

THE COUNTY OF CUMBRIA (SOUTH ROAD, KENDAL)  
(TRAFFIC REGULATION) (NO.1) ORDER 2004

The County Council of Cumbria (hereinafter referred to as "the Council") in exercise of its powers under Sections 1(1), 2(1) to (3) and Part IV of Schedule 9 to 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:-

GENERAL

1. This Order shall come into operation on 8<sup>th</sup> March 2004, and may be cited as The County of Cumbria (South Road, Kendal) (Traffic Regulation) (No.1) Order 2004
2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-
  - (1) "approved" means approved by the Department of the Environment for the purposes of this Order in accordance with Section 35(3) of the Act;
  - (2) "delivering" and or "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;
  - (3) "disabled person" means a person who holds a disabled persons' badge in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (No. 682) (and in particular Regulation 4 thereof) or any re-enactment thereto;
  - (4) "disabled person's badge" means a badge issued in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended) (in particular Regulation 11 and the Schedule thereto) or under regulations having effect in Scotland and Wales under Section 21 of the Chronically Sick and Disabled Persons Act 1970 as referred to currently by the Local Authorities Traffic Orders (Exemptions for Disabled) (England) Regulations 2000 (No. 683) or any subsequent further re-enactments thereof;
  - (5) "disabled person's vehicle" means a vehicle driven by a disabled person as defined in Regulation 4(2) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (No. 682);
  - (6) "driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place (and shall, as appropriate, bear the meaning assigned by Section 142 of the 1984 Act);
  - (7) "goods" shall mean material possessions, goods, burdens and items of any description and shall include cash or other valuable securities and be of such weight or bulk that they cannot be reasonably conveyed otherwise than by means of a vehicle;

- (8) “goods vehicle” means for the purpose of this Order a motor vehicle which is constructed or adapted for the carriage of goods or burden of any description, the unladen weight of which does not exceed 1.524 tonnes;
- (9) “junction” means, unless otherwise indicated in this Order, the intersection of the carriageway centre lines of two or more roads;
- (10) “motor car” shall mean and include any mechanically propelled vehicle not being a motor cycle or an invalid carriage, which is constructed itself to carry passengers of which the weight unladen does not normally exceed 3050 kilograms subject always to the inclusion of the extended meaning to this term given in Section 136 of the 1984 Act (and whether or not it is being used for business purposes);
- (11) “motor cycle” and “invalid carriage” have the same meanings respectively as in Section 136 of the Act;
- (12) “motor vehicle” means any class of mechanically propelled vehicle including motor cycles motor cars goods vehicles and car derived vans, and shall bear the extended definition given thereto in Sections 136 and 137 of the 1984 Act (but shall not include any commercial vehicle as defined above or any heavy commercial vehicle as defined in Section 138 of the Act) (and whether or not it is being used for business purposes). Where reference is made to vehicle or motor vehicle in the Order these terms shall be deemed to have the same meaning and be interchangeable and to be interpreted accordingly;
- (13) “parking device” shall have the meaning assigned to it in the 1984 Act (Section 142; Section 35(3B); Section 51(4) and shall include parking disc;
- (14) “parking disc” in relation to Part II of this Order (Disabled Persons Parking Places), a device which:-
- (i) is 123 millimetres square and coloured blue, issued on or after 1st April 2000, or orange if issued before that date;
  - (ii) has been issued by a local authority and has not ceased to be valid; and
  - (iii) is capable of showing the quarter hour period during which a period of waiting began;
- (15) “parking place” means any part of a road authorised by this Order to be used as a parking place;
- (16) “passenger vehicle” means a motor vehicle (other than a motor cycle, an invalid carriage, goods vehicle or heavy commercial vehicle) which is adapted to carry not more than 8 passengers as defined in this Order;
- (17) “post office” and any reference to “post office vehicle” or “postal packets” shall be construed in the context of the Postal Services Act 2000 and the Consequential Amendments Order 2001 (No. 2001/648) and shall include therefore references to “universal service providers” such as Consignia Plc, as the context shall require
- (18) “prescribed hours” means 24 hours a day, seven days a week.

