

SOUTH GLOUCESTERSHIRE COUNCIL

(CHURCH VIEW, FILTON) (DESIGNATED DISABLED PERSONS' PARKING PLACE) ORDER 2021

The South Gloucestershire District Council (hereinafter referred to as "the Council") in exercise of its powers under sections 32 and 35 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 as amended (hereinafter referred to as "the Act of 1984") and of all other enabling powers, after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following order:-

PART I

GENERAL

Commencement and Citation

1. This order shall come into operation on the 17 June 2021 and may be cited as the South Gloucestershire Council (Church View, Filton) (Designated Disabled Persons' Parking Place) Order 2021.

Interpretation

2. (1) In this Order:-

"**civil enforcement officer**" means a person authorised by the Council to act as a "civil enforcement officer" as defined in section 76 of the Traffic Management Act 2004;

"**disabled person**" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended by the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2000;

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

"**disabled persons' parking place**" means an area on a road designated by Article 3 of this order;

"**disabled persons vehicle**" means:

- (a) a vehicle which is lawfully displaying a disabled person's badge in the relevant position and is a vehicle which, immediately before or after any period of waiting allowed by a provision of this order, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying one or more disabled persons as passengers; or
- (b) an invalid carriage as prescribed in Section 136 of the Act of 1984;

"**driver**", in relation to a vehicle waiting in a disabled persons' parking place, means the person driving the vehicle at the time it was left in the disabled persons' parking place and, where a separate person acts as steersman of a vehicle, includes that

person as well as any other person engaged in the driving of the vehicle and, "drive" shall be construed accordingly;

"**electronic communications apparatus**" means apparatus comprised in or to be comprised in an electronic communications network as defined in the Communications Act 2003;

"**parking attendant**" means a person duly authorised by or on behalf of the Council to supervise any parking place in accordance with provisions contained in section 63A of the Act of 1984;

"**permitted hours**" in relation to a parking place, means the period specified in the plans;

"**plans**" means the drawings which are annexed hereto as specified in the Schedule to this order;

"**police community support officer**" has the same meaning as in section 38 of the Police Reform Act 2002;

"**provision of a universal postal service**" has the same meaning as in the Postal Services Act 2000;

"**relevant position**" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"**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 Act of 1984;

"**traffic warden**" means a traffic warden employed by a police authority in pursuance of sections 95 and 96 of the Act of 1984.

"**universal service provider**" has the same meaning as in the Postal Services Act 2000;

- (2) 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.

PART II

DISABLED PERSONS' PARKING PLACES

Authorisation and use of disabled persons' parking places

3. Each area of carriageway which is identified as a **Disabled persons' parking place** in the plans is hereby authorised to be used, subject to the following provisions of this order, as a parking place for disabled person's vehicles between the hours of 9am and 5pm on any other day than a Sunday and no person shall cause or permit a vehicle to park:-
- (i) for a period longer than 3 hours; or
 - (ii) if a period of less than six hours has elapsed since the termination during the said hours of the last period of parking (if any) by that vehicle on either area of carriageway identified as a Disabled persons' parking place.

Designation of parking places

4. Each area on a highway comprising the length of carriageway of a road specified in the plans, bounded on one side of the length or width of the parking place by the edge of the carriageway and having a width not less than 1.98 metres is designated as a parking place.

Number and situation of parking spaces

5. The number of parking spaces in each parking place shall be the number spaces identified in the plans and the situation of such parking spaces in each parking place shall be as may determined by the Council.
6. The limits of each disabled person's parking place shall be indicated on the carriageway by appropriate traffic signs.

Restriction of use of vehicles at disabled persons' parking places

7. The driver of a vehicle referred to in Article 3 of this order using a disabled person's parking place shall stop the engine as soon as the vehicle is in position in the disabled persons' 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.
8. The driver of a disabled persons' vehicle using a disabled person's parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in, or to depart from, the disabled person's parking place.
9. No person shall use any disabled person's vehicle while it is in a disabled person's parking place either for the purpose of selling it or in connection with the sale of any article to any person in or near the disabled person's parking place or in connection with the selling or offering for sale of his skill in handicraft or his services in any other capacity or carry out or permit the carrying out of any work of maintenance or repair or the washing down of any vehicle except such maintenance or repair as may be necessary to enable the vehicle to be moved from the parking place.

