

THE COUNTY OF CUMBRIA (VARIOUS ROADS, AMBLESIDE)
(CONSOLIDATION OF TRAFFIC REGULATIONS) ORDER 2003

The County Council of Cumbria (hereinafter referred to as “the Council”) in exercise of its powers under Sections 1(1), 2(1) to (4), 19, 32, 35, 35A, 38, 45, 46, 47, 49, 51, 53 and 64 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:-

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PART I

GENERAL

1. This Order shall come into operation on 22nd September 2003 and may be cited as The County of Cumbria (Various Roads, Ambleside) (Consolidation of Traffic Regulations) Order 2003
2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-
 - (1) "carer" means a person who provides care to a resident the postal address of which is specified in Articles 14(1) or 14(2) as appropriate, and
 - (i) either the resident can produce evidence of receiving Disability Living Allowance or an Attendance Allowance or the person providing the care can produce evidence of receiving an Invalid Care Allowance; or
 - (ii) where none of the benefits in (i) above are being claimed, satisfactory evidence can be provided by a letter from the invalid's General Practitioner;
 - (2) "coach" means a motor vehicle constructed or adapted to carry more than 8 passengers which are stage carriages, scheduled express carriages, school buses and work buses;
 - (3) "delivering" and or "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;
 - (4) "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;
 - (5) "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;

- (6) “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);
- (7) “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);
- (8) “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;
- (9) “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;
- (10) “hackney carriage” has the same meaning as in section 38 of the Town Police Clauses Act 1847 as referred to in The Local Government (Miscellaneous Provisions) Act 1976 save further that reference to “plying for hire” shall be excluded from this definition; and “taxi” shall be construed to the extent that these terms are interchangeable;
- (11) “hackney carriage stand” means any area of the 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;
- (12) “heavy commercial vehicle” has the same meaning as in section 138 of the 1984 Act and which has an operating weight exceeding 7.5 tonnes;
- (13) “junction” means, unless otherwise indicated in this Order, the intersection of the general alignment of the carriageway centre lines of two roads;
- (14) “local authority” means, for the purposes of this Order, a County Council or District Council;
- (15) “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);
- (16) “motor cycle” and “invalid carriage” have the same meanings respectively as in Section 136 of the Act;

- (17) “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;
- (18) “owner” in relation to a vehicle means the person by whom such vehicle is kept and used;
- (19) “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;
- (20) “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;
- (21) “parking disc” in relation to Part VII 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;
- (22) “parking disc” in relation to Schedules 1 to 5 of this Order, a device which:-
- (i) has been issued by a local authority and has not ceased to be valid; and
 - (i) is capable of showing the quarter hour period during which a period of waiting began;
- (23) “parking place” means any part of a road authorised by this Order to be used as a parking place;
- (24) “passenger vehicle” means a motor vehicle (other than a motor cycle, an invalid carriage, goods vehicle or heavy commercial vehicle) as defined in this Order;
- (25) “penalty charge” means a charge set by the Council under the provisions of Section 74 of the 1991 Act in accordance with guidance given by the Secretary of State and specified in Article 154 of this Order, such charge being payable by virtue of Paragraph 3(1) and (2) of Schedule 3 of the 1991 Act in the manner set out in the Penalty Charge Notice;
- (26) “penalty charge notice” means a Notice issued by the parking attendant pursuant to the provisions of Section 66 and Schedule 6 and related provisions of the 1991 Act;

- (27) “permit” means a written visitor, resident permit or market permit issued by the Council under the provisions of this Order;
- (28) “permit holder” means a person to whom a permit has been issued under the provisions of this Order;
- (29) “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”, as the context shall require;
- (30) “prescribed hours” means
- (a) in relation to Schedules 1, 2, 3, 4 and 8, the period 10 am to 6 pm;
 - (b) in relation to Schedules 5 and 7, the period 8 am to 6 pm;
- (31) “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;
- (32) “registered keeper” means:-
- (a) the person whose name appears in the vehicle registration document or book of the vehicle in whose name the vehicle is registered, or
 - (b) a person who has the permanent use of the vehicle vested in the name of his employer, or in the case of a leased vehicle in the name of the leasing company;
- (33) “relevant position” means (in conformity with Regulation 12 of SI 2000 No. 682) referred to above):-
- (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 permit

