

**THE BOROUGH OF SOUTHEND-ON SEA
(LONDON ROAD)(RESTRICTION OF WAITING, DISABLED DRIVERS' PARKING
BAY AND LOADING BAY) EXPERIMENTAL ORDER 2006**

ROAD TRAFFIC REGULATION ACT 1984

The Southend-on-Sea Borough Council, in exercise of its powers under Section 9 of the Road Traffic Regulation Act 1984 ("the 1984 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 (London Road)(Restriction of Waiting, Disabled Drivers' Parking Bay and Loading Bay) Experimental Order 2006 and shall, if made permanent, amend The Borough of Southend-on-Sea (Central Area & Seafront Meter Zone) Consolidation Order 2005 (as amended).

2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"disabled persons badge" and "relevant position" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

"disabled person's parking place" or "disabled bay" means a length of road authorised to be use as a parking place for a disabled person's vehicle displaying a disabled person's badge.

"goods" includes cash or other valuable 'securities', and 'collecting' and 'delivering' in relation to any goods includes the goods for the purpose of their delivery and collection.

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted.

"heavy commercial vehicle" has the same meaning given to that expression by Section 138 of the Road Traffic Regulation Act 1984, that is any vehicle, whether mechanically propelled or not, which is constructed or adapted for the carriage of goods and has a maximum gross weight exceeding 7.5 tonnes.

"loading bay" means a length of highway prescribed by Order to be used for the loading and unloading of goods by any class;

"parking attendant" means a person authorised by or on behalf of the Borough Council under Section 63A of the Road Traffic Regulation Act 1984, in its role as the Parking Authority as defined in the Road Traffic Act 1991 as modified by The Road Traffic (Permitted Area and Special Parking Area)(Borough of Southend-on-Sea) Order 2001, to enforce the restrictions imposed by this Order;

"penalty charge" and "reduced penalty charge" means a charge set by the Southend-on-Sea Borough Council under the provisions of Sections 14 and 43 of the Road Traffic Act 1991 as modified by The Road Traffic (Permitted Area and Special Parking Area)(Borough of Southend-on-Sea) Order 2001, in accordance with guidance given by the Secretary of State for Transport which is to be paid in the manner prescribed in the penalty charge notice;

"penalty charge notice" means a notice issued by a parking attendant pursuant to the provisions of Section 66 of the Road Traffic Act 1991.

3. No person shall cause any vehicle, except on the direction of or with the permission of, a parking attendant or a Police Constable in uniform, to wait, including for the purposes of loading and unloading, in the section of London Road, Southend-on-Sea described in Schedule 1 to this Order.
4. Nothing in Article 2 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) 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:-
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths of road, or
 - (iv) 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;
 - (b) 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
 - (c) the vehicle to be used by a Universal Service Provider for the purposes of delivering or collecting postal packets as defined in the Postal Services Act 2000; or
 - (d) to enable the vehicle to be used for fire brigade, ambulance or police purposes.
5. No person shall cause any vehicle, except on the direction of or with the permission of, a parking attendant or a Police Constable in uniform, cause or permit any vehicle to wait in the section of London Road, Southend-on-Sea described in Schedule 2 to this Order except for the purposes of loading and unloading of goods from that vehicle in the loading bays specified in that Schedule.
6. No person shall, except on the direction of, or with the permission of, a parking attendant or a Police Constable in uniform, cause or permit any vehicle, other than a disabled person's vehicle displaying in the relevant position a valid disabled person's badge issued by any local authority, to wait in the parking bays described in Schedule 3 to this Order.
7. The item listed in Schedule 4 to this Order shall hereby be revoked for the duration of this Order.
8. The Order shall come into operation on 17 November 2006 and shall remain in operation unless extended until 17 May 2008.
9. 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.

10. 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 be issued by a parking attendant in uniform in accordance with Section 66(1) of that said Act.
11. 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 that vehicle an immobilisation device and a notice in accordance with the requirements of Sections 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.
12. Where a parking attendant has removed, or has caused to be removed, a vehicle in accordance with Article 9 of this Order:
 - (a) he/she 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 1984 Act as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.
13. In accordance with Section 10(2) of the 1984 Act, and after consultation with the Chief Officer of Police, the Director of Technical & Environmental Services shall be authorised to modify/suspend the operation of the Experimental Order or any provision of it.
14. 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 1984 Act or by any other enactment.
15. 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

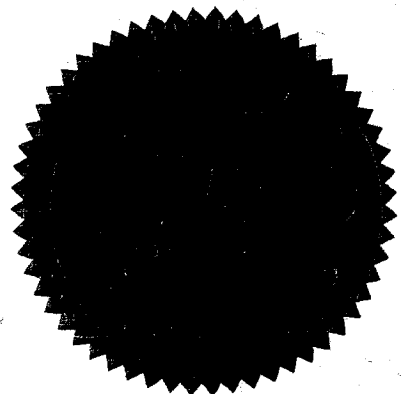
of the Council hereunto affixed this third day

of November Two Thousand and Six

in the presence of:-



Proper Officer of the Council



759752

SCHEDULE 1 – Waiting Restrictions

(The Borough of Southend-on-Sea (Central Area & Seafront Meter Zone)
Consolidation Order 2005 (as amended) Schedule 2: Roads Where Waiting is
Restricted)

Road Name	Part of Road Where Waiting is Restricted
London Road	The closed eastern extremity turning head from a point 15.5m east of the eastern boundary of No 1 London Road eastwards southwards and westwards to a point opposite the common boundary of 19 - 22 and 24 – 30 London Road.

SCHEDULE 2 – Loading Bays

(The Borough of Southend-on-Sea (Central Area & Seafront Meter Zone)
Consolidation Order 2005 (as amended) Schedule 1: Areas with Loading Bays –
Town Centre Area)

Road Name	Description & Length of Road
London Road	On the south side from a point 59m east of the east kerblineline of College Way eastwards for a distance of 29.5m with a width throughout of 2.7m

SCHEDULE 3 – Disabled Drivers' Parking Places

(The Borough of Southend-on-Sea (Central Area & Seafront Meter Zone)
Consolidation Order 2005 (as amended) Schedule 8: Disabled Drivers' Parking
Place)

Road Name	Description & Length of Road
London Road	On the south side from a point 41m east of the east kerblineline of College Way eastwards for a distance of 18m and with a width throughout of 2.3m

SCHEDULE 4 – Revocations

The Borough of Southend-on-Sea (Central Area & Seafront Meter Zone)
Consolidation Order 2005 (as amended) Schedule 8: Disabled Drivers Parking
Places - No 1 London Road.

The Borough of Southend-on-Sea (Central Area & Seafront Meter Zone)
Consolidation Order 2005 (as amended) Schedule 1: Areas with Loading Bays -
Town Centre Area – Item 5 London Road.