



## **(Various Streets, Rhayader) (Prohibition of Waiting) Order 2016**

Powys County Council in exercise of its powers under Sections 1, 2, 4, 5, 32, 35, 45, 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") as amended 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 makes the following Order.

### **SECTION 1 – PRELIMINARY**

#### Citation and commencement

1. This Order shall come into operation at 00:01hours on Monday the 12<sup>th</sup> September 2016 and may be cited as the Powys County Council (Various Streets, Rhayader) (Prohibition of Waiting) Order 2016.
2. Powys County Council (Various Streets, Rhayader) (Prohibition of Waiting) Order 2016 Plans including the Key (the "Plans") are incorporated into this Order.

#### Interpretation

3. In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

**"Civil Enforcement Area"** means, in respect of this Order, the locations specifically identified on the Plans;

**"Civil Enforcement Officer"** means a person employed in accordance with Section 76 of the Traffic Management Act 2004 to carry out the functions therein;

**"Council"** means Powys County Council and includes any Parking services contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

**"Disabled Persons' Badge"** means a badge issued by any Local Authority in accordance with the provisions of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Wales) Regulations 2000 or alternatively a badge having effect under those regulations as if it were a Disabled Persons' Badge;

**"Dispensation Certificate"** means a certificate issued on or behalf of the Council under the provisions of this Order permitting a specified vehicle to Park in specified circumstances in a Parking Place, where the Parking of that vehicle would otherwise be restricted or prohibited;

**"Driver"** in relation to a vehicle Waiting or Parked in a restricted area or Parking Place respectively, means the person driving the vehicle at the time it was Waiting or Parked in the Prohibited or Restricted Parking area or Parking Place;

**"Enactment"** means any enactment, whether public, general or local, and includes any order, byelaw rule, regulation, scheme or other instrument having effect by virtue of an enactment;

**"Event Times"** means periods on any specific day when special events are taking place which require regular but temporary prohibition or restriction of Waiting and/or Parking. At event times, appropriate signs under the Traffic Signs and General Directions 2002 will be in place to indicate the required restrictions;

**"Goods"** means goods of any kind whether animate or inanimate and includes postal packets of any kind;

**"Hackney Carriage"** means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847;

**"Key"** means the key attached to the Plans to be read in conjunction with the Plans;

**"Light Goods Vehicle"** means a motor vehicle under 1500 kg in weight which is constructed or adapted for use for the carriage of Goods or burden of any description the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres and is not drawing a trailer;

**"Main Carriageway"** means that part of a public highway used primarily for through traffic provided that the expression Main Carriageway shall not include any Lay-By;

**"Motor-Cycle"** has the same meaning as that in Section 136 of the Act;

**"One-Way Street"** means a highway in which the driving of vehicles otherwise than in one direction is prohibited;

**"Owner"** in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was the Owner at any time it shall be presumed that the Owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his or her employment and who is entitled to use such vehicle as though he or she were the registered keeper thereof;

**"Park"** and **"Parked"** refer to the stopping of a vehicle and it remaining at rest for some time whether or not the Driver is still in the vehicle and a vehicle shall be deemed to be Parked for any period in the same Parking Place if any part of it is below the vehicle or the vehicle's load (if any) whether or not the vehicle is moved during that period;

**"Parking Device"** has the meaning given by Sections 35(3)(b) and Section 51(4) of the Act;

**"Parking Disc"** has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Wales) Regulations 2000 which is capable of showing the quarter hour period during which a period of Parking has begun;

**"Parking Place"** means an area of a highway designated by this Order for the Parking of vehicles of specific classes;

**"Passenger Vehicle"** means a motor vehicle (other than a Motor-Cycle or invalid carriage) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the Driver) and their effects and not drawing a trailer;

**"Penalty Charge"** has the same meaning as in Section 72 of the Traffic Management Act 2004 or any subsequent legislation so enabling;

