

SOMERSET COUNTY COUNCIL

**ROAD TRAFFIC REGULATION ACT 1984
TRAFFIC MANAGEMENT ACT 2004**

**PROHIBITION AND RESTRICTION
OF STOPPING, WAITING, LOADING AND UNLOADING, AND ON-STREET
PARKING**

WEST SOMERSET

ORDER 2012

DATED 8th JUNE 2012

SOMERSET COUNTY COUNCIL

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TRAFFIC MANAGEMENT ACT 2004**

**THE COUNTY OF SOMERSET
PROHIBITION AND RESTRICTION OF STOPPING, WAITING, LOADING AND
UNLOADING AND ON-STREET PARKING
WEST SOMERSET
ORDER 2012**

The Council of the County of Somerset in exercise of its powers under Sections 1, 2, 4, 32, 35, 45, 46, 49, 53, and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act of 1984"), as amended; and the Traffic Management Act 2004 (hereinafter referred to as "the Act of 2004"), as amended, and all other enabling powers; and after consultation with the Chief Officer of the Police in accordance with Part III of Schedule 9 to the Act of 1984 hereby makes the following Order:-

Section 1 - Preliminary

1. Citation and Commencement

- (a) This Order shall come into operation on the 8th June 2012 and may be cited as The County of Somerset Prohibition and Restriction of Stopping, Waiting, Loading and Unloading and On-Street Parking West Somerset Order 2012, (hereinafter called 'this Order').

2. Revocations

This Order shall supersede all previous Traffic Regulation Orders in West Somerset in relation to the prohibition and restriction of stopping, waiting, loading and unloading and on-street parking.

3. Interpretation and Definitions

- (a) In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:-

"at any time" means 24 hours on each calendar day;

"carer" means a doctor, or a nurse;

"carer's permit" means a carer's permit issued by the Council to a medical practice in accordance with such procedure as may be published and amended from time to time by the Council;

"certificate of street trading consent" means a certificate issued by the Council or other duly authorised authority for sale or offering or exposing for sale any goods to any person or in connection with the selling or offering for sale of their skill in handicraft or their services in or near the highway;

"Civil Enforcement Area" and "Special Enforcement Area" have the same meanings as assigned to them by the Act of 2004;

"Civil Enforcement Officer" has the same meaning as assigned to it in Section 76(1)-(3) of the Act of 2004;

"carriageway" means any carriageway of a road used primarily by through traffic and excludes any lay-by;

"clearway" means the main carriageway of any road or length of road specified in the Plans where stopping is prohibited provided that the expression "clearway" shall not include any lay-by or on-street parking place;

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

"delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"disabled person's vehicle" means a motor vehicle lawfully displaying a disabled person's badge;

"disabled person's badge" means a badge issued by a local authority in the form prescribed by Regulations 7 and 11 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"disabled persons' parking place" means a road or length of road as shown on the Plans designated for the leaving of motor vehicles as indicated by appropriate road markings and/or traffic signs designating that on-street parking place as reserved for disabled blue badge holders;

"doctor" means a qualified and licensed medical practitioner within the meaning of the Medical Act 1983;

"driver" in relation to a motor vehicle parking in an on-street parking place or on a road or length of road, means the person driving the motor vehicle at the time it was left in that on-street parking place or road or length of road;

"electronic parking permit" means an electronic record of a residents' permit or carer's permit attached to a motor vehicle by reference to the registration plate of that motor vehicle;

"electronic parking ticket" means an electronic record of a parking ticket attached to a motor vehicle by reference to the registration plate of that motor vehicle;

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

"goods vehicle" has the meaning assigned to it in the Traffic Signs Regulations and General Directions 2002;

"hackney carriage" has the meaning assigned to it in Section 37 of the Town Police Clauses Act 1847, or Section 6 of the Metropolitan Public Carriage Act 1869 or any similar enactment and means a motor vehicle standing or plying for hire;

“key” means the key which is appended to the Plans and which is to be read in conjunction with the Plans;

“lay-by” in relation to a main carriageway means any area intended for the waiting of motor vehicles at the side of the main carriageway but not part of it and marked in accordance with the Traffic Signs Regulations and General Directions 2002;

“light goods vehicle” means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres and which is not a drawing trailer;

“loading area” means a road or part of a road specified on the Plans, and indicated by sign diagram number 660.4 as defined in Schedule 2 of the Traffic Signs Regulations and General Directions 2002, to be used only as a loading or unloading area;

“loading permit area” means a loading area in respect of which a permit for loading and unloading may be issued by the Council;

“local bus” means a public service vehicle used for the provision of a local service not being an excursion or tour;

“main carriageway” means that part of a road used primarily for through traffic excluding any lay-by;

“medical practice” means a practice operated by a doctor or doctors in their capacity as such;

“motor vehicle”, “motorcycle”, “invalid carriage” and “motor car” have the same meaning as assigned to them by section 136 of the Act of 1984;

“no loading hours” means in relation to any road or part of a road the hours specified on the Plans during which loading and unloading on that road or part of a road is prohibited;

“no loading road” means a road or part of a road specified on the Plans where loading and unloading is prohibited;

“no return” means no return to a parking place within the same street within the hours shown on the Plans;

“no stopping hours” means in relation to any road or part of a road the hours specified in the Plans during which stopping on that road or part of a road is prohibited;

“no stopping road” means a road or part of a road (including clearways) shown on the Plans where stopping is prohibited;

“no waiting” means a road or part of a road shown on the Plans where waiting is prohibited during the hours indicated;

“no waiting at any time” means a road or part of a road shown on the Plans where waiting is prohibited at any time.

