

**THE BOROUGH OF SOUTHEND-ON-SEA
KENILWORTH GARDENS
(BUS STOP CLEARWAY) 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) of the Road Traffic Regulation Act 1983 ("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 (Bus Stop Clearway) Order 2001 and shall come into operation on the 19 October 2001.

2. In this Order:-

"Public Services Vehicle" means a vehicle operating a route licensed by the Traffic Commissioner or a route operated under a Local Service Registration.

"School Service Vehicle" means a vehicle operated by or on behalf of St Thomas More High School, Westcliff High School for boys or Westcliff High School for girls for the purpose of conveying pupils to and from the schools.

3. 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 other than a Public Service Vehicle to wait:-

in the lengths of road specified in Schedule 1 to this Order between the hours of 7.00am and 7.00pm daily.

4. 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 other than a School Service Vehicle to wait in the lengths of road described in Schedule 2 to this Order between the hours of 7.00am and 7.00pm, Monday to Friday.

5. 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.

6. (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;

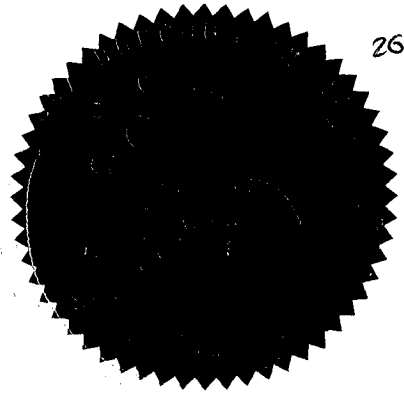
- (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
- (c) the provisions of the Road Traffic Regulation Act 1984 as amended shall apply to the disposal of any such 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.

- 7. 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:-)

[Handwritten Signature]



26/10/01

SCHEDULE 1

Kenilworth Gardens – North side

Local Services

On the northern side of Kenilworth Gardens from a point 24 metres east of the eastern kerbline of Mounddale Gardens eastwards for a distance of 54 metres.

Kenilworth Gardens – South side

Local Services

On the southern side of Kenilworth Gardens from a point 78 metres east of the eastern kerbline of Middlesex Avenue eastwards for a distance of 48 metres.

SCHEDULE 2

Kenilworth Gardens – North side

School Services

On the northern side of Kenilworth Gardens from a point 78 metres east of the eastern kerbline of Mounddale Gardens eastwards for a distance of 101 metres.

Kenilworth Gardens – South side

School Services

On the southern side of Kenilworth Gardens from a point 126 metres east of the eastern kerbline of Middlesex Avenue eastwards for a distance of 43 metres.