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THE CITY OF PLYMOUTH (PROHIBITION OF LOADING/UNLOADING AND CLEARWAYS) (CONSOLIDATION) ORDER 2001

The Council of the City of Plymouth (hereinafter referred to as "the Council") in exercise of their powers under the relevant Sections of the Road Traffic Regulation Act 1984, and the relevant Sections of Road Traffic Act 1991 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 of 1984, hereby make the following Order:

PART A

COMMENCEMENT AND CITATION

1. (A) This Order shall come into operation on the 1st day of April 2001 and may be cited as "The City of Plymouth (Prohibition of Loading/Unloading and Clearways) (Consolidation) Order 2001".

INTERPRETATION

- (B) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"The Act of 1984" means the Road Traffic Regulation Act 1984 (as amended);

"The Act of 1991" means the Road Traffic Act 1991.

"buses" has the same meaning as in Regulation 22(2) of the Traffic Signs Regulation and General Directions 1994 and bus shall be construed accordingly;

"bus stop area" means an area of carriageway of a specified road, intended for the waiting of buses, which is comprised within and indicated by a road marking complying with either diagram 1025.1; or 1025.3 in Schedule 6 and sign dia 974 in Schedule 5 of the Traffic Signs Regulations and General Directions;

"carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

"delivering" and "collecting" in relation to any goods include checking the goods for the purpose of their delivery or collection;

"owner" in relation to any vehicle failing to comply with the regulations specified in this Order shall be that person or organisation to whom the said vehicle is registered with the DVLC;

"goods" includes postal packets of any description;

"hackney carriage" has the meaning as in the Town Police Clauses Act 1847 and The Local Government (Miscellaneous Provisions) Act 1976;

"junction" means the meeting point of the respective kerb lines of the roads referred to and, where appropriate, measurements shall be taken from the point of intersection of the respective kerb lines as projected;

PART A

Interpretation

"lay-by" means an area of carriageway intended for the waiting of vehicles and bounded partly by a traffic sign of the type shown in diagram 1010 in schedule 6 to the Traffic Signs Regulations and General Directions 1994 and partly by the verge or outer edge of the carriageway.

"main carriageway" means any carriageway used primarily by through traffic, includes any carriageway of a slip road, but excludes any lay-by;

"Offices of the Council" shall mean the place mentioned on the rear of the Penalty Charge Notice;

"penalty charge" means an amount payable under the terms specified in Part C to this Order;

"Parking Attendant" means a person authorised by or on behalf of the Council to supervise any parking place or regulation in this Order;

"road" means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes;

"restricted road" means any of the roads, lengths of road or sides of road specified in any of the Schedules to this Order;

"trade license" has the same meaning as in Section 16 of the Vehicles (Excise) Act 1971;

"trade plate" has the same meaning as in Part V of the Road Vehicles (Registration and Licensing) Regulations 1971;

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, section 64 of the Act of 1984;

"verge" means any part of a road which is not a carriageway;

(1) In this Order, except where the context otherwise requires:

- a) any reference to a numbered Article or a numbered Schedule is a reference to the Article or Schedule bearing that number in this Order,
- b) any reference to a numbered or lettered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph bearing that number or letter in the Article or Schedule or (in the case of a sub-paragraph) paragraph in which the reference occurs, and
- c) any reference to a Table, or to a numbered Table, is a reference to the Table, or to the Table bearing that number, in the Article or Schedule in which that reference occurs.

(2) The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made under or having effect as if made under the Road Traffic Regulation Act, 1984 or by or under any other enactment.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

PART A
Interpretation

(4) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART B

**PROHIBITIONS AND RESTRICTIONS ON THE LOADING OR UNLOADING OF
VEHICLES**

PROHIBITION OF LOADING AND UNLOADING

2. The loading and unloading of goods from any vehicle is prohibited on those roads or lengths of road specified and at the times specified in the various Parts to the **First and Second Schedules** to this Order as defined below.