“nurse” means a nurse or midwife registered on the register maintained by the Nursing and Midwifery Council or such other regulatory body as may be approved by the Council for Healthcare Regulatory Excellence or by statutory instrument from time to time and a dietitian, physiotherapist or member of any other similar caring profession as regulated by the Health Professions Council or any successor body thereto.

“one-way street” means a road or part of a road on which the driving of motor vehicles otherwise than in a specified direction is prohibited;

“on-street parking place” means a road or part of a road designated by this Order for the parking of motor vehicles of specific classes and/or for limited hours and indicated by markings in accordance with the Traffic Signs Regulations and General Directions 2002;

“owner” in relation to a motor vehicle, means the person by whom such motor vehicle is kept and used. In determining who was the owner at any time it shall be presumed that the owner was the person named in the motor vehicle registration document as the registered keeper of the motor vehicle or the person who has the use of such motor vehicle in the course of his/her employment and who is entitled to use such motor vehicle as though he/she were the registered keeper thereof;

“parking attendant” means a person authorised under Section 63A of the Act of 1984 to supervise on-street parking places designated by this Order.

“parking bay” means an area contained within an on-street parking place as indicated by the appropriate road markings;

“parking contravention” has the same meaning as is assigned to it by Part 1 Schedule 7 of the Act of 2004;

“parking disc” has the same meaning as is assigned to it in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“parking ticket machine” means a machine made available for the purchase of parking machine tickets;

“parking machine ticket” means a ticket for the parking of a motor vehicle in an on-street parking place and such ticket shall be purchasable by the insertion into a parking ticket machine of the appropriate amount of money in coins, notes or by payment card or such other method of payment accepted by the ticket machine from time to time;

“parking ticket” means a parking machine ticket, waiver or electronic parking ticket;

“penalty charge” means a penalty charge imposed under Part 6 of the Act of 2004;

“penalty charge notice” has the same meaning as is assigned to it in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“permit” means any valid permit issued by the Council in accordance with its permit scheme procedures and includes duplicate permits issued by the Council including residents’ permits and carer’s permits;

“permit holder” means a person, business or organisation to which a valid permit has been issued;

“permitted hours” means the hours specified on the Plans during which waiting by motor vehicles of a specific class is permitted;

“permit on-street parking places” means on-street parking places designated on the Plans as for use by holders of residents’ or carer’s permits only;

“person responsible” means in respect of Article 38 the driver or owner or the registered keeper;

“Plans” means those plans attached to this Order and in any orders amending this Order including the key and labels in each Plan;

“prohibited hours” means in relation to any prohibited road the hours specified on the Plans during which waiting or loading and unloading is prohibited;

“prohibited road” means a road or part of a road specified on the Plans where waiting is prohibited;

“public service vehicle” has the meaning defined in Section 1 of the Public Passenger Vehicles Act 1981;

“registration plate” has the meaning given to it in Section 31 of the Vehicles (Crime) Act 2001;

“registered keeper”, in relation to a penalty charge imposed in respect of motor vehicle, means the person in whose name the motor vehicle was registered under the Vehicle Excise and Registration Act 1994 at the time of the act, omission, event or circumstances in respect of which the penalty charge is imposed;

“relevant position” means:

- (a) In respect of a disabled badge-
 - (i) In the case of a motor vehicle fitted with a front windscreen, the dashboard or fascia of the motor vehicle, or
 - (ii) In the case of a motor vehicle not fitted with a front windscreen, in a conspicuous position on the motor vehicle, so that the front of the badge is clearly legible from outside the motor vehicle,
- (b) In respect of a parking ticket or permit-
 - (i) In the case of a two-wheeled motorcycle having a sidecar attached thereto, in a conspicuous position on the motorcycle in front of the driving seat;
 - (ii) In the case of all other motor vehicles-
 - (a) where the motor vehicle is fitted with a front glass windscreen, inside the windscreen or in a conspicuous position facing forwards; or
 - (b) where the motor vehicle is not fitted with a front glass windscreen in a conspicuous position on the motor vehicle,

so that the amount paid, validity and the date and time of expiry of the parking ticket or permit is clearly visible;

“resident” means a person whose principal home is a dwelling in one of the controlled parking zone addresses eligible to apply for a valid parking permit;

“residents’ on-street parking place” means an on-street parking place which has been designated as indicated on the Plans for use by those with residents’ permits and carer’s permits only;

“residents’ permit” means a residents’ parking permit issued by the Council to a resident in accordance with such procedure as may be published and amended from time to time by the Council;

“restricted hours” means the hours specified on the Plans during which waiting is prohibited;

“restricted road” means a road or any part of a road specified on the Plans where waiting is restricted or specific activities are restricted during the restricted hours;

“taxi” has the same meaning given by Regulation 4 of the Traffic Signs Regulations and General Directions 2002;

“taxi rank” means a road or part of a road designated for the use of taxis and hackney carriages waiting to pick up passengers;

“telecommunication system” has the same meaning as in Schedule 2 of the Telecommunications Act 1984 and includes an “electronic communications network” as defined in the Communications Act 2003;

“traffic sign” means any object or device for conveying to traffic on roads or any specified class of traffic, warnings, information, requirements or prohibitions of any description;

“waiver” means a certificate issued by or on behalf of the Council for the purposes of this Order permitting a specified motor vehicle to wait in specified circumstances on a road or part of a road where the waiting of motor vehicles is prohibited.

