



THE CITY OF SOUTHAMPTON
(VARIOUS ROADS) (PROHIBITION AND RESTRICTION OF WAITING) (NO 2)
(AMENDMENT NO 1) ORDER 2009

Southampton City Council under Sections 1 (1) and (2), 2 (1) to (3), 4 (1) and (2), 32 (1), 45, 46, 49 and 51 of the Road Traffic Regulation Act 1984 as amended ("the Act") and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:

1 CITATION

This Order shall come into operation on 14 December 2009 and may be cited as the City of Southampton (Various Roads) (Prohibition and Restriction of Waiting) (No 2) (Amendment No 1) Order 2009.

2 INTERPRETATION

(i) In this Order "the Principal Order" means the City of Southampton (Various Roads) (Prohibition and Restriction of Waiting) (No 2) Traffic Regulation Order 2009.

(ii) The following definitions shall be added to Article 2(A) of the Principal Order:-

"Concessionary Permit" means a permit issued in accordance with the provisions of Article 5(G).

"Parking Bay" means a space in a parking place, which is provided for the leaving of a vehicle.

"Passenger Vehicle" means a motor vehicle constructed solely for the carriage of passengers and their effects and adapted to carry not more than eight passengers exclusive of the driver and not drawing a trailer.

"Relevant Position" means:

(a) where the vehicle is fitted with a front windscreen, in a position immediately behind the windscreen on the near side so that the front of the item displayed is clearly and entirely visible; or

(b) in the case of a vehicle not fitted with a front windscreen, in a conspicuous position on the front or near side of the vehicle so that the front of the item displayed is clearly and entirely visible.

"Restricted Hours" means the period between 8 a.m. and 3 p.m. on Monday to Friday inclusive on any such day not being Christmas Day, Good Friday or a Bank Holiday being a public holiday.

"Ticket Machine" means an apparatus of a type and design approved by the Secretary of State for Transport for the purpose inter alia of this Order, being apparatus designed to indicate the time by a clock and to issue parking tickets which show that a payment has been made of an amount or for a period specified thereon and which specify the date and either the time of such payment or the time at which the vehicle must leave the parking place.

- (iii) Except where otherwise stated any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
- (iv) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

3 DESIGNATION OF PARKING PLACES

Article 5(A) of the Principal Order shall be deleted and replaced with the following:-

“5(A) DESIGNATION OF PARKING PLACES

- (i) Each area on the carriageway of a road named in column 1 of Schedules 5.13, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.08, 6.10, 6.11, 6.18, 6.19, 7.01, 7.03, 7.05, 7.09 and 8.10 which is bounded on the side shown in column 2 of the said schedules by the edge of the said carriageway and which extends over a length of road as described in column 3 of the said schedules and has a width throughout of 2m (or as otherwise specified in the said schedules) is designated as a parking place.
- (ii) Each area on the highway specified in Schedules 8.05, 8.06 and 8.07 which is comprised within and indicated by a road marking complying with diagram 1028.3 or diagram 1033 of the Traffic Signs Regulations and General Directions 2002 is designated as a parking place.
- (iii) The number of parking bays in each parking place specified in Schedule 8.10 shall not exceed the number specified in that Schedule in relation to that parking place, and the number and situation of such parking bays in each parking place shall be as may be determined by the Council.
- (iv) Each parking place specified in Schedule 8.10 may be used, subject to the provisions of this Order, for the leaving of vehicles during the restricted hours.”

4 WAITING RESTRICTIONS

- (i) The contents of Schedule 1 shall be deleted from Schedule 2.01 to the Principal Order.
- (ii) The contents of Schedule 2 shall be added to Schedule 2.01 to the Principal Order.
- (iii) The contents of Schedule 3 shall be added to the Principal Order as a new Schedule 8.10.
- (iv) The contents of Schedule 4 shall be added to the Principal Order as a new Schedule 8.12.

5 CEMETERY ROAD ON STREET PARKING PLACES

The following shall be added to the Principal Order as new Articles 5(F) and 5(G):-