FIRST SCHEDULE **at any time** in any length of restricted road specified in the First Schedule to this Order;

SECOND SCHEDULE

- | | |
|---------|---|
| PART 1 | between the hours of 8am and 6pm on Mondays to Saturdays in any of the lengths of restricted road specified in Part 2 of the Second Schedule to this Order; |
| PART 2 | between the hours of 7.00am and 10.00am and between the hours of 4.00pm and 7.00pm in any of the lengths of restricted road specified in Part 2 of the Second Schedule to this Order; |
| PART 3 | between the hours of 3.45pm and 6.00pm on Mondays to Saturdays in any of the lengths of restricted road specified in Part 3 of the Second Schedule to this Order; |
| PART 4 | between the hours of 8.00am and 9.15am on Mondays to Saturdays in any of the lengths of restricted road specified in Part 4 of the Second Schedule to this Order; |
| PART 5 | between the hours of 7am and 7pm on any day in any of the lengths of restricted road specified in Part 5 of the Second Schedule to this Order; |
| PART 6 | between the hours of 8am and 9.15am and 3.45pm and 6pm on Mondays to Saturdays in any of the lengths of restricted road specified in Part 6 of the Second Schedule to this Order; |
| PART 7 | at any time Mondays to Saturdays (inclusive) in any of the lengths of restricted road specified in Part 7 of the Second Schedule to this Order; |
| PART 8 | between the hours of 8am and 9.30am and 3.45pm and 6pm on any day in any of the lengths of restricted road specified in Part 8 of the Second Schedule to this Order; |
| PART 9 | between the hours of 9am and 6pm on Mondays to Saturdays in any of the lengths of restricted road specified in Part 9 of the Second Schedule to this Order; |
| PART 10 | at any time Sundays to Thursdays (inclusive) on any length of the length of restricted road specified in Part 10 of the Second Schedule to this Order; |

PART B
No Loading /Unloading

PART 11 between the hours of **3.45pm and 6pm on Mondays to Fridays** in any of the lengths of restricted road specified in **Part 11** of the Second Schedule to this Order.

PENALTY CHARGES

3. Failure to comply with the provisions outlined in this Order shall result in the owner of that vehicle being liable to a Penalty Charge in accordance with Part C of this Order.

PART C

PENALTY CHARGES

PENALTY CHARGES

4. If a vehicle is left in any road or length of road contrary to the regulations set out in this Order then an amount of £50 (hereinafter referred to as the "penalty charge") shall be payable for each day or part of a day during which the vehicle is left; and such sum shall be paid within twenty eight days of the date of issue of the notice of such penalty charge. If the last day of the said twenty eight days falls upon a day on which the offices of the Council are closed, the period within which payment of the sum of £50 shall be made to the Council shall be extended until 4.00pm on the next full day on which the said offices are open.

PROVIDED ALWAYS that if within fourteen days following the date the notice of such penalty charge is issued as provided in this Article, the owner or some other person on their behalf pays the sum of £25 to the Council then such lesser sum shall be accepted by the Council in satisfaction of the penalty charge and if the last day of the said fourteen days falls upon a day on which the offices of the Council are closed, the period within which payment of the lesser sum shall be made to the Council shall be extended until 4.00pm on the next full day on which the said offices are open.

5. In the case of a vehicle in respect of which a penalty charge may have been incurred, a Parking Attendant may attach to the vehicle in a conspicuous position a notice which shall include the following particulars:
- a) the vehicle registration number, the make and the colour of the vehicle;
 - b) the detailed location of the vehicle, name of car park, or other description of parking place; street name, side of street, outside or opposite a particular address);
 - c) contravention code and description of contravention;
 - d) time and date of issue;
 - e) PCN number, Attendant's number and Attendant's initials.

Where a notice has been attached to a vehicle in accordance with the provisions of the previous Article no person other than the driver of the vehicle, or a Parking Attendant shall remove the notice from the vehicle unless authorised to do so by the driver of the vehicle.

PART D
Exemptions From Restrictions

PART D

EXEMPTIONS FROM PROHIBITIONS AND RESTRICTIONS

EXEMPTIONS FOR EMERGENCY SERVICES AND POSTAL COLLECTIONS

6. 1) Nothing in this Order shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of that provision would be likely to hinder the use of that vehicle for the purpose for which it is being used on that occasion.

2) Nothing in this Order shall apply to the driver of a of a Royal Mail vehicle being used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953 to wait on those lengths of road specified in Table 6(2) to this Order.