- (b) Where reference is made to “The County of Somerset Prohibition and Restriction of Stopping, Waiting, Loading and Unloading and On-Street Parking West Somerset Order” in the Plans to this Order, this shall mean The County of Somerset Prohibition and Restriction of Stopping, Waiting, Loading and Unloading and On-Street Parking West Somerset Order 2012.
- (c) For the purposes of this Order the prohibitions and restrictions contained in the Articles to this Order and shown on the Plans shall apply to the full width of the road or part of the road to which they refer, with the exception of the clearways which shall apply to the main carriageway only.
- (d) For the purpose of this Order a motor vehicle shall be taken as parked or waiting on a road or part of a road if any point on that road or part of a road is below the motor vehicle, or its load, if any.

- (e) Any reference in this Order to a specific statute or statutory provision includes references to any statutory modification, amendment, extension, consolidation, or re-enactment of such statute or statutory provision and to any regulations, orders, by-laws or other sub-ordinate legislation made under such statute or statutory provision from time to time.
- (f) Any reference in this Order to a numbered Article, Paragraph, Section, Annex or Schedule shall, unless the context requires otherwise, be construed as a reference to the Article, Paragraph, Section, Annex or Schedule, bearing that number in this Order and any reference to a Plan is a reference to a Plan incorporated into this Order.
- (g) 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 were Acts of Parliament thereby repealed.
- (h) Nothing in this Order shall be construed so as to affect the rights of the Council or an issuing authority to exercise their unencumbered discretion in relation to any obligation or requirement placed upon any one of them in this Order.
- (i) The restrictions and prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act of 1984, or by or under any other enactment.
- (j) For the purposes of this Order, the Council accepts no responsibility for any inaccuracies contained in the Ordnance Survey data relied upon in the Plans attached to this Order. Where a restriction applies to the full extent of a road or carriageway that restriction will continue irrespective of changes to the width of the road or carriageway or to the underlying Ordnance Survey data.

SECTION 2 - PROHIBITIONS AND RESTRICTIONS ON WAITING

4. Prohibition of Waiting – Prohibited Roads

Save as provided in Articles 9 and 10 of this Order no person shall, except upon the direction or with the permission of a police officer or parking attendant or Civil Enforcement Officer cause or permit any motor vehicle, (and/or drawn trailer), to wait at any time on any prohibited road.

5. Restriction of Waiting – Restricted Roads

Save as provided in Articles 9 and 10 of this Order no person shall, except upon the direction or with the permission of a police officer or parking attendant or Civil Enforcement Officer cause or permit any motor vehicle or a motor vehicle of a specific class, (and/or drawn trailer), to wait on any restricted road during the restricted hours.

6. Restriction on Loading and Unloading – No Loading Roads

Save as provided in Articles 9, 10(a) and 10(g) no person shall, except upon the direction or with the permission of a police officer or parking attendant or Civil Enforcement Officer, cause or permit any motor vehicle or a motor vehicle of a specific class to wait for the purpose of enabling goods to be loaded to or unloaded from the motor vehicle on any no loading road during the no loading hours.

7. Restriction of Waiting in Loading Areas

- (a) Save as provided in Articles 9, 10(a), 10(b) and 10(g) of this Order no person shall, except upon the direction or with the permission of a police officer or parking attendant or Civil Enforcement Officer, cause or permit any motor vehicle, (and/or drawn trailer), to wait during the restricted hours in any loading area unless it is loading or unloading goods in connection with nearby trade, commercial or business premises.
- (b) Where the Plans specify that only a maximum number of hours loading or unloading are permitted, no person shall, except upon the direction or with the permission of a police officer or parking attendant or Civil Enforcement Officer cause or permit any motor vehicle to wait in any loading area,
 - (i) for longer than is necessary for goods to be loaded onto or unloaded from the motor vehicle in one continuous operation; and
 - (ii) for a period longer than the maximum number of hours specified on the Plans, or
 - (iii) for a number of hours which although less than the maximum number of hours permitted, when combined with the hours waiting by the same motor vehicle in the same loading area within the previous twenty four hours exceed the hours maximum number.

8. Restriction on Stopping – No Stopping Roads and Clearways

Save as provided in Articles 9, 10(a) and 10(g) of this Order no person shall, except upon the direction or with the permission of a police officer or parking attendant or Civil Enforcement Officer cause or permit any motor vehicle to stop on any no stopping road or clearway during the no stopping hours as specified.

