

THE OXFORDSHIRE COUNTY COUNCIL

(CARERS' PERMIT) ORDER 2010

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

PART 1

GENERAL

Citation and Commencement

1. This Order shall come into operation on 13 December 2010 and may be cited as "The Oxfordshire County Council (Carers' Permit) Order 2010".

Definitions

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

"Carers' Permit" means a permit issued by the Council and allocated by the PCT to a Community Based Health Care Professional under the

provisions of this Order to park a Permitted Vehicle as provided for in Parts II and III of this Order;

"Car Club Parking Places" means the parking places designated by the Oxfordshire County Council (Oxford – Car Club Parking Places) Order 2010 as amended from time to time

"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);

"Controlled Length" means a length of road where waiting is not permitted (as indicated by a traffic sign or marking where requisite) further to any act, order, regulation, by law 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;

"Community Based Health Care Professional" means an appropriately qualified person, employed by the PCT whose work duties involve the provision of health care direct to patients of a Medical Practice.

"Disabled Persons Parking Places" means the disabled persons parking places designated by the Oxfordshire County Council (Disabled Persons Parking Places – Oxford) Order 2007 as amended from time to time

"Driver" means the person driving the vehicle at the time it was parked;

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

"Medical Practice" means a health centre or surgery with one or more registered medical practitioners (as defined in the Interpretation Act 1978) providing medical health care from such premises;

"Orders" means the orders set out in the Schedule to this Order;

"Parking Place" means any length of road authorised to be used as a parking place by any of the Orders but excluding:-

- (a) any vehicle loading bay
- (b) any parking place designated for use by bicycles or motorcycles
- (c) any Disabled Persons' Parking Places
- (d) any Car Club Permit Holders Parking Places
- (e) any parking places designated for public service vehicles
- (f) any parking place designated for use for police operational purposes

"PCT" means Oxfordshire Primary Care Trust or any successor body or bodies to its functions which has been approved by the Council to allocate Carers' Permits for the purposes of this Order;

"Penalty Charge" means a penalty charge imposed further to Part 6 of the Traffic Management Act 2004 and set by Oxfordshire County 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;

(a) "Permitted Vehicle" means 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 according to the manufacturer's specification does not exceed 2 metres, whose length according to the manufacturer's specification does not exceed 5 metres and whose width according to the manufacturer's specification 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 (being a vehicle drawn by a mechanically propelled vehicle intended or adapted for use on roads); 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 (being a vehicle drawn by a mechanically propelled vehicle intended or adapted for use on roads) which is constructed or adapted for the carriage of goods of any description

(b) a motor cycle being a mechanically propelled vehicle with fewer than four wheels of which the weight unladen does not exceed 410 kilograms

"Relevant Position" means the position where a Carers' Permit is to be displayed on a vehicle so that the permit is readily visible and legible from the front or near side of the vehicle

"Restricted Road" means any length of road which by virtue of the provisions of any Order is subject to any prohibition or restriction on waiting but excluding;

(a) any such length of road which is subject to a prohibition on loading and unloading (including any urban clearway) during the period of such prohibition

(b) any length of road which may be used only by buses (or a particular description of bus) and where applicable some other class or classes of vehicular traffic during the period of such restriction

For the avoidance of doubt a Restricted Road excludes any Controlled Length;

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.

Timing

4. Where a vehicle, having been left in a Parking Place or a Restricted Road, remains there at the beginning of the period when the prohibition or restriction on waiting or as applicable controls relating to parking apply, then the vehicle will be treated as if it had arrived in that Parking Place or as applicable Restricted Road at the beginning of such period.

PART II

WAITING RESTRICTIONS – AUTHORISED USE

Restriction on Waiting – Exemption

- 5 Nothing in the provisions of any Order in so far as they prohibit or restrict waiting in any Restricted Road will apply to any vehicle if it is not reasonably practicable for the vehicle to wait other than in that location and the vehicle is not causing an obstruction and where the following conditions apply:

- (1) when the vehicle is so parked for the purpose of visiting a person who is a patient of a Medical Practice or who requires a visit

because of his medical condition; and

- (2) a valid Carers' Permit is displayed in the Relevant Position; and
- (3) the period of waiting does not exceed 3 hours provided that this period of exempted waiting does not begin less than 3 hours after a previous period of exempted waiting by the same vehicle in the same road on the same day

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 an obstruction.