- (i) in the case of a vehicle fitted with a front windscreen the permit is exhibited thereon on the near side of and immediately behind the windscreen and with the front facing forward so as to be legible from the outside of the vehicle; or
 - (ii) in the case of a vehicle not fitted with a front windscreen, the permit is exhibited in a conspicuous position on the vehicle;
 - (34) “resident” means a person who is permanently residing (being a freeholder, leaseholder or tenant but not a lodger or licensee of any such premises) at an address which abuts or is adjacent to one of the roads comprising parking places as set out in Schedules 2 and 3 to this Order;
 - (35) “resident permit” means a permit (as defined) issued to a resident (as defined);
 - (36) “road” means the full width of the highway including the carriageway and footway;
 - (37) “school days” means the days of the School Term;
 - (38) “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;
 - (39) “trailer” shall have the meaning assigned to it by Section 138(3) of the 1984 Act;
 - (40) “the 1991 Act” means the Road Traffic Act 1991;
 - (41) “The 2002 Regulations” means the Traffic Signs Regulations and General Directions 2002;
 - (42) “visitor permit” means a permit (as defined) issued to a resident (as defined);
 - (43) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
 - (44) The Interpretation Act 1978 and any statutory modification or reenactment thereof brought into effect after the date of this Order shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if this Order were an Act of Parliament for the purposes of Section 22 of the Interpretation Act 1978.
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, The Road Traffic Act 1991, or by or under any other enactment.

PART II

DESIGNATION AND USE OF PARKING PLACES

Use of a Parking Place

4. Each of the parts of road specified in Schedules 1 to 5 to this Order is designated as a parking place and may be used, subject to the following provisions of this Order as a parking place during the prescribed hours for any vehicle.
5. Save as provided in Articles 24 and 25, 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 wait between the hours of 10.00 am and 6.00 pm. in any parking place specified in Schedule 1:-
 - (1) for a longer period than 30 minutes; or
 - (2) if a period of less than 30 minutes has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same length of road.
6. Save as provided in Articles 24 and 25, 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 wait between the hours of 10.00 am and 6.00 pm on any day, in any parking place specified in Schedule 2:-
 - (1) for a longer period than one hour; or
 - (2) if a period of less than one hour has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same length of road.
7. Save as provided in Articles 24 and 25, 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 wait between the hours of 10.00 am and 6.00 pm, in any parking place specified in Schedule 3:-
 - (1) for a longer period than one hour; or
 - (2) if a period of less than one hour has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same length of road.
8. Save as provided in Articles 24 and 25, 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 wait between the hours of 10.00 am and 6.00 pm, on any day, in any parking place specified in Schedule 4:-

- (1) for a longer period than one hour; or
 - (2) if a period of less than one hour has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same length of road.
9. Save as provided in Articles 24 and 25, 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 wait between the hours of 8.00 am and 6.00 pm, on any day, in any parking place specified in Schedule 5:-
- (1) for a longer period than 30 minutes; or
 - (2) if a period of less than one hour has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same length of road.

Conditions of Use of a Parking Place

10. The driver of a vehicle shall not permit it to wait in a parking place specified in Schedules 1 to 5 to this order during the prescribed hours, unless the vehicle is:-
- (a) wholly within the limits of the parking place as marked on the carriageway by broken white lines conforming to diagram 1028.4 or 1032 in Schedule 6 to the 2002 Regulations.
11. 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 23 of this Order.
12. (1) 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.
- (2) 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 skills or services.
 - (3) The driver of a residents vehicle shall on the arrival of the vehicle at a parking place specified in Schedules 2 and 3 to this Order, during the period of waiting, exhibit on the vehicle in accordance with the provisions of this Order a parking permit
 - (4) The driver of any vehicle shall on arrival of the vehicle at a parking place specified in Schedules 1 to 5 to this Order during the period of waiting, exhibit on the vehicle a parking disc in the relevant position and display on the disc the time of arrival to the nearest quarter hour period.

