

ROAD TRAFFIC REGULATION ACT 1984

BOROUGH OF READING

(THAMES SIDE PROMENADE) (SPECIAL PARKING AREA)

(WAITING RESTRICTIONS AND PARKING PLACES) ORDER 2004

C.J. Brooks
Head of Legal Services
Civic Offices
Civic Centre
Reading
RG1 7TD

Datix 13474

THE BOROUGH OF READING
(THAMES SIDE PROMENADE) (SPECIAL PARKING AREA)
(WAITING RESTRICTIONS AND PARKING PLACES) ORDER 2004

The Reading Borough Council (hereinafter referred to as "the Council") in exercise of the powers conferred by Sections 1(1), 2(1) to (3), 4(2) 32, 35 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act of 1984"), as amended and of all other powers thereunto enabling and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984 and the Road Traffic Act 1991, hereby make the following Order:-

PART I
CITATION AND INTERPRETATION

1. This Order shall come into operation on the 1st November 2004 and may be cited as The Borough of Reading (Thames Side Promenade) (Special Parking Area) (Waiting Restrictions and Parking Places) Order 2004

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

"ambulance" has the same meaning as in the Vehicle Excise and Registration Act 1994;

"authorised agent" means the parking services contractor appointed by and acting on behalf of the Council for the purposes of the supervision and enforcement of this Order;

"authorised cab rank" means an area of carriageway which is comprised within and indicated by road markings complying with diagram 1028.2 in Schedule 6 to the 1994 Regulations;

"authorised officer" means the Head of Planning and Transport for the Council or any other officer to be designated by the Council;

"authorised parking place" means any parking place on a road, authorised or designated by this Order;

"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;

"disabled person's badge", "disabled person's vehicle" and "parking disc" have the same meanings as in the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"driver", in relation to a vehicle waiting in a parking place or on a road or length of road, means the person driving the vehicle at the time it was left in that parking place or road or length of road;

"goods" means goods or burden of any description and includes postal packets of any description;

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

"goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and which does not exceed 5.30 metres in length or 2.25 metres in height;

"hackney carriage" means a vehicle licensed under Section 37 of the Town Police Causes Act 1847, Section 6 of the Metropolitan Carriages Act 1869, or any similar enactment;

"immobilisation device" has the same meaning as in Section 104(9) of the Road Traffic Regulation Act 1984;

"loading" means the loading or unloading of goods to or from a vehicle;

"motorcycle" and "invalid carriage" have the same meanings as in Section 136 of the Road Traffic Act of 1984;

"owner", in relation to a vehicle means a resident who is named in the vehicle registration document as the registered keeper of a goods or passenger vehicle or who has the use of such a vehicle in the course of his employment and who is entitled to use such a vehicle as though he were the registered keeper thereof;

"parking attendant" means a person authorised by or on behalf of the Council to supervise any parking area;

"parking place" means a road or length of road which is provided for the leaving of vehicles;

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) not exceeding 5.30 metres in length and 2.25 metres in height and constructed or adapted for the carriage of passengers and their effects;

"penalty charge" and "reduced penalty charge" means a charge set by the Council under the provisions of section 66 of the Road Traffic Act 1991 and with the approval of the Secretary of State for Transport which is to be paid to the Council within 28 days beginning with the date of the notice, or 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice;

"penalty charge notice" means a notice issued or served by a parking attendant pursuant to the provisions of section 66 of the Road Traffic Act 1991;

"permit holder" means a person to whom a permit has been issued;

"permitted hours" means the hours shown at the commencement of a Schedule;

"relevant position" in respect of: -

- (a) a disabled person's badge or a parking permit, means
 - (i) in the case of a vehicle fitted with a front windscreen, that the badge or permit is exhibited thereon with the front facing forward on the nearside of and immediately behind the windscreen; or
 - (ii) the case of a vehicle not fitted with a front windscreen, that the badge

- or permit is exhibited on the front or nearside of the vehicle;
- (b) a disabled person's parking disc, means that the side showing the time is facing forward or outward and immediately behind the windscreen or side window nearest to the kerb;

"specified position" a vehicle left in a parking place during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand:-

- (a) in the case of the parking place in relation to which special provisions as to the manner of standing of a vehicle in that place are specified in an item specified in a Schedule as to be in accordance with those provisions;
- (b) in the case of any other parking place -
- (i) if the parking place is not in a one-way street, - that the left or near-side of the vehicle is adjacent to the left-hand edge of the carriageway;
- (ii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres;
- (c) so that every part of a vehicle is within the limits of a parking place;
- (d) that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.

"specified hours" means the hours shown at the commencement of a Schedule containing parking or unloading places;

"telecommunication system" has the same meaning as in the Telecommunications Act 1984;

"The 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002;

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

3. 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;
4. The prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act of 1984, or by or under any other enactment.
5. Save where the contrary is indicated, any reference in this Order to:-
- (a) this Order or another Order shall be construed as such a reference to this Order or, as the case may be, such other Order, as the same may have been or may from time to time be amended, varied or supplemented;
- (b) a Statute or Regulation shall be construed as reference to such Statute or Regulations as the same may have been, or may from time to time be amended or re-enacted.
- (c) The requirements of any Article making reference to a numbered Schedule to this Order shall only have effect when a Schedule similarly numbered is appended to this Order.

