

THE COUNTY OF CUMBRIA (CENTRAL AREA KENDAL)
(PEDESTRIANISATION AND TRAFFIC REGULATION) ORDER 2003

The County Council of Cumbria in exercise of its powers under Sections 1, 2, 4, 32, 35 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act") after consultation with the Chief Constable of Cumbria in accordance with Part III of Schedule 9 to the Act hereby makes the following order:-

PART 1

GENERAL

1. This Order shall be cited as the County of Cumbria (Central Area Kendal) (Pedestrianisation and Traffic Regulation) Order 2003 and shall come into operation on 13th October 2003.

2.

- (1) In this Order:-

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

"Disabled Person's Badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982;

"Authorised Cab Rank" means any area of carriageway which is comprised within and indicated by road markings complying with diagram 1028.2 in Schedule 6 of the Traffic Signs Regulations and General Directions 2002;

"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;

"Goods" includes postal packets of any description and;

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

"Hackney Carriage" has the same meaning as in Section 38(1) of the Vehicle (Excise) Act 1971;

"One Way Street" means a highway in which vehicles are prohibited at all times from proceeding in any other than one direction;

"Junction" means the intersection of notional lines extending along the centre of

the carriageways of each of any of the roads forming the junction;

“Owner” in relation to a vehicle means the person by whom such vehicle is kept and used;

“Parking Attendant” shall mean the person or persons duly authorised in writing in that behalf (from time to time) by the South Lakeland District Council;

“Parking Disc” means a disc issued by the Local Authority complying with the requirements of the British Standard Specifications for Parking Discs (BS4631:1970), coloured orange and capable of showing the quarter hour period during which a period of waiting begins;

“Parking Place” means any part of a road authorised by this Order to be used as a parking place;

“Passenger Vehicle” means a motor vehicle (other than a motor cycle or an invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than 12 passengers exclusive of the driver;

“Relevant Position” means

(a) in relation to a disabled person’s badge

- (i) in the case of a vehicle fitted with a front windscreen the obverse side facing forwards on the nearside of and immediately behind the windscreen;
- (ii) in the case of a vehicle not fitted with a front windscreen in a conspicuous position on the vehicle

(b) in relation to a parking disc and permit

- (i) where the vehicle is fitted with front glass windscreen extending across the vehicle to the nearside, facing forwards on the nearside of the glass of such windscreen either immediately in front of or behind the glass;
- (ii) where the vehicle is not fitted with a front windscreen as specified in the last preceding paragraph, on the nearside of the vehicle facing towards the nearside of the road and not less than 750mm and not more than 2m above the surface of the carriageway in the immediate vicinity.

“The 2002 Regulations” means the Traffic Signs Regulations and General Directions 2002;

“Security Vehicle” means a vehicle duly constructed for the purpose of conveying valuables and registered to a bone fide security firm;

“Permit” means a permit issued by South Lakeland District Council in accordance with Article 8 of this Order;

- (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 and as if for the purpose of Section 38 of that Act this Order were an Act of Parliament and the Order and Byelaws revoked by Article 26 of this Order were Acts of Parliament thereby revoked
3. The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any Regulation made or having effect as if made under the Act, or by or under any other enactment.

PART 2

PROHIBITION OF DRIVING

4. Save as provided in Articles 5-8 no person shall, except upon the direction or with the permission of a Police Constable in uniform or of a Parking Attendant cause or permit any vehicle to proceed in the roads or lengths of roads specified in Schedule 1 to this Order.
5.
 - (1) Nothing in Article 4 shall apply so as to prevent any person from causing any vehicle to proceed in the roads or lengths of roads specified in that Article if the vehicle is being used for Police, Fire Brigade or ambulance purposes.
 - (2) Nothing in Article 4 shall apply to a pushed cycle.
6. Nothing in Article 4 shall apply so as to prevent any person from causing any vehicle authorised by Articles 13-15 of this Order to use the designated parking places, to proceed in
 - (1) Finkle Street from the centre of its junction with Highgate/Stricklandgate eastwards for a distance of 42 metres, and

- (2) Market Place from the centre of its junction with Stricklandgate eastwards for a distance of 30 metres

when requiring access to or egress from the said designated parking places.

