

RB 34945

**ROTHERHAM BOROUGH COUNCIL  
(QUEENS ROAD, SWALLOWNEST)  
(PROHIBITION OF WAITING AND LIMITED WAITING)  
ORDER 2009**

Rotherham Borough Council in exercise of its powers under Sections 1, 2, 4, and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the 1984 Act"), the Traffic Management Act 2004 ("the TMA 2004"), the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 ("CEoPC General Regulations 2007") and of all other enabling powers and in pursuance of The Road Traffic (Permitted Parking Area and Special Parking Area) Metropolitan Borough of Rotherham) Order 2005 and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order

**PART 1 - GENERAL**

**Citation and commencement**

1. This Order shall come into operation on the 2<sup>nd</sup> November 2009 and may be cited as Rotherham Borough Council (Queens Road, Swallownest) (Prohibition of Waiting and Limited Waiting) Order 2009

**Definitions**

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

"Civil Enforcement Officer"	means an officer employed by the Council as defined in section 76 of the TMA 2004;
"Council"	means Rotherham Borough Council
"Disabled Person's Badge"	has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) England Regulations 2000;
"Disabled Person's Vehicle"	has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
"Driver"	in relation to a vehicle waiting in any of the roads, lengths of road or on the sides of road specified in Schedules 2 and 3 to this Order and means the person driving the vehicle at the time it was left ;
"Goods"	means goods of any kind whether animate or inanimate and includes

	postal packets of any description and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;
"Parking Disc"	means a disc issued by a local authority which is 125 millimetres square and coloured blue, if issued on or after the 1 <sup>st</sup> April 2000 or orange, if issued before that date and is capable of showing the quarter hour period during which a period of waiting has begun;
"Penalty Charge"	has the same meaning as in the CEoPC General Regulations 2007 or any subsequent legislation so enabling;
"Relevant Position" in respect of:-	a disabled person's badge and parking disc has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
"Vehicle"	means a motor vehicle and a motor vehicle has the same meaning as that in section 136 of the 1984 Act

3. 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.
4. Any reference in this Order to any enactment shall be constructed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
5. 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 order revoked were Acts of Parliament thereby repealed.

## **PART 2 – PROHIBITION OF WAITING**

### **Prohibition of Waiting**

6. Save as provided in Articles 8 to 13 of this Order, no person shall, except upon the direction or with the permission of a police officer in uniform or Civil Enforcement Officer, cause or permit any Vehicle to wait at any time on any of the lengths and sides of road specified in Schedule 1 to this order.

### **Limited Waiting**

7. Save as provided in Articles 8 to 13 of this Order, no person shall except upon the direction or with the permission of a police officer in uniform or Civil Enforcement Officer, cause or permit any Vehicle to wait:
  - (a) Between the hours of 8.00 a.m and 7.00 p.m on Monday to Saturday inclusive on any of the lengths and sides of road specified in Schedule 2 to this order:-
    - (i) for a longer period than 1 hour
    - (j) if a period of less than 3 hours has elapsed since the termination during the said minutes of the last period of waiting (if any) by that Vehicle on the same side of road.

### **Emergencies**

8. Nothing in Articles 6 and 7 shall render it unlawful to cause or permit any Vehicle to wait in any of the roads, length of road or on the sides of road specified in those Articles for so long as it may be necessary to enable the Vehicle to be used in an emergency for fire and rescue, ambulance or police purposes.

### **General Exemptions**

9. Nothing in Articles 6 and 7 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 specified in those Articles for so long as may be necessary to enable:-
  - (a) the Vehicle if it cannot conveniently be used for such purpose in any other part of road, to be used in connection with any of the following operations, namely:-
    - (i) building, shop fitting, industrial or demolition operations;

- (ii) the removal of any obstruction to traffic;
  - (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road;
  - (iv) the laying, erection, construction, alteration or repair in or in land adjacent to any of the said lengths or sides of roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus as defined in Schedule 2 to the Telecommunications Act 1984;
- 
- b. the Vehicle if it cannot conveniently be used for such other purposes in any other part of road to be used in the service of a local authority or the national rivers authority or of a water company 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;
  - d. Vehicles operated by or on behalf of the south yorkshire Road safety camera partnership for the purpose of carrying out roadside monitoring or enforcement operations;
  - e. the Vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to any of the said lengths and sides or road;
  - f. 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 outside his/her control.

#### Loading and unloading

10. Nothing in Articles 6 and 7 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 specified in those Articles 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

11. Nothing in Articles 6 and 7 shall render it unlawful to cause or permit any Vehicle to wait in any of the road or on the sides of road specified in those Articles for so long as may be necessary to enable a person to board or alight from the Vehicle.

#### Funerals and weddings

12. Nothing in Articles 6 and 7 shall render it unlawful to cause or permit any Vehicle to wait 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 weddings, funerals or christenings.

#### Waiting by Disabled Persons' Vehicle

13. Nothing in Articles 6 and 7 shall render it unlawful to cause or permit a Vehicle which displays in the Relevant Position a Disabled Person's 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 began) to wait in the sides of roads referred to in those Articles 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 or on the same side of road on the same day);  
Provided that the Vehicle immediately before or after the act of 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).

### **PART 3 – CONTRAVENTION OF ORDER**

#### Contravention

14. If a Vehicle is left on any of the roads, lengths of road or on the sides of road referred to in Articles 6 and 7 of this Order without complying with the requirements of this Order, a contravention shall have occurred and a Penalty Charge shall be payable.

15. 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 1984 Act or by or under any other enactment.

#### **PART 4 - VALIDITY**

16. If a court, the Department of 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.

**Schedule 1**  
**"No Waiting at Any Time"**  
**Queens Road, Swallownest**

Eastern kerb line from a point 28 metres north east of the north eastern kerb line of High Street for a distance of 12 metres in a north easterly direction

**Schedule 2**  
**"Limited Waiting 1 hour no return within 3 hours**  
**Monday to Saturday 8am – 7pm"**  
**Queens Road, Swallownest**

Eastern kerb line from a point 10 metres north east of the north eastern kerb line of High Street for a distance of 18 metres in a north easterly direction

This Order is made on the 29<sup>th</sup> October 2009

3441.

The Common Seal of  
Rotherham Borough Council  
was affixed to this order  
in the presence of:-

*R. Walter*

Duly authorised officer