Manner of standing in disabled persons' parking places

10. The driver of a disabled person's vehicle waiting in a disabled person's parking place shall cause it so to stand:-
 - a. if special provisions
in the case of a disabled person's parking place in relation to which special provisions as to the manner of standing of vehicles in that disabled person's parking place are indicated on the carriageway by appropriate traffic signs, so as to be in accordance with those provisions;
 - b. if no special provisions
in the case of any other disabled person's parking place on a road in single line parallel to the edge of the carriageway and so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than three hundred millimetres; and

- c. so that every part of the disabled person's vehicle is wholly within the limits of a disabled person's parking place.

Restriction of waiting in disabled persons' parking places

- 11. No person shall leave a vehicle in a disabled persons parking place -
 - a. unless it is of a class specified in Article 3 of this order; and
 - b. in a position other than that specified in Article 8 of this order.

Restriction of waiting of vehicles other than disabled persons' vehicles in disabled persons' parking places

- 12. (1) Without prejudice to the foregoing provisions of this order with respect to vehicles which are left in a disabled persons' parking place in accordance with those provisions, any other vehicle not being a disabled person's vehicle may wait anywhere on the carriageway within a disabled persons' parking place (other than a disabled persons' parking place or part thereof the use of which has been suspended) if the vehicle is:-
 - (a) waiting only for so long as is necessary to enable a person to board or alight from the vehicle;
 - (b) waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary to avoid an accident;
 - (c) being used for fire brigade, ambulance or police purposes or is a vehicle (other than a passenger vehicle) in the service of a local authority being used in pursuance of statutory powers or duties;
 - (d) waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - (e) to be used by a universal service provider in the course of the provision of a universal postal service for the purpose of delivering or collecting postal packets to or from premises adjacent to the disabled persons' parking place or for the purpose of delivering to or collecting from posting boxes adjacent to that disabled persons' parking place; or
 - (f) waiting only so long as may be reasonably necessary to enable it to be used for the purpose of the maintenance, installation or removal in or adjacent to the disabled persons' parking place of any traffic sign or other street furniture;
- (2) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act of 1984.

Manner of standing by exempted vehicles in disabled persons' parking places

- 13. A person causing or permitting a vehicle to wait in a disabled persons' parking place by virtue of the provisions of sub-paragraph (e) and (f) in paragraph (1) of the last preceding Article shall ensure:-

- (a) in the case of a disabled persons' parking place in relation to which special provisions as to the manner of standing of vehicles in that place are indicated on the carriageway by appropriate traffic signs, that the vehicle shall so stand –
 - (i) unless the length of the vehicle precludes compliance with this subparagraph, in accordance with those provisions and so that every part of the vehicle is within the limits of the disabled persons' parking place; or
 - (ii) if the length of the vehicle does preclude compliance with the last preceding sub-paragraph that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than three hundred millimetres; and
- (b) in the case of any other disabled persons' parking place, that the longitudinal axis of the vehicle is parallel to the edge of carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than three hundred millimetres.

Power to suspend the use of disabled persons' parking places

- 14. (1) Any person generally or specially authorised by the Council may suspend the use of any disabled person's parking place or any part thereof whenever that person considers such suspension reasonably necessary -
 - a. for the purpose of facilitating the movement of traffic or promoting its safety;
 - b. for the purpose of any building operation, demolition or excavation in or adjacent to the disabled person's parking place or the maintenance improvement or reconstruction of the disabled person's parking place or the laying, erection, alteration, removal or repair in or adjacent to the disabled person's parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communication apparatus or traffic sign;
 - c. for the convenience of occupiers of premises adjacent to the disabled person's parking place on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - d. on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - e. for the convenience of occupiers of premises adjacent to the disabled person's parking place at times of weddings or funerals, or on other special occasions.
- (2) A police constable in uniform may suspend for not longer than twenty-four hours the use of a disabled person's parking place or any part thereof whenever that police constable considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person suspending the use of a disabled person's parking place or any part thereof in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or the part thereof the use of which is suspended, a traffic sign indicating that waiting by any vehicle is prohibited.

