

ROTHERHAM BOROUGH COUNCIL
(MALKILN STREET, ROTHERHAM)
(PROHIBITION OF WAITING AND LOADING AND UNLOADING)
ORDER 2010

Rotherham Borough Council in exercise of its powers under Sections 1, 2, and 4, 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 is made on the 29th day of July 2010 and shall come into force on the 9th August 2010 and may be cited as Rotherham Borough Council (Maltkiln Street, Rotherham) (Prohibition of Waiting and Loading and Unloading) Order 2010

Definitions

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

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| "Civil Enforcement Officer" | means an officer employed by the Council as defined in section 76 of the TMA 2004; |
| "Council" | means Rotherham Borough Council |
| "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; |
| "Penalty Charge" | has the same meaning as in the CEoPC General Regulations 2007 or any subsequent legislation so enabling; |
| "Vehicle" | means a motor vehicle and a motor vehicle has the same meaning as that in section 136 of the 1984 Act |

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| "Trailer" | means a vehicle drawn by a motor vehicle |
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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 (as amended) shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament as if for the purposes of section 21 of that Act this Order were an Act of Parliament

PART 2 –PROHIBITION AND RESTRICTION OF WAITING AND LOADING AND UNLOADING OF VEHICLES OR TRAILERS

6. No person shall except upon the direction or with the permission of a Police Constable in Uniform or of a Civil Enforcement Officer cause or permit any Vehicle or Trailer to wait at any time on the sides of, or in any of the lengths of road specified in the Schedule to this Order.
7. No person shall except upon the direction or with the permission of a Police Constable in Uniform or of a Civil Enforcement Officer cause or permit any Vehicle or Trailer to wait at any time, on the sides of, or any lengths of road specified in the Schedule to this Order to enable goods to be loaded on or unloaded from a Vehicle or Trailer (or goods or merchandise to be delivered or collected).
8. Nothing in Articles 6 and 7 shall render it unlawful to cause or permit a Vehicle being used for Fire Brigade Ambulance or Police purposes to wait in any of the sides and lengths of road specified in the Schedule to this Order for so long as may be necessary to enable the Vehicle to be used in an emergency.

PART 3 – CONTRAVENTION OF ORDER

Contravention

9. If a Vehicle and or Trailer 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.

10. 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

11. 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

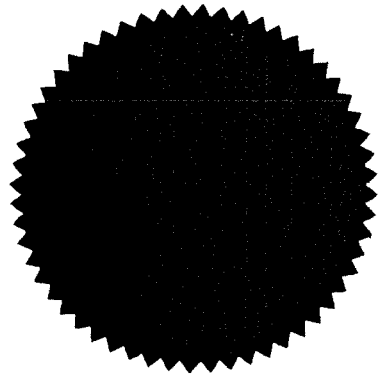
"Prohibition and Restriction of Waiting and Loading and Unloading"
Maltkiln Street, Rotherham

Maltkiln Street – from a point 50 metres north of its junction with Alma Road to its junction with Coke Hill

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

R. Waller

Duly authorised officer



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