- (5) When a parking permit has been displayed in a vehicle in accordance with the foregoing provisions of this Order, no person shall remove the parking permit from the vehicle unless authorised to do so by the driver of the vehicle.
 - (6) A parking disc while exhibited on the vehicle shall be so placed that the time of arrival, indicated to the nearest quarter hour period, shown on the front of the said disc is clearly visible to a person standing outside the vehicle.
 - (7) The driver of a two wheeled motor cycle not having a side car attached thereto shall be exempt from the provisions of paragraphs (3) and (4) of this Article.
 - (8) 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
 - (9) 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.
 - (10) A resident's vehicle which displays in the relevant position a parking permit and 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.
13. 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.

Application for Permits of Exemption

14. (1) Any resident or owners of premises whose normal residence is at premises the postal address of which is Millans Park, Millans Terrace, Millans Court, Park Street or Vicarage Road, Ambleside, who is the owner of a vehicle such as are passenger vehicles, motor cycles, motor cycles with side cars attached thereto, disabled

person's vehicles and goods vehicles not exceeding 3.00 metres in height, may apply to the Council for the issue of a parking permit for the leaving of that vehicle in the lengths of road or sides of road referred to in Article 6 of this Order, any such application shall be made on a form issued by the Council and obtainable from such office as the Council shall require, and shall include the particulars and information required by such form.

- (2) Any resident or owners of premises whose normal residence is at premises the postal address of which is Compston Street, Ambleside, who is the owner of a vehicle such as are passenger vehicles, motor cycles, motor cycles with side cars attached thereto, disabled person's vehicles and goods vehicles not exceeding 3.00 metres in height, may apply to the Council for the issue of a parking permit for the leaving of that vehicle in the lengths of road or sides of road referred to in Article 7 of this Order, any such application shall be made on a form issued by the Council and obtainable from such office as the Council shall require, and shall include the particulars and information required by such form.
 - (3) The Council may require an applicant for a permit to produce to an Officer of the County Council such evidence in respect of the application as they may reasonably require to verify any particulars or information given to them.
 - (4) The Council, upon being satisfied that an applicant is a resident or owner of premises whose normal residence is at premises the postal address of which is Millans Park, Millans Terrace, Millans Court, Park Street or Vicarage Road, Ambleside, and is the owner of a vehicle of a class specified in paragraph (1) of this Article may issue to that applicant one permit exempting the vehicle from the time limit in the lengths of road or sides of road specified in Schedule 2.
 - (5) The Council, upon being satisfied that an applicant is a resident or owner of premises whose normal residence is at premises the postal address of which is Compston Street, Ambleside, and is the owner of a vehicle of a class specified in paragraph (2) of this Article may issue to that applicant one permit exempting the vehicle from the time limit in the lengths of road or sides of road specified in Schedule 3.
15. Subject to the provisions set out in Articles 16, 17 and 18 of this Order, no more than one parking permit shall be granted in respect of any premises.
16. The following particulars shall be included in writing on a permit:-
- (a) a distinct identification mark (ie. Residents Permit)
 - (b) either (i) the registration mark of the vehicle in respect of which the permit has been issued or (ii) the address of the resident in respect of which the permit has been issued;
 - (c) an authentication that the permit has been issued by the Council;
 - (d) the period during which the permit shall remain valid being a period not exceeding 12 months
 - (e) the name of the street or zone of streets and town to which the permit applies.

17. At the discretion of the Council, short term parking permits may be issued to carers and shall be subject to the same provisions as those issued to residents.
18. At the discretion of the Council visitors parking permits may be issued to residents for the use of:-
 - (1) visitors to residents or owners of premises the postal address is specified in Schedules 2 and 3 of this Order; and
 - (2) such visitors parking permits shall be identified with a distinct identification mark (ie. Visitors Permit) with particulars in writing on them as specified in Articles 16(b), 16(c), 16(d) and 16(e); and
 - (3) such visitors parking permits shall be the responsibility of the resident to whom they are issued and do not require the resident to own a vehicle at their residence before issue; and
 - (4) such visitors parking permits, if not in use by visitors or carers may be used on additional vehicles owned by the resident but for which no parking permit has been issued; and
 - (5) in all other respects the application for and issue of visitors parking permits shall be in accordance with Article 16 of this Order
19. Notwithstanding the provisions set out in Articles 15, 16, 17 and 18 of this Order, the Council may, at its discretion, issue more than one parking permit per household and may waive the vehicle height requirement.
20. At the discretion of the Council, a parking permit or visitors parking permit may be issued to any person who is not a resident for use on a vehicle of the specified class set out in Articles 14(1) and 14(2) when parked in the parking places set out in Schedules 2 and 3 to this Order.