9. Emergencies

Nothing in Articles 4 to 8 of this Order shall render it unlawful to cause or permit any motor vehicle to wait in any prohibited road, restricted road, no loading road, loading area, no stopping road or clearway for so long as may be necessary to enable the motor vehicle to be used in an emergency for fire and rescue, ambulance, police, or coastguard purposes.

10. Exemptions on Waiting

- (a) General

Nothing in Articles 4 to 8 of this Order shall render it unlawful to cause or permit any motor vehicle to wait in any prohibited road, restricted road, no loading road, loading area, no stopping road or clearway for so long as may be necessary to enable:

 - (i) the motor 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:-
 - (a) building, shop fitting, industrial or demolition operations;
 - (b) the removal of any obstruction to traffic;
 - (c) the maintenance, improvement or reconstruction of the road or part of the road, the laying, erection, alteration or repair in or on land adjacent to the said road any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system; or
 - (d) the removal of snow, ice or traffic debris, by the Council's maintenance vehicles,
 - (ii) the motor vehicle, not being a passenger vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or its contractors in pursuance of that authority's statutory powers or duties;

- (iii) the motor vehicle is being used by the Royal Mail or other universal service provider (as defined in section 65 of the Postal Services Act 2011) for the purpose of delivering and/or collecting mail;
 - (iv) the motor vehicle is specifically designed for the delivery and collection of valuables and/or cash and is being used for such purposes in relation to properties.
 - (v) in any case where the person in control of the motor vehicle,
 - (a) is required by law to stop;
 - (b) is obliged to stop so as to prevent an accident, or
 - (c) is prevented from proceeding by circumstances outside his/her control;
- (b) **Loading and Unloading**
Nothing in Articles 4, 5 and 7 of this Order shall render it unlawful to cause or permit any motor vehicle to wait in a loading area, any prohibited road, restricted road or loading area specified in this Order for so long as may be necessary to enable goods to be loaded to or unloaded from a motor vehicle (or goods or merchandise to be delivered or collected).
- (c) **Boarding and Alighting from a motor vehicle**
Nothing in Articles 4 and/or 5 shall render it unlawful to cause or permit any motor vehicle to wait in any prohibited road or restricted road for so long as may be necessary to enable a person to board or alight from the motor vehicle.
- (d) **Funerals, Weddings and other Civic Duties**
Nothing in Articles 4 and/or 5 of this Order shall render it unlawful to cause or permit any motor vehicle to wait in any prohibited road or restricted road, if it cannot safely and conveniently do so in any other road, if it is a motor vehicle specifically designed for use in connection with any funerals or weddings and is being used for those purposes or is a motor vehicle being used for official Council duties;
- (e) **Council Highway Maintenance Vehicles**
Nothing in Articles 4 to 8 of this Order shall prevent the Council's highway maintenance vehicles from operating where necessary.
- (f) **On-Street Parking Places**
Nothing in Articles 4 to 8 of this Order shall render it unlawful to cause or permit any motor vehicle to wait in a designated on-street parking place.
- (g) **Waiting by a motor vehicle displaying a waiver**
Nothing in Articles 4 to 8 of this Order shall prevent any person from causing or permitting a motor vehicle to wait in any prohibited road or restricted road if it is displaying in a relevant position a waiver and the motor vehicle is waiting in accordance with the terms and conditions of the said waiver.
- (h) **Waiting by disabled person's vehicle**
Nothing in Articles 4 and/or 5 shall render it unlawful to cause or permit a motor vehicle which displays in a relevant position a disabled person's badge and parking disc, on which the time at which the period of waiting began has been marked, to wait in a prohibited road or a restricted road for a period not exceeding 3 hours (not being a period separated by an interval of less than that specified on the Plans from a previous period of waiting by the same motor vehicle in the same length of prohibited road or restricted road on the same day) provided that the motor vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or for the carrying of disabled person(s) as passenger(s):
- (i) **Waiting by a taxi or hackney carriage**

- (i) Nothing in Articles 4, 5 and 8 shall prevent any person from causing or permitting a taxi or hackney carriage to wait in any taxi rank.
- (ii) No person shall cause or permit any motor vehicle other than a taxi or hackney carriage to wait on a taxi rank.
- (iii) No person shall cause or permit a taxi or hackney carriage to wait on a taxi rank during the period of operation other than for the purpose of plying for hire.

SECTION 3 – GENERAL PROVISIONS FOR ON-STREET PARKING PLACES

11. On-Street Parking Places

- (a) Designation of On-Street Parking Places
 - (i) The on-street parking places may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
 - (ii) No person shall cause or permit any motor vehicle to park or wait in an on-street parking place during the permitted hours unless it is of a class specified in Article 11(b).
- (b) Classes of motor vehicles for which on-street parking places are designated
 - (i) Subject to the provisions of this Order, on-street parking places may be used during the permitted hours for the parking of motor cars, light goods vehicles, motorcycles, and motor vehicles displaying a disabled person's badge;

12. Restriction on On-Street Parking

No person shall, except upon the direction or with the permission of a police officer or parking attendant or Civil Enforcement Officer cause or permit any motor vehicle to park or wait during the permitted hours on any on-street parking place

- (a) for a period longer than the maximum period specified on the Plans; or
- (b) if the Plans prohibit the return of a motor vehicle to an on-street parking place within 24 hours, for two or more periods of waiting within 24 hours which together exceed the maximum period specified on the Plans;

SECTION 4 – PROVISIONS RELATING TO ON-STREET PARKING PLACES AND CHARGES

13. General

The roads or parts of roads or other areas identified on the Plans as on-street parking places may be used for parking subject to the provisions of this part of this Order.

