

**THE BOROUGH OF SOUTHEND-ON-SEA  
KENILWORTH GARDENS  
(PROHIBITION OF WAITING, LOADING AND UNLOADING) ORDER 2001**

The Council of the Borough of Southend-on-Sea in exercise of its powers under Sections 1(1) and (2), 2(1) to (3) and 4(2) (and part IV of Schedule 9) of the Road Traffic Regulation Act 1984 ("the Act"), and of all other enabling powers, and 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. This Order may be cited as The Borough of Southend-on-Sea (Kenilworth Gardens, Prohibition of Waiting, Loading and Unloading) Order 2001 and shall come into operation on the 19 October 2001.

2. In this Order:-

"hackney carriage" means a hackney carriage as defined in Section 38(1) of the Vehicles (Excise) Act 1971;

"authorised cab rank" means any area of carriageway which is comprised within and indicated by a road marking complying with diagram 1028.2 in Schedule 6 to the Traffic Signs Regulations and General Directions 1994;

"authorised parking place" means any parking place on a road authorised or designated by an order made or having effect as if made under the Act;

"disabled person's vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986;

"disabled persons badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1991;

"parking disk" means a disc issued by a Local Authority, 125 millimetres square, coloured blue and capable of showing the quarter hour period during which a period of waiting begins; and

"relevant position" means

- (1) A vehicle displays a disabled person's badge issued before 2nd March, 1992 in the relevant position if:-
  - (a) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon on the near side of and immediately behind the windscreen and with its front facing forward so as to be legible from outside the vehicle; or
  - (b) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the vehicle.
- (2) A vehicle displays a disabled person's badge issued on or after 2nd March, 1992 in the relevant position if:-
  - (a) 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; and

- (b) 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.

(3) A vehicle displays a parking disc in the relevant position if:-

- (a) 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
- (b) 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.

"Timing point" means a recognised timing point which is the location where a public service vehicle may wait to ensure adherence to a published timetable or local service registration, and includes departures and terminal points, provided that the location has been approved in writing by the Chief Constable and the Highway Authority.

3. Save as provided in Articles 5, 6, 7 and 8 of this Order, no person shall, except on the direction of or with the permission of a police constable in uniform or of a traffic warden, cause or permit any vehicle to wait:-

4. Save as provided in Articles 6 and 7(c) of this Order no person shall except on the direction of a Police Constable in uniform or of a Traffic Warden cause by any vehicle to stop for the purpose of loading or unloading goods from that vehicle in the lengths of road specified in Schedule 1 to this Order.

in the lengths of road specified in Schedule 1 to this Order.

5. Nothing in Article 3 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 the said Article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length or side of road).

6. Nothing in Article 3 of this Order shall render it unlawful for the driver of a public service vehicle to cause that vehicle to wait at a recognised timing point.

7. Nothing in Article 3 of this Order, shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of road or on the sides of road specified therein for so long as may be necessary to enable:-

- (a) a person to board or alight from the vehicle;
- (b) goods to be loaded onto or unloaded from the vehicle;
- (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
  - (1) building, industrial or demolition operations;
  - (2) the removal of any obstruction to traffic;

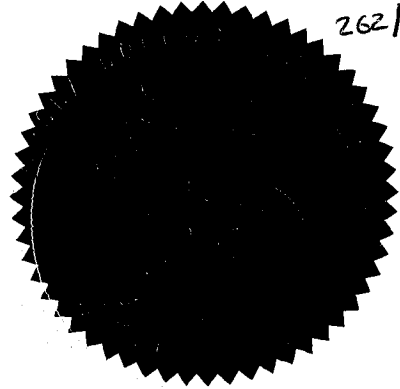
- (3) the maintenance, improvement or reconstruction of the said lengths of road, or
  - (4) the laying, erection, alteration or repair in or on land adjacent to the said lengths of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line;
  - (d) the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a Local Authority or of a Water Authority in pursuance of statutory powers or duties, or
  - (e) the vehicle to be used for the purposes of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953, or
  - (f) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths or sides of road; or
  - (g) to enable the vehicle to be used for fire brigade, ambulance or police purposes.
8. Nothing in Article 3 of this order shall render it unlawful to cause or permit any vehicle:-
- (a) to wait upon an authorised parking place, or
  - (b) being a hackney carriage, to wait upon an authorised cab rank.
9. (1) If a vehicle is left in any road or length of road in contravention of any provision of this Order, a penalty charge shall be payable and/or the vehicle may be removed from that location.
- (2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by Section 66(3) of the Road Traffic Act 1991 may then be issued by a parking attendant in uniform in accordance with Section 66(1) of the said Act.
- (3) If a vehicle is left after a penalty charge has been incurred, a parking attendant in uniform or a person acting under his direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of Section 69(1) and (2) of the Road Traffic Act 1991 and that vehicle shall only be released from that device on payment of the penalty charge, or as the case may be a reduced penalty charge, along with such release fee as may be required by the Council.
- (4) Where a parking attendant has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article:
- (a) he shall provide for the safe custody of the vehicle;
  - (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
  - (c) the provisions of the Road Traffic Regulation Act 1984 as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.

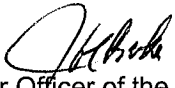
Nothing in paragraphs (3) and (4) of this Article shall apply in respect of a vehicle displaying the relevant position a valid disabled person's badge issued by any local authority.

10. The prohibitions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984 or by any other enactment.

11. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

**THE COMMON SEAL** of the **SOUTHEND-ON-SEA** )  
 )  
**BOROUGH COUNCIL** was pursuant to a resolution )  
 )  
of the Council hereunto affixed this 18th day of )  
 )  
October Two thousand and one in the presence of: )



  
Proper Officer of the Council

## **SCHEDULE**

### **No Waiting and Loading or Unloading at any time**

<u>Kenilworth Gardens</u>	North side from the tangent point of its north kerbline and the east kerbline of the westernmost access to St Thomas More High School for Boys to a point 9 metres east of the west boundary of property No 49, a distance of approximately 117 metres.
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