

THE OXFORDSHIRE COUNTY COUNCIL
(CHERWELL DRIVE SERVICE ROAD OXFORD)
(PROHIBITION OF WAITING AND DESIGNATED PARKING) ORDER 2008

INDEX

PART 1 - GENERAL

Article No:

1. Citation and Commencement
2. Definitions
3. Interpretation

PART II – PROHIBITION OF WAITING

4. Prohibition of Waiting
5. Exemptions - General
6. Exemptions – Disabled Persons' Vehicles

PART III – TIMED PARKING PLACES

7. Designation of Parking Places - Timed
8. Restrictions on Waiting - General
9. Time Restrictions on Waiting
10. Exemptions - General
11. Exemptions - Motor Cycle
12. Exemptions - Disabled Persons Vehicle
13. Timing
14. Restrictions - parking

15. Restriction - Trading
16. Removal and Moving of Vehicles
17. Suspension of Use of a Parking Place
18. Marking of Parking Places

PART IV – MISCELLANEOUS

19. Carers Permit Order
20. Contraventions

SCHEDULE 1

NO WAITING AT ANY TIME

SCHEDULE 2

TIME LIMITED PARKING PLACES

**THE OXFORDSHIRE COUNTY COUNCIL
(CHERWELL DRIVE SERVICE ROAD OXFORD)
(PROHIBITION OF WAITING AND DESIGNATED PARKING) ORDER 2008**

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), 45, 46, 49(4) and 53 of the Road Traffic Regulation Act 1984 ("the Act") 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, make the following Order.

PART 1
GENERAL

Citation and Commencement

1. This Order shall come into operation on the 27th October 2008 and may be cited as "The Oxfordshire County Council (Cherwell Drive Service Road Oxford) (Prohibition of Waiting and Designated Parking) Order 2008.

Definitions

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

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

"Civil Enforcement Officer" means a person authorised under Section 76 TMA to undertake enforcement of parking contraventions (as defined in TMA)

"Controlled Length" means a length of road where waiting is not permitted or is restricted (as indicated by a Traffic Sign/Marking where requisite) 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 Persons 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 Persons 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 Parts III of this Order;

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

"Penalty Charge" means a penalty charge imposed further to Part 6 of TMA as set by Oxfordshire County Council further to Paragraph 3 of Schedule 9 to TMA.

"Penalty Charge Notice" means a notice issued by a Civil Enforcement Officer pursuant to regulations made further to Part 6 of TMA;

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

"Prescribed Hours" means in relation to any length of road specified in Schedule 2, 8.00am to 6.30pm Monday to Saturday inclusive (but excluding Christmas Day, Good Friday or any Bank Holiday)

"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 prescribed in Regulation 4 (2) of the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"Restricted Hours" means in relation to any Restricted Road the whole of 24 hours of every day.

"Restricted Road" means any length of road specified in Schedule 1 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;

"TMA" means the Traffic Management Act 2004

"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

Interpretation

3. (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
PROHIBITION OF WAITING

Prohibition of Waiting

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

Exemptions

5. Nothing in Article 4 of this Order will apply to any vehicle waiting during the Restricted Hours in any Restricted Road for so long only as may be necessary in any of the following circumstances:
- (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 adjoining 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 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 situated on or adjoining that road;
 - (7) 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 Parking Place while such gate or other barrier is being opened or closed;
 - (8) 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;
 - (9) 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 adjoining that road
 - (b) undertaking works (including inspection) in relation to that road or to a traffic sign, street lighting or street furniture at or adjoining that road;
 - (b) 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 adjoining that road;

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

Exemptions – Disabled Persons Vehicles

6. Nothing in Article 4 of this Order will apply to any vehicle waiting in any Restricted Road during the Restricted Hours if the vehicle is a Disabled Persons Vehicle which displays lawfully in the Relevant Position a Disabled Persons 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 **TIMED PARKING PLACES**

Designation Of Parking Places - Timed

7. Each of the lengths of road specified in Schedule 2 to this Order is authorised to be used subject to the provisions of Part III of this Order as a parking place for Permitted Vehicles.

