

**THE SHROPSHIRE COUNCIL
(CASTLE FOREGATE, SHREWSBURY)
(WAITING RESTRICTIONS) ORDER 2014**

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. a) This Order shall come into effect on 12 December 2014 and may be cited as The Shropshire Council (Castle Foregate, Shrewsbury) (Waiting Restrictions) Order 2014;

b) The restrictions specified in Schedule 1 to this order are hereby revoked.

2. (1) In this order-

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

"disabled person's vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"parking disc" means a disc issued by a local authority, 125 millimetres square, coloured blue or orange and capable of showing the quarter hour period during which a period of waiting begins:

"loading and unloading" means loading or unloading for some commercial purpose, and includes putting into or taking out of a private motor vehicle things which it would not be reasonable for a person to carry by hand:

"Civil Enforcement Officer" means a person authorised by or on behalf of the Shropshire Council under Section 76 of the Traffic Management Act 2004 to supervise and enforce the road traffic contraventions for which Shropshire Council is the enforcement authority;

"Penalty Charge" and "Reduced Penalty Charge" means a charge set by Shropshire Council in accordance with the provisions of Section 77 and Schedule 9 of the Traffic Management Act 2004 and Regulations made thereunder and in accordance with any guidance given by the Secretary of State.

"Penalty Charge Notice" means a notice issued by a Civil Enforcement Officer pursuant to the provisions of section 78 of the Traffic Management Act 2004, and Regulations made thereunder;

"hackney carriage" means a vehicle licensed under Section 38 of the Town Police Clauses Act 1847;

- (2) For the purposes of this Order, a vehicle shall be regarded as displaying,

a) a disabled person's badge is in the relevant position if –

- i. in the case of a vehicle fitted with a dashboard or a facia panel the badge is exhibited thereon so that Part I of the badge is legible from outside the vehicle; or
 - ii. in the case of a vehicle not fitted with a dashboard or facia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part I of the badge is legible from outside the vehicle.
 - b) a parking disc is in the relevant position if -
 - i. in the case of a vehicle fitted with a dashboard or a facia panel the disc is exhibited thereon so that the quarter hour period during which the period of waiting began is legible from outside the vehicle.
 - ii. in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the quarter hour period during which the period of waiting began is legible from outside the vehicle.
- 3. In this order all distances relating to the restrictions imposed have been measured in relation to the roads, lengths of roads or sides of roads specified in the following manner.
 - a) except where otherwise specified a dimension has been measured along the kerbline or edge of carriageway of the roads specified.
 - b) for restrictions relating to side roads, the start point of measurement, when measured from a junction, is the rear of the highway relating to the main road.
- 4. Save as provided in Article 5 of this Order, 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 to wait on the side of road specified in Schedule 2 to this Order.
- 5. (1) Nothing in Article 4 shall render it unlawful to cause or permit any vehicle to wait in a parking place for so long as may be necessary:-
 - a) to enable a person to board or alight from the vehicle;
 - b) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any building operation or demolition; the removal of any obstruction to traffic; the maintenance, improvement or reconstruction of the parking place so referred to; or the laying, erection, alteration or repair in or near the said parking place of any sewer or 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) to enable the vehicle to be used for fire brigade, police or ambulance purposes;
 - d) to enable 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 Environment Agency in pursuance of statutory powers or duties;

- e) for the vehicle to be used for the purposes of delivering or collecting postal packets as defined in Section 125(1) of the Postal Services Act 2000;
 - f) to enable goods to be loaded on or unloaded from the vehicle, except between the hours of 8.15am-9.15am, 12.15pm-1.15pm and 4pm-6pm, Monday to Saturday, when loading and unloading will be prohibited;
- (2) Nothing in Article 4 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 on the sides of road referred to in that Article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting on the same side of road on the same day). They will not be permitted to wait during the period of any ban on loading and unloading;

PROVIDED That:

The vehicle waits in the said parking place no longer than is necessary and for the purpose specified.

6. (1) The side of road specified in Schedule 3 to this Order is authorised to be used subject to the following provisions of this Order, as parking places for such classes of vehicles in such positions and on such days and during such hours as are specified in relation to that side of road.
- (2) Nothing in paragraph (1) of this Article shall restrict the power of the Council, or any other local authority, to close any parking place after exhibiting notice of such closing on or near the parking place for the purpose of preventing obstruction of the streets on the occasion of any public procession, rejoicing or illumination, or when the streets are thronged or liable to be obstructed.
7. Where, in Schedule 3 of this Order, a parking place is described as available for vehicles of a specified class, or in a specified position, the driver of a vehicle shall not, save as provided in Article 5, permit it to wait in that parking place, except upon the direction or with the permission of a Civil Enforcement Officer or of a police constable in uniform:-
- a) unless it is of the specified class, or
 - b) it is in a position other than that specified.
8. A driver of a vehicle shall not use a parking place:-
- a) so as unreasonably to prevent access to any premises adjoining the side of road, or the use of the road by other persons, or so as to be a nuisance;

- b) when, for preventing obstruction of the streets, the Council or any other appropriate local authority has, by order made on the occasion of any public procession, rejoicing or illumination, or when the streets are thronged or liable to be obstructed, have closed that parking place and exhibited notice of such closing on or near the parking place.
9. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in, or to depart from, the parking place.
 10. No person shall use a vehicle while it is in a parking place in connection with the sale of any article to persons in or near the parking place, or in connection with the selling or offering for hire of his skills or services.
 11. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Article 7 or in Article 8, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place, provided that, when a vehicle is waiting in a parking place in contravention of Article 7(b) a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.
 12. Any person removing a vehicle or altering its position by virtue of Article 11 may do so by towing or driving the vehicle, or in such other manner as they may think necessary, and may take such measures in relation to the vehicle as they may think necessary to enable them to remove it or alter its position, as the case may be.
 13. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 12, they shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
 14. If a vehicle is left at any time in contravention of a provision of this Order a Penalty Charge shall be payable
 15. In the case of a vehicle in respect of which a Penalty Charge is payable, notification of the Penalty Charge may be given by a Civil Enforcement Officer in accordance with the requirements of Section 78 of the Traffic Management Act 2004 and Regulations made thereunder.
 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 10th day) LS
of December 2014)
in the presence of)

T W Collard
Legal Services Manager

SCHEDULE 1

REVOKED

**No Waiting At Any Time/No Loading Mon-Sat 8.15am-9.15am
and 12.15pm-1.15pm and 4pm-6pm**

Side of road in Shrewsbury in the County of Shropshire

Castle Foregate (west side)	From its junction with Cross Street for a distance of 51 metres in a north-easterly direction.
--------------------------------	---

SCHEDULE 2

**No Waiting At Any Time/No Loading Mon-Sat 8.15am-9.15am
and 12.15pm-1.15pm and 4pm-6pm**

Side of road in Shrewsbury in the County of Shropshire

Castle Foregate (west side)	From its junction with Cross Street to the property boundary of No 8 with No 12 Castle Foregate.
--------------------------------	---

SCHEDULE 3

**No stopping except buses between 5am to 10pm
and taxis (hackney carriages) between 10pm and 5am**

Side of road in Shrewsbury in the County of Shropshire

Castle Foregate (west side)	From the property boundary of No 8 with No 12 Castle Foregate to the northern property boundary of No 16 Castle Foregate.
--------------------------------	---

