

**THE BOROUGH COUNCIL OF SANDWELL**

**(PROHIBITION OF WAITING)**

**(FORGE LANE AND PARK LANE, WEST BROMWICH) ORDER 2016.**

Operational Date : 22nd August 2016

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**SANDWELL METROPOLITAN BOROUGH COUNCIL**

**THE BOROUGH COUNCIL OF SANDWELL**  
**(PROHIBITION OF WAITING)**

**(FORGE LANE AND PARK LANE, WEST BROMWICH) ORDER 2016.**

The Borough Council of Sandwell ("the Council") in exercise of its powers under Sections 1, 2, 45 and 46 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and under the Road Traffic Act 1991 as amended (whether generally or in relation to the area of the Council) ("the 1991 Act") and of all other enabling powers, and after consulting with the Chief Officer of Police in accordance with paragraph 20 of Schedule 9 to the 1984 Act, hereby makes the following Order:-

- 1 This Order may be cited as The Borough Council of Sandwell (Prohibition of Waiting) (Forge Lane and Park Lane, West Bromwich) Order 2016 and shall come into operation on 22nd August 2016
- 2 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 any other enactment.
- 3 In this Order -
  - a) "*Disabled person's Vehicle*" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.
  - b) "*Disabled person's badge*" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.
  - c) "*Parking disc*" means the disc issued by the Local Authority complying with the requirements of Regulation 8(5) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 and capable of showing the quarter hour period during which a period of waiting began.
  - d) "*Relevant position*" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 and means:-
    - i) A badge is displayed in the "*relevant position*" if –
      - the badge is exhibited on the dashboard or fascia of the vehicle, or
      - where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle,so that the front of the badge, as defined in Part I and Part II of the Schedule
    - ii) A parking disc is displayed in the "*relevant position*" if –
      - the disc is exhibited on the dashboard or fascia of the vehicle, or
      - where the vehicle is not fitted with a dashboard or fascia, the 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.

- e) *“junction”* means the intersection of the outside edge of the first highway with the outside edge of the second highway.
- f) *“business”* means one which is registered for Business Rates.
- g) *“driver”* in relation to a motor vehicle waiting in a parking area, means the person driving the motor vehicle at the time it was left in the parking place.
- h) *“goods vehicle”* means a motor vehicle not exceeding 2.3m in height or 5.25m in length, which is constructed or adapted for use for the carriage of goods or of burden of any description and is not drawing a trailer.
- i) *“household”* means the occupants of a dwelling used or suitable for use as a separate dwelling.
- j) *“Institution”* means an institution concerned with the care of disabled persons to which a disabled person’s badge may be issued in accordance with Section 21(4) of the Chronically Sick and Disabled Persons Act 1970.
- k) *“Institutional Badge”* means a disabled person’s badge issued to an institution.
- l) *“Motor cycle”* has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984.
- m) *“Motor vehicle”* has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984.
- n) *“owner”* in relation to a motor vehicle means the person by whom the vehicle was kept, which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 (Section 22) is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered except that the meaning of “owner” shall have the meaning in Regulation 5 (3) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 in respect of a person who is served a penalty charge notice hiring a vehicle under a hiring agreement and the person hiring the vehicle had signed a statement of liability acknowledging their liability in respect of any parking contravention during the currency of the hiring agreement.
- o) *“parking place”* means the part of a road authorised by the Order to be used for the purposes of parking a motor vehicle.
- p) *“parking ticket”* means a ticket lawfully obtained from a ticket machine provided by the Council for the issue of parking tickets appropriately dated and time stamped relating to Schedule 19B of this Order
- q) *“permit”* means a permit issued under the provisions of Clause 18/08, 18/09 and 18/10 of this Order.
- r) *“Permit holder”* means a person to whom a permit has been issued under the provisions of Clause 18/08, 18/09 and 18/10 of this Order.

- s) "*taxi*" has the meaning given by Regulation 4 of the Traffic Regulations and General Directions 2002.
- t) "*electronic communications network*" has the same meaning as in the Communications Act 2003.
- u) "*ticket machine*" means an approved ticket issuing machine provided by the Council for the issue of parking tickets appropriately dated and time stamped.
- v) "*traffic sign*" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Road Traffic Regulation Act 1984.
- w) "*universal service provider*" has the same meaning given by Section 65(1) of the Postal Services Act 2011.

## Section 1: No waiting at any time

- 1/01.** Subject to the provisions of this section no person shall, except upon the direction of a Police Officer in uniform or of a Civil Enforcement Officer, cause or permit any motor vehicle to wait at any time in the sides and lengths of roads referred to in **Schedule 1** to this Order.
- 1/02.** For the purposes of **Clause 1/01**, a motor vehicle shall be taken to wait on a length of road if -
- i)** the motor vehicle is stationary; and
  - ii)** any point in that length of road is below the vehicle or its load (if any).
  - iii)** "For the purposes of **Clause 1/01**, a further contravention shall be created if the motor vehicle remains on a length of road, it will be considered a new contravention from midnight on a rolling/daily basis.
- 1/03.** Nothing in **Clause 1/01** of this order shall render it unlawful to cause or permit any motor vehicle to wait as specified therein for so long as may be necessary -
- (a)** to enable a person to board or alight from the vehicle;
  - (b)** to enable the vehicle to be used for the purposes of -
    - i)** any building operation, demolition or excavation;
    - ii)** the removal of any obstruction to traffic;
    - iii)** the maintenance, improvement or reconstruction of a road;
    - iv)** the laying, erection, alteration, repair or cleaning of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunication system lawfully kept installed in any position;
    - v)** the collection of household refuse from, or the cleaning of cesspools at, premises situated on or near the sides and lengths of roads specified in **Schedule 1** of this Order;
  - (c)** to enable a vehicle, which is a universal service provider for the collection or delivery of postal packets in the course of a universal postal service.;
  - (d)** to enable goods to be loaded onto or unloaded from the vehicle;
  - (e)** to enable a motor vehicle to be used for police, ambulance, fire brigade, local authority, parking attendant/civil enforcement officers or water authority, sewage authority and national rivers authority purposes, when used in pursuance of their statutory powers or duty.
- 1/04.** Nothing in **Clause 1/01** of this Order shall render it unlawful to cause or permit a motor vehicle which displays in the relevant position, a valid disabled person's badge and a parking disc (on which the driver or other person in charge of the motor vehicle has marked the time at which the period of waiting began) to wait in the sides of lengths of road referred to in **Schedule 1** for a period not exceeding 3 hours (provided that this waiting is not during a period separated by an interval of less than 1 hour from a previous period of waiting by the same motor vehicle in the same sides of lengths of road).

**Schedule: 1 No waiting at any time.**

Col 1	Col 2	Col 3	Col 4
Ref No	Street Name	Side of Street	Location
1/01	FORGE LANE	East	From a point 542 metres south-east of its junction with Newton Road to its junction with Park Lane.
1/02	FORGE LANE	West	From a point 542 metres south-east of its junction with Newton Road to its junction with Park Lane.
1/03	PARK LANE	East	From its junction with Forge Lane to Borough boundary.
1/04	PARK LANE	West	From its junction with Holyhead Road to its junction with Forge Lane.

THE COMMON SEAL )  
of THE BOROUGH COUNCIL )  
OF SANDWELL )  
was hereunto affixed this )  
16th day of August 2016 )  
in the presence of:- )



LEGAL MANAGER  
(Authorised Signatory)



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