

SLOUGH BOROUGH COUNCIL (PROHIBITION OF FOOTWAY PARKING) ORDER 2013
(Order 58 of 2013) ('Order')

Section 9 of the Road Traffic Regulation Act 1984 and regulation 22 of the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996.

The Council of the Borough of Slough ("the Council") makes this Order in exercise of its powers under section 9 of the Road Traffic Regulation Act 1984 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") as amended by the Traffic Management Act 2004 and all other enabling powers and having regard to Section 122 of the Act and having consulted the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act and in accordance with The Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Slough) Order 2003 ("the 2003 Order") made by the Secretary of State hereby makes the following Order.

In accordance with Section 37 of the Road Traffic Regulation Act 1984 this Order forms part of a general scheme of traffic control for the area designated as a Special Parking Area by the 2003 Order.

1 CITATION AND COMMENCEMENT

This Order may be cited as the Borough of Slough (Prohibition of Footway Parking) Order 2013 (Order 58 of 2013) and shall come into operation on 6th January 2014.

2 EFFECT

The effect of this Order shall be to ban any Vehicle from being either fully or partly parked on any footway in the Borough of Slough. *The Borough of Slough (Waiting Restrictions and Residents' Parking Order 2010) (Amendment No 29) Order 2013 (Order 58 of 2013) ('the 2010 Order')* shall be effected alongside this Order to create double yellow lines and parking bays allowing for partial parking on footways in designated locations.

Slough Borough Council's reason for making this Order and the 2010 Order is to control footway parking. Footway parking has been a concern and occurs in many areas of the Borough causing obstruction for pedestrians, environmental deterioration and damage to the footway as a result.

This order supersedes and revokes in its entirety the 'Slough Borough Council (Prohibition of Footway Parking) Order 2013 (order 25 of 2013)

3 INTERPRETATION

(1) In this Order, except where the context otherwise requires:-

"Civil Enforcement Officer" means a person authorised by or on behalf of the Council in accordance with Part 6 of the Traffic Management Act 2004 to enforce the restrictions imposed by this Order;

"Disabled Persons' Badge" means a badge issued by any local authority in accordance with the Disabled Persons (Badges for Motor Vehicles) (England)

Regulations 2000 or a badge having effect under those regulations as if it were a Disabled Persons' Badge;

"Disabled Persons' Vehicle" means a Vehicle which displays a Disabled Persons' Badge in accordance with Regulation 12 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"Electronic Communications Network" means the same as in section 32 of the Communications Act 2003;

"Goods" includes Postal Packets of any description, and "delivering" and "collecting" of Goods includes checking them for the purpose of their delivery or collection;

"Highway" means a way over which members of the public have a right to pass and repass;

"Parking Place" means an area of road designated as a Parking Place by paragraph 4 and includes any part of such a Parking Place;

"Postal Packets" means the same as in section 87 of the Post Office Act 1953;

"Penalty Charge" and "Penalty Charge Notice" means the same as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"Statutory Undertaker" means the same as in section 48(4) of the New Roads and Street Works Act 1991; and

"Vehicle" means any Vehicle, any trailer or any Vehicle and trailer.

"Footway" means

- (a) A footway as defined by section 329(1) of the Highways Act 1980
- (b) Any land (not being a footway under paragraph (a) above) which is situated between two carriageways; or
- (c) any grass verge, garden or space not falling within the foregoing paragraph (a) or (b).

(2) Except where otherwise stated, any reference in this Order to an Article or Schedule is a reference to an Article or Schedule in this Order.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(4) The Interpretation Act 1978 shall apply to this Order as it applies to an Act of Parliament.

(5) The provisions of this Order are in addition to and not in limitation of the provisions of any other enactment and any exception or exemption from the provisions of this Order is without prejudice to the provisions of any other enactment:

EXCEPT THAT if any provision of this Order conflicts with any provision of any other Order relating to the waiting of Vehicles, that provision of this Order shall prevail.

4 PROHIBITION AND RESTRICTION OF STOPPING, WAITING AND LOADING ON THE FOOTWAY

Each area of the roads and footways specified in *The Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Slough) Order 2003* is hereby designated as an area where the waiting and/or loading of a Vehicle or part of a Vehicle on the footway is prohibited unless otherwise specified in Schedule 13.02 of the 2010 Order.