Restriction on Waiting

8. No person is to cause or permit a vehicle to wait in a Parking Place during the Prescribed Hours unless:

(1) it is parked with every part of the vehicle on the carriageway and so that it is entirely within the limits of the Parking Place as marked unless an exemption as specified in Article 11 applies; and

(2) for a Motor Cycle it is parked so that it is perpendicular to the kerb

Time Restriction on Waiting

9. Save as provided in Articles 10, 11 and 12 (Exemptions) no person is to cause or permit any vehicle to wait during the Prescribed Hours in any Parking Place:

(1) for a period longer than two hours, or

(2) if a period of less than one hour has elapsed since the termination during Prescribed Hours of the parking of the vehicle in the same Parking Place.

Exemptions - General

10. Nothing in Articles 8 and 9 will apply to a vehicle waiting in a Parking Place for so long only as may be necessary if
- (1) the vehicle is a police vehicle 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 being used for fire brigade purposes;
 - (4) the vehicle is waiting to enable a person to board or alight from the vehicle;
 - (5) the vehicle is waiting for the purpose of loading or unloading Goods at premises on or adjoining that Parking Place;
 - (6) the vehicle is waiting for the collection of waste from premises situated at or adjoining that Parking Place;
 - (7) the vehicle is being used for the removal of furniture or effects to or from any shop, office or other premises at or adjoining that Parking Place and the furniture and effects cannot reasonably be removed outside the Permitted Hours [provided permission of the Council, a Civil Enforcement Officer or police officer in uniform has been obtained];
 - (8) the vehicle is in the service of or employed by a Universal Service Provider or being used for the purpose of loading, unloading, delivering or collecting Postal Packets at premises or posting boxes adjoining that Parking Place;
 - (9) 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 Parking Place while such gate or other barrier is being opened or closed;
 - (10) 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;
 - (11) the vehicle is being used in connection with any of the following purposes and cannot conveniently be so used without waiting in a Parking Place;
 - (a) removing any obstruction to traffic in or adjoining that Parking Place;
 - (b) undertaking works (including inspection) in relation to that Parking Place or any adjoining road or to a traffic sign, street lighting or street furniture at or adjoining that Parking Place;

- (c) undertaking works in relation to a sewer or water main or in relation to the supply of gas, electricity, water or communication services in or adjoining that Parking Place;
- (d) the vehicle is being used in connection with a funeral associated with premises at or adjoining that Parking Place and it 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.

Exemption – Motor Cycle

11. Nothing in Article 9 will apply to a Motor Cycle parked in accordance with Article 8 of this Order.

Exemptions – Disabled Persons Vehicle

12. Nothing in Articles 8 or 9 will apply to a vehicle if it is a Disabled Persons Vehicle which lawfully displays in the Relevant Position a Disabled Persons Badge.

Timing

13. Where a vehicle, having been left in a Parking Place, remains there at the beginning of the Prescribed Hours, then the vehicle will be treated as if it had arrived in the Parking Place at the beginning of the Prescribed Hours.

Restrictions on Use

- 14. The Driver of the 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.
- 15. 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 save where the vehicle is being used for street trading further to and in accordance with a Street Trading Consent.

Removal and Moving of Vehicles

- 16. (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 Parts III – VIII 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 16 (1) or 16 (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

- 17. (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 adjoining the Parking Place;
 - (c) for works to the road or a traffic sign in or adjoining 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 adjoining the Parking Place;
 - (e) for the convenience of occupiers of premises adjoining the Parking Place on any occasion for the removal of furniture or household effects to or from a shop, office or other premises;
 - (f) on any occasion on which 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 adjoining 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 17(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/Marking indicating that waiting by vehicles is prohibited.
- (3) Save as provided in Article 17(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/Marking placed pursuant to Article 17(2).
- (4) Nothing in Article 17 (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 17(1) (b) (building works), 17(1) (c) (road works), 17(1) (d) (works to services), 17(1) (e) (furniture removal) or 17(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;
- (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.