The Orders are varied accordingly.

PART III

AUTHORISED USE – PARKING PLACES

- 6 Nothing in the provisions of any Order so far as they prohibit or restrict parking in any Parking Place will apply to any vehicle waiting in a Parking Place if it is not reasonably practicable for the vehicle to wait other than in that location and the vehicle is not causing an obstruction and where the following conditions apply:

- (1) when the vehicle is so parked for the purpose of visiting a person who is a patient of a Medical Practice or who requires a visit because of his medical condition; and
- (2) a valid Carers' Permit is displayed in the Relevant Position; and
- (3) the period of waiting does not exceed 3 hours provided that this period of exempted waiting does not begin less than 3 hours after a previous period of exempted waiting by the same vehicle in the same road on the same day.

The Orders are varied accordingly.

- 7 For the avoidance of doubt the provisions of any Order relating to Parking Places which require engines to be stopped and/or set out how the vehicle is to be parked on the carriageway or as applicable partly on the carriageway or partly on the footway and/or provide for the removal or moving of vehicles and/or the suspension of use of the Parking Place are not varied in any way by this Order.

PART IV

CARERS' PERMIT SCHEME

Application

- 8 The PCT may apply to the Council for the issue of Carers' Permits for the use by any Community Based Health Care Professional for the leaving,

subject to the provisions of this order, of any Permitted Vehicle in a Restricted Road or a Parking Place where this is necessary for the purpose of visiting a person who is a patient of a Medical Practice or who requires a visit because of a medical condition or to provide health care or advice at premises other than their normal work-base and it is not reasonably practicable for the vehicle to wait other than in that location and the vehicle is not causing an obstruction.

Permit Terms

9. (1) No person is to cause or permit a Carers' Permit to be displayed on a vehicle, when the vehicle is parked in a Restricted Road or Parking Place during any period when a prohibition or restriction on waiting applies or as applicable when controls on parking apply, unless it is necessary for the vehicle to be parked there for the purpose of visiting a person who is a patient of a Medical Practice or who requires a visit because of a medical condition and it is not reasonably practicable for the vehicle to wait other than in that location and the vehicle is not causing an obstruction.
- (2) A Carers' Permit shall be valid for a period up to 24 months
- (3) The Council will fix a day when each Carers' Permit will cease to be valid

(4) There is no charge for a Carers' Permit

(5) The PCT may only allocate the Carers' Permits issued to them to Community Based Health Care Professionals for use as
- provided in this Order and on the conditions that :

(a) a Carers' Permit is surrendered if the Community Based Health Care Professional to whom it was allocated ceases to be employed by the PCT for the provision of health care direct to patients

(b) a Carers' Permit will be surrendered straightaway if mutilated or accidentally defaced or figures or particulars on it have become illegible or the colour of the Carers' Permit becomes altered by fading or otherwise

(c) if a Carers' Permit is lost or destroyed this is reported to the PCT straightaway

Application Process

10. (1) An application for a Carers' Permit must be made on a form issued by and obtainable from the Council and must include the particulars and information required by such form.

(2) The Council may require the applicant for a Carers' Permit to produce such evidence in respect of an application as it may reasonably require to verify any particulars or information given to it.

(3) If the Council is satisfied that the applicant is the PCT and the information and particulars required to be supplied by the application form have been supplied to the satisfaction of the Council and the Council is satisfied generally as to the completed application form, the Council shall issue a Carers' Permit.

(4) The Council may at any time require the PCT or a Community Based Health Care Professional to produce such evidence in respect of any Carers' Permits issued by the Council as may reasonably be required to verify its validity.

Penalty Formalities

11. (1) Each Carers' Permit will include the following particulars:-

(a) the period during which, subject to the provisions of Article 12 of this Order, the Carers' Permit may be used;

(b) an indication that the Carers' Permit has been issued by the Council;

(c) a number letter or mark which constitutes a unique identifier for that Carers' Permit .

(2) A Carers' Permit must be displayed in the Relevant Position.