- (19) "quarter hour period" means a period of quarter of an hour starting at any hour or fifteen, thirty or forty-five minutes past the hour which can be shown on the parking disc;
- (20) "relevant position" means (in conformity with Regulation 12 of SI 2000 No. 682) referred to above) in relation to a disabled person's badge,
- (i) in the case of a vehicle fitted with a dashboard or facia panel, the badge is exhibited thereon so that Part 1 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 1 of the badge is legible from outside the vehicle
- (21) "road" means the full width of the highway including the carriageway and footway;
- (22) "traffic sign" means a sign or marking of any size colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act;
- (23) "trailer" shall have the meaning assigned to it by Section 138(3) of the 1984 Act;
- (24) "the 1991 Act" means the Road Traffic Act 1991;
- (25) "The 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002;

- (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.
3. The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any Regulations made or having effect as if made under the Act of 1984, or by or under any other enactment.

## PART I

### PROHIBITION OF ENTRY

4. Save as provided in Article 5 of this Order, no person shall cause or permit any vehicle to proceed in the length of road specified in Schedule 1 to this Order in the direction specified therein.
5. Nothing in Article 4 of this Order shall apply to vehicles being used for Police, Fire or Ambulance purposes, ridden cycles, mechanical street cleaning vehicles and refuse collection vehicles.

## PART II

### PROHIBITION OF WAITING

6. Save as provided in Articles 7, 8 and 9 of this Order, no person shall cause or permit any vehicle to wait, at any time, on any day, in the lengths of road specified in Schedule 2 to this Order.
7. Nothing in Article 6 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 in the lengths of road or on the sides of road referred to in the said Article 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).

Provided that this paragraph shall not apply to such lengths or sides of road specified in the said Schedule during such times as loading and unloading restrictions are in force.

8. Nothing in Article 6 of this Order shall render it unlawful for a person to cause or permit a vehicle to wait in the lengths or road or sides of road specified therein if the vehicle is:-
- (a) waiting only so long as is necessary to enable a person to board or alight from the vehicle or to enable goods or merchandise to be loaded onto or unloaded from the vehicle;
  - (b) 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;
  - (c) a vehicle 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;
  - (d) waiting to enable it to be used in connection with the removal of any obstruction to traffic;
  - (e) in the service of or employed by the post office and is waiting while postal packets addressed to premises adjacent to the restriction on which the vehicle is waiting are being unloaded therefrom, or are being delivered or while postal packets are being collected from the premises or posting boxes adjacent to the restriction on which the vehicle is waiting, or, is in use in connection with the serving of posting boxes adjacent to the restriction on which the vehicle is waiting;
  - (f) being used in connection with any building operation or demolition the maintenance, improvement or reconstruction of the parking place 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 Schedule 2 to the Telecommunications Act 1984;
  - (g) 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 depository;

- (h) 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 restriction.
9. Nothing in the foregoing provisions of this Order shall apply at a bus stop to a public service vehicle providing a local service, as defined in Section 2 of the Transport Act 1985, provided that the Highway Authority or its agent has agreed in writing that the bus stop is a suitable place at which such vehicles may wait for no longer than is necessary to take up or set down passengers.

### PART III

#### AUTHORISATION AND USE OF PARKING PLACES

##### USE OF PARKING PLACE

10. Each of the parts of road specified in Schedule 3 to this Order is authorised to be used, subject to the following provisions of this Order, as a parking place during the prescribed hours for such vehicles as are passenger vehicles, goods vehicles, motor cars, motor cycles, motor cycles with side cars attached thereto and disabled persons' vehicles.
11. (1) The driver of a vehicle shall not permit it to wait in a parking place specified in Schedule 3 to this order during the prescribed hours, unless the vehicle is:-
- (a) of a class specified in Article 10 of this Order;
  - (b) wholly within the limits of the parking place as marked on the carriageway by broken white lines conforming to diagram 1028.4 in Schedule 6 to the 2002 Regulations and is parked parallel to the kerb.
- (2) The driver of a vehicle shall not permit it to wait in a parking place specified in Schedule 3 to this order during the prescribed hours for a longer period than two hours providing that, where a vehicle has left a parking place specified in Schedule 3 of this Order after waiting thereon the driver thereof shall not within two hours after its leaving permit it to wait again upon that parking place.
12. The driver of a motor vehicle shall not use a parking place
- (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance;
  - (b) when closed under the provisions of Article 15 of this Order.
13. The driver of a motor 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.
14. 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 skill or services.

