

ROAD TRAFFIC REGULATION ACT 1984

OXFORDSHIRE COUNTY COUNCIL (ABINGDON ROAD OXFORD) (TRAFFIC MANAGEMENT) ORDER 2008

The Oxfordshire County Council ("the Council") in exercise of their powers under Sections 1(1), 2(1) and (2) 4(2) 32, 35, 45, 46, 49 (4) and 53 of the Road Traffic Regulation Act 1984 ("the Act") and all other 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

1. This Order shall come into operation on 14 July 2008 and may be cited as the Oxfordshire County Council (Abingdon Road Oxford) (Traffic Management) Order 2008
2. In this Order, except where the context otherwise requires, the following expressions have the following meanings -

"Bus" means a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver) or a local bus (being a public service vehicle used for the provision of a local service as defined in Section 2 of the Transport Act 1985 not being an excursion or tour) not so constructed or adapted

"Bus Lane" means, in relation to a road, a part of the carriageway reserved for buses and having a boundary which separates it from another such part, a road marking of the type designated in the definition of "traffic lane" in Regulation 4 of the Traffic Sign Regulations 2002;

"Civil Enforcement Officer" means a person authorised under Section 76 of the Traffic Management Act 2004 to undertake enforcement of parking contraventions as defined in that Act.

"Cycle Lane" means any lane in a length of road reserved during specified hours for cycles which have two or more wheels and are not motor vehicles;

"Clearway Hours" means between 7.30 am to 9.30 am and between 4.00 pm to 6.30 pm on Mondays to Saturdays inclusive;

"Controlled Length" means a length of road where waiting is prohibited or restricted (as indicated by a Traffic Sign) 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 prohibition or 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);

"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;

"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 Part III of this Order;

"Penalty Charge" means a penalty charge imposed further to Part 6 of the Traffic Management Act 2004 and set by the Council further to paragraph 3 of Schedule 9 to that Act.

"Penalty Charge Notice" means a notice issued by a Civil Enforcement Officer pursuant to regulations made further to Part 6 of the Traffic Management Act 2004.

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

"Prescribed Hours" means in relation to any length of road specified in Schedule 3 to this Order between midnight to 7.30 am, 9.30 am to 4.00

pm and 6.30 pm to midnight on Mondays to Saturdays inclusive and at all times on Sundays;

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

"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;

"Restricted Hours" means

- (a) in relation to any length of road specified in Part 1 of Schedule 2 at any time (excluding the Clearway Hours)
- (b) in relation to any length of road specified in Part 2 of Schedule 2 between 7.30 am and 6.30 pm on Mondays to Saturdays inclusive (excluding the Clearway Hours)

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

"Traffic Sign" 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;

"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

Interpretation

- 3. (1) 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
- (2) Words importing the masculine gender shall also include the feminine gender and words in the singular include the plural and vice versa

- (3) 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
- (4) Any reference in this Order to a numbered Article or Schedule shall unless the context otherwise requires be construed as a reference to the numbered Article or Schedule bearing that number in this Order.
- (5) Headings are inserted for convenience and shall not affect the construction or interpretation of this Order.

PART II PROHIBITIONS AND RESTRICTIONS ON WAITING

Clearway

4. Save as provided in Article 6 of this Order, no person is to cause or permit any vehicle to stop or wait in any part of the length of road specified in Schedule 1 to this Order during the Clearway Hours except upon the direction or with the permission of the Council, a Civil Enforcement Officer or a police constable in uniform.

No Waiting

5. Save as provided in Articles 6 7 and 8 of this Order no person is to cause or permit any vehicle to wait in any Restricted Road specified in Schedule 2 to this Order during the Restricted Hours except upon the direction of or with the permission of the Council, a Civil Enforcement Officer or a police constable in uniform.

Exceptions to Waiting and Clearway Restrictions

6. Nothing in Articles 4 or 5 of this Order will apply to any vehicle waiting in any part of the roads specified in Schedule 1 to this Order during the Clearway Hours or in any Restricted Road during the Restricted Hours for so long only as may be necessary if:-
 - (1) the vehicle is a police vehicle and being used for police purposes;
 - (2) the vehicle is an ambulance being used for ambulance purposes;
 - (3) the vehicle is in the service of the fire brigade and being used for fire brigade purposes;
 - (4) the vehicle is waiting to enable a person to board or alight from vehicle
 - (5) the vehicle is in the service of a local authority and being used for carrying out statutory functions;
 - (6) the vehicle is waiting for the collection of waste from premises situated on or adjacent the road;
 - (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 that 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 that road: (save that the following exemptions shall only operate in respect of any part of a road which is a Bus Lane or a Cycle Lane upon the direction or with the permission of a police constable in uniform, a Civil Enforcement Officer or the Council):-
 - (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, road 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.