Surrender and Withdrawal of a Carers' Permit – Validity of a Carers' Permit

12. (1) The PCT may surrender a Carers' Permit to the Council at any time.

(2) A Carers' Permit will cease to be valid on the earliest of the following:-

(a) the expiration of the period on it;

(b) the Community Based Health Care Professional to whom a Carer's Permit has been allocated ceasing to be employed by the PCT for the provision of health care direct to patients of a Medical Practice ; and

(c) as provided by Article 12 (6).

(3) (1) The PCT must surrender a Carers' Permits allocated to a Community Based Health Care Professional on ceasing to employ that person for the provision of health care direct to patients of a Medical Practice

(2) The PCT must surrender a Carers' Permit issued to it on the issue of a replacement Carers' Permit;

(4) If it appears to the Council that any of the events specified in Article 12 (3) has occurred the Council may by written notice addressed to the PCT and sent by first class post to or delivered to the address shown on the application form for the Carers' Permit(s) or to the principal office of the PCT withdraw a Carers' Permit(s) and the PCT must surrender a Carers' Permit(s) to the Council within three days of the date of posting or as applicable delivery of such notice.

(5) If it appears to the Council that any of the provisions contained in this Order is being or has been abused (including sale or attempted sale of a permit or the alteration or attempted alteration of a permit) or is not being complied with respecting the use of a Carers' Permit or application for it, the Council may by giving notice as provided in Article 12 (4) withdraw all or any of the Carers' Permits and it must surrender such Carers' Permits to the Council within three days of the date of posting or as applicable delivery of such notice.

- (6) Where notice is given further to Article 12 (5) the relevant Carers' Permits will cease to be valid at the end of the third day following the date of posting or as applicable delivery of the notice.

Records

13. The PCT must keep written records of the Carers' Permits allocated by it to Community Based Health Care Professionals by reference to the date of allocation the unique identifier of relevant Carers' Permit the person to whom it was allocated and of the Medical Practice from which the recipient operates and its records must be available for inspection by the Council at all reasonable times.

Replacement Permit

14. (1) A Carers' Permit will become invalid if it is mutilated or accidentally defaced or the figures or particulars on it have become illegible or the colour of the Carers' Permit has become altered by fading or otherwise, and the PCT will either surrender it to the Council or apply to the Council for the issue of a replacement Carers' Permit by completing the application form obtainable from the Council in accordance with 14 (2)

- (2) A Carers' Permit will become invalid if it is lost or destroyed and the PCT may apply to the Council for the issue of a replacement Carers' Permit and the Council upon being satisfied as to such loss or destruction or as applicable as to mutilation or as otherwise provided in article 14(1) shall issue a replacement Carers' Permit so marked.
- (3) The provisions of this part of this Order will apply to a replacement Carers' Permit or an application for it as if it were an original permit or as the case may be an application for it.

PART V

REVOCATION AND AMENDMENT OF ORDERS

Revocation and Amendment

15. The City of Oxford and Parish of North Hinksey (Carers' Permit) Order 1999 is hereby revoked.
16. The Orders listed in Part A of Schedule 1 are varied so that the definition in each Order of Carers' Permit Order is deleted and replaced by the following;

"Carers' Permit Order" means the Oxfordshire County Council (Carers' Permit) Order 2010 as amended from time to time.

Given under the Common Seal of the Oxfordshire County Council

this 5th day of December 2010

SCHEDULE

PART A

Orders which make reference to the Carers` Permit Order

The Oxfordshire County Council (South Oxford) (Controlled Parking Zone and Waiting Restrictions) Consolidation Order 2009;

The Oxfordshire County Council (West Oxford & Osney Mead) (Controlled Parking Zone and Waiting Restrictions) Consolidation Order 2009, as amended;

The Oxfordshire County Council (Girdlestone Road) (Controlled Parking Zone and Waiting Restrictions) Order 2006, as amended;

The Oxfordshire County Council (Headington North East) (Controlled Parking Zone and Waiting Restrictions) Order 2006, as amended;

The Oxfordshire County Council (Headington Quarry) (Controlled Parking Zone and Waiting Restrictions) Order 2006, as amended;