“5(F) CEMETERY ROAD ON-STREET PARKING PLACES ¹

- (i) Save as provided in paragraph (ii) below, no person shall cause or permit any vehicle to wait during the restricted hours in any parking place specified in Schedule 8.10 for a period of more than four hours on any day or on more than one occasion during any day.
- (ii) The provisions of paragraph (i) above shall not apply to:-
 - (a) any disabled person's vehicle;
 - (b) any vehicle displaying in the relevant position a valid permit issued under the provisions of Article 5(G);
 - (c) any vehicle displaying a valid ticket in accordance with the provisions of paragraph (iii) below.
- (iii) The charge for a ticket specified in paragraph (ii)(c) above shall be £6.00 and shall be payable on the leaving of the vehicle in the parking place by purchasing a ticket from a ticket machine relating to the parking place. Upon payment of the said charge, the driver shall exhibit the said ticket in the relevant position upon the vehicle.
- (iv) When a ticket has been exhibited on a vehicle in accordance with the provisions of paragraph (iii) above, no person who is not the driver of the vehicle, a civil enforcement officer or some other person duly authorised by the Council shall remove the ticket from the vehicle unless authorised to do so by the driver.
- (v) The expiry of the period for which the charge specified in paragraph (iii) above has been paid shall be indicated when there is exhibited on the vehicle a ticket issued by a ticket machine relating to a parking place in which the vehicle is left showing the day and time of payment of the charge, and the time shown on the clock of the said ticket machine is later than the period for which a charge has been paid.
- (vi) If at any time while a vehicle is left in a parking place specified in Schedule 8.10 no parking ticket, indicating that the relevant charge has been paid in respect of the day on which the vehicle is so left, is displayed on that vehicle in accordance with the provisions of paragraph (iii) above, it shall be presumed unless the contrary is proved that the relevant charge has not been paid.
- (vii) The Council shall without prejudice to the other provisions of this Order install in such positions on or in the vicinity of a parking place as they may think fit such ticket machines as are required by this Order for the purposes of that parking place, and carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.
- (viii) A Police Constable in uniform or any person duly authorised by the Council may suspend the use of a parking place specified in Schedule 8.10 or any part thereof when considered reasonably necessary:-
 - (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of building, industrial or demolition operations in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection alteration or repair in or adjacent to

¹ The parking places specified in Schedule 3 are situated within Cemetery Road and are regulated under the provisions of the Road Traffic Regulation Act 1984. Additional parking places, specified in Schedule 4, are situated on Southampton Common immediately to the north of Cemetery Road and are regulated under the provisions of the Hampshire Act 1983. While it is the Council's intention to apply the charges, permit requirements and all other conditions imposed by Articles 5(F) and 5(G) of this Order to both sets of parking places, none of the other provisions of this Order shall apply to the parking places specified in Schedule 4.

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 or any traffic sign or ticket machine;

- (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the loading of goods or other special occasions; or
- (d) on any occasion on which it is likely by reason of some special attraction that any street in which the parking place is situated will be thronged or obstructed.

The Council may impose such charges as it considers appropriate for the purpose of recovering loss of income from parking places, which have been suspended under the provisions of this paragraph.

- (ix) Any person suspending the use of a parking place or any part thereof in accordance with paragraph (viii) above shall thereupon place or cause to be placed in or adjacent to that parking place or the part thereof the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.

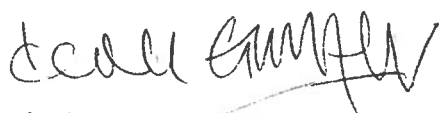
“5(G) CEMETERY ROAD: CONCESSIONARY PARKING PERMITS

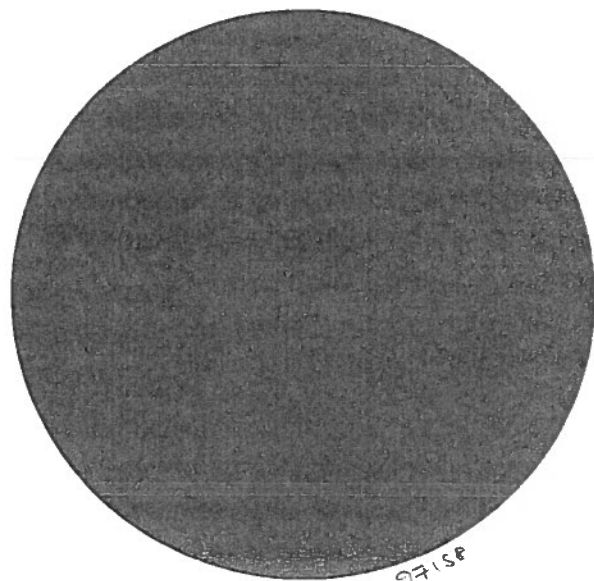
- (i) Any person whose usual place of work is in the opinion of the Council within the boundary of Southampton Common or Southampton Old Cemetery and
 - (a) is the owner of a vehicle of the following class, that is to say a passenger vehicle, a goods vehicle not exceeding 3.5 tonnes maximum gross weight or a motorcycle; or
 - (b) with the permission of the owner uses a vehicle of the said class on a regular basis during the course of his employment,may apply to the Council for the issue of a concessionary permit for the leaving of that vehicle in the parking places specified in Schedules 8.10 and 8.12 and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.
- (ii) The Council may at any time require an applicant for, or holder of, a concessionary permit to produce to an officer of the Council such evidence in respect of an application made to them for such permit as they may reasonably require to verify any particulars or information given to them or in respect of any permit issued by them as they may reasonable require to verify that the permit is valid.
- (iii) On receipt of an application duly made under the provisions of the foregoing paragraphs, the Council upon being a satisfied that the applicant is eligible for a concessionary permit under the terms of paragraph (i) above shall issue to the applicant a single permit, subject to any limits on the number of permits issued in total or in respect of any particular place of work that the Council may from time to time impose at its absolute discretion.
- (iv) A concessionary permit shall remain the property of the Council at all times.
- (v)
 - (a) The charge for the issue of a concessionary permit having a validity of 1 year shall be £13.00.
 - (b) The charge for a duplicate concessionary permit shall be £13.00 but this charge may be waived at the absolute discretion of the Council.
- (vi) A permit holder may surrender the permit to the Council at any time and shall surrender the permit to the Council on the occurrence of one of the events set out in paragraph (viii) below.