**"Permitted Hours"** means the periods specified for each Parking Place during which Parking by vehicles of a specific class is permitted as specified on the Plans;

**"Plans"** means collectively the plans, schematics, drawings, diagrams or any other graphical representation indicating the location of all highways subject to this Order as digitally recorded from time to time and retained by the Council and associated Key;

**"Relevant Position"** in respect of a vehicle displaying a valid Disabled Persons' Badge, Parking Permit, or Dispensation Certificate means :

- (a) in the case of a vehicle fitted with a dashboard or fascia panel, the Disabled Persons' Badge is exhibited thereon so that Part 1 (the front of the Disabled Persons' Badge) or the Dispensation Certificate or the Parking Permit is legible from the outside of the vehicle; or

- (b) in the case of a vehicle not fitted with a dashboard or fascia panel, the Disabled Persons' Badge is exhibited thereon so that Part 1 (the front of the Disabled Persons' Badge) or the Dispensation Certificate or the Parking Permit is exhibited in a conspicuous position on the vehicle so that Part 1 (the front of the Disabled Persons' Badge) or the Dispensation Certificate is legible from the outside of the vehicle

**"Restricted Hours"** means in relation to any restricted road the hours during which Waiting is restricted or specific activities are restricted as specified on the Plans;

**"Restricted Road"** means any of the sides or lengths of roads specified on the Plans where Parking or Waiting is restricted or specific activities are restricted during the Restricted Hours provided that the expression "Restricted Road" shall not include any Parking Place;

**"Specific Parking Places"** means any Parking Place as identified on the Plans to be used exclusively by the type of Driver as specified by notice at or close to that Parking Place;

**"Wait"** and **"Waiting"** refer to the stopping of a vehicle and it remaining at rest for some time whether or not the Driver is still in the vehicle;

4. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order and any reference to the Plans is a reference to the Plans incorporated into this Order.
5. Any reference in this Order to any Enactment shall be construed as a reference to that Enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent Enactment.
6. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes

of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked by this Order were Acts of Parliament thereby repealed.

7. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the Act or by or under any other Enactment.
8. If any court, the Department for Transport, the Traffic Penalty Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable, such declaration shall not invalidate the remainder of the Order.

## **SECTION 2 – PROHIBITION OF WAITING AND LOADING**

### Prohibition of Waiting

9. Save as provided in Articles 15 to 23 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to Wait or Park at any time on any Prohibited Road as specified on the Plans.

### Restriction on loading and unloading

10. Save as provided in Articles 15, 16 and 21 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle or a vehicle of a specific class to for the purpose of enabling Goods to be loaded to or unloaded from the vehicle on any No Loading Road during the No Loading Hours as specified on the Plans.

### Emergencies

11. Nothing in Articles 9 to 14 shall render it unlawful to cause or permit any vehicle to Wait or Park in any of the roads, lengths of road or on the sides of road

specified therein for so long as may be necessary to enable the vehicle to be used in an emergency for fire and rescue, ambulance or police purposes:

#### General exemptions

12. Nothing in Articles 9 to 14 shall render it unlawful to cause or permit any vehicle to Wait or Park in any of the roads, lengths of road or on the sides of road specified therein for so long as may be necessary to enable:

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

- (i) Building, shop fitting, industrial or demolition operations; or
- (ii) The removal of any obstruction to traffic; or
- (iii) The maintenance, improvement or reconstruction of the said lengths or sides of road; or
- (iv) The laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system by a statutory undertaker; or
- (v) vehicles essential to filming operations; or
- (vi) Other circumstances in which the Council may reasonably regard the requirement to be essential
- (vii) Furniture removals

(b) the vehicle, not being a Passenger Vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or its contractors in pursuance of that authority's statutory powers or duties;

(c) the vehicle of the Royal Mail or other universal service provider (as defined in section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail; or

(d) 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, or
- (iii) is prevented from proceeding by circumstances outside his/her control.