14. Payment of charges for on-street parking places

- (a) on-street parking places may be used on such days and during such hours as are specified on the Plans and, where a charge is payable, shall be subject to a parking charge and maximum length stay as outlined in Appendix 'A' attached to this Order.
- (b) Payment of the parking charge shall be made either:
 - (i) by purchase of a parking ticket; or
 - (ii) by any other method of payment offered by the Council;
- (c) The parking charge shall be payable on the leaving of the motor vehicle in an on-street parking place identified as an on-street parking place on the Plans.

15. Requirement to display a ticket

- (a) Where the parking charge is paid by the purchase of a parking machine ticket, the parking machine ticket shall be displayed in the relevant position at all times whilst the motor vehicle is parked in the on-street parking place.
- (b) Where payment for parking in an on-street parking place is made by electronic parking ticket or under Article 14(b) of this Order the terms required by the Council in relation to the method of payment and indication of payment must be complied with.

16. Validity of parking machine ticket(s)

- (a) A parking machine ticket shall be valid if and so long as the following conditions are satisfied:-
 - (i) The parking machine ticket was purchased immediately on the parking of the motor vehicle at an on-street parking place;
 - (ii) Where two or more parking machine tickets are purchased they are purchased immediately one after the other and the parking machine tickets thereby obtained are consecutively numbered;
 - (iii) The parking machine ticket is displayed at all times in accordance with Article 15
 - (iv) The period during which the parking machine ticket is valid has not expired.

17. Indications by ticket machines and parking tickets as evidence

- (a) If a motor vehicle is parked in an on-street parking place at any time without a parking machine ticket being displayed in the relevant position, it shall be presumed, unless the contrary is proved, that the parking charge has not been paid.
- (b) If a motor vehicle is parked in an on-street parking place and the parking ticket machine clock and/or the parking machine ticket displayed on the motor vehicle indicate that the period during which the parking machine ticket is valid has expired it shall be presumed, unless the contrary is proved, that the period during which the parking machine ticket is valid has expired.

18. Out of Order Parking Ticket Machines

If at any time during the charging hours a parking ticket machine is out of order, a ticket shall be obtained from another parking ticket machine for the area in which the on-street parking place is situated.

19. Electronic Parking Tickets

- (a) Where an electronic parking ticket has been obtained as an alternative to a parking machine ticket and remains valid, any requirement for the parking ticket to be displayed in Article 15 and 16 and 17 shall not apply.
- (b) Notwithstanding the requirement to display a parking machine ticket, the other conditions in Articles 14, 15, 16 and 17 relating to the validity and evidence of a parking machine ticket will also apply to an electronic parking ticket as indicated by the electronic parking ticket's electronic record.

20. Exemptions for Disabled Drivers

Nothing in Articles 14 and 15 of this Order shall apply to any motor vehicle left or parked in an on-street parking place and identified on the Plans if there is displayed on the motor vehicle in the relevant position a disabled person's badge and parking disc

Provided that:

- (a) the motor vehicle is the motor vehicle in respect of which the badge has been issued; and
- (b) at the time the motor vehicle was parked the on-street parking place it was being driven or used by the person or institution to whom the badge was issued; and
- (c) the disabled person's badge has not expired.

SECTION 5 – PERMIT ON-STREET PARKING PLACES AND DISABLED PARKING PLACES

21. Residents' on-street parking places

- (a) Designation of residents' on-street parking places
Subject to the provisions of Articles 21 and 22 residents on-street parking places may be used, for the parking of any permitted motor vehicle which displays in a relevant position a valid residents' permit or carer's permit.
- (b) Parking in a residents' on-street parking place
Save as provided in Articles 9, 10(a), 10(g) and 10(h) of this Order no person shall cause or permit any motor vehicle to wait or park in any residents' on-street parking place during the hours specified on the Plans, except on the direction of a police officer or parking attendant or Civil Enforcement Officer or with the permission of the Council, unless a valid residents' permit or carers' permit is displayed thereon in accordance with Article 21(a) or an exemption under Articles 9, 10(a), 10(g), and 10(h) of this Order applies and the motor vehicle is parked so that every part of the motor vehicle is entirely within the limits of a parking bay.
- (c) The application for use of and surrender of a residents' permit or a carer's permit is in accordance with such procedure as may be published and amended from time to time by the Council

22. Electronic Parking Permits

- (a) Where an electronic parking permit has been obtained as an alternative to a residents' permit or carer's permit and remains valid, the requirement for the permit to be displayed in Article 21 shall not apply.