TABLE 6(2)

ROAD NAME	LENGTH OF ROAD
Old Town Street	1) On the west side from the junction with St Andrews Cross for a distance of 60 metres . 2) On the east side from the junction with St Andrews Cross for a distance of 64 metres.
New George Street	On the south side from a point 22 metres west of the junction with Raleigh Street for a distance of 39 metres in a westerly direction

3) Nothing in this order shall apply to the driver of a vehicle being used for the purpose of delivering or collecting temporary market stalls in that length of New George Street specified as a loading bay in The City of Plymouth (Waiting Restriction and Pay and Display Parking Places) Order 2001.

GENERAL EXEMPTION FROM PROHIBITIONS AND RESTRICTIONS

7. Nothing in Article 2 of this Order shall render it unlawful to cause or permit a vehicle to wait in any restricted road, for so long as may be necessary:

a) to enable the vehicle if it cannot conveniently be used for such purposes in any other road, to be used in connection with any of the following operations, namely:

- i) the removal of any obstruction to traffic;
- ii) the maintenance, reconstruction or improvement to the road, or any of the said lengths of road; or
- iii) the laying, erection, alteration or repair in or near any of the said lengths or sides of roads or any sewer or any main, pipe, or apparatus for the supply of gas, water electricity or telecommunications;

b) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of the local authority or a water authority in pursuance of statutory powers or duties;

c) to enable the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953;

PART D
Exemptions From Restrictions

- d) if the vehicle is waiting owing to the driver being required by law to stop; or being prevented from proceeding by circumstances beyond their control or in order to avoid an accident;
- e) if a vehicle is in the process stopping for the express purpose of allowing passengers to board or alight from that vehicle.

EXEMPTIONS FOR BUSES

- 8. (1) Nothing in Article 2 shall render it unlawful to cause or permit a bus when collecting or delivering guests to the Copthorne Hotel to wait on Armada Way for so long as such delivery and collection is required.
- (2) Notwithstanding anything in paragraph (1), the driver of a vehicle waiting for the purposes of delivering or collecting guests shall move the vehicle on the instruction of a police constable in uniform or whenever such moving may be reasonably necessary for the purposes of preventing obstruction

PART E
CLEARWAYS

BUS STOP CLEARWAYS

9. SAVE as provided in Article 11 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform cause or permit any vehicle, other than a bus vehicle, to wait in any area marked, during the specified hours as a bus stop area in the roads or lengths of road specified in the Fourth Schedule to this Order.
10. The Council are satisfied that, for facilitating the passage of vehicular traffic on the specified roads, it is requisite that Section 3 (1) (b) of the Act of 1984 shall not apply to this Order.
11. Except as otherwise provided in Article 12 of this Order, if any provision of Article 9 of this Order conflicts with a provision of any other Article in this Order which grants an exemption from the provision, the provision of Article 9 shall apply.
12. Nothing in Article 11 of this Order shall cause a driver to be liable to a penalty charge by causing or permitting a vehicle, not being a public service vehicle, to wait in a bus stop area:
 - a) if the vehicle is being used for the removal of any obstruction to traffic;
 - b) to enable the vehicle to be used for any of the following purposes and whilst being so used it is necessary for the vehicle to wait in the bus stop area
 - i) in the service of a local authority or a water authority in pursuance of statutory powers or duties;
 - ii) for the maintenance, improvement or reconstruction of the road, of any of the said lengths of road; or
 - iii) for the laying, erection, alteration or repair in or near any of the said lengths or sides of road of any sewer or any main, pipe or apparatus for the supply of gas, water, electricity or telecommunications;
 - c) in the case where the person in control of the vehicle
 - i) is required by law to stop;
 - ii) is obliged to stop so as to prevent an accident;
 - iii) is prevented from proceeding by circumstances beyond their control.

URBAN CLEARWAYS

13. SAVE as provided in Article 15 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform cause or permit any vehicle, to stop or wait at any time in any of the roads or lengths of road specified in the Third Schedule to this Order.