#### Loading and unloading

13. Nothing in Articles 9 to 12 shall render it unlawful to cause or permit any vehicle to Wait in any of the roads, lengths of road or on the sides of road or Loading Areas specified therein for so long as may be necessary to enable Goods to be loaded to or unloaded from a vehicle (or Goods or merchandise to be delivered or collected).

#### Board and alight from a vehicle

14. Nothing in Articles 9 to 10 shall render it unlawful to cause or permit any vehicle to Park or Wait in any of the roads, lengths of road or on the sides of road specified therein for so long as may be necessary to enable a person to board or alight from the vehicle.

#### Funerals and weddings

15. Nothing in Articles 9 to 10 shall render it unlawful to cause or permit any vehicle to Wait or Park, if it cannot safely and conveniently do so elsewhere, in any of the roads, lengths of road or on the sides of road specified therein if it is an official vehicle being used for funerals or weddings.

#### Parking Places

16. Nothing in Articles 9 to 14 shall render it unlawful to cause or permit any vehicle to Park upon a designated Parking Place.

#### Waiting or Parking by Disabled Persons' vehicle

17. Nothing in Articles 9 to 10 shall render it unlawful to cause or permit a vehicle which displays in the Relevant Position a Disabled Persons' Badge and a Parking Disc, on which the Driver or other person in charge of the vehicle has marked the time at which the period of Waiting or Parking began, to Wait or Park in a Prohibited Road or a Restricted Road for a period not exceeding 3 hours (not being a period separated by an interval of less than that specified on the Plans from a previous period of Waiting or Parking by the same vehicle in the same length of road or on the same side of road on the same day) **PROVIDED THAT** the vehicle immediately before or after the act of Waiting or Parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

#### General conditions of Waiting

18. No person shall cause or permit any vehicle to Park or Wait unless all wheels are on the carriageway and, if conditions dictate that the vehicle should Park or Wait parallel to the kerb, so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50cms.

19. No person shall cause or permit any vehicle to Park or Wait so that any part of the vehicle obstructs any dropped kerb or any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting.

### **SECTION 3 - CONDITIONS AS TO PERMITS AND CERTIFICATES**

#### Classes of vehicles for which Permits and Dispensation Certificates are applicable

20. Subject to the provisions of this Order, Parking Permits and/or Dispensation Certificates may be issued to classes of vehicles being Passenger Vehicles, Light Goods Vehicles, Motor-Cycles and Disabled Persons' vehicles.

#### Use of Parking Permits and Dispensation Certificates

21. A Parking Permit or Dispensation Certificate shall only be valid for use in a Parking Place on a road, or area, as identified on the Parking Permit and specified on the Plans.

#### Dispensation Certificate

39. The Council may issue a Dispensation Certificate on receipt of application and may impose charges, terms and conditions as appropriate.
40. A Dispensation Certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid. Notification of such cancellation shall be in writing to the holder of the certificate at any address that the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council.

### **SECTION 4 - GENERAL**

#### General conditions of Waiting or Parking in unregulated situations

41. In any road or lengths of road within the Civil Enforcement Area without any specific regulation, no person shall cause or permit any vehicle to be Parked or Wait unless all wheels are on the carriageway and, if conditions dictate that the vehicle should be Parked parallel to the kerb, so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50cms.
42. In any road or lengths of road within the Civil Enforcement Area without any specific regulation, no person shall cause or permit any vehicle to be Parked or Wait so that any part of the vehicle obstructs any dropped kerb or any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is Parked or Waiting.

#### Pedestrian crossings

43. Nothing in the provisions of this Order shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act.

## **SECTION 5 - CONTRAVENTION AND PENALTY CHARGE**

### Contravention

44. If a vehicle is Waiting or Parked in a Prohibited or Restricted Road or Parking Place respectively without complying with the requirements of this Order, a contravention shall have occurred and a Penalty Charge shall be payable.