Surrender, Withdrawal and Validity of Parking Permits

21. (1) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any of the events set out in paragraph (3) of this Article.
 - (2) The Council may, by notice in writing serve on the permit holder at the address shown by that person on the application for the permit, or at any other address believed to be that person's residence, withdraw a permit if it appears to the Council that any of the events set out in paragraph (3) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the said Notice.

- (3) The events referred to in the foregoing provisions of this Article are:-
- (a) the expiry of the period for which the permit was issued;
 - (b) the permit holder ceasing to be a resident or carer or visitor, as appropriate, at the address in respect of which the permit was issued;
 - (c) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
 - (d) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of a class specified in Article 4 of this Order;
 - (e) the issue of a duplicate permit by the Council under the provisions of Article 22 of this Order;
 - (f) the issue, contrary to any provision or requirement of the foregoing provisions of this Order of a permit to the permit holder who was not thereby eligible to receive the said permit.
- (4) A permit shall cease to be valid on the occurrence of any of the events set out in paragraph (3) of this Article.

Application for, and Issue of Duplicate Parking Permits

22. (1) If a permit is mutilated or defaced or the figures or particulars on it have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and may then apply to the Council for the issue to him of a duplicate permit.
- (2) If a permit is lost or destroyed the permit holder may apply to the Council for the issue of a duplicate.
- (3) The provisions of this Order shall apply to a duplicate permit and an application for such a permit as if it were a permit or, as the case may be, an application for a permit.
- (4) Any permit issued by virtue of the provisions of paragraph (1) or (2) of this Article shall be marked as a duplicate and upon the issue of a duplicate the permit which it duplicates shall become invalid.
23. Nothing in the foregoing provisions 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 rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place.

General Exemptions

24. (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 Schedules 1 to 5 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 by a statutory undertaker or its contractor 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 dwellinghouse 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;
 - (i) if goods are being sold or offered or exposed for sale from a vehicle by a person who is licensed by a local authority to sell goods from a stationary vehicle on a pitch situated in a parking place;
- (2) Nothing in the foregoing provisions of this Part of this Order shall apply to a vehicle waiting during the prescribed hours in a parking place specified in Schedules 2 and 3 to this Order if the vehicles is displaying in the relevant position a valid disabled person's badge or resident's permit.

25. (1) 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 the lengths of road or sides of road specified in Schedules 1 to 5 inclusive of this Order.
- (2) Nothing in the foregoing provisions of this Order shall render it unlawful to cause or permit any licensed hackney carriage to wait during the prescribed hours in the lengths of road or sides of road specified in Schedules 1 to 5 inclusive of this Order, which has been designated or authorised as a hackney carriage stand.

PART III

PROHIBITION AND RESTRICTION OF WAITING

26. Save as provided in Article 29, 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 wait at any time, on any day, in any the lengths of road or sides of road specified in Schedule 6
27. Save as provided in Article 29, 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 wait between the hours of 8.00 am and 6.00 pm on any day, in the lengths of road or sides of road specified in Schedule 7
28. Save as provided in Article 29, 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 wait between the hours of 10.00 am and 6.00 pm on any day, in the lengths of road or sides of road specified in Schedule 8

Exemptions

29. (1) Nothing in Articles 26 to 28 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 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) being used by statutory undertakers or their contractors in connection with the laying erection alteration or repair in or in land adjacent to that length of road of any sewer or of any main pipe or apparatus for the supply of water gas or electricity or of any telecommunications apparatus as defined in Schedule 2 of the Telecommunications Act 1984;
 - (f) 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 therefrom, or are being delivered or while postal packets are being collected from the premises or posting boxes adjacent to the parking place in which the vehicle is waiting, or, is in use in connection with the serving of posting boxes adjacent to the parking place in which the vehicle is waiting;
 - (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 parking place.
30. (1) 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.
- (2) Nothing in the foregoing provisions of this Order shall render it unlawful to cause or permit any licensed hackney carriage to wait at any time on the sides of road specified in Schedules 6 to 8 of this Order which has been designated or authorised as a hackney carriage stand.