23. Disabled persons' parking places

- (a) Designation of disabled persons' parking places
Disabled persons' parking places may be used subject to the following provisions of this Order on such days and during such hours as are specified on the Plans.
- (b) Display of disabled person's badge
No person shall cause or permit any motor vehicle to wait in a disabled persons' parking place during the permitted hours unless there is displayed on that motor vehicle in a relevant position a disabled person's badge and the motor vehicle immediately before or after the waiting has been or is about to be driven or used by the person to whom the badge has been issued or for the carrying of disabled person(s) as (a) passenger(s).
- (c) Maximum periods of waiting in a disabled persons' parking place
 - (i) Save in an emergency, no person shall cause or permit any motor vehicle to remain in a disabled persons' parking place for longer than the maximum period specified on the Plans;
 - (ii) There shall be displayed in a relevant position a disabled person's badge and parking disc, on which has been marked the time at which the period of waiting began;

- (iii) The motor vehicle shall be removed from the disabled person's parking place within the maximum period specified on the Plans.
- (iv) Where a period within which a motor vehicle must not return to a disabled person's parking place is specified in the Plans, no person shall permit or cause the motor vehicle to wait in that disabled persons' parking place until the expiry of the specified no return period.

SECTION 6 – GENERAL CONDITIONS IN RESPECT OF ON-STREET PARKING PLACES

24. Manner of parking in a parking bay

Every motor vehicle and light goods vehicle should be parked in a parking bay in accordance with the following provisions:

- (a) if the on-street parking place is not in a one-way street, so that the left or near side of the motor vehicle is adjacent to the left-hand edge of the carriageway;
- (b) so that the distance between the edge of the carriageway and the nearest wheel of the motor vehicle is not more than 500 mm;
- (c) so that no part of the motor vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the motor vehicle is waiting; and
- (d) so that every part of the motor vehicle is within the limits of the on-street parking place as marked on the carriageway.

25. Alteration of position of a motor vehicle in a parking bay

Where any motor vehicle is parked in a parking bay in contravention of the provisions of Article 24 of this Order a person authorised by the Council a police officer or parking attendant or Civil Enforcement Officer may alter or cause to be altered the position of the motor vehicle in order that its position shall comply with those provisions.

26. Movement of a motor vehicle in a parking bay in an emergency

A police officer or parking attendant or Civil Enforcement Officer may move or cause to be moved or remove or cause to be removed, in case of emergency, to any place he/she thinks fit, any motor vehicle left in a parking bay and shall provide for the safe custody of the motor vehicle. In the event of a motor vehicle being removed in accordance with this Article the Council will not be responsible for any damage so caused.

27. Suspension of use of an on-street parking place

- (a) Any person duly authorised by the Council may suspend the use of an on-street parking place or any part thereof whenever they consider such suspension reasonably necessary:
 - (i) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (ii) for the purpose of any building operation, demolition or excavation on premises adjacent to the on-street parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the on-street parking place, the laying, erection, alteration or repair in or adjacent to the on-street parking place or 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;

- (iii) for the convenience of occupiers of premises adjacent to the on-street parking place on any occasion of the removal of furniture to or from premises adjacent to the on-street parking place;
- (iv) on any occasion on which it is likely by reason of some special event that any street will be obstructed;
- (v) for the convenience of occupiers of premises adjacent to the on-street parking place at times of weddings or funerals or civic duties or on other special occasions;
- (vi) on any occasion in the interests of traffic or pedestrian movement and safety when a special event is taking place in the vicinity;
- (b) A police officer may suspend for not longer than twenty four hours the use of an on-street parking place or any part thereof whenever he/she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (c) Any person or police officer in uniform suspending the use of an on-street parking place or any part thereof in accordance with the provisions of Articles 27(a) and/or 27(b) of this Order shall thereupon place or cause to be placed in or adjacent to that on-street parking place or part thereof a traffic sign indicating that waiting by motor vehicles is prohibited.

28. No waiting in a suspended on-street parking place

- (a) No person shall cause or permit a motor vehicle to wait in an on-street parking place or any part thereof during which such period as the Council or a police officer has suspended that on-street parking place or part thereof and a traffic sign has been placed on or near that on-street parking place.
- (b) Nothing in Article 21(a) of this Order shall render it a contravention to cause or permit a motor vehicle to be left in an on-street parking place which has been suspended, on which is displayed in the relevant position a valid waiver issued by the Council, and the motor vehicle is waiting in accordance with the terms and conditions of the said waiver.

29. Restrictions on the use of motor vehicles in an on-street parking place

During the permitted hours no person shall use any on-street parking place or any motor vehicle in an on-street parking place in connection with the sale or offering or exposing for sale any goods to any person in or near the on-street parking place or in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity:

Provided that

- (a) nothing in this Article shall prevent the sale of goods from a motor vehicle if there is on display in the motor vehicle a valid certificate of street trading consent and the motor vehicle is being operated in accordance with any conditions of the said certificate, and
- (b) nothing in this Article shall prevent the delivery of goods to and from a motor vehicle if the motor vehicle is a passenger vehicle, a light goods vehicle, or a motorcycle and the goods are immediately delivered to or from premises adjacent to the motor vehicle and the motor vehicle does not wait for a period exceeding 20 minutes or such longer period as a police officer or parking attendant or Civil Enforcement Officer may approve.