### Indications as evidence

45. The particulars given in any notice served on a vehicle in contravention of any provision of this Order shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

### Restriction on removal of notices

46. Where a notice has been attached to a vehicle in accordance with the provisions of this Order no person, not being the Driver of the vehicle, a police officer in uniform, a Civil Enforcement Officer or some other person duly authorised by the Council shall remove the notice from the vehicle unless authorised to do so by the keeper of the vehicle.

### Immobilisation

47. If a vehicle is left or Parked after a Penalty Charge has been incurred, a Civil Enforcement Officer or other person duly authorised by the Council may attach to the vehicle an immobilisation device and a notice in accordance with the provisions of the Traffic Management Act 2004 or any subsequent legislation so enabling and that vehicle shall only be released from the device

on payment of the Penalty Charge along with such release fee as may be required by the Council.

#### Removal of vehicle

48. Where a Civil Enforcement Officer or other person duly authorised by the Council has removed or caused to be removed a vehicle in accordance with the provisions of this Order,
- (a) he or she shall provide for the safe custody of the vehicle;
  - (b) the Council shall be entitled to recover from the Driver such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
  - (c) the provisions of the Act as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council.
49. Nothing in respect of immobilisation or removal of a vehicle shall apply in respect of a vehicle displaying in a Relevant Position a valid Disabled Persons' Badge.
50. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the Act or by or under any other Enactment.

#### **SECTION 6 - REVOCATIONS**

51. All the traffic regulation orders or parts of traffic regulation orders imposing the following restrictions:

- (a) Prohibition and restrictions of Parking and loading and unloading;
- (b) Restrictions on Parking Places,

as they relate to roads in the Rhayader area as defined in the Orders or Schedules or Plans made prior to this Order are hereby modified to incorporate the modifications referred to within this order.

## SCHEDULES

### SCHEDULE 1

#### PROHIBITION OF WAITING AT ANY TIME

##### **C1230 – North East Side**

From a point 105 metres south east of its western junction with the south eastern kerbline of B4518 Bridge Street for a distance of 33 metres in a south easterly direction.

##### **B4518 Bridge Street – Both Sides**

From a point 11 metres south west of the south western kerbline of U1842 Station Road for a distance of 10 metres in a south westerly direction.

##### **U1801 Green Gardens – Both Sides**

From its junction with the north western kerbline of A44 East street for a distance of 9 metres in a north westerly direction.

##### **A44 East Street – North West Side**

From its junction with the south western kerbline of U1801 Green Gardens for a distance of 35 metres in a south westerly direction and from its junction with the north eastern kerbline of U1801 Green Gardens for a distance of 36 m in a north easterly direction.

##### **B4518 St Harmon Road – East Side**

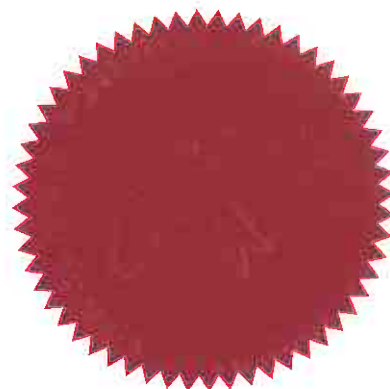
From a point 12 north of the northern kerbline of U1801 for a distance of 50 metres in a northerly direction.

##### **B4518 St Harmon Road – West Side**

From a point opposite a point 12 north of the northern kerbline of U1801 for a distance of 37 metres in a northerly direction.

