

The Borough Council of Sandwell

(Smethwick, Various Roads, Prohibition of Waiting)

(Traffic Regulation Order) 2017.

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 (Smethwick, Various Roads, Prohibition of Waiting) (Traffic Regulation Order) 2017 and shall come into operation on 15th August 2017
- 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 to the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, is clearly legible from the outside of the vehicle.
 - 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) *"taxi"* has the meaning given by Section 2 of the Traffic Signs Regulations and General Directions 2016.
- p) *"electronic communications network"* has the same meaning as in the Communications Act 2003.
- q) *"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.
- r) *"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 St	Location
1/01	ABBEY ROAD	south	from a point 6 metres east of its intersection with the extended western kerbline of Woodbourne Road to a point on its intersection with the extended western building line of number 159 Abbey Road.
1/02	ADKINS LANE	north	from a point 12 metres west of its junction with Milcote Road to a point 7 metres south-west of its junction with Bishopton Road.
1/03	BEECHWOOD ROAD	south west	from a point 10 metres north-west of its junction with Devon Road to a point 10 metres south-east of that junction.
1/04	BISHOPTON ROAD	east	from its junction with Adkins Lane to a point 4 metres north of that junction.
1/05	BISHOPTON ROAD	west	from its junction with Adkins Lane to a point 4 metres north of that junction.
1/06	DEVON ROAD	north west	from its junction with Beechwood Road to a point 10 metres south-west of that junction.
1/07	DEVON ROAD	south east	from its junction with Beechwood Road to a point 8 metres south-west of that junction.
1/08	HAMILTON ROAD	north	from its junction with Rathbone Road to a point 7 metres west of that junction.
1/09	HAMILTON ROAD	south	from its junction with Rathbone Road to a point 7 metres west of that junction.
1/10	LIGHTWOODS HILL	north	from a point on the intersection with the extended eastern building line of number 168 Lightwoods Hill for a distance of 27 metres in a westerly direction.
1/11	MESSENGER ROAD	north	from a point 6 metres north-west of its intersection with the extended western building line of number 106 Messenger Road to its north-western extent.
1/12	MESSENGER ROAD	south	from a point on its intersection with the extended western building line of number 97 Messenger Road to its north-western extent.
1/13	RATHBONE ROAD	west	from a point 7 metres north of its junction with Hamilton Road to a point 7 metres south of that junction.

THE COMMON SEAL)
of THE BOROUGH COUNCIL)
OF SANDWELL)
was hereunto affixed this)
8th day of August 2017)
in the presence of:-)



LEGAL MANAGER
(Authorised Signatory)



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