30. Exemptions to restriction on waiting by a motor vehicle in an on-street parking place

- (a) Notwithstanding the foregoing provisions of this Order any motor vehicle may wait during the permitted hours in any part of an on-street parking place if the use of that part has not been suspended and if;

- (i) the motor vehicle is waiting for only as long as may be necessary for the purpose of enabling any person to board or alight from the motor vehicle or load thereon or unload therefrom their personal luggage;
- (ii) the motor vehicle is waiting due to the driver being prevented from proceeding by circumstances beyond his or her control or such waiting being necessary in order to avoid an accident;
- (iii) the motor vehicle is being used by a carer visiting premises adjacent to the on-street parking place in the course of their official duties and a valid carer's permit is displayed in the relevant position;
- (iv) the motor vehicle being liveried is being used for fire and rescue, ambulance, police, or coastguard purposes or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the motor vehicle to wait in the on-street parking place in which it is waiting;
- (v) the motor vehicle is waiting for no longer than is necessary to enable it to be used in connection with the removal of any obstruction to traffic;
- (vi) the motor vehicle is being used by the Royal Mail or other universal postal service provider (as defined in Section 65 of the Postal Services Act 2011) and is waiting for the purpose of delivering and/or collecting mail;
- (vii) in any other case the motor vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the motor vehicle at premises adjacent to the on-street parking place and the motor vehicle does not wait for a period exceeding 20 minutes or for such longer period as a police officer or parking attendant or Civil Enforcement Officer may approve; or
- (viii) there is displayed on the motor vehicle in the relevant position a disabled person's badge or waiver provided that the motor vehicle is being used in accordance with the conditions applying to the disabled person's badge or waiver.

SECTION 7 - GENERAL

31. Pedestrian Crossings and Bus Stops

- (a) Nothing in this Order shall be taken as authorising any action which would otherwise be a contravention of any regulations made or having effect as if made under Sections 23 and 25 of the Act of 1984.
- (b) Insofar as any provision of this Order conflicts with a provision which is contained in an order made or having effect as if it were made under the Act of 1984, and existing at the time when this Order comes into operation, and which imposes a restriction or prohibition on waiting by motor vehicles other than public service vehicles being used to operate a local service in a bus stop area or grants an exemption from such restriction or prohibition, the provisions of that order will prevail.

SECTION 8 - CONTRAVENTION OF ORDER

32. General

- (a) If a motor vehicle is left in a prohibited or restricted road or on-street parking place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable. The amount of the penalty charge will be set by the Council in accordance with the provisions of the Act of 1984 and/or the Act of 2004 as it relates to the Civil Enforcement Areas and Special Enforcement Areas on the introduction of Civil Enforcement Parking. A penalty charge notice conforming to the relevant statutory requirements may then be served by a parking attendant and/or a Civil Enforcement Officer and/or the motor vehicle may be removed from the location.
- (b) Where a penalty charge is payable, a penalty charge notice showing the information required by Part 2 and the Schedule to the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (herein referred to as the 2007 Regulations) shall be issued in accordance with the 2007 Regulations.

33. Manner of payment of penalty charge notice

The penalty charge shall be paid within 28 days of its issue and shall be payable to the Council under the terms referred to in the said penalty charge notice.

34. Indications as Evidence

The particulars given in the penalty charge notice served in accordance with this Order shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

35. Restriction on removal of notices

Where a penalty charge notice has been attached to a motor vehicle in accordance with the provisions of this Order no person, with the exception of the driver of the motor vehicle, a police officer or a parking attendant or a Civil Enforcement Officer or a person duly authorised by the Council, shall remove the notice from the motor vehicle unless authorised to do so by the driver or owner or registered keeper of the motor vehicle.

36. Immobilisation

If a penalty charge has been incurred, a parking attendant or Civil Parking Enforcement Officer or a person acting under his/her direction may attach to the motor vehicle an immobilisation device and a notice in accordance with Part 3 of the 2007 Regulations and the motor vehicle shall only be released from the device on payment of the penalty charge together with such release fee as is prescribed by the Council.

37. Removal of motor vehicle

- (a) Where a parking attendant or Civil Parking Enforcement Officer has removed or caused to be removed a motor vehicle from an on-street parking place
 - (i) he/she shall provide for the safe custody of the motor vehicle;
 - (ii) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the motor vehicle as it has prescribed;
 - (iii) the provisions of the Act of 1984 as amended shall apply to the disposal of such motor vehicles removed by or on behalf of the Council pursuant to this Article.
- (b) No motor vehicle shall be immobilised or removed in accordance with the provisions of this Order where the motor vehicle is displaying in the relevant position a disabled person's badge.

SECTION 9 - VALIDITY

38. General

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.

SECTION 10 - REVOCATIONS

39. General

All the traffic regulation orders or parts of traffic regulation orders imposing the following restrictions on roads:

- (a) Prohibition and restrictions of waiting and loading and unloading;
- (b) Prohibition of stopping,
- (c) Loading areas,
- (d) Restrictions on on-street parking places, and
- (e) Restrictions on disabled parking places

as they relate to roads in West Somerset made prior to this Order are hereby revoked.