The common seal of **POWYS COUNTY** )  
**COUNCIL** was hereunto affixed in the )  
presence of: )

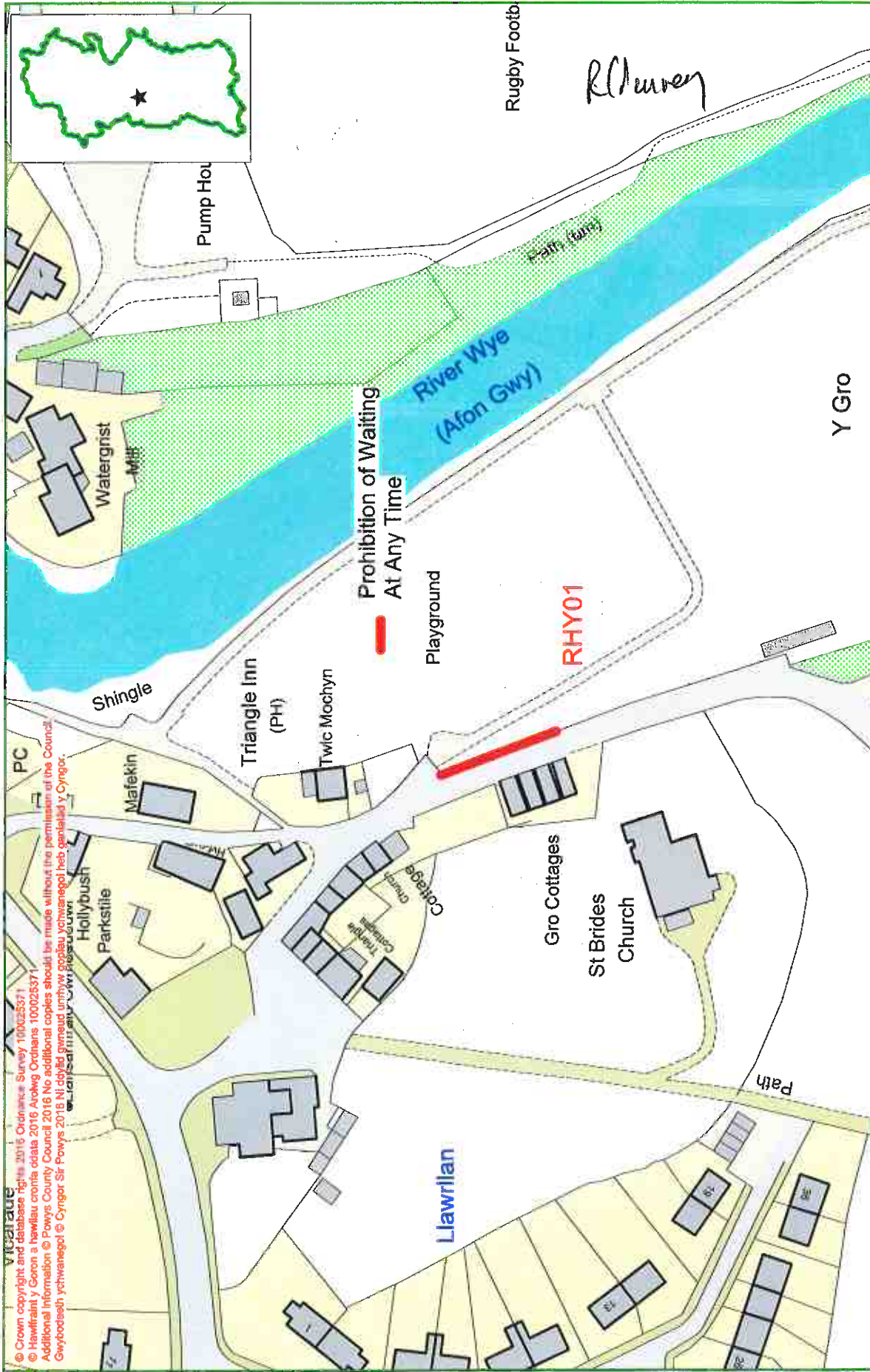
  
Authorised Signatory



