

**THE PORTSMOUTH CITY COUNCIL (SCHOOLS LOCATIONS) (20MPH ZONE, RESTRICTIONS ON WAITING AND STOPPING AND AMENDMENTS) (NO.43A) ORDER 2015**

The Portsmouth City Council (hereinafter referred to as "the Council"), in exercise of its powers under Sections 1 - 4 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 for the County of Hampshire in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following Order:

**GENERAL**

1. (1) In this Order:

'civil enforcement officer' means any person authorised by or on behalf of the council to supervise and control parking in the City of Portsmouth and to carry out such other functions as may be conferred by or under any enactment;

'council' means Portsmouth City Council;

'driver', in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in a parking place;

'owner' for the purpose of this order means, in relation to a vehicle, the person who is the registered keeper of the vehicle or who is authorised by the registered keeper to keep and use the vehicle;

'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;

'traffic sign' means a sign prescribed or authorised under the Traffic Signs Regulations and General Directions Order 2002 or any amendment or revision to that Order made in accordance with Section 134(2) of the Act or Section 195(2) of the Road Traffic Act 1988;

(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 specified in Schedule 1 shall have effect subject to the amendments specified below the said Orders of the said Schedule.

3. Save as provided in Article 5, no person shall cause or permit any vehicle to stop or remain at rest in the sides of lengths of roads specified in Schedule 2 between the hours of 8am and 4pm Monday to Friday.

4. Save as provided in Article 5, no person shall cause or permit any vehicle to stop or remain at rest in the sides of lengths of roads specified in Schedule 3 between the hours of 8am and 5pm Monday to Friday.

5. Nothing in Articles 3 and 4 shall render it unlawful to cause or permit any vehicle to wait in the roads and sides of lengths of roads referred to therein for so long as may be necessary to enable:
  - (a) to any person causing or permitting any vehicle to stop or remain at rest:
    - (i) if the person is reasonably obliged to do so in order to avoid an accident;
    - (ii) if that person is required to do so by law;
  - (b) in relation to any vehicle being used for ambulance, fire & rescue, coastguard or police purposes in an emergency; or
  - (c) to anything done with the permission or at the direction of a police constable or Civil Enforcement Officer;
  - (d) to a vehicle being used in connection with the laying, erection, alteration or repair in the lengths of road concerned of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication system as defined in the Telecommunications Act 1984;
  - (e) to any vehicles being used in the service of a local authority in exercise of statutory powers or duties and whilst being so used in such service it is reasonably necessary for the vehicle to wait in the lengths of road.
6. A failure by any person to comply with any requirement of this Order shall be a contravention of this Order and a penalty charge shall be payable by the owner.
7. 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.
8. This Order may be cited as The Portsmouth City Council (Schools Locations) (Restrictions on Waiting and Stopping and Amendments) (No.43a) Order 2015 and shall come into operation on the 11 January 2016.

## **SCHEDULE 1**

(See Article 2)

### **AMENDMENTS TO EXISTING ORDERS**

1. The Portsmouth City Council (Consolidated) (On-Street Parking and Restrictions on Waiting and Loading) (No.6) Order 2015

a) Delete Item 31 in Schedule 24 relating to Kent Road.

b) Amend Item 63 in Schedule 24 relating to Wimborne Road to read:

The south side;

(a) from a point 45 metres east of its junction with Winter Road in an easterly direction for a distance of 23 metres

(b) from a point 86 metres east of its junction with Winter Road in an easterly direction for a distance of 29 metres

c) Delete Item 57 in Schedule 24 relating to Sussex Road.

## **SCHEDULE 2**

(See Article 3)

### **SCHOOL KEEP CLEAR MONDAY TO FRIDAY 8AM - 4PM**

Length of Road and Side of Length of Road

#### **1. ELPHINSTONE ROAD**

The east side from its junction with Kent Road in a southerly direction for a distance of 13 metres

#### **2. ISAMBARD BRUNEL ROAD**

The east side from a point 106 metres south of its junction with Greetham Street in a southerly direction for a distance of 44 metres

#### **3. KENT ROAD**

The south side from its junction with Elphinstone Road in an easterly direction for a distance of 13 metres

### **SCHEDULE 3**

(See Article 4)

#### **SCHOOL KEEP CLEAR MONDAY TO FRIDAY 8AM - 5PM**

Lengths of Roads and Sides of Lengths of Roads

##### **1. KENT ROAD**

The north side from a point 49 metres east of its junction with Castle Road in an easterly direction for a distance of 44 metres

##### **2. SUSSEX ROAD**

The northwest side from its junction with Kent Road in a north-easterly direction for a distance of 30 metres

**CITY COUNCIL'S REASONS FOR MAKING THE ORDER**

Isambard Brunel Road: The new 20mph zone will incorporate traffic calming measures and school keep clear zig zag markings, to keep the area in front of the school entrance free of parked vehicles. Funding has been allocated towards improving safety and lower the potential risk posed to pupils, to address local concerns;

Wimborne Road: To amend the stopping restriction (zig zags) so that it is effectively applied and is relevant to the school entrances, which have changed;

Kent Road (Junior School): To relocate the zig zags to cover the pedestrian access instead of the vehicular access; to ensure relevance.

Kent Road (Senior School): In conjunction with a new dedicated pedestrian entrance.

Given under the Common Seal  
of the Portsmouth City Council this

21<sup>st</sup>

day of

December

2015.

**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