SECTION 11 - CIVIL ENFORCEMENT

40. General

With regard to the provisions of Section 8 of this Order in respect of Civil Parking Enforcement when an order further to paragraph 8(1) of Schedule 8 of the Act of 2004 designating the area of West Somerset (excluding certain roads) as a civil enforcement area for parking contraventions comes into effect:

- (a) All references in this Order to parking attendants shall be replaced by references to Civil Enforcement Officers (CEO)
- (b) If a motor vehicle is left at any time in contravention of any of the provisions of this Order a penalty charge will be payable, and in the case of a motor vehicle in respect of which a penalty charge is payable a penalty charge notice may then be issued by a Civil Enforcement Officer.

Dated this 8th day of June 2012

The COMMON SEAL of the)
COUNTY COUNCIL OF SOMERSET)
was hereunto affixed in the presence of:)

X 

Authorised signatory



No. in Register..23254

**THE COUNTY OF SOMERSET
PROHIBITION AND RESTRICTION OF STOPPING, WAITING AND LOADING
AND ON-STREET PARKING WEST SOMERSET
ORDER 2012**

**SCALE OF CHARGES FOR ON STREET PARKING
APPENDIX 'A'**

The following scale of charges for on-street parking in West Somerset are in accordance with the provisions of the Act of 1984.

Location of charged parking places	Charge				Maximum stay
	1 Hour	2 Hours	4 Hours	All Day	
Quay West, Minehead	£1.50	£2.60	£4.20	£5.70	24 hours
Seafront/Warren Road, Minehead	£1.50	£2.60	£4.20	£5.70	24 hours
Charging hours - 9.00 am - 6.00 pm daily inc Bank Holidays					

**THE COUNTY OF SOMERSET
PROHIBITION AND RESTRICTION OF STOPPING, WAITING AND LOADING
AND ON-STREET PARKING WEST SOMERSET
ORDER 2012**

**SCALE OF CHARGES FOR RESIDENTS ON-STREET PARKING
APPENDIX 'B'**

The following scale of charges for Residents On-Street Parking in West Somerset are in accordance with the provisions of the Act of 1984.

Resident Permit Zone	Resident Permit Charges	Charge
QRS – Quay West and Quay Street, Minehead	Resident Permit (One vehicle only)	£8.00
QR – Quay West and Quay Street, Minehead	Temporary Residents or Visitors of Residents Permit (Any vehicle)	£35.00

SOMERSET COUNTY COUNCIL

PROHIBITION AND RESTRICTION OF STOPPING, WAITING, LOADING AND UNLOADING, AND ON-STREET PARKING WEST SOMERSET DISTRICT ORDER 2012

Notice is hereby given that the Somerset County Council proposes to make the above Order under Sections 1, 2, 4, 32, 35, 45, 46, 49, 53, and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, (hereinafter referred to as 'the Act of 1984') as amended, and the Traffic Management Act 2004, (hereinafter referred to as 'the Act of 2004') as amended, and all other enabling powers.

The effect will be as follows:-

- A) To enable all existing prohibitions and restrictions for stopping, waiting, loading and unloading and on-street parking places currently in place, together with all current Traffic Regulation Orders relating to the Prohibition and Restriction of Stopping, Waiting, Loading and Unloading and On-Street Parking Places for the District of West Somerset to be made into a new Map Based Traffic Regulation Order.
- B) The enablement of Civil Parking Enforcement to all areas as identified on the relevant Plans for the District of West Somerset.

A copy of the draft Order and the associated Plans may be examined at 'B' Block Reception, County Hall, Taunton; or the West Somerset Area Highways Office, Mart Road Industrial Estate, Minehead, TA24 5BJ during normal office hours; or online at www.somerset.gov.uk/TRO

Persons wishing either to object to or support these proposals may do so by sending their representations in writing to Somerset Highways, Traffic Management, County Hall, Taunton, Somerset TA1 4DY, stating the reasons for their objections or support, and received no later than Thursday 7th June 2012.

Under the provisions of the Local Government (Access to Information) Act 1985, any letters of representation that are received, may be open to inspection by members of the public.

Sheila Wheeler
Chief Executive
Somerset County Council, County Hall, Taunton, TA1 4DY
Dated: 18th May 2012

STATEMENT OF REASONS FOR PROPOSING TO MAKE THE ORDER

This Order shall bring together all existing Prohibitions and Restrictions relating to Stopping, Waiting, Loading and Unloading and On-Street Parking for the District of West Somerset and make them under a new Map Based Traffic Regulation Order. There will be no change to the existing Prohibitions and Restrictions for Stopping, Waiting, Loading and Unloading and On-Street Parking currently in place, or the current Traffic Regulation Orders relating to

Prohibition and Restriction of Stopping, Waiting, Loading and Unloading and On-Street Parking, for the District of West Somerset.

This Order also provides for the introduction of Civil Parking Enforcement to all areas of the District of West Somerset shown on the Plans relating to the new Map Based Traffic Regulation Order.