Dated this 11 day of August 2016







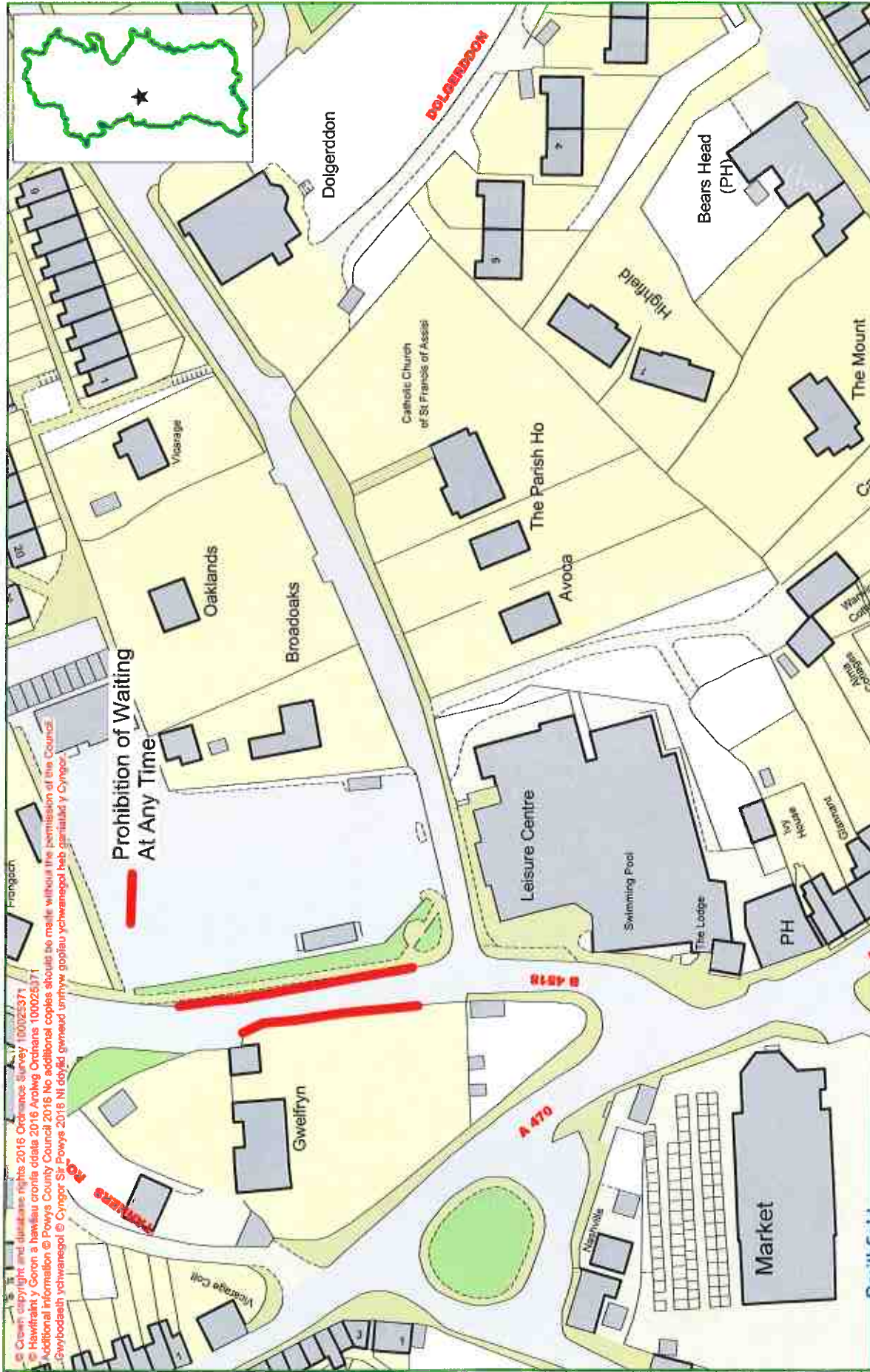
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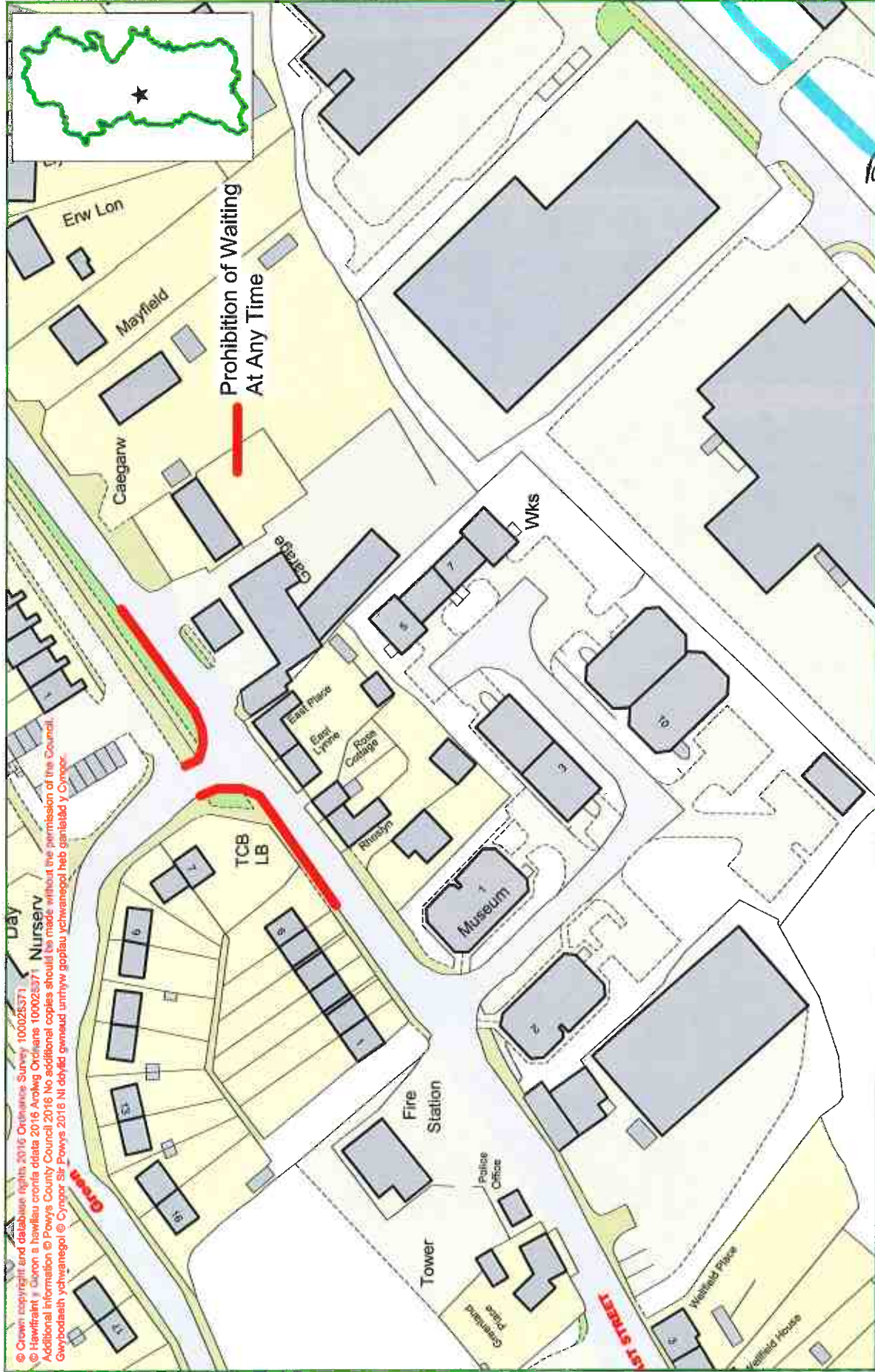




Prohibition of Waiting  
At Any Time

(Various Streets, Rhayader)(Prohibition of Waiting) Order 2016  
RHY03





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