Further exemptions from Waiting Restrictions

7. Nothing in Article 5 of this Order will apply to any vehicle waiting in any Restricted Road during the Restricted Hours for so long as may be necessary if the vehicle is waiting for the purpose of loading or unloading Goods at premises situated at or adjacent to that road provided that this exemption shall only operate in respect of any part of a Restricted Road which is a Bus Lane or Cycle Lane upon the direction or with permission of a police constable in uniform a Civil Enforcement Officer or the Council and provided further 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 it is necessary for the purpose of preventing obstruction.

Exemptions from Waiting Restrictions – Disabled Persons Vehicles

8. Nothing in Article 5 of this Order will apply to any vehicle waiting in any Restricted Road during the Restricted Hours 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 this exemption shall only operate in respect of any part of a Restricted Road which is a Bus Lane or Cycle Lane upon the direction or with permission of a police constable in uniform, a Civil Enforcement Officer or the Council and provided further 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 PARKING PLACES

Authorisation of Parking Places

9. Each of the lengths of road specified in Schedule 3 to this Order is authorised to be used, subject to the provision of Part III of this Order as a parking place during the Prescribed Hours

Restrictions on Waiting – Position of Vehicle

10. No person is to cause or permit a vehicle to wait in a Parking Place unless:
 - (1) for any vehicle other than a Motor Cycle it is parked in position in a single line with every part of the vehicle on the carriageway and so that the whole near side or off side of the vehicle is adjacent to the kerb unless otherwise stated in Schedule 43 to this Order, and for a Motor Cycle it is parked so that it is perpendicular to the kerb; and
 - (2) it is entirely within the limits of the Parking Place as marked.

Restrictions on Use

11. The Driver of a vehicle using a Parking Place must stop the engine as soon as the vehicle is in position in the Parking Place and must not start the engine except when about to change the position of the vehicle in or to depart from the Parking Place.
12. No person is to use any vehicle while it is in a Parking Place, in connection with the sale of any article to any person in or near it or in connection with the selling or offering for hire of his skills or services.

Marking of Parking Places

13. The limits of each Parking Place will be indicated by the Council by placing on the carriageway and in the vicinity the appropriate Traffic Signs.

Removal and Moving of Vehicles

14. (1) Where the Council, a Civil Enforcement Officer or a police constable in uniform is of the opinion that any of the provisions contained in Part III of this Order have been contravened or not complied with in respect of a vehicle left in a Parking Place, he may:-
- (a) alter or cause to be altered the position of the vehicle to comply with the provisions; or
 - (b) remove or cause to be removed the vehicle from the Parking Place and, where it is so removed, he will make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
- (2) The Council, a police constable in uniform or a Civil Enforcement Officer may, in case of emergency, move or cause to be moved to any place he thinks fit, any vehicle left in a Parking Place.
- (3) Any person authorised to remove a vehicle or alter its position by virtue of Article 14(1) or 14(2) 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.

Suspension of Use of a Parking Place

15. (1) The Council, a Civil Enforcement Officer or a police constable in uniform may suspend the use of a Parking Place or any part of it whenever he considers such suspension reasonably necessary:-
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the Parking Place;
 - (c) for works to the road or a Traffic Sign in or adjacent to the Parking Place;
 - (d) for works in relation to any sewer or water main, or in relation to the supply of gas, water, or electricity or any communications services in or adjacent to the Parking Place;
 - (e) for the convenience of occupiers of premises adjacent to the Parking Place for the removal of furniture or household effects to or from a shop, office or other premises;
 - (f) on any occasion when it is likely by reason of some special attraction that any road will be thronged or obstructed; or

- (g) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals, or on other special occasions.
- (2) Any person suspending the use of a Parking Place or any part of it in accordance with the provisions of Article 15(1) is to thereupon place or cause to be placed in or adjacent to that Parking Place or the part of it the use of which is suspended, a Traffic Sign indicating that waiting by vehicles is prohibited.
 - (3) Save as provided in Article 15(4), no person is to cause or permit a vehicle to wait in any Parking Place or part of a Parking Place during any period when there is in or adjacent to that Parking Place or part of it a Traffic Sign placed pursuant to Article 15(2).
 - (4) Nothing in Article 15(3) will apply to any vehicle waiting for so long only as may be necessary:-
 - (a) if the vehicle is being used for the relevant purpose or eventuality specified in Article 15(1) (b) (building works), 15(1) (c) (road works), 15(1) (d) (works to services), 15(1) (e) (furniture removal) or 15(1) (g) (wedding or funeral) for which use of the Parking Place (or part of it) was suspended;
 - (b) to enable a person to board or alight from a vehicle;
 - (c) if a vehicle is being used for police fire or ambulance purposes;
 - (d) if 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 that Parking Place or part of it while such gate or other barrier is being opened or closed;
 - (e) the vehicle is waiting because the person in control of it is required by law to stop or is obliged to do so to avoid an accident or is prevented from proceeding by circumstances outside his control; or
 - (f) the vehicle is being used for any other purpose and the prior permission of the Council, a police constable in uniform or a Civil Enforcement Officer has been obtained.

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 purpose of preventing obstruction.