7. Nothing in Article 4 shall apply so as to prevent any person from causing any vehicle to proceed in the roads and lengths of road specified in Schedule 1

- (1) between the hours of 10.00 am – 4.00 pm if the vehicle : -
- (a) displays in the relevant position a permit issued by South Lakeland District Council in accordance with Article 8 of this Order, or
 - (b) has been given permission in writing by the Chief Constable, or
 - (c) is owned by a resident of premises fronting onto the roads specified in the said Schedule and requires access to or egress from his or her private off-street parking areas, or
 - (d) is being used in the service of a local authority or water company in pursuance of statutory powers or duties, or
 - (e) is being used in connection with the removal of any obstruction to traffic, or
 - (f) is being used in connection with the maintenance improvement or reconstruction of the lengths of road or sides of road or the laying, erection, alteration or repair in on or near the said roads or lengths of road of any sewer or of any main pipe apparatus for the supply of gas, water, electricity or any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984, or
 - (g) 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 roads or lengths of road in which the vehicle is waiting, are being unloaded from the vehicle or, having been unloaded therefrom, being delivered or while postal packets are being collected from premises or posting boxes adjacent to the roads or lengths of road in which the vehicle is waiting or is in use in connection with the servicing of posting boxes adjacent to the roads or lengths of road, or
 - (h) is a security vehicle making deliveries of or collecting cash or valuables to or from premises fronting the roads or lengths of road, or

- (i) is 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 the roads or lengths of road, or
 - (j) is in actual use for the conveyance of persons in connection with a wedding ceremony or funeral service.
- (2) Between the hours of 4.00 pm and 10.00 am the following day if the vehicle
- (a) is a vehicle being used as specified in paragraph (1) of this Article, or
 - (b) is being used for the conveyance of goods or burden to or from any premises situated on or adjacent to the said road or lengths of road, or
 - (c) is a disabled persons vehicle displaying a disabled persons badge in the relevant position.
8. (1) Nothing in the foregoing provisions of this part of the Order shall prevent the issue by South Lakeland District Council of a permit, for such limited period of time and upon such terms including permission to wait for a specified period as the District Council shall require exempting a vehicle from the prohibition specified in Article 4.
- (2) Nothing in the foregoing provisions of this Order shall prevent South Lakeland District Council erecting and removing traffic bollards (or other authorised obstructions) at their discretion: -
- (a) to give effect to the provisions of this Order each day, or
 - (b) to enable vehicles being used in connection with the market on market days or for loading/unloading of vehicles on other days to gain access to or egress from Market Place and Branthwaite Brow.

PART 3

PROHIBITION OF WAITING

9. Save as provided in Article 10 of this Order no person shall, except on the direction or with the permission of a Police Constable in uniform or of a Parking Attendant, cause or permit any vehicle to wait in the lengths of road or sides of road specified in Schedules 2 and 3 to this Order.
10. (1) Nothing in Article 9 of this Order shall apply to a vehicle waiting between the hours of 10.00 am – 4.00 pm in the lengths of road or sides of road specified in

Schedule 2 to this Order if the vehicle

- (a) displays a permit in the relevant position and is waiting only so long as is necessary for the purposes stated thereon;
 - (b) is a vehicle being used as specified in Article 7(1)(d) – (j) and is waiting only so long as is necessary for the purpose stated in these clauses;
- (2) Nothing in Article 9 of this Order shall apply to a vehicle waiting in the lengths of road or sides of road specified in Schedule 2 between the hours of 4.00 pm and 10.00 am the following day, and Schedule 3 at any time if the vehicle
- (a) is a vehicle specified in paragraph (1) of this Article and is waiting only so long as is necessary for the purposes stated therein;
 - (b) is waiting only so long as is necessary to enable goods to be loaded onto or unloaded from a vehicle
- (3) Nothing in Article 9 of this Order shall apply to a vehicle waiting in the lengths of road or sides of road specified in Schedule 3 if the vehicle is waiting only so long as is necessary to enable a person to board or alight from the vehicle.
- (4) Nothing in Article 9 shall apply in the lengths of road or sides of road specified in Schedule 2 between the hours of 4.00 pm to 10.00 am the following day and Schedule 3 at any time to 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 this paragraph 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 4

AUTHORISATION AND USE OF PARKING PLACES

- 11. Subject to Articles 12, 18 and 19 of this Order each of the parts of road specified in column 1 of Schedule 4 to this Order is authorised to be used at any time as a parking place for disabled persons vehicles.
- 12. The driver of a vehicle shall not permit it to wait in any of the parking places specified in Article 11 of this Order unless the vehicle is:-

