

THE COUNTY OF CUMBRIA (WEST STREET, KENDAL)
(TRAFFIC REGULATION) ORDER 2002

The County Council of Cumbria in exercise of its powers under Sections 1(1) and 2(1) to (3) of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Constable of Cumbria in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

1. This Order shall come into operation on 29th July 2002 and may be cited as The County of Cumbria (West Street, Kendal) (Traffic Regulation) Order 2002

PART I

GENERAL

2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 as amended;

"disabled person's vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England and Wales) Regulations 1986 as amended;

"goods" include postal packets of any description; and "delivery" and "collecting" in relation to any goods include checking the goods for the purpose of their delivery or collection;

"junction" means, unless otherwise indicated in this Order, the intersection of the centre line of two roads;

"relevant position" means

- (a) in relation to a disabled persons' badge which was issued before 2nd March 1992,
 - (i) in the case of a vehicle fitted with a front windscreen the badge is exhibited thereon on the near side of and immediately behind the windscreen and with the front forward so as to be legible from the outside of the vehicle;
 - (ii) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the vehicle;
- (b) in relation to a disabled persons' badge issued after 2nd March 1992,

- (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from the outside of the vehicle;
- (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from the outside of the vehicle.

"traffic warden" means a traffic warden employed by a Police Authority in pursuance of Section 95 of the Act;

- (2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- (3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART II

PROHIBITION OF WAITING

- 3. Save as provided in Article 4 of this Order, no person shall, except upon the direction or with the permission of a police constable in uniform or a traffic warden, cause or permit any vehicle to wait at any time in the lengths or road or sides of road specified in Schedule 1 to this Order.
- 4. Nothing in Article 3 of this Order shall render it unlawful to cause or permit any vehicle to wait in the lengths of road referred to therein for so long as may be necessary:-
 - (a) to enable a person to board or alight from the vehicle;
 - (b) to enable waiting only so long as is necessary to enable goods or merchandise to be loaded onto or unloaded from the vehicle;
 - (c) to enable waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid accidents;
 - (d) if the vehicle is being used for police, fire brigade or ambulance purposes, or a vehicle (other than a passenger vehicle) in the service of a local authority or water authority which is being used in pursuance of statutory powers or duties;
 - (e) to enable it to be used in connection with the removal of any obstructions to traffic;
 - (f) if the vehicle is being used in the service of or employed by the post office and is waiting while postal packets addressed to premises adjacent to the length of road or side of road in which the vehicle is waiting are being unloaded from the vehicle, or, having been unloaded therefrom, or are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the length of road or side of road in which the vehicle is waiting, or, is in use in connection with the servicing of posting boxes adjacent to the length of road or side of road in which the vehicle is waiting;

- (g) if the vehicle is being used in connection with any building operation or demolition, the maintenance, improvement or reconstruction of the length of road or side of road or the laying, erection, alteration or repair in or near the said length of road or side of road 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 Schedule 2 to the Telecommunications Act 1985;
 - (h) if the vehicle is in actual use in connection with 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;
 - (i) if the vehicle is in actual use in connection with the removal of a coffin containing the remains of a deceased person to or from premises situated on or adjacent to that length of road or side of road.
5. Nothing in Article 3 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 for a period not exceeding three hours (not being a period separated by an interval of less than one hour from the previous period of waiting by the same vehicle in the same length of road or on the same side of road on the same day).

PART III

PROHIBITION OF MOTOR VEHICLES

- 6. No person shall cause or permit a motor vehicle to proceed in the length of road specified in Schedule II to this Order.
- 7. The Council is satisfied that for preventing the likelihood of danger arising to persons or other traffic using the road specified in Schedule II to this Order it is requisite that Section 3(1) of the Act should not apply in relation to this Order.

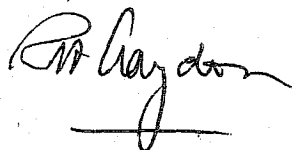
Dated the 19th day of July 2002

The COMMON SEAL of)

CUMBRIA COUNTY COUNCIL)

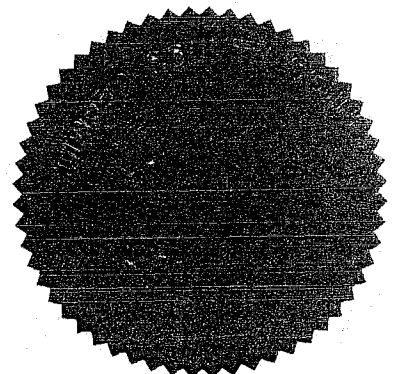
was hereunto affixed)

in the presence of:-)



ASST HEAD OF LEGAL SERVICES

C13305



SCHEDULE I

No Waiting At Any Time

Road

Extent of Restriction

U904 West Street

Both sides - from its junction with Milnthorpe Road (kerb line) eastwards for a distance of 14m;

SCHEDULE II

Prohibition of Driving

Road

Extent of Restriction

U904 West Street

That length of West Street from its junction with Milnthorpe Road (kerb line) eastwards for a distance of 4m.