15. Nothing in Article 11 of this Order shall restrict the power of the Council or of the District Council for preventing obstruction of the streets by order on the occasion of any public procession rejoining or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place.
16. (1) Subject to the provisions hereto, where a police officer in uniform or a parking attendant is of the opinion that any of the provisions contained in this Part of the Order have been contravened or not complied with in respect of a vehicle left in a parking place, he may remove or cause to be removed the vehicle from the parking place and, where it is so removed he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle
- (2) Provided that when a vehicle is waiting in a parking place in contravention of the provisions of paragraph (2) of this Article, 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.
- (3) A disabled persons vehicle which displays in a relevant position a disabled persons badge shall be exempt from compliance with any limitation of time during which a vehicle may be left in a parking place specified in the foregoing provisions of this Order.
17. Any person removing the vehicle or altering its position by virtue of the last preceding Article 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 he may think necessary to enable him to remove it or alter its position as the case may be.

#### RESTRICTION OF WAITING OF VEHICLES

18. (1) Nothing in the foregoing provisions of this part of the Order shall apply to a vehicle waiting during the prescribed hours in a parking place specified in Schedule 3 to this Order if the vehicle is
- (a) waiting only so long as is necessary to enable a person to board or alight from the vehicle or to enable goods or merchandise to be loaded onto or unloaded from the vehicle;
- (b) 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;
- (c) a vehicle 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;
- (d) waiting to enable it to be used in connection with the removal of any obstruction to traffic;
- (e) in the service of or employed by the Post Office and is waiting while postal packets addressed to premises adjacent to the parking place 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 parking place in which the vehicle is waiting or is in use in connection with the servicing of posting boxes adjacent to the parking place in which the vehicle is waiting;

- (f) being used in connection with any building operation or demolition, the maintenance, improvement or reconstruction of the parking place 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 Schedule 2 to the Telecommunications Act, 1984;
- (g) 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;
- (h) in actual use in connection with the removal of a coffin containing the remains of a deceased person to or from premises situate on or adjacent to that parking place; or

#### PART IV

#### REVOCATION OF EXISTING ORDERS

19. The Orders specified in Schedule 4 to this Order are hereby revoked to the extent specified therein.

Dated the 27<sup>th</sup> day of February 2004

THE COMMON SEAL OF )

C15835

CUMBRIA COUNTY COUNCIL )

was hereunto affixed . )

in the presence of:- )



ASST HEAD OF LEGAL SERVICES



## SCHEDULE 1

### PROHIBITION OF ENTRY

#### Road

South Road, Kendal

#### Restriction

No vehicle shall proceed in a southbound direction in South Road, Kendal at a point approximately 84 metres north of the centre of its junction with West Street measured along the western kerb line.



## SCHEDULE 2

### NO WAITING AT ANY TIME

#### Road

#### Extent of Restriction

South Road, Kendal

West Side – From a point approximately 68m north of the centre of its junction with West Street northwards to its junction with Milnthorpe Road, measured along the western kerb line.

East Side –

- (1) From a point approximately 64m north of the centre of its junction with West Street northwards for a distance of approximately 35m measured along the eastern kerb line.
- (2) From a point approximately 121m north of the centre of its junction with West Street (measured along the eastern kerb line) northwards to its junction with Milnthorpe Road.

### SCHEDULE 3

#### PARKING PLACES, 7 DAYS A WEEK, 24 HOURS A DAY WAITING LIMITED TO 2 HOURS, RETURN PROHIBITED WITHIN 2 HOURS

#### Road

#### Description of Parking Places

South Road, Kendal

East Side –

- (1) From a point approximately 7m north west of the centre of its junction with West Street northwards for a distance of approximately 57m measured along the eastern kerb line.
- (2) From a point approximately 99m northwest of the centre of its junction with West Street northwestwards for a distance of approximately 22m measured along the eastern kerb line.

## SCHEDULE 4

### REVOCATION OF EXISTING ORDERS

<u>Title of Order</u>	<u>Extent of Revocation</u>
The County of Cumbria (Various Roads, South Lakeland Area) (Consolidation of Traffic Regulations) Order 2002	Article 17, Schedule 13, Part 1, Kendal only.

<u>Title of Order</u>	<u>Extent of Revocation</u>
The County of Cumbria (South Road, Kendal) (Experimental Traffic Regulation) Order 2003	The entire Order

<u>Title of Order</u>	<u>Extent of Revocation</u>
The County of Cumbria (South Road, Kendal) (Experimental Traffic Regulation) (No.1) Order 2003	The entire Order