

**ROTHERHAM BOROUGH COUNCIL  
(HOWARD STREET, ROTHERHAM TOWN CENTRE)  
(DISABLED PERSONS PARKING PLACE/LIMITED PERMITTED LOADING  
AND UNLOADING)  
TRAFFIC REGULATION ORDER 2009**

1. 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 paragraph 20 of Part III of Schedule 9 to the 1984 Act hereby makes the following Order .

**PART 1 - GENERAL**

**Definitions**

2 (1) 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 Articles 6 and 12 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;
"Parking Place"	means an area on a highway designated as a parking place;
"Penalty Charge"	has the same meaning as in the CCoPC General Regulations 2007 or any subsequent legislation so enabling;
"Permitted Hours"	are as specified in Schedules 1 and 2 to this Order;
"Traffic Sign"	means a sign of any size colour and type prescribed or authorised under or having effect as though prescribed or authorised in the Traffic Signs Regulations and General Directions 2002;
"Vehicle"	means a motor vehicle and a motor vehicle has the same meaning as that in section 136 of the 1984 Act

(2) For the purposes of this Order a Vehicle shall be regarded as displaying a Disabled Person's Badge in the Relevant Position if:-

- (a) the Disabled Person's Badge is exhibited on the dashboard or fascia of the Vehicle., or
- (b) where the Vehicle is not fitted with a dashboard or fascia, the Disabled Person's Badge is exhibited in a conspicuous position on the Vehicle so that the front of the Disabled Person's Badge is clearly legible from the outside of the Vehicle

(3) For the purposes of this Order a Vehicle shall be regarded as displaying a Parking Disc in the Relevant Position if:-

- (a) the Parking Disc is exhibited on the dashboard or fascia of the Vehicle, or
- (b) where the Vehicle does not have a dashboard or fascia, the Parking Disc is exhibited in a conspicuous position on the Vehicle so that when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the Vehicle.

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 – STREET PARKING PLACES**

### **Authorisation and use of Parking Place**

6. That part of the road specified in column 1 of Schedule 1 to this Order is authorised to be used subject to the following provisions of this Order, as a Parking Place for Disabled Person's Vehicles which shall display in the Relevant Position a Disabled Person's Badge and 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) in the manner specified in Article 2(2) and 2(3) of this Order during the Permitted Hours and in such positions and on such days as are specified in relation to that road in columns 2, 3, 4 and 5 of Schedule 1 to this Order.
7. A Driver of a Vehicle shall not use a Parking Place:-
  - (a) so as reasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance;
  - (b) when the Council has closed that Parking Place.
8. The Driver of a Vehicle using a Parking Place shall stop the engine as soon as it is in position in the Parking Place and shall not start the engine except when about to change position of the Vehicle in or to depart from the Parking Place.
9. No person shall use a Vehicle, whilst it is in a Parking Place, in connection with the sale of any article to persons in or near the Parking Place or in connection with selling or offering for hire his skill or services.

10. When a Vehicle is left in a Parking Place in contravention of any of the provisions contained in Article 6 of this Order, a person authorised by the Council to do so may remove the Vehicle or arrange for it to be removed from that Parking Place. Provided that when a Vehicle is waiting in a Parking Place in contravention of Article 6 of this Order, a person authorised by the Council to do so may alter the position of the Vehicle so that its position shall comply with that provision.

11. When a person authorised by the Council removes or makes arrangements for the removal of a Vehicle from a Parking Place by virtue of Article 10 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the Vehicle.

### **PART 3 LOADING AND UNLOADING OF VEHICLES**

#### **Limited permitted loading and unloading**

12. Nothing shall prevent any person from causing or permitting a Vehicle to wait in any of the roads, lengths of road or on the sides of road during the days and hours of operation specified in Schedule 2 to this Order for so long as may be necessary to enable Goods to be loaded to or unloaded from a Vehicle at premises adjoining that side of road (or Goods or merchandise to be delivered or collected).

### **PART 4 SUSPENSION OF USE OF PARKING PLACE**

13. Any person authorised by the Council may suspend the use of the Parking Place or any part thereof whenever it is considered such suspension is reasonably necessary so far as Article's 6 and 12 of this Order applies as follows:-

- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
- (b) for the purpose of any building operation, demolition or excavation in or adjacent to the Parking Place or the maintenance, improvement or reconstruction of the Parking Place or laying, erection, alteration, removal 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 telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984;

- (c) for the convenience of occupiers adjacent to the Parking Place on any occasion of the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository;
- (d) on any occasion when it is likely by reason of some special attraction or event that any road will be thronged or obstructed; or

for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals, or on other special occasions

14. Any person suspending the use of a Parking Place designated as a Parking Place by Article's 6 and 12 of this Order or any part of such Parking Place in accordance with the provisions of Article's 6 and 12 of this Order shall thereupon place or cause to be placed in or adjacent to that Parking Place or the part thereof, the use of which is suspended, a Traffic Sign indicating that waiting by Vehicles is prohibited

#### Emergencies

15. Nothing in Articles 6 and 12 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.

### **PART 5 – CONTRAVENTION OF ORDER**

#### Contravention

16. 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 12 of this Order without complying with the requirements of this Order, a contravention shall have occurred and a Penalty Charge shall be payable.
17. 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 6 - VALIDITY**

18. If a 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.

#### **PART 7 – REVOCATIONS**

19. The Order listed in Schedule 3 to this Order is hereby revoked to the extent listed in that Schedule.
- 20.. This Order is made on the 10th day of December 2009 and shall come into force on the 14th day of December 2009 and may be cited as the Rotherham Borough Council (Howard Street, Rotherham Town Centre)(Disabled Persons Parking Place/Limited Permitted Loading and Unloading) Order 2009

This Order is made on the 10<sup>th</sup> December 2009 and shall come into force on the 14<sup>th</sup> December 2009.

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

*R. N. Waller*

Duly authorised officer

**SCHEDULE 1**  
**DISABLED PERSONS PARKING PLACE**  
**ALL DAYS 9AM-4PM**  
**LIMITED TO 3 HOURS (NO RETURN WITHIN 2 HOURS)**

1	2	3	4	5
Part of road authorised to be used as street Parking Places	Position in which Vehicles may wait	Classes of Vehicles	Days of operation	Hours of operation of Parking Places
HOWARD STREET, ROTHERHAM TOWN CENTRE - north-east side - an area 2 metres wide from a point 32 metres north west of the north western kerbline of Eastwood Lane, for a distance of 24 metres	Wholly within the designated area	Vehicles which display a valid Disabled Persons Badge and a Parking Disc	All Days	9am-4pm limited to 3 hours (no return within 2 hours)

**SCHEDULE 2**  
**LOADING/UNLOADING**  
**ALL DAYS 4PM-9AM**

Howard Street, Rotherham Town Centre
north-east side – an area 2 metres wide from a point 32 metres north west of the north western kerbline of Eastwood Lane, for a distance of 24 metres

**SCHEDULE 3  
REVOCATIONS**

The Rotherham Borough Council (Various Roads, Rotherham) (Traffic Regulations)(Consolidation) Order 2005 ("the 2005 Order") insofar as it relates to the Disabled Persons Parking Place All Days 24 hours in Schedule 37 – Part 1 of the 2005 Order specified below:-

Howard Street, Rotherham Town Centre - north-east side - an area 2 metres wide from a point 32 metres north west of the north western kerbline of Eastwood Lane, for a distance of 24 metres