PART IV
Contravention of the Order

16. (1) If a parking contravention (as defined in the Traffic Management Act 2004) is committed in contravention of any of the provisions of this Order a Penalty Charge will be payable.
- (2) 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.

GIVEN UNDER the Common Seal of the Oxfordshire County Council this
ninth day of *July* 2008

SCHEDULE 1

No Stopping or Waiting during Clearway Hours
7.30am to 9.30am and 4.00pm to 6.30pm on Monday to Saturday

(1) Item No.	(2) Road Name	(3) Length of Road
1	Abingdon Road	(a) Both Sides; From its junction with Thames Street to the northern kerbline of the A423 at the Kennington roundabout.
2	Abingdon Road (commonly called Old Abingdon Road)	Both sides; From its junction with Abingdon Road A4144 in a south-westerly direction to the City boundary at its junction with Kennington Road.

SCHEDULE 2

Part I

No Waiting at Any Time

(1) Item No.	(2) Road Name	(3) Length of Road
1	Abingdon Road	(a) East side, from its junction with Thames Street to the northern kerbline of the A423 at Kennington Roundabout.
2	Abingdon Road	(a) West side, from the northern kerbline of the A423 at Kennington Roundabout to the common boundary of Nos. 252 and 254 Abingdon Road. (b) West side, from a point 6 metres north of the common boundary of Nos. 248 and 250 Abingdon Road to the common boundary of Nos. 232 and 234 Abingdon Road. (c) West side, from a point 4 metre north of the common boundary of Nos. 210 and 212 Abingdon Road to a point 1 metre north of the common boundary of Nos. 194 and 200 Abingdon Road. (d) West side, from a point 10 metres north of the common boundary of Nos. 194 and 200 Abingdon Road to a point 7 metres north of the common boundary of Nos. 188 and 190 Abingdon Road. (e) West side, from a point 310 metres north of the common boundary of Nos. 188 and 190 Abingdon Road to a point 4 metres south of the common boundary of Nos. 116 and 118 Abingdon Road. (f) West side, from a point 4 metres north of the common boundary of Nos. 114 and 116 Abingdon Road to a point 7 metres north of that common boundary. (g) West side, from a point 4 metres north of the common boundary of Nos. 112 and 114 Abingdon Road to point 1 metre north of the common boundary of Nos. 62 and 64 Abingdon Road. (h) West side, from a point 2 metres north of the common boundary of Nos. 48 and 50 Abingdon Road to its junction with Thames Street.
3	Abingdon Road (commonly called Old Abingdon Road)	Both Sides; From its junction with Abingdon Road A4144 in a south-westerly direction to the City boundary at its junction with Kennington Road.

Part 2

No Waiting
7.30am — 6.30pm, Monday to Saturday

(1) Item No.	(2) Road Name	(3) Length of Road
1	Abingdon Road	<p>(a) West side, from a point 4 metres south of the common boundary of Nos. 116 and 118 Abingdon Road to a point 4 metres north of the common boundary of Nos. 114 and 116 Abingdon Road.</p> <p>(b) West side, from a point 8 metres north of the common boundary of Nos. 114 and 116 Abingdon Road to a point 4 metres north of the common boundary of Nos. 112 and 114 Abingdon Road.</p> <p>(c) West side, from a point 1 metre north of the common boundary of Nos. 62 and 64 Abingdon Road to a point 2 metres north of the common boundary of Nos. 48 and 50 Abingdon Road.</p>

SCHEDULE 3

Designated Parking Places

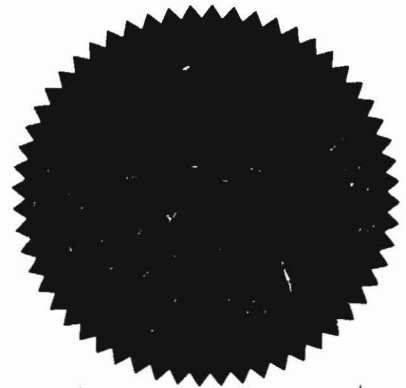
Midnight to 7.30am, 9.30am to 4.30pm and 6.30pm to Midnight, Monday to Saturday and all day Sunday

(1) Item No.	(2) Road Name	(3) Length of Road
1	Abingdon Road	(a) West side, from the common boundary of Nos. 252 and 254 Abingdon Road to a point 6 metres north of the common boundary of Nos. 248 and 250 Abingdon Road. (b) West side, from the common boundary of Nos. 232 and 234 Abingdon Road to a point 4 metres north of the common boundary of Nos. 210 and 212 Abingdon Road. (c) West side, from a point 1 metre north of the common boundary of Nos. 194 and 200 Abingdon Road to a point 10 metres north of the common boundary of Nos. 194 and 200 Abingdon Road. (d) West side, from a point 7 metres north of the common boundary of Nos. 188 and 190 Abingdon Road to a point 30 metres north of the common boundary of Nos. 188 and 190 Abingdon Road.

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

P. G. C. C. W.

County Solicitor /Designated Officer



379/08