PART II
WAITING AND LOADING OF VEHICLES

6. Save as provided in Articles 7 and 8 no person shall, except upon the direction or with the permission of a Police Constable in uniform, Traffic Warden or a Parking Attendant, cause or permit any vehicle during each separately dated day, to:-
- wait at any time on Mondays to Sundays inclusive in the lengths of roads specified in Schedule 4;
7. Nothing in Article 6 shall apply to any vehicle waiting in the lengths of roads referred to therein for so long as it may be necessary to enable:-
- (a) a person to board or alight from the vehicle;
 - (b) 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, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths of roads;
 - (iv) the laying, erection, alteration or repair in or in land adjacent to the said lengths of roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system;
 - (v) the service of a Local Authority or a Water Authority in pursuance of statutory powers or duties;
 - (a) the vehicle to be used for the purpose of delivering or collecting postal packages as defined in Section 87 of the Post Office Act 1953;
 - (b) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths of roads;
 - (c) the vehicle to wait at or near to any premises situated on or adjacent to the said lengths of roads for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral;
 - (d) the vehicle being used for fire brigade, ambulance or police purposes.
8. (1) Nothing in Article 6 shall apply:-
- (a) to any vehicle waiting for so long as may be necessary for the purpose of enabling goods to be loaded on or unloaded from the vehicle;
 - (b) to a Disabled Person's Vehicle, displaying a Disabled Person's Badge in the relevant position, for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same length of road on the same day), provided that the

Disabled Person's Vehicle also displays in the relevant position, 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 began).

- (2) Nothing in Article 6 shall apply to any vehicle:-
- (a) waiting upon an authorised parking place; or
 - (b) being a Hackney Carriage, waiting upon an authorised cab rank; or
 - (c) waiting for so long as may be necessary to enable the vehicle to be used in the provision of a local service within the meaning of the Transport Act 1985.

9. No person shall, except upon the direction or with the permission of a Police Constable in uniform, Traffic Warden or a Parking Attendant, cause or permit any vehicle other than:-

- (a) a disabled person's vehicle, displaying a Disabled Person's Badge in the relevant position, to wait in a disabled parking place specified in Schedule 107 at any time, provided that the Disabled Person's Vehicle also displays in the relevant position, 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 began);

PART III

CONTRAVENTION OF ORDER

10. (1) If a vehicle is left in a parking place during the permitted hours or in any road or length of road in contravention of any provision of this Order, a penalty charge shall be payable and/or the vehicle may be removed from that location.
- (2) A separate penalty shall become chargeable in respect of each new calendar date.
- (3) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by section 66(3) of the Road Traffic Act 1991 may then be issued by a parking attendant in uniform in accordance with section 66(1) of the said Act.
- (4) If a vehicle is left after a penalty charge has been incurred, a parking attendant in uniform or a person acting under his direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of section 69(1) and (2) of the Road Traffic Act 1991 and that vehicle shall only be released from the device on payment of the penalty charge, or as the case may be a reduced penalty charge, along with such release fee as may be required by the Council.
- (5) Where a parking attendant has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article:-
- (a) he shall provide for the safe custody of the vehicle;
 - (b) the Council shall be entitled to recover from the person responsible 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 Road Traffic Regulation Act 1984 as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.

Nothing in paragraphs (4) and (5) of this Article shall apply in respect of a vehicle displaying in the relevant position a valid disabled person's badge issued by any local authority.

PART IV REVOCATIONS

- 11. The following items contained within The Borough of Reading (Rivermead Zone D)(Special Parking Area) Waiting Restrictions and Parking Places) Revision No. 1 Order 2003 shall be revoked:

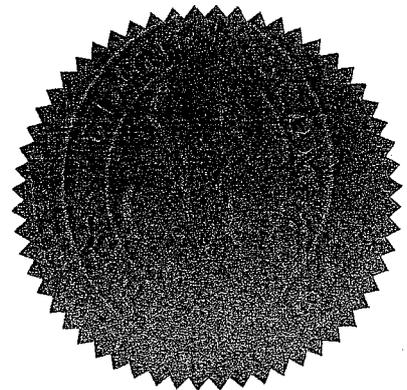
Schedule 4 - item (88) Thames Side Promenade, West side
item (89) Thames Side Promenade, East side

Schedule 28 - item (147) Thames Side Promenade, East Side
item (148) Thames Side Promenade, West Side

THE COMMON SEAL of the READING)
BOROUGH COUNCIL was hereunto)
affixed this 27th day of October 2004)
in the presence of:-)

Minute	Del.Power T36. Planning & Transport.
Originator	PB
Seal No.	522/04
Checked	DJC


Authorised Signatory



LIST OF SCHEDULES

4 No Waiting At Any Time

107 Disabled Badge Holders Only

Schedule No. 4
No Waiting At Any Time

1. **Thames Side Promenade, West side**
From a point 59 metres north of its junction with Richfield Avenue to the north end.
2. **Thames Side Promenade, East side**
From its junction with Richfield Avenue to the north end.
3. **Thames Side Promenade, North End**
The turning head between the west and east sides, including an area bounded by that turning head on its south side, a recreational area on its west side, a boat house on its north side and the River Thames on its east side.
4. **Thames Side Promenade, Traffic Islands**
The north, south, east and west sides of three traffic separation islands between the west and east sides.

Schedule No. 107
Disabled Badge Holders Only

5. **Thames Side Promenade, East side**
An area at the north-east end bounded by a line of bollards at a point 130 metres north of its junction with Richfield Avenue to a boat slipway at a point 138 metres north of that junction, extending to the River Thames on its east side.