

THE COUNTY OF CUMBRIA (YORK SQUARE, ULVERSTON)
(PROHIBITION OF WAITING) ORDER 2002

1. The Cumbria County Council hereby give notice that on 21st June 2002 it made the above Order under Sections 1, 2 and 4 of the Road Traffic Regulation Act 1984.
2. The Order will become operative on 1st July 2002 and its effect will be to impose "No Waiting At Any Time" restrictions on both sides of York Square, Honey Pot Estate, Ulverston, from its junction with Devonshire Road southwards to its junction with the rear access road running to the south of, and parallel to, Devonshire Road.
3. Full details of the Order, together with a plan showing the length of road concerned, a statement of the Council's reasons for making the Order and a copy of the Order to be amended, may be inspected at the offices of Capita DBS, Neville House, County Road, Ulverston and the offices of the undersigned during normal working hours.
4. If you wish to question the validity of the Order or of any provision contained in it on the grounds that it is not within the powers conferred by the Road Traffic Regulation Act 1984 or on the grounds that any requirement of that Act or any instrument made thereunder has not been complied with in relation to the Order, you may within six weeks of 21st June 2002 apply to the High Court for this purpose.

B. WALKER
Head of Legal Services

Dated 28th June 2002
The Courts, Carlisle CA3 8LZ

H:\BAXTER, KIM\Notice\honeypotnwaat.doc

THE COUNTY OF CUMBRIA (YORK SQUARE, ULVERSTON)
(PROHIBITION OF WAITING) ORDER 2002

The County Council of Cumbria in exercise of its powers under Sections 1(1), 2(1) and (2), 4(1) and (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 1st July 2002 and may be cited as The County of Cumbria (York Square, Ulverston) (Prohibition of Waiting) Order 2002

PART I

GENERAL

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

"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;

"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;

"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);

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

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

"parking disc" means:

- (a) in relation to Part II of this Order, (Disabled Persons Parking), 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;

“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;

“relevant position” means (in conformity with Regulation 12 of SI 2000 No. 682):-

- (a) 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;
- (b) in relation to a parking device or disc (in conformity with SI 2000/1519: Regulation 4):-
- (i) in the case of a vehicle fitted with a dashboard or facia panel the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle; or
- (ii) in the case of a vehicle not so fitted the disc is exhibited in a conspicuous position on the vehicle so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle.

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

PART II

PROHIBITION OF WAITING

5. Save as provided in Article 6 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 of road or sides of road specified in the Schedule to this Order.

6. Nothing in Article 5 of this Order shall render it unlawful to cause or permit any vehicle to wait in the lengths of road or sides 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 or any other registered courier 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;
- (j) if the vehicle is in actual use for the conveyance of persons in connection with a wedding ceremony or funeral service.

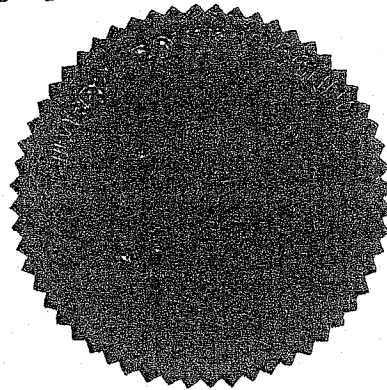
7. Nothing in Article 5 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge and

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 sides of road referred to in that 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).

Dated the 21st day of June 2002

THE COMMON SEAL OF)
CUMBRIA COUNTY COUNCIL)
was hereunto affixed)
in the presence of:-)

C13015



Brian L. Dalton

Head of Legal Services

SCHEDULE

No Waiting At Any Time

Done

<u>Road</u>	<u>Side</u>	<u>Extent of Restriction</u>
York Square, Honey Pot Estate, Ulverston	Both	From its junction with Devonshire Road southwards to its junction with the rear access road running to the south of, and parallel to, Devonshire Road.

H:\BAXTER, KIM\Trorder\honeypotnwaat.doc