- (1) a disabled person's vehicle which displays a disabled person's badge in the relevant position; and
 - (2) is wholly within the limits of the parking place as indicated by coloured paving materials or by road markings painted on the surface of the highway.
13.
 - (1) Subject to the provision of Articles 18 and 19 each of the parts of road specified in column 1 of Schedule 5 is authorised to be used as a parking place for licensed Hackney Carriages.
 - (2) The driver of a licensed Hackney Carriage shall not permit it to wait in the parking place specified in Part (1) of this Article unless the vehicle is wholly within the limits of the parking place as indicated by a coloured paving materials or by road markings painted on the surface of the highway.
14. Each of the parts of road specified in column 1 of Schedule 6 to this Order is authorised to be used subject to the provisions of Articles 18 and 19 between the hours of 6.00 pm and 8.00 am the following day and Monday to Saturday and at all times during Sunday, as a parking place for any vehicle.
15. Each of the parts of road specified in column 1 of the Schedule 6 to this Order is authorised to be used subject to the provisions of Articles 16, 18 and 19 of this Order as a parking place for any vehicle between the hours of 8.00 am and 6.00 pm Monday to Saturday.
16. Save as provided in Articles 18 and 19 of this Order, no person shall except upon the direction of or with the permission of a Police Constable in uniform or of a Parking Attendant cause or permit any vehicle to wait in the parking space specified in the preceding Article between the hours of 8.00 am – 6.00 pm Monday – Saturday:-
 - (1) for a longer period than 1 hour, or
 - (2) if a period of less than 1 hour has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle in that length of road
17. A disabled person's vehicle which displays in the relevant position a disabled person's badge shall be exempt from compliance with any limitation of time during which a vehicle may be left in a parking place specified in Article 16
18. Nothing in the foregoing provisions of this part of the Order shall restrict the power of the County Council or of the District Council

- (1) to close any parking place on Market Place or Stramongate (northside) on any market day
- (2) for preventing obstruction of the streets by Order on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place.

19. Nothing in the foregoing provisions of this of the Order shall apply to a vehicle in a parking place if the vehicle is:-

- (1) waiting only so long as it 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 except that this exemption does not apply in disabled parking places and taxi parking places specified in Articles 11 and 13 of this Order;
- (2) 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;
- (3) 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 or sewerage undertaker which is being used in pursuance of statutory powers or duties;
- (4) waiting to enable it be used in connection with the removal of any obstruction to traffic;
- (5) in the service of or employed by the Post office and is waiting whilst postal packets addressed to the premises adjacent to the parking place in the which the vehicle is waiting have been unloaded from the vehicle or having been unloaded therefrom have been delivered or while postal packets have been collected from premises adjacent to the parking place in which the vehicle is waiting;
- (6) being used in connection with building operations or demolition for 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 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;
- (7) 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

PART 5

WEIGHT RESTRICTION

20. Save as provided in Article 21 of this Order no person shall cause or permit any goods vehicle the gross weight of which exceeds 7.5 tonne to proceed in the road specified in Schedule 7 to this Order.
21. Nothing in Article 20 of this Order shall apply so as to prevent any person from causing any goods vehicle to proceed in the lengths of road referred to therein if the vehicle
- (1) is being used for the conveyance of goods or burden to or from any premises situated on the said roads;
 - (2) requires access to Back Finkle Street after entering Stramongate
 - (3) is being used for the purposes specified in Article 7(1)(d) – (f);
 - (4) is being used in connection with mechanical road cleansing or mechanical refuse collections;
 - (5) requires egress from Finkle Street or Branthwaite Brow

PART 6

ONE WAY TRAFFIC

22. Save as provided in Article 23 of this Order no person shall cause or permit any vehicle to proceed in the lengths of road specified in column 1 of Schedule 8 to this Order other than in the direction specified in column 2 of that Schedule which refers to that length of road.
23. Nothing in Article 22 of this Order shall apply to the driving of any mechanical road cleansing vehicle.

PART 7

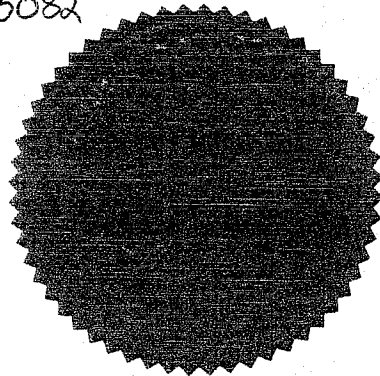
REVOCATION OF EXISTING ORDERS AND BYELAWS

24. The Orders specified in Schedule 9 to this Order are hereby revoked, to the extent specified in that Schedule.

Dated the 3rd day of October 2003

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

C15082



ASST HEAD OF LEGAL SERVICES

Schedule 1

Prohibition of Driving

Finkle Street:	For its entire length
Market Place:	For its entire length
Branthwaite Brow:	For its entire length

Schedule 2

No waiting at any time

Market Place/Branthwaite Brow

Both sides - from the centre of the junction of Market Place/Stricklandgate to the centre of the junction of Finkle Street/Branthwaite Brow/Stramongate/Kent Street (except for the designated parking places in the centre of Market Place).

