

**THE BOROUGH OF SOUTHEND-ON-SEA
(RYLANDS ROAD & ROCHFORD ROAD, SOUTHEND-ON-SEA)
(PROHIBITION OF WAITING) EXPERIMENTAL ORDER 2007**

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 (Rylands Road & Rochford Road, Southend-on-Sea) Experimental Order 2007.
2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"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 in the sections of Road described in the Schedule to this Order.
4. 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) 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;
 - (d) the vehicle to wait at or near any premises situated on or adjacent to the said lengths of road for as long as such waiting by that vehicle is reasonably necessary in connection with any funeral;
 - (e) 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 that vehicle, has marked the time at which the period began, to wait in the said lengths of road or side of road referred to in the said Articles 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 that same vehicle in the same length of road): or
 - (f) to enable the vehicle to be used for fire brigade, ambulance or police purposes.
5. The Order shall come into operation on 9 April 2007 and shall remain in operation unless extended until 8 October 2008.
6. 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.
7. 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.
8. 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.
9. Where a parking attendant has removed, or has caused to be removed, a vehicle in accordance with Article 8 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.
10. 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.

11. 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.
12. 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 twenty seventh day

of March Two Thousand and Seven

in the presence of:-

Proper Officer of the Council

SCHEDULE 1 – PROHIBITION OF WAITING

Name of Road	Section Affected	Side of Road	Hours of Prohibition
Shakespeare Drive	From the built out north west kerbline of West Road north westwards for a distance of 6.5m	North-West	24 hours daily
Shakespeare Drive	From a point 26.5m north west of the built out north west kerbline of West Road northwards for a distance of 16.5m	North-West	24 hours daily

SCHEDULE 2 – LOADING BAYS

Name of Road	Section Affected	Side of Road	Hours of Prohibition
Shakespeare Drive	From a point 6.5m north west of the built out north west kerbline of West Road north westwards for a distance of 20m	North West	7.30am – 6.00pm Monday to Friday excluding Bank Holidays

SCHEDULE 3 – REVOCATIONS

The Southend-on-Sea Borough Council (Various Roads) (Consolidation of Waiting Restrictions) Order 2006 - Schedule 1, Page 219 Ref No 2734 Shakespeare Drive