

**THE SHROPSHIRE COUNCIL (CHURCH STREET, OSWESTRY)
(EXPERIMENTAL WAITING RESTRICTIONS) ORDER 2021**

Shropshire Council (hereinafter referred to as "the Council"), in exercise of their powers under Sections 9 and 10 of the Road Traffic Regulation Act 1984 ("the Act"), and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act, hereby make the following Order:

1. This Order shall come into effect on 6 December 2021 and may be cited as The Shropshire Council (Church Street, Oswestry) (Experimental Waiting Restrictions) Order 2021.
2. In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

"collection of cash or valuables" means vehicles owned by banks, security companies or similar organisations actively being used for the purposes of loading or unloading money or other valuables from properties adjacent to the highway on which the vehicle is parked;

"Council" means The Shropshire Council and includes any parking services contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

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

"enactment" means any enactment, whether public, general or local, and includes any order, byelaw rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"goods" means goods of any kind whether animate or inanimate and includes postal packets of any description;

"licensed taxi" has the same meaning as in Section 13 of The Transport Act 1985;

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

"parking enforcement officer" means a person employed in accordance with Section 76 of the Traffic Management Act 2004 to supervise and enforce the road traffic contraventions for which Shropshire Council is the enforcement authority;

"private hire vehicle" means a vehicle constructed or adapted to seat fewer than nine passengers which is made available with a driver to the public for hire for the purpose of carrying passengers, other than a licensed taxi or a public service vehicle;

"Public Service Vehicle" means a vehicle as defined by Section 1 of the Public Passenger Act 1981;

"Refuse vehicle" means a motor vehicle which is:

- (a) designed to collect small quantities of waste and haul the collected waste to a solid waste treatment facility.
- (b) owned by or contracted to Shropshire Council.

“relevant position” in respect of 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;

“wait” and “waiting” refer to the stopping of a vehicle and it remaining at rest for some time whether or not the driver is still in the vehicle;

3. Any reference in this Order to a numbered Article or Schedule 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 construed 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 Orders revoked by this Order were Acts of Parliament thereby repealed.
6. 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.
7. 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.
8. The restrictions listed in Schedule 1 are hereby suspended for the duration of this experimental order.
9. Save as provided in Article 11, no person shall, except upon the direction or with the permission of a police constable in uniform or of a parking enforcement officer, cause or permit any vehicle to wait or load/unload on any of the sides of road specified in Schedule 2.
10. Save as provided in Article 11, no person shall, except upon the direction or with the permission of a police constable in uniform or of a parking enforcement officer, cause or permit any vehicle to wait on any of the sides of road specified in Schedule 3.
11. (1) Nothing in Articles 9 or 10 of this Order shall render it unlawful to cause or permit any vehicle to wait in the road or in any of the lengths of roads or on any of the sides of roads referred to in those Articles, as the case may be, for so long as may be necessary to enable:-
 - (a) a person to board or alight from the vehicle;

- (b) 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, industrial or demolition operations;
 - ii) the removal of any obstruction to traffic;
 - iii) the maintenance, improvement or reconstruction of said lengths of roads or sides of roads; or
 - iv) the laying, erection, alteration or repair in, or in land adjacent to said lengths of roads or sides of roads of any sewer of any main, pipe or apparatus for the supply of gas, water or electricity or of any Telecommunications apparatus as defined in paragraph 1(1) of the Telecommunications Code contained in Schedule 2 of the Telecommunications Act 1984;
- (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority, or a water undertaker or sewerage undertaker or the Environmental Agency in pursuance of statutory powers or duties;
- (d) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in section 125(1) of the Postal Services Act 2000;
- (e) the vehicle to be used for fire brigade, ambulance or police purposes;
- (f) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths of roads or sides of roads; or
- (g) the vehicle to wait near at or near to any premises situated on or adjacent to said lengths of road or sides of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral.

(2) Nothing in Article 10 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge, and a 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) to wait in the road or in the lengths of road referred to in the said Article for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same length of road on the same day).

(3) Nothing in Article 10 shall render it unlawful to cause or permit any vehicle to wait in any of the sides of road specified therein for so long as may be necessary to enable goods to be loaded to or unloaded from a vehicle (or goods or merchandise to be delivered or collected).

12. Save as provided in Article 13, the side of road specified in Schedule 4 is hereby designated to be used as a loading and unloading only area.
13. No person shall, except upon the direction or with the permission of a police officer or a parking enforcement officer, cause or permit any vehicle to wait in the side of road specified in Schedule 4 except for the loading or unloading of goods in connection with nearby trade or business premises.
14. The side of road specified in Schedule 5 is hereby designated to be used as parking places for vehicles displaying a valid disabled person's badge.
15. This Order may be suspended, modified or extended by the Assistant Director - Infrastructure & Communities, or any person so authorised by them to do so.
16. The prohibitions and restrictions imposed by this order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the Act or by or under any other enactment.

THE COMMON SEAL OF THE)
 SHROPSHIRE COUNCIL)
 was affixed hereto the 25th day) LS
 of November 2021)
 in the presence of:)

Tim Collard
 Legal Services Manager

SCHEDULE 1

SUSPENDED RESTRICTIONS

Sides of Road in Oswestry in the County of Shropshire

No waiting at any time

Church Street (north-west side)	From its junction with The Cross to a point 148.6 metres north-east of its junction with Upper Brook Street
Church Street (south-east side)	From its junction with The Cross to a point 17.3 metres south-west of that junction
	Between a point 43.2 metres and 76.9 metres south-west of its junction with The Cross

Between a point 86.7 metres south-west of its junction with The Cross
to a point 27.0 metres south-west of its junction with Smithfield Street

Disabled Badge Holders Only

Church Street (south-east side)	Between a point 17.3 metres and 28.2 metres south-west of its junction with The Cross
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Loading bay

Church Street (south-east side)	1) Between a point 28.2 metres and 43.2 metres south-west of its junction with The Cross 2) Between a point 76.9 metres and 86.7 metres south-west of its junction with The Cross
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SCHEDULE 2

No Waiting or Loading At Any Time

Sides of Road in Oswestry in the County of Shropshire

Church Street (north-west side)	From its junction with Smithfield Street in a north easterly direction until the zebra crossing south-west of The Cross
Church Street (south-east side)	From the zebra crossing south-west of The Cross in a south-westerly direction until the north-east extremity of Boots (numbers 5-9 Church Street) From its junction with Smithfield Street in a north-easterly direction until the north-east extremity of the Fox Inn (number 21 Church Street)

SCHEDULE 3

No Waiting At Any Time

Sides of Road in Oswestry in the County of Shropshire

Church Street (north-west side)	From its junction with Smithfield Street to a point 148.6 metres north- east of its junction with Upper Brook Street
Church Street (south-east side)	From its junction with Smithfield Street to a point 27.0 metres south- west of that junction