Marking of Parking Places

18. The limits of each Parking Place will be indicated by the Council on the carriageway in the vicinity by appropriate Traffic Signs/Markings.

PART IV **MISCELLANEOUS**

Carers Permit Order

19. The Carers Permit Order is applied to this Order so that nothing in this Order will prohibit or restrict a vehicle from waiting in accordance with the provisions of that Order.

Contraventions

20. (1) If a vehicle is left at any time in contravention of any provision 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 then be issued by a Civil Enforcement Officer

GIVEN UNDER the Common Seal of the Oxfordshire County Council
this 20th day of October 2008.

SCHEDULE 1

NO WAITING AT ANY TIME

1. Cherwell Drive Service Road – Northeast side

- (a) from the south-eastern boundary of No.2 Cherwell Drive in a south-easterly direction to the junction with Copse Lane a distance of 8 metres
- (b) from a point 19 metres northwest of the south-eastern boundary of No.2 Cherwell Drive in a north-westerly direction for 3.5 metres
- (c) from a point 71 metres northwest of the south-eastern boundary of No.2 Cherwell Drive in a north-westerly direction for 4 metres
- (d) from a point 80 metres northwest of the south-eastern boundary of No.2 Cherwell Drive in a north-westerly direction to the junction with Marsh Lane a distance of 15 metres

2. Cherwell Drive Service Road – Southwest side

- (a) from a point opposite the south-eastern boundary of No.2 Cherwell Drive in a south-easterly direction to the junction with Copse Lane a distance of 8 metres.
- (b) from a point 19 metres north-west of a point opposite the south-eastern boundary of No.2 Cherwell Drive in a north-westerly direction for 3.5 metres.
- (c) from a point 85 metres north-west of a point opposite the south-eastern boundary of No.2 Cherwell Drive in a north-westerly direction to the junction with Marsh Lane a distance of 10 metres.

SCHEDULE 2

TIME LIMITED PARKING PLACES

Two hours with no return within one hour

8.00am to 6.30pm Monday to Saturday inclusive

1. Cherwell Drive Service Road – North East side

- (a) from the south-eastern boundary of No.2 Cherwell Drive in a north-westerly direction for a distance of 19 metres

- (b) from a point 22.5 metres north-west of the south-eastern boundary of No.2 Cherwell Drive in a north-westerly direction for 48.5 metres
- (c) from a point 75 metres north-west of the south-eastern boundary of No.2 Cherwell Drive in a north-westerly direction for 5 metres

2. Cherwell Drive Service Road – South West side

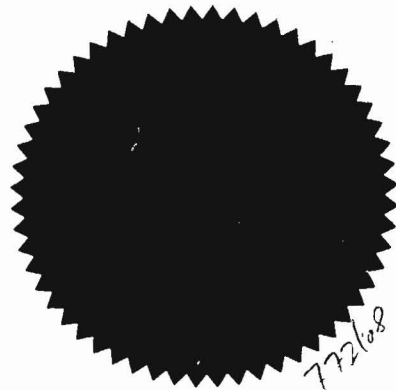
- (a) from a point opposite the south-eastern boundary of No.2 Cherwell Drive in a north-westerly direction for a distance of 19 metres
- (b) from a point 22.5 metres north-west of a point opposite the south-eastern boundary of No.2 Cherwell Drive in a north-westerly direction for 62.5 metres

There are excluded from the above length of road any Disabled Persons Parking Places and any Controlled Length.

THE COMMON SEAL OF THE OXFORDSHIRE COUNTY COUNCIL
was affixed to this Deed in the presence of:

Carol Wuth

County Solicitor/Designated Officer



CERTIFIED A TRUE COPY
N. Haweser
pp. P. G. Clark.
COUNTY SOLICITOR
OXFORDSHIRE COUNTY COUNCIL