5 EXEMPTIONS

Nothing in paragraph 4 of this Order shall prevent any Vehicle, if it cannot conveniently be used for such purposes elsewhere, from waiting and/or loading on the footway for so long as may be reasonably necessary for:-

- (a) anything to be done upon the direction or with the permission of a Police Constable in uniform;
- (b) a person to board or alight from the Vehicle;
- (c) use in connection with building, industrial or demolition operations;
- (d) the removal of any obstruction to traffic;
- (e) the maintenance, improvement or reconstruction of a road;
- (f) the laying, erecting, alteration or repair of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Electronic Communications Network;
- (g) exercising the statutory powers or performing the duties of a Statutory Undertaker or public authority;
- (h) police, fire brigade or ambulance purposes;
- (i) the delivery or collection of Postal Packets;
- (j) any wedding or funeral or the removal of furniture to or from offices or dwelling houses;
- (k) any Vehicle to wait when required to do so by law or in order to avoid an accident or if the Vehicle is prevented from proceeding by circumstances beyond the driver's control;
- (l) the collection of refuse or litter by or on behalf of the Council;
- (m) the posting or removing of advertising material or the cleaning of windows or chimneys;
- (n) the loading or unloading of Goods or merchandise, including, so far as a bank is concerned, cash or other valuables or valuable securities, for a period not exceeding thirty minutes or such other period as a police constable in uniform may authorise; or
- (o) in the case of a Parking Place suspended in accordance with Article 7, anything done with the permission of the person who has suspended that Parking Place.

6 REMOVAL OF VEHICLES

(1) Where a Vehicle is standing fully or partly on the footway in contravention of this Order, a police constable in uniform or a Civil Enforcement Officer may alter or cause to be altered the position of that Vehicle in order that its position shall comply with this Order.

(2) In case of emergency, a police constable in uniform or a Civil Enforcement Officer may move or cause to be moved to any place he/she thinks fit any Vehicle left on the footway.

7 SUSPENSION OF FOOTWAY-PARKING PROHIBITION

(1) Any person duly authorised by the Council or by the Chief Officer of Thames Valley Police may suspend the prohibition under paragraph 4 of this Order in relation to specific highways whenever that person considers it reasonably necessary to do so:-

(a) for the purpose of assisting the movement of traffic or promoting its safety;

(b) for the purpose of any building operation, demolition or excavation adjacent to that length of restricted road, the maintenance, improvement or reconstruction of the Highway or the cleansing of gullies in or adjacent to the Parking Place, the laying erection, alteration or repair in or adjacent to that length of restricted road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system or the placing, maintenance or removal of any traffic sign;

(c) for the convenience of occupiers of premises adjacent to that Parking Place on any occasion of the removal of furniture to or from an office or dwelling house or at the times of weddings or funerals or on other special occasions; or

(d) whenever it is likely that a street will be crowded or obstructed because of some special attraction or event.

(2) Any police constable in uniform who considers it reasonably necessary to suspend the prohibition of footway parking for the purpose of assisting the movement of traffic or promoting its safety may do so for no longer than 24 hours.

(3) Any person suspending the prohibition of footway parking under this paragraph shall place or cause to be placed on or adjacent to that footway, a traffic sign indicating that the waiting of Vehicles is allowed.

(4) No person shall cause or permit any Vehicle to wait and/or load on the footway which is suspended under this Article, unless that Vehicle is waiting for any of the purposes specified in paragraphs (c), (d), (e), (f), (g), (h), (i), (j), (k), (l) and (o) of Article 5.

8 CONTRAVENTIONS

(1) Where a Vehicle contravenes any provision of this Order a Penalty Charge shall be payable and a Penalty Charge Notice may be issued by a Civil Enforcement Officer or served by post in accordance with the Traffic Management Act 2004.

(2) The Penalty Charge shall be paid to the Council by any method considered appropriate by the Council and in accordance with the instructions stated on the Penalty Charge Notice.

Made: 18th December 2013

The Common Seal of SLOUGH BOROUGH COUNCIL
was hereunto affixed in the presence of:



Sushil Thobhani (Authorised Officer)

Group Solicitor- Property & Regeneration