PART IV

DISABLED PERSON'S PARKING PLACE

Authorisation and Use of Disabled Person's Parking Place

31. Those parts of road specified in Schedule 9 to this Order are authorised to be used at any time, on any day, subject to Articles 32 and 33 of this Order as a parking place for a valid disabled person's vehicle which displays a disabled person's badge in a relevant position.

32. (1) For the avoidance of doubt, the driver of a vehicle shall not permit it to wait in the parking place specified in Schedule 9 inclusive to this Order unless the vehicle is
- (a) a disabled person's vehicle which displays a disabled persons badge in a relevant position;
 - (b) is wholly within the limits of the parking place as indicated by the markings on the carriageway.
- (2) The driver of a vehicle shall not use such a parking place
- (a) so as to unreasonably 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 23 of this Order.
- (3) 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.
- (4) 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.
- (5) On the arrival of the vehicle at a parking place specified in Schedule 9 to this Order, during the period of waiting, exhibit on the vehicle in accordance with the following provisions of this Article a parking disc
- (6) The parking disc shall be exhibited in the relevant position on the vehicle
- (7) A parking disc while exhibited on the vehicle shall be so placed that the time of arrival, indicated to the nearest quarter hour period, shown on the front of the said disc is clearly visible to a person standing outside the vehicle.
- (8) When a parking disc has been displayed in a vehicle in accordance with the provisions of this Article, no person shall remove the parking disc from the vehicle unless authorised to do so by the driver of the vehicle.

Exemptions

33. (1) Nothing in Article 31 of this Order shall restrict the power of the Council or of the District Council for preventing obstruction of the street by Order on the occasion of any public procession rejoicing or illumination or where the street is thronged or liable to be obstructed to close the parking places specified in this Part of this Order.
- (2) Nothing in Article 31 of this order shall render it unlawful for a vehicle to wait on the lengths of road or sides of road specified therein:-
- (a) if it is being used for Police, Fire Brigade or Ambulance purposes;

- (b) if its being used by statutory undertakers or their contractors in connection with any building operation or demolition, the maintenance, improvement or construction of the parking place or the laying, erection, alteration or repair in or near the 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.
- (c) 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 its is being used in the service of a local authority or water authority which is being used in pursuance of statutory powers or duties;
- (e) waiting to enable it to be used in connection with the removal of any obstruction to traffic;
- (f) if goods are being sold or offered or exposed for sale from a vehicle by a person who is licensed by a local authority to sell goods from a stationary vehicle on a pitch situated in a parking place.

PART V

PROHIBITION OF LOADING/UNLOADING

34. Save as provided in Articles 35 and 36 to this Order, no person shall cause or permit any vehicle to wait at any time on any day, in the lengths of road or sides of road specified in Schedule 10 to this Order for the purpose of loading or unloading.

Exemptions

35. Nothing in Article 34 of this Order shall apply so as to render it unlawful for a person to cause or permit a vehicle to wait in the lengths of road specified therein if the vehicle is:-

- (a) being used by statutory undertakers or their contractors 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;
- (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) 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;
- (d) 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; or
- (e) if the vehicle is being used for other exceptional loading or unloading purposes.

36. In accordance with Regulation 3 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000 (SI No. 683), the restrictions specified in Article 108 of this Order shall not apply to a goods vehicle which displays in the relevant position a disabled person's badge.

PART VI

PROHIBITION OF MOTOR VEHICLES

At All Times - All Motor Vehicles (Except for Access)

37. Save as provided in Article 38 of this Order, no person shall cause any motor vehicle to proceed along the roads or lengths of road specified in Schedule 11 of this Order.

