

CITY OF PORTSMOUTH

THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS) (DISABLED PERSONS' PARKING PLACES) (AMENDMENTS) (NO 26) ORDER 2010

The Portsmouth City Council (hereinafter referred to as "the council"), in exercise of the powers under Sections 32, 35, and 36 of the Road Traffic Regulation Act 1984 ("the Act") as amended by the Road Traffic Act 1991 ("the 1991 Act"), the Traffic Management Act 2004 ("the 2004 Act"), the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 ("the 2007 Regulations"), 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, hereby make the following Order:

1 (1) In this Order:

"Disabled Person's Vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000

"Badges Regulations" means the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

"Disabled Person's Badge" has the same meaning as in section 2 of the Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000;

"Parking Permit" means a permit, issued by the Local Authority which allows the permit holder to park in one specific bay.

"Parking Bay or Place" means the area for parking of disabled person's vehicles and indicated by markings on the surface of the road in accordance with diagram 1028.3 in Schedule 6 of "The Traffic Signs Regulations and General Directions 2002"

"Penalty Charge" means an additional parking charge set by the Council under the provisions of Section 78 the 2004 Act and has the same meaning as Section 2 of Part 1 of the 2007 Regulations;

"Penalty Charge Notice" means a notice issued by a Civil Enforcement Officer in accordance with the provisions of Section 78 of the 2004 Act and Section 2 of Part 1 of the 2007 Regulations;

"Permitted Hours" means at any time and without time limit

"Relevant Position" means

- (a) A vehicle displays a disabled person's badge in the relevant position if it is displayed in the manner prescribed by regulation 12 of the Badges Regulations
- (b) A vehicle displays a parking permit in the relevant position if –
 - (i) the parking permit is exhibited on the dashboard or facia of the vehicle; or
 - (ii) where the vehicle does not have a dashboard or facia, the parking permit is exhibited in a conspicuous position of the vehicle.

- (2) Except where otherwise stated, any reference in this Order to a numbered Article or schedule is a reference to the Article or Schedule bearing that number in this Order.
2. The Orders set out in Schedule One are hereby revoked in full.
3. No person shall, except upon the direction or with the permission of a police constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle other than a disabled person's vehicle which displays in the relevant position a disabled person's badge or relevant parking permit to wait in the parking bay or place as described in the schedule hereto;
4. In relation to the parking places described in the second Schedule
- (1) The class of vehicles permitted to use the authorised parking places are disabled persons vehicles which display in the relevant position a disabled persons badge or the relevant parking permit;
- (2) The position in which vehicles may wait shall be parallel or angled to the kerb within the marked parking bays;
- (3) The parking bay or place shall be a minimum of 5 metres in length.
5. (1) Any person authorised by the Council or a police constable in uniform may suspend the use of a Parking Place or any part thereof whenever he considers such suspension reasonably necessary:
- (a) for the purpose of facilitating the movement of traffic or promoting its safety,
- (b) for;
- (i) the purpose of any building operation, demolition, or excavation adjacent to the Parking Place,
- (ii) the maintenance, improvement, or reconstruction of the highway or the cleansing of gullies in or adjacent to the Parking Place,
- (iii) the laying, erection, alteration, or repair in or adjacent to the Parking Place of any sewer or of any main pipe or apparatus for the supply of gas, water, or electricity, or of any telecommunication system, or
- (iv) the placing, maintenance, or removal of any traffic sign,
- (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-place adjacent to the parking place from or to a depository or another office or dwelling-place,
- (d) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed, or
- (e) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals or on other special occasions.
- (2) On the suspension of the use of a parking place or any part thereof in accordance with the provisions of this Article the person authorising or causing such suspension shall place or cause to be placed in or adjacent to

that Parking Place or that part thereof as the case may be a traffic sign or traffic signs indicating that the waiting of vehicles is prohibited.

6. Nothing in Article 2 shall render it unlawful to cause or permit any vehicle to wait in the road, lengths of road and sides of lengths of road referred to therein for so long as may be reasonably necessary to enable:
 - (a) A vehicle of (and bearing a livery used by) a universal service provider within the meaning ascribed by the Postal Services Act 2000 to be used for the purpose of delivering or collecting postal packets in the course of the provision of a universal postal service as defined in that Act
 - (b) A vehicle to be used by a registered Medical Practitioner in the course of his professional duties;
 - (c) The vehicle to be used for Fire Brigade, Ambulance or Police purposes.
7. If a vehicle is left without complying with any of the requirements of this Order then a contravention will have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice may then be issued by a Civil Enforcement Officer, in accordance with the requirements of the 2004 Act.
8. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act, or by or under any other enactment.
9. This Order may be cited as The Portsmouth City Council (Various Road) (Disabled Persons' Parking Places) (Amendments) (No 26) Order 2010 and shall come into operation on 1 November 2010.

THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS)
(DISABLED PERSONS' PARKING PLACES)
(AMENDMENTS) (NO.26) ORDER 2010

SCHEDULE ONE
(See Article 2)

Amendments to Existing Order

The Portsmouth City Council (Consolidated)
Schedule
(Disabled Persons' Parking Places)
longer
(No.15) Order 2010

Delete the following items in the
relating to disabled bays that are no
required:

52, 89, 99, 106, 152, 157, 161, 172, 176,
181, 195, 234, 235, 236, 243, 253, 263,
287, 344, 412, 434, 457, 471, 472, 474,
479, 504, 506, 756, 536, 560, 564, 596,
605, 610, 611, 635, 652, 669, 704, 744,
752, 763, 823, 824, 834, 891, 914, 919,
987, 1002, 1021, 1084, 1117, 1131,
1139, 1155, 1169, 1181, 1184, 1224,
1233, 1237, 1245, 1301, 1324, 1375,
1403, 1442, 1443, 1481, 1519, 1534,
1566, 1613, 1661, 1686, 1689, 1708,
1728, 1732

**SCHEDULE TWO
(See Article 3)**

Disabled Persons' Parking Places

Lengths of Roads and Sides of Lengths of Roads

Parking places are provided for use by the authorised class of vehicle in the correct position. Parts of the road to be used as parking places during permitted hours:

	<u>Road name</u>	<u>Position of parking place</u>
1	Agincourt Road	Outside no. 42
2	Alverstone Road	Outside entrance to no. 54 Carisbrooke Road
3	Austin Court	Outside no. 39
4	Balfour Road	Outside no. 30
5	Beechwood Road	Outside no. 21
6	Binstead Road	Outside no. 112a
7	Bromyard Crescent	Outside no. 25
8	Carnarvon Road	Outside no. 20
9	Carnarvon Road	Outside no. 78
10	Cedar Grove	Outside no. 23
11	Chaucer Avenue	Outside no. 27
12	Chedworth Crescent	Outside no. 23
13	Chedworth Crescent	Outside no. 25
14	Cheltenham Road	Outside no. 44
15	Cheslyn Road	Outside nos. 2-12
16	Chichester Road	Outside no. 94a
17	Childe Square	Outside no. 3
18	Childe Square	Outside no. 12
19	Collingwood Road	Outside no. 72
20	Croft Road	Outside no. 21
21	Cumberland Street	Outside no. 11
22	Deerhurst Crescent	Outside no. 80
23	Deerhurst Crescent	Outside no. 88
24	Dormington Road	Outside no. 27
25	Dunbar Road	Outside no. 20
26	Eastney Street	Alongside no. 40 Cromwell Road
27	Emsworth Road	Outside no. 22
28	Exeter Road	Alongside no. 5 Festing Grove
29	Exmouth Road	Outside no. 23
30	Farlington Road	Outside no. 19

	<u>Road name</u>	<u>Position of parking place</u>
31	Flying Bull Close	10m south of junction with Nessus Street, west side
32	Folkestone Road	Outside no. 96
33	Glasgow Road	Outside no. 90
34	Green Lane	Outside no. 17
35	Greenwood Avenue	Outside no. 47
36	Gruneisen Road	Outside no. 60
37	Guildford Road	Outside no. 154
38	Hatherley Road	Outside no. 4
39	Hayling Avenue	Outside Lindisfarne Court
40	Hayling Avenue	Alongside no. 134 Baffins Road
41	Heron Close	Alongside no. 16 Moorings Way
42	Hewett Road	Outside no. 125
43	Inhurst Road	Outside no. 5
44	Inhurst Road	Outside no. 42
45	Inhurst Road	Outside no. 48
46	Inverness Road	Alongside nos. 54-64 New Road
47	Jenkins Grove	Outside no. 46
48	Kimbolton Road	Outside no. 27
49	Kingsland Close	Third parking bay north east of no. 3
50	Knox Road	Outside no. 62
51	Knox Road	Outside no. 64
52	Langstone Road	Outside no. 47
53	Langstone Road	Outside no. 80
54	Leominster Road	Outside no. 43
55	Liverpool Road	Outside no. 71
56	London Road	Outside no. 372
57	Lower Derby Road	Outside no. 56
58	Lower Derby Road	Outside no. 96/98
59	Lynton Grove	Outside no. 58
60	Malta Road	Outside no. 21
61	Maxwell Road	Outside no. 21
62	Mayfield Road	Outside no. 88
63	Merrivale Road	Outside no. 70
64	Meyrick Road	Outside no. 62/64
65	Napier Road	Opposite no. 24/26
66	Nettlecombe Avenue	Outside no. 3
67	New Road East	Outside no. 20
68	Northern Parade	Outside no. 164
69	Oriel Road	Outside no. 85
70	Penhale Road	Outside no. 62
71	Prince Albert Road	Outside no. 125
72	Queens Road	Outside no. 136
73	Queens Road	Outside no. 327
74	Ringwood Road	Outside no. 70
75	Ripley Grove	Outside no. 5
76	Ripley Grove	Outside no. 6
77	St Andrews Road	Outside no. 81
78	St Barbara Way	South bay outside nos. 26-36

	<u>Road name</u>	<u>Position of parking place</u>
79	St Stephens Road	Outside no. 18
80	Stanley Avenue	Outside no. 125
81	Stanley Road	Outside no. 8
82	Stride Avenue	Outside no. 172
83	Tarleton Road	Alongside no. 14 Winchcombe Road
84	Toronto Road	Outside no. 75
85	Twyford Avenue	Outside no. 315
86	Warwick Crescent	2nd bay north end of bays by Tipton House
87	Wesley Grove	Outside no. 6
88	Whitwell Road	Alongside no. 1 Nettlecombe Avenue
89	Winton Road	Outside no. 15
90	Yorke Street	East disabled bay outside nos. 66-77

Reason for Order

To make all existing disabled bays currently operating on a courtesy basis into bays that can be enforced by the City Council's Civil Enforcement Officers. This will minimise the citywide abuse of these parking bays by non-authorized drivers.

Given under the Common Seal of the Portsmouth City Council this 18th day of October 2010.

THE COMMON SEAL of **THE PORTSMOUTH**)
CITY COUNCIL was hereunto affixed in)
pursuance of a resolution of the Council)
passed at a meeting duly convened and held)

Authorised Signatory