- (vii) The Council may, by notice in writing, served 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 place of abode, withdraw a permit if it appears to the Council that anyone of the events set out in paragraph (viii) below has occurred and the permit holder shall surrender the permit to the Council within 14 days of the receipt of the aforementioned notice.
- (viii) The events referred to in paragraphs (vi) and (vii) above are:
 - (a) the permit holder ceasing to be eligible for a permit under the terms of paragraph (i);
 - (b) the issue of a duplicate permit by the Council under the provisions of paragraphs (xii) and (xiii) below;
 - (c) the permit ceasing to be valid pursuant to the provisions of paragraph (ix) below; and
 - (d) the permit holder altering the permit in any manner or causing or allowing it to be so altered.
- (ix) Without prejudice to the foregoing provisions of this Article a permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any one of the events specified in paragraph (viii) above, whichever is the earlier.
- (x) Subject to the provisions of this Order, a permit shall be valid for a period of 12 months from its date of issue.
- (xi) A permit holder who signs a statement that their circumstances with regard to the provisions of paragraph (i) above have not changed since the issue of their previous permit may apply to renew such a permit without supplying further evidence of need.
- (xii) If a permit is mutilated or accidentally defaced or the figures or particulars thereon become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall either surrender it to the Council or apply to the Council for the issue of a duplicate permit and the Council upon receipt of the permit shall issue a duplicate permit and upon such issue the first permit shall become invalid.
- (xiii) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue of a duplicate permit and the Council upon being satisfied as to such loss or destruction shall issue a duplicate permit and upon such issue the first permit shall become invalid.
- (xiv) The provisions of this Order shall apply to a duplicate permit and an application therefor as if it were a permit or, as the case may be, an application therefor.
- (xv) A permit shall be in writing and shall include the following particulars:
 - (a) any information which the Council shall consider appropriate as to the location or locations at which the permit shall be valid;
 - (b) the period during which, subject to the provisions of paragraph (vi) above, the permit shall remain valid; and
 - (c) an indication that the permit has been issued by the Council.
- (xvi) Where a permit has been displayed on a vehicle in accordance with paragraph (iii) above, no person other than the driver of that vehicle shall remove the permit from the vehicle unless authorised to do so by the driver of that vehicle or by the permit holder."

THE COMMON SEAL OF
SOUTHAMPTON CITY COUNCIL
was hereunto affixed this 12th day of
December 2009

in the presence of:-


Authorised Signatory



Schedule 1: No Waiting at Any Time (Deletion)

Road	Side	Description
Cemetery Road	South-west	From its junction with Northlands Road north-westwards for 85m

Schedule 2: No Waiting at Any Time

Road	Side	Description
Cemetery Road	North	From the south-western closed end of the road north-eastwards for 24m
Cemetery Road	North	From a point 178m north-east of the western closed end of the road north-eastwards for 26m
Cemetery Road	North	From a point 281m north-east of the western closed end of the road eastwards to the northern kerbline of Northlands Road
Cemetery Road	South	For its entire length
Cemetery Road	Western closed end	For its entire length

Schedule 3: On-Street Parking Places with 4 Hour Limit (No Return within Same Day) 8am-3pm, Monday-Friday, with Exemption for Permit Holders and Vehicles Displaying "Pay and Display" Tickets

Road	Side	Description
Cemetery Road	North	From a point 24m north-east of the western closed end of the road north-eastwards for 154m (width 2.0m, max. 28 bays)
Cemetery Road	North	From a point 204m north-east of the western closed end of the road north-eastwards for 77m (width 2.0m, max. 14 bays)

Schedule 4: Off-Street Parking Places with 4 Hour Limit (No Return within Same Day) 8am-3pm, Monday-Friday, with Exemption for Permit Holders and Vehicles Displaying "Pay and Display" Tickets

Description
Parking spaces on the Common along the north side of Cemetery Road

THE CITY OF SOUTHAMPTON

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(PROHIBITION AND RESTRICTION OF WAITING) (NO 2)

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