PART E
Clearways

14. The Council are satisfied that, for facilitating the passage of vehicular traffic on the specified roads, it is requisite that Section 3 (1) (b) of the Act of 1984 shall not apply to this Order.
15. Except as otherwise provided in Article 16 of this Order, if any provision of Article 13 of this Order conflicts with a provision of any other Article in this Order which grants an exemption from the provision, the provision of Article 16 shall apply.
16. Nothing in Article 15 of this Order shall cause a driver to be liable to a penalty charge by causing or permitting a vehicle, not being a public service vehicle, to wait in an area covered by an Urban Clearway:
 - a) if the vehicle is being used for the removal of any obstruction to traffic;
 - b) to enable the vehicle to be used for any of the following purposes and whilst being so used it is necessary for the vehicle to wait
 - i) in the service of a local authority or a water authority in pursuance of statutory powers or duties;
 - ii) in connection with any building operation or demolition;
 - iii) in connection with the delivery and collection of postal packets as defined in Section 87 of the Post Office Act 1953;
 - iv) for the maintenance, improvement or reconstruction of the road, of any of the said lengths of road; or
 - v) for the laying, erection, alteration or repair in or near any of the said lengths or sides of road of any sewer or any main, pipe or apparatus for the supply of gas, water, electricity or telecommunications;
 - c) in the case where the person in control of the vehicle
 - i) is required by law to stop;
 - ii) is obliged to stop so as to prevent an accident;
 - iii) is prevented from proceeding by circumstances beyond their control.
 - d) in the case of the laybys contained within the central island of Marsh Mills Roundabout the vehicle is being used in connection with
 - i) traffic signals maintenance;
 - ii) works or survey on the highway; and
 - iii) fire, ambulance or police purposes.
17. No person shall cause or permit any vehicle to wait on any verge or lay-by immediately adjacent to any of the main carriageways comprised in the roads specified in the Third Schedule to this Order for the purpose of selling goods from that vehicle unless the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected.

SCHOOL ENTRANCE CLEARWAYS

PROHIBITION OF STOPPING OUTSIDE SCHOOLS

18. Save as provided in Article 19 of this Order, no person shall, except upon the direction or with the permission of a police constable in uniform cause or permit any vehicle to stop or remain at rest in a school entrance marking during the specified hours on those roads or lengths of road specified in the Fifth Schedule to this Order.
19. Except as otherwise provided in Article 20 of this Order, if any provision of Article 18 of this Order conflicts with a provision of any other Article in this Order which grants an exemption from the provision, the provision of Article 18 shall apply.
20. Nothing in Article 18 of this Order shall render it unlawful for a person to cause or permit a vehicle to wait in a school entrance marking
 - a) if the vehicle is being used for the removal of any obstruction to traffic;
 - b) to enable the vehicle to be used for any of the following purposes and whilst being so used it is necessary for the vehicle to wait on the school entrance marking
 - i) in the service of a local authority or a water authority in pursuance of statutory powers or duties;
 - ii) for the maintenance, improvement or reconstruction of the road, or any of the said lengths of road;
 - iii) for the laying, erection, alteration or repair in or near any of the said lengths or sides of road of any sewer or any main, pipe, or apparatus for the supply of gas, water, electricity or telecommunications;
 - c) in any case where the person in control of the vehicle
 - i) is required by law to stop;
 - ii) is obliged to stop so as to prevent an accident;
 - iii) is prevented from proceeding by circumstances beyond their control;
 - iv) causes the vehicle to proceed in accordance with any restriction or requirement indicated by traffic signs placed pursuant to section 66 or section 67 of the Road Traffic Regulation Act 1984.

INTERPRETATION

21. In this Part of the Order:-

“school entrance marking” means an area of carriageway of a specified road which is contained within the road marking prescribed in Diagram 1027.1 in Schedule 6 of the Traffic Signs Regulation and General Directions 1994, and indicated by the sign prescribed in Diagram 642.2 in Schedule 2 of the Traffic Signs Regulations and General Directions 1994.

“specified road” means any road or length of road or side of road specified in the Fifth Schedule to this Order

PART F

CITATION AND REVOCATION

REVOCATION

22. All Orders referred to in The City of Plymouth (Loading and Clearway Restriction) (Revocation) Order 2001 relating either in their entirety or in part to those restrictions specified in this Order are hereby revoked.

CITATION

Given under the Common Seal of the Council of the City of Plymouth
this 28 day of March, 2001

THE COMMON SEAL OF
THE COUNCIL of THE CITY OF PLYMOUTH was
hereunto affixed in the
presence of :

Solicitor authorised by the Council.