

**THE RUSHMOOR BOROUGH COUNCIL
(VARIOUS ROADS IN ALDERSHOT AND FARNBOROUGH)
(PROHIBITION AND RESTRICTION OF WAITING) (CONSOLIDATION) ORDER, 2016**

The Rushmoor Borough Council (“the Council”) pursuant to arrangements made under Section 101 of the Local Government Act 1972 and Section 9EA of the Local Government Act 2000 with Hampshire County Council under Sections 1, 2, 4, 32, 35, 45, 46, 124 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (“the 1984 Act”) and the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (Borough of Rushmoor) Order 2002 after consultation with the Chief Officer of Police and of all other enabling powers, hereby make the following Order:-

SECTION 1 - PRELIMINARY

Citation commencement and reasons

1. This Order may be cited as the Borough of Rushmoor (Various Roads in Aldershot and Farnborough) (Prohibition and Restriction of Waiting)(Consolidation) Order, 2016
2. This Order shall come into operation on the 19th September 2016

Interpretation

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

“civil enforcement officer” means a person means a person employed in accordance with Section 76 of the Traffic Management Act 2004 to carry out the functions therein or a person employed as a Parking Attendant for the purposes of Section 63A of the Road Traffic Regulation Act 1984;

“disabled person’s badge” has the same meaning as in the Disabled Persons(Badges for Motor Vehicles) (England) Regulations 2000;

“driver” in relation to a vehicle waiting in a restricted area, means the person driving the vehicle at the time it was left in the restricted waiting area;

“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;

“motor cycle” has the same meaning as that in S136 of the Act

“parking disc” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons)(England) Regulations 2000 which is capable of showing the quarter hour period during which a period of waiting has begun;

“passenger vehicle” means a motor vehicle (other than a motor-cycle) 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 the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;

“penalty charge notice” has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;

“prohibited road” means any of the sides or lengths of roads where waiting is prohibited provided that the expression “prohibited road” shall not include any parking place;

“relevant position” in respect of: -

- (a) 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; and
- (b) a permit means exhibited behind the windscreen, on the dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the permit is clearly legible from outside the vehicle;

“restricted hours” means in relation to any restricted road the hours during which waiting is restricted as specified in Schedules 2, 3 and 4;

“restricted road” means any of the sides or lengths of roads specified in Schedules 2,3 and 4 where waiting is restricted or specific activities are restricted during the restricted hours provided that the expression “restricted road” shall not include any parking place:

“telecommunication system” has the same meaning as in the Telecommunications Act 1984

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 a Plan is a reference to a Plan 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 were Acts of Parliament thereby repealed.

SECTION 2 – PROHIBITION AND RESTRICTION OF WAITING

Restriction of Waiting

7. Save as provided in Articles 8 to 14 no person shall, except upon the direction of or with the permission of a police officer in uniform or a civil enforcement officer, cause or permit any vehicle to wait on any restricted road during the restricted hours as specified in Schedule 1 and 2.

Emergencies

8. Nothing in Article 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 or loading areas 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

9. Nothing in Article 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 or loading areas 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;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
 - (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,
 - (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.

SECTION 3 – CONTRAVENTION OF ORDER

Contravention

10. If a vehicle is left in a prohibited or restricted road or parking place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable.
11. 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 of 1984 or by or under any other enactment.

SECTION 4 – VALIDITY

12. 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.

SECTION 2 – REVOCATIONS

13. Those Orders listed in Schedule 2 to this Order are hereby revoked to the extent listed in that schedule.

SCHEDULE 1

HACKNEY CARRIAGE STAND

Road	Side	Length restricted
Alexandra Road, Aldershot	North	From a point 26.5 metres east of its junction with Lime Street in an easterly direction for a distance of 29.5 metres. From a point 101.5 metres east of its junction with Lime Street in an easterly direction for a distance of 29.5 metres.
Court Road, Aldershot	East	From a point 10 metres south of its junction with Wellington Avenue in a southerly direction for a distance of 38 metres.
	West	From a point 10 metres south of its junction with Wellington Avenue in a southerly direction to a point 10 metres north of its junction with High Street.
Cross Street, Aldershot	West	From a point 4 metres north of its junction with Victoria Road in a northerly direction for a distance of 10 metres.
Victoria Road, Aldershot	North	From a point 13 metres west of the western boundary of no.140 Victoria Road in a westerly direction for a distance of 34 metres.
	South	From a point 26.2 metres east of the eastern kerb line of Frederick Street, in an easterly direction for a distance of 5 metres.
Fernhill Road, Farnborough	West	From the boundary of Nos. 306/308 Fernhill Road in a southerly direction for a distance of 12 metres.
Lynchford Road, Farnborough	South	From the boundary of Nos. 53/55 Lynchford Road in an easterly direction for a distance of 40 metres.
Queensmead, Farnborough	Both	From the eastern boundary of 98a (Iceland) in a westerly direction for a distance of 15 metres.

SCHEDULE 2

Hackney Carriage Stand 8.00pm to 8.00am, waiting prohibited at all times except for the loading and unloading of goods vehicles 8.00 am to 8.00pm

Station Road	East	From a point 20 metres north of its junction with Victoria Road, in a northerly direction for a distance of 48 metres.
---------------------	-------------	--

SCHEDULE 3

REVOCATIONS

The following orders are hereby revoked insofar as they relate to Hackney Carriage Stands.

The Rushmoor Borough Council (Aldershot Town Centre) (Prohibition and Restriction of Waiting and On-Street Parking Places) (Consolidation) (C013.6) Order, 2016

The Rushmoor Borough Council (Farnborough Town Centre) (Prohibition and Restriction of Waiting Hackney Carriage Stands, Loading Provision and On-Street Parking Places)(C006.2) Order, 2013

The Rushmoor Borough Council(Hackney Carriage Stands and Loading Area In Farnborough Order 2004)

Given under the Common Seal of the Rushmoor Borough Council the day of September 2016

The **COMMON SEAL** of the)
RUSHMOOR BOROUGH COUNCIL)
was hereunto affixed in the presence of)

SOLICITOR TO THE COUNCIL

Dated

..... September 2016

The Rushmoor Borough Council
(Various Roads in Aldershot and Farnborough)
(Prohibition and Restriction of Waiting)
(Consolidation) Order, 2016