The Oxfordshire County Council (The Lakes, Headington) (Parking Zone and Waiting Restrictions) Order 2007, as amended;

The Oxfordshire County Council (Northway Headington) (Parking Zone and Waiting Restrictions) Order 2007, as amended;

The Oxfordshire County Council (Cherwell Drive Service Road Oxford) (Prohibition of Waiting and Designated Parking) Order 2008;

The Oxfordshire County Council (Marston South) (Controlled Parking Zone and Waiting Restriction) Order 2007, as amended;

The Oxfordshire County Council (North Summertown) (Controlled Parking Zone and Waiting Restrictions) Order 2007, as amended

The Oxfordshire County Council (East Oxford) (Controlled Parking Zone Waiting Restrictions and Traffic Management) Order 2010

PART B

Other Orders

The Oxfordshire County Council (Oxford Central Area) (Controlled Parking Zone) (Consolidation) Order 2003, as amended;

The Oxfordshire County Council (City of Oxford) (Central Area) (Traffic Management) (Consolidation) Order 2003, as amended;

The Oxfordshire County Council (Various Streets, East Oxford) (Traffic Regulation) Order 2002, as amended

The Oxfordshire County Council (Frys Hill) (Oxford) (Controlled Parking Zone) Order 2005, as amended;

The Oxfordshire County Council (Brake Hill) (Oxford) (Controlled Parking Zone) Order 2005, as amended;

The Oxfordshire County Council (Blackbird Leys West) (Oxford) Controlled Parking Zone () Order 2005, as amended;

The Oxfordshire County Council (Minchery Farm) (Oxford) (Controlled Parking Zone) Order 2005, as amended;

The Oxfordshire County Council (Oxford) (Grenoble Road) (Permitted Parking and Prohibition of Waiting) Order 2003, as amended;

The Oxfordshire County Council (Oxford, Sandy Lane West) (Prohibition and Restriction of Waiting) Order 2003, as amended;

The Oxfordshire County Council (Cowley Road, Oxford) (Traffic Regulation) Order 2005, as amended;

The Oxfordshire County Council (Abingdon Road, Oxford Traffic Management) Order 2008;

The Oxfordshire County Council (Harcourt Hill, North Hinksey) (Prohibition and Restriction of Waiting) Order 2001, as amended;

The Oxfordshire County Council (Headington Central) (Controlled Parking Zone and Various Restrictions) Order 2005, as amended;

The Oxfordshire County Council (Oxford, Horspath Road) (Prohibition of Waiting) Order 2008;

The Oxfordshire County Council (North Oxford) (Controlled Parking Zone and Various Restrictions) Order 2004, as amended;

The Oxfordshire County Council (Summertown) (Controlled Parking Zone and Various Restrictions) Order 2004, as amended;

The Oxfordshire County Council (Walton Manor, Oxford) (Parking Places and Traffic Management) (Consolidation) Order 2003, as amended;

The Oxfordshire County Council (Various Streets, North Hinksey, Oxford) (Waiting Restrictions) Order 2009.

The Oxfordshire County Council (Various Streets, Oxford) (Waiting and Loading Restrictions) Consolidation Order 2009.

The City of Oxford (Cleveland Drive, Gerard Place and St. Omer Road) (Traffic Management and Parking) Consolidation Order 1997, as amended;

The City of Oxford (Various Streets Cowley Area) (Traffic Regulation) Consolidation Order 1997, as amended;

The City of Oxford (Donnington Area) (Traffic Management) Consolidation Order 1997; (Donnington Area) (Traffic Management) Consolidation Order 1997, as amended;

The City of Oxford (Lake Street and Vicarage Road Area) (Traffic Management & Parking) Consolidation Order 1997, as amended;

The City of Oxford (New Hinksey Area) (Traffic Management) Order 1999, as amended;

The City of Oxford (Headington West) (Controlled Parking Zone) Order 2000, as amended;

The City of Oxford (Norham Manor) (Controlled Parking Zone) Order 1999 as amended; (Jericho) (Parking Places and Controlled Parking Zone) Order 2000, as amended;

The City of Oxford (The Waterside) (Controlled Parking Zone) Order 2001, as amended;

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



Simon Gamm

County Solicitor /Designated Officer

962/10