- (4) No person shall cause or permit a vehicle to be left in any part of a disabled person's parking place during such period as there is in or adjacent to that part of the disabled person's parking place a traffic sign (indicating that the use of that disabled persons' parking place is suspended) placed in pursuance of paragraph (3) of this Article -

Provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes to be left in any part of the disabled person's parking place during such period as is referred to therein, or to any other vehicle so left if that vehicle is left with the permission (i) of the person suspending the use of the disabled person's parking place or the part thereof in pursuance of paragraph (1) of this Article, (ii) of a civil enforcement officer, (iii) of a police constable in uniform, (iv) of a police community support officer, (iv) of a parking attendant or (v) of a traffic warden.

Alteration of position of vehicle in disabled persons' parking places

15. Where a vehicle is standing in a disabled person's parking place in contravention of the provisions of Article 8 or Article 11 of this order, a civil enforcement officer, a police constable in uniform, a police community support officer, a parking attendant or a traffic warden may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of vehicles from disabled persons' parking places

16. When a vehicle is left in a disabled person's parking place in contravention of any of the provisions contained in Article 3 or Article 12(4) of this order or when a vehicle other than an invalid carriage or a vehicle which displays in the relevant position a disabled person's badge is left in a disabled person's parking place in contravention of the provisions of Article 9 of this order, a civil enforcement officer, a police constable in uniform, a police community support officer, a parking attendant or a traffic warden may remove or arrange for the removal of the vehicle from that parking place.
17. A civil enforcement officer, a police constable in uniform, a police community support officer, a parking attendant or a traffic warden removing a vehicle by virtue of Article 14 of this order may do so by towing or driving the vehicle or in such other manner as that a civil enforcement officer, a police constable in uniform, a police community support officer, a parking attendant or a traffic warden may think necessary and may take such measures in relation to that vehicle as may be thought necessary to enable the removal as aforesaid.

Safe custody of vehicles from disabled person's parking places

18. When a civil enforcement officer, a police constable in uniform, a police community support officer, a parking attendant or a traffic warden removes or makes arrangements for the removal of a vehicle from a disabled person's parking place by virtue of Article 13 of this order, that civil enforcement officer, police constable in uniform, police community support officer, parking attendant or traffic warden shall make such arrangements as may be reasonably necessary for the safe custody of that vehicle.

Method of removal of vehicles from disabled persons' parking places

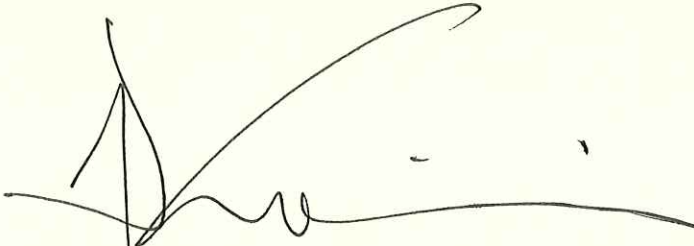
19. Any person removing or altering the position of a vehicle by virtue of Article 13 or Article 14 of this order may do so by towing or driving the vehicle, or in such other manner as he may think necessary, and may take such measures in relation to the vehicle as may be thought necessary to enable the removal as aforesaid.

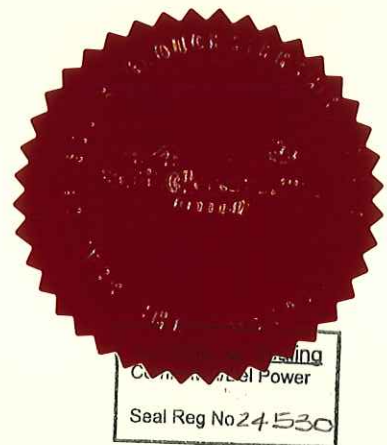
Movement of vehicles in disabled persons' parking places in an emergency

20. Any person generally or specially authorised by the Council or a civil enforcement officer, a police constable in uniform, a police community support officer, a parking attendant or a traffic warden may move or cause to be moved, in case of emergency, to any place he thinks fit any vehicle left in a disabled person's parking place.
21. The County Council of Avon (Parking Places) (Disabled Persons) Order 1980 is hereby revoked.

Given under the Common Seal of South Gloucestershire District Council the 9th day of June 2021.

THE COMMON SEAL of
SOUTH GLOUCESTERSHIRE
DISTRICT COUNCIL was hereunto
affixed in the presence of:-


Solicitor



SCHEDULE
Plans

T413-459-52