Finkle Street

Both sides – from the centre of its junction with Highgate/Stricklandgate to the centre of its junction with Branthwaite Brow/Stramongate/Kent Street (except for the designated parking places near the west end of Finkle Street)

Schedule 3

No waiting at any time

Kent Street	Both sides	-	from the centre of its junction with Finkle Street/Branthwaite Brow/Stramongate to the centre of its junction with New Road.
Back Finkle Street	North side	-	from the centre of its junction with Kent Street westwards for a distance of 100m
	South side	-	from the centre of its junction with Kent Street westwards for a distance of 91m
Stramongate	Both sides	-	from the centre of its junction with Blackhall Road westwards for a distance of 19m
	North side	-	from a point 57m west of the centre of its junction with Blackhall Road to the centre of its junction with Finkle Street/Branthwaite Brow/Kent Street
	South side	-	from a point 46m west of the centre of its junction with Blackhall Road to the centre of its junction with Finkle Street/Branthwaite Brow/Kent Street

Schedule 4

Disabled Parking Places in Finkle Street, Market Place and Stramongate

Location	Position in which Vehicles may wait	Classes of Vehicle	Days of Operation of Parking place	Hours of Operation of Parking Places	Time Limits on waiting
0m	As indicated by coloured paving materials and/or by road markings painted on the surface of the highway	Disabled Person's vehicles	All days of the week	All day	No time limit
a)	At right angles to the traffic flow. As indicated by coloured paving materials and/or road markings on the surface of the highway	- do -	All days of the week (except when closed on Market days)	- do -	No time limit
m a of road 11m	Parallel to the kerb with the front of the vehicle facing westwards and as indicated by road markings on the surface of the carriageway.	- do -	All days of the week	- do -	No time limit

or southern curve of steps to south of shelter feature

Schedule 5

Taxi Parking Places: Market Place and Stramongate

to be	Position in which Vehicles may wait	Classes of Vehicle	Days of Operation of Parking place	House of Operation of Parking Places	Time Limits on waiting
et)	At right angles to the traffic flow and as indicated by coloured paving materials and/or wad markings on the surface of the highway	Licensed Hackney Carriages	All days of the week (except when closed on Market Days)	All day	No time limit
m a of ad m	Parallel to the kerb with the front of the vehicle facing westwards and as indicated by road markings on the surface of the carriageway	- do -	All days of the week	All day	No time limit

Schedule 6

Parking Places in Stramongate (North Side)

to be	Position in which Vehicles may wait	Classes of Vehicle	Days of Operation of Parking place	House of Operation of Parking Places	Time Limits on waiting
the or a	Parallel to the kerb with the front of the vehicle facing westwards and as indicated by road markings on the surface of the carriageway	Any Vehicle	Mon – Sat. (except when closed on Market days)	8am – 6pm	Waiting limited to 1 hour, return prohibited within 1 hour

Schedule 7

**Goods vehicles exceeding 7.5 tonnes gross weight prohibited
except for (1) access; and
(2) access to Back Finkle Street and egress from
Finkle Street and Branthwaite Brow**

Stramongate

**From its junction with Blackhall Road to its junction
with Kent Street**

Kent Street

**From its junction with Stramongate to its junction
with the north side of its junction with Back Finkle
Street.**

Schedule 8

Direction of one way traffic

Column 1

Column 2

Description of Street

Direction of One-Way Traffic

Finkle Street – from a point 42m east of the centre of its junction with Highgate/Stricklandgate to the west side of its junction with Branthwaite Brow and Kent Street

Eastbound

Stramongate – from its junction with Blackhall Road to its junction with Finkle Street/Branthwaite Brow/Kent Street.

Westbound

Kent Street – from its junction with Finkle Street/Branthwaite Brow/Stramongate to the north side of its junction with Back Finkle Street

Southbound

Schedule 9

Orders to be Amended/Revoked

Title of Order	Extent of Revocation
The County of Cumbria (Various Roads, South Lakeland Area) (Consolidation of Traffic Regulations) (Order 2002)	Delete all references to the following streets in Kendal:- Finkle Street Back Finkle Street Market Place Branthwaite Brow Kent Street Stramongate (but <u>only</u> that length to the west of Blackhall Road, known locally as Upper Stramongate)
The County of Cumbria (Central Area, Kendal) (Pedestrianisation and Traffic Regulation) Order 1992	The entire Order

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