Exemptions

38. Nothing in Article 37 of this Order shall apply so as to prevent any person from causing any vehicle to proceed along the road or lengths of road specified therein if the vehicle is being used:-
- (a) for the conveyance of persons, goods or merchandise to or from any premises situated on or adjacent to that length of road; or
 - (b) in connection with any building operation or demolition in or adjacent to that length of road, the removal of any obstruction to traffic in that length of road, the maintenance, improvement or reconstruction of that length of road, or the laying, erection, alteration or repair in or adjacent to that length of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any telegraphic lines or traffic sign;
 - (c) for Police, Fire or Ambulance purposes.

Prohibition of Motor Vehicles

39. No person shall cause or permit any motor vehicle to proceed in the lengths of road specified in Schedule 12 to this Order.

WEIGHT RESTRICTIONS

3 Tonnes

40. No person shall cause any motor vehicle, the maximum gross weight of which exceeds 3 tonnes, to proceed along the roads or lengths of road specified in Schedule 13 of this Order.
41. The Council is satisfied that for preventing the likelihood of damage to buildings on or near the road to which the restriction specified in Article 40 relates, it is requisite that section 3(1) of the 1984 Act shall not apply.

PART VII

WIDTH RESTRICTIONS

1.98 Metres/6'6" (Except for Access)

42. Save as provided in Article 43 of this Order, no person shall cause any vehicle the width of which, inclusive of any load on the vehicle, exceeds 1.98 metres (6 feet 6 inches) to proceed, at any time, in the lengths of road specified in Schedule 14 to this Order.

Exemptions

43. Nothing in Article 42 of this Order shall apply so as to prevent any person from causing any vehicle to proceed in the lengths of road specified in that Article if the vehicle is being used:-
 - (a) for the conveyance of persons, good or merchandise to or from any premises situated on or adjacent to the length of road;
 - (b) for the purpose of agriculture in connection with land adjacent to the length of road or for the conveyance or haulage of timber felled upon that land;
 - (c) in connection with any building operation or demolition in or adjacent to the length of road, the removal of any obstruction to traffic in the length of road, the maintenance, improvement or reconstruction of the length of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined Schedule 2 to the Telecommunications Act, 1984;
 - (d) in the service of a local authority in pursuance of its statutory powers or duties.
 - (e) for Police, Fire or Ambulance purposes.

PART VIII

ONE-WAY TRAFFIC RESTRICTIONS

General

44. Save as provided in Article 45, no person shall cause or permit any vehicle to proceed along the lengths of road or sides of road specified in Schedule 15 to this Order, other than in the directions specified therein.

Exemption

45. Nothing in Article 44 shall apply to mechanical street cleaning vehicles.

PART IX

PENALTY CHARGE AND PAYMENT

46. From the date the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Cumbria) (District of South Lakeland) Order 2002 took effect on the 4th day of March 2002 hereinafter called the Designation Order, the following provisions applied by operation of law, namely:-

(1) Where a vehicle:-

- (a) waits, parks or is left on a road in contravention of the foregoing provisions of this Order or otherwise contravenes or fails to comply with the provisions of this Order insofar as it relates to a vehicle waiting, parking or being left on a road; or
- (b) parks in contravention of the provisions of Section 19 or 21 of the Road Traffic Act 1988 (prohibition of parking of HGVs on verges, central reservations and footways), and (driving or parking on cycle tracks);

then a Penalty Charge of £50 shall be payable within 28 days beginning with the date of the Notice under Section 66(3) of the 1991 Act.

