of this Order, no person is to cause or permit any vehicle to wait in any Restricted Road at any time except upon the direction or with the permission of the Council, a Parking Attendant or a police constable in uniform.

### Exemption from Waiting Restrictions

6. Nothing in Article 5 of this Order will apply to any vehicle waiting in any Restricted Road, for so long only as may be necessary if:-
  - (1) the vehicle is waiting for the purpose of loading or unloading Goods at or for the collection of waste from premises situated on or adjacent to that road;
  - (2) the vehicle is waiting to enable a person to board or alight from the vehicle;
  - (3) the vehicle is a police vehicle and being used for police purposes;
  - (4) the vehicle is an ambulance being used for ambulance purposes;
  - (5) the vehicle is in the service of the fire brigade and being used for fire brigade purposes;
  - (6) the vehicle is in the service of a local authority and being used for carrying out statutory functions;
  - (7) the vehicle is in the service of or employed by a Universal Service Provider while being used for the purpose of loading, unloading, delivering or collecting Postal Packets at premises or post boxes adjacent to that road;



- (8) the vehicle is waiting while 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 otherwise than in a Restricted Road while such gate or other barrier is being opened or closed;
- (9) the vehicle is waiting because the person in control of the vehicle is required by law to stop, or is obliged to do so in order to avoid an accident or is prevented from proceeding by circumstances outside his control;
- (10) the vehicle is being used in connection with any of the following and cannot conveniently be so used without waiting in a Restricted Road:
  - (a) removing any obstruction to traffic in or adjacent to that road;
  - (b) undertaking works (including inspection) in relation to that road or to a traffic sign, street lighting or street furniture at or adjacent to that road;
  - (c) undertaking works (including inspection) in relation to a sewer or water main or in relation to the supply of gas, electricity, water or communication services in or adjacent to that road;
  - (d) a funeral associated with premises at or adjacent to that road and is a hearse or other official vehicle of an undertaker

Provided that the person in control of the vehicle must move it on the instruction of a police constable in uniform, wherever that police constable considers this necessary for the purpose of preventing obstruction.

7. Nothing in Article 5 of this Order will apply to any vehicle waiting in any Restricted Road if the vehicle is a Disabled Person's Vehicle which displays lawfully in the Relevant Position a Disabled Person's Badge and is waiting for a period not exceeding 3 hours subject to the conditions that:-

- (1) the period of exempted waiting does not begin less than 1 hour after a previous period of exempted waiting by the same vehicle in the same road on the same day; and
- (2) a Parking Disc is displayed in the Relevant Position on the vehicle marked to show the quarter hour period during which the period of exempted waiting began

Provided that the person in control of the vehicle must move it on the instruction of a police constable in uniform, whenever that police constable considers this necessary for the purposes of preventing obstruction.

### **PART III** **GENERAL PARKING PLACES – TIME LIMITED**

#### **Authorisation of Timed Parking Places**

8. Each of the lengths of road specified in Parts A, B and C of Schedule 3 to this Order is authorised to be used, subject to the provisions of Part III IV and V of this Order, as a parking place for Permitted Vehicles.

