

**THE BOROUGH OF SOUTHEND-ON SEA BOROUGH  
(A127 SOUTHEND ARTERIAL ROAD)(CYCLE LANE) ORDER 2005**

**HIGHWAYS ACT 1980  
ROAD TRAFFIC REGULATION ACT 1984**

The Southend-on-Sea Borough Council proposes to make an Order under Sections 1 and 2 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the 1984 Act") and Sections 62 and 66 of the Highways Act 1980 (hereinafter referred to as "the 1980 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 1984 Act, hereby makes the following Order:-

1. In this Order:-

"cycle lane" means the sections of highway commonly known as the Service Roads adjacent to the main carriageway of the road as described in the Schedule 1 to this Order;

"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;

"parking bay" means the section of highway described in Schedule 2 to this Order which is provided for the purposes of leaving motor cars.

"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.

2. Save as provided in Articles 3, 4, 5 and 7 of this Order, no person shall, except on the direction of or with the permission of a police constable in uniform or of a Parking Attendant, cause or permit any vehicle other than a pedal cycle, to enter or wait, including for the purposes of loading and unloading or, proceed in the cycle lane.
3. Nothing in Article 2 of this Order shall render it unlawful to cause or permit any vehicle to enter or wait, including for the purposes of loading or unloading, or proceed in the cycle lane for the following purposes:-
  - (a) the vehicle, if it cannot conveniently be used for such purpose in any other part of the road, may 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 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;
  - (d) the vehicle to gain entrance to off-street loading facilities or garaging; or
  - (e) to enable the vehicle to be used for fire brigade, ambulance or police purposes.
4. Nothing in Article 2 of this Order shall apply to the driving of any mechanical road  
cleansing vehicle or gully emptying machine.
  5. The parking bay within the cycle lane as described in Schedule 2 to this Order shall  
be designated as shared use for pedal cycles and motor cars, the perimeter of which  
parking bay shall be indicated on the highway in accordance with The Traffic Signs  
Regulations and General Directions 2002.
  6. Every vehicle left in the parking bay shall so stand:-
    - (a) so that the distance between the southern edge of the parking bay and the  
nearest wheel of the motor vehicle is not more than 30 cms; and
    - (b) that every part of the vehicle is within the limits of the parking bay.
  7. Nothing in Article 3 of this Order shall render it unlawful to cause or permit any vehicle  
to enter and wait in the section of the cycle lane as described in Schedule 3 to this  
Order, for only as long as may be necessary to enable a person to board or alight  
from a vehicle or for goods to be loaded or unloaded from the vehicle.
  8. No person shall use any vehicle while it is in the parking bay in connection with the  
sale of any article to any person in or near the parking bay or in connection with the  
selling or offering of sale of his skill or handicraft.
  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. This Order may be cited as The Borough of Southend-on-Sea (A127 Southend Arterial Road)(Cycle Lane) Order 2005 and shall come into operation on 28 February 2007.
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 "the 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

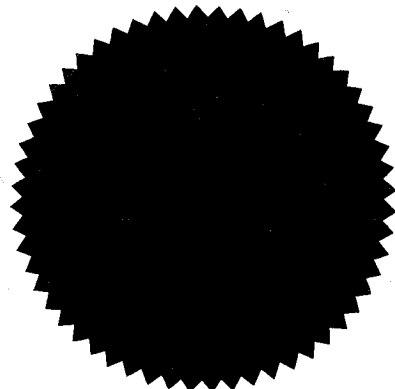
of the Council hereunto affixed this sixteenth day

of February Two Thousand and Seven

in the presence of:-



Proper Officer of the Council



022107

## **SCHEDULE 1**

A width up to 3 metres of the existing Service Road adjacent to the following sections of road, will be removed and a cycle lane constructed over that width. Pedestrians and cyclists will be segregated by kerbs where necessary.

<b>LOCATION</b>	<b>DESCRIPTION</b>
Southend Arterial Road (North side)	From the Borough boundary eastwards to a point 100 metres west of the extended west kerb line of Rayleigh Road.
Southend Arterial Road (South side)	From the Borough boundary eastwards to a point 82 metres west of the extended west kerb line of Bridgewater Drive but excluding a length from the extended east kerb line of Shirley Road eastwards to a point 10 metres east of the common boundary between Nos.18 and 20 Southend Arterial Road.

## **SCHEDULE 2**

**Description of parking bay to be designated as shared use for pedal cyclists.**

<b>LOCATION</b>	<b>DESCRIPTION</b>
Southend Arterial Road (South side)	From the extended east kerb line of Shirley Road eastwards to a point 10 metres east of the common boundary between Nos.18 and 20 Southend Arterial Road.
Southend Arterial Road (North side)	From a point 91.2m west of the western kerblines of Bellhouse Road eastwards for a distance of 48.7m.
Southend Arterial Road (South side)	from the eastern boundary of 518 Arterial Road to the western boundary of 530 Arterial Road a distance of 57m.

## **SCHEDULE 3**

**Description of area to be designated as shared use for pedal cyclists and for waiting by vehicles for the purposes of loading and unloading only.**

<b>LOCATION</b>	<b>DESCRIPTION</b>
Southend Arterial Road (North side)	From the extended eastern kerblines of Grovewood Avenue eastwards for a distance of 286m.