- (2) In the case of a vehicle in respect of which a Penalty Charge is payable under Paragraph (1) of this Article, a Penalty Charge Notice may be issued by a parking attendant in accordance with the requirements of Section 66 of the 1991 Act and may accordingly be affixed to the vehicle or given to the person appearing to be in charge of the vehicle;
- (3) A Penalty Charge Notice shall contain the details required by Section 66(3) of the 1991 Act;
- (4) Where a Penalty Charge Notice has been issued and affixed or given in the manner set out above, it shall not be removed or interfered with except by or under the authority of the owner or person in charge of the vehicle or a parking attendant or some other duly authorised person. The Penalty Charge shall be payable by the owner of the vehicle in respect of which that notice was issued in accordance with Section 66 and Schedule 6 of the 1991 Act in the sum specified in paragraph (1) above.
- (5) A Penalty Charge shall be deemed to be paid when it is received by the Council in accordance with Section 82(5) of the 1991 Act.
- (6) In accordance with Section 66(3)(d) of the 1991 Act (as amended), where a Penalty Charge Notice has been issued and the Penalty Charge has been paid within 14 days of the date of issue of the Penalty Charge Notice, the lesser sum of £25.00 shall be payable by the owner of the vehicle in respect of which that Notice was served.

- (7) If in accordance with Section 66(3) as above and Schedule 6 of the 1991 Act, the Penalty Charge is not paid within 28 days of the issue date of the Penalty Charge Notice the Council may serve a Notice to Owner on the owner of the vehicle when the alleged contravention occurred stating the matters required by Schedule 6, paragraph 1(2) amongst other things that the owner may make representations to the Council against the said Notice invoking one or more grounds specified in paragraph 2(4) of the said Schedule.
- (8) The Council will consider any such representations and may cancel the Notice if it accepts one or more statutory grounds are made out but if such are rejected by the Council the Council will serve a "Notice of Rejection" in accordance with Schedule 6, paragraph 4 of the 1991 Act and enclose a "Notice of Appeal" in accordance with the Adjudicator's Directions to Local Authorities.
- (9) Within 28 days of service of a Notice of Rejection the Penalty Charge must be paid or the person upon whom the Notice of Rejection was served must appeal to the Adjudicator who will then carry out an adjudication on the Appeal.
- (10) Where a Notice to Owner is served on any person and the Penalty Charge to which it relates is not paid before the end of the relevant period, the authority serving the notice may serve on that person a statement (a "Charge Permit") to the effect that the penalty charge in question is increased by 50 per cent.
- (11) The relevant period, in relation to a Notice to Owner, is the period of 28 days beginning:-
 - (a) where no representations are made under paragraph 2(4) of Schedule 6 to the 1991 Act, with the date on which the notice to owner is served;
 - (b) where:-
 - (i) such representations are made;
 - (ii) a notice of rejection is served by the Council; and
 - (iii) no appeal against the notice of rejection is made, with the date on which notice of the adjudicator's decision is served on the appellant.
- (12) Where an appeal against a notice of rejection is made but is withdrawn before the adjudicator gives notice of his decision, the relevant period in relation to a notice to owner is the period of 14 days beginning with the date on which the appeal is withdrawn.

- (13) When the Charge Permit has been served on any person and the increased penalty charge provided for in the Permit is not paid within 14 days of service the Council may register a debt at Northampton County Court (for enforcement purposes), which has been designated as the Parking Enforcement Centre.
- (14) If the Charge Permit is not paid within 14 days of registration at the County Court the Council can apply to the Parking Enforcement Centre for authorisation to issue a bailiffs warrant in accordance with the Lord Chancellor's Regulations made under Section 78(2) of the Road Traffic Act 1991.

PART X

AMENDMENT/REVOCAION OF EXISTING ORDERS

- 47. The Orders specified in Schedule 16 to this Order are hereby amended/revoked to the extent specified therein, and to the extent that the provisions of this Order are inconsistent with, or incompatible with, the provisions of any other Order, Byelaws or enactment relating to traffic regulation in Ambleside, Cumbria not specifically referred to in the said Schedule, the provisions of this Order shall prevail for all purposes.

PART XI

OPERATION OF THE ORDER

- 48. Nothing in the foregoing provisions of this Order shall be taken as authorising anything which would be a contravention of any Regulations made or to be made (or having effect as if made) under the Act.
- 49. This Order is intended to operate within the provisions of the Road Traffic Regulation Act 1984 and the Road Traffic Act 1991 as amended and applied to the administrative district of the South Lakeland District Council by the Designation Order referred to in Article 46 above together with any other related enactment or consequential provision as referred to therein or any further Order that the Secretary of State for Local Government Transport and the Regions shall later make.

Dated the day of 2003

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

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