

**Dated: 12 October 2018**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (ARDEN PRIMARY  
SCHOOL, BREDBURY) (SCHOOL CLEARWAY) (PROHIBITION OF WAITING)  
AND (REVOCATION) ORDER 2018**

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Interim Head of Legal &  
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Town Hall  
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**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (ARDEN PRIMARY  
SCHOOL, BREDBURY) (SCHOOL CLEARWAY) (PROHIBITION OF WAITING)  
AND (REVOCATION) ORDER 2018**

The Council of the Metropolitan Borough of Stockport ("the Council") in exercise of its powers under Section 1(1), 2(1) to (3), 4(2) of the Road Traffic Regulation Act 1984 ("the 1984 Act"), the Road Traffic Act 1991 ("the 1991 Act") and the Traffic Management Act 2004 ("the 2004 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 and with the 1991 Act, hereby makes the following Order:-

**1(1) In this Order:-**

"School keep clear/clearway" means any area of carriageway which is comprised within and indicated by a road marking complying with diagram 1027.1 in Part 6 of Schedule 7 of the The Traffic Signs Regulations and General Directions 2016;

"specified hours" means the hours between 8.00 a.m. and 5.00 p.m. on Monday to Friday;

"Civil Enforcement Officer" has the same meaning as in s76 of the 2004 Act;

"specified road" means any road or length of road specified in Schedule 1 to this Order.

"owner" in relation to a vehicle means the person by whom the vehicle is kept. In determining who was the owner at any time it shall be presumed that the owner was the person who is named in the vehicle registration document as the registered keeper of a goods light goods or passenger vehicle or the person who has the use of such a vehicle in the course of his / her employment and who is entitled to use such a vehicle as though he / she were the registered keeper thereof;

"penalty charge notice" means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007

- (2) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
2. Save as provided in Article 3 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform, or Civil Enforcement Officer cause or permit any vehicle to stop or wait during the specified hours in a school keep clear area in the specified road.
3. Nothing in Article 2 of this Order shall render it unlawful for a person to cause or permit a vehicle to stop or wait in the school keep clear area:-
- (a) if the vehicle is being used for the removal of any obstruction to traffic;

- (b) if the vehicle is being used in the service of a local authority or a water authority in the exercise of statutory powers or duties or in connection with the laying, erection, alteration or repair of any main, pipe or apparatus for the supply of gas or electricity or of any telecommunications apparatus as defined in the Telecommunications Act 1984 and whilst being so used in such service or in such connection it is necessary for the vehicle to wait in that school keep clear area;
  - (c) if the vehicle is being used for police, fire brigade or ambulance purposes; or
  - (d) in any case where the person in control of the vehicle:
    - (i) is required by law to stop;
    - (ii) is obliged to stop so as to prevent an accident; or
    - (iii) is prevented from proceeding by circumstances beyond the driver's control.
4. The Council is satisfied that for avoiding danger to persons or other traffic using the roads to which this Order relates it is requisite that Section 3(1) of the Act shall not apply to this Order.

### **CONTRAVENTION OF ORDER**

**5. Contravention**

If a vehicle is left in a parking place during the permitted hours or in any road or length of road in contravention or without complying with the requirements of this Order a contravention shall have occurred and the penalty charge shall be payable and/or the vehicle may be removed from that location.

**6. Penalty Charge Notice**

In the case of vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to issue a penalty charge notice which shall include the information required by the 2004 Act.

**7. Manner of payment of Penalty Charge**

The owner of the vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to the Council as indicated on the penalty charge notice.

**8. Indications as evidence**

The particulars given in the penalty charge notice attached to a vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

**9. Removal of vehicle**

Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Article 5 or any other Article 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 such vehicles removed by or on behalf of the Council pursuant to this Article.
- (d) Nothing in Article 5 or any other Article of this Order shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.

**10. Restriction on removal of notices**

Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 6, no person, not being the driver of the vehicle, a police constable in uniform, a parking attendant or some other person duly authorised by the Council, shall remove the notice from the vehicle unless authorised to do so by the driver.

**Prohibition of Waiting**

- 11 Save as provided in Article 3 and 4 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a civil enforcement Officer or of a Civil Enforcement Officer, cause or permit any vehicle to wait at any time on the side of length of road specified in Schedule 1 to this Order.
12. Nothing in Article 2 of this Order shall render it unlawful to cause or permit any vehicle to wait on the side of length of road referred to in that article for so long as may be necessary to enable:-
- (a) a person to board or alight from the vehicle;
  - (b) 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 sides of lengths of road; or
    - (iv) the laying, erection, alteration or repair, in or on land adjacent to the said sides of lengths of road, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
  - (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;

- (d) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said sides of lengths of road;
  - (e) the vehicle to wait at or near to any premises situated on or adjacent to the said sides of lengths of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral;
  - (f) the vehicle to be used for fire brigade, ambulance or police purposes; or
  - (g) goods to be loaded onto or unloaded from the vehicle.
13. Nothing in Article 11 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 on the side of lengths of road referred to in that Article for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle on the same side of length of road on the same day).

#### **REVOCATION**

- 14 The restrictions in Schedule 3 are hereby deleted from The Metropolitan Borough Council of Stockport (Permitted Parking Area and Special Parking Area) (Waiting Restrictions and Street Parking Places) Consolidation Order 2010.

#### **COMMENCEMENT & CITATION**

15. This Order shall come into operation on the 13 October 2018 and may be cited as The Metropolitan Borough Council of Stockport (Arden Primary School, Bredbury) (School Clearway) (Prohibition of Waiting) and (Revocation) Order 2018.

**SCHEDULE 1  
SPECIFIED ROAD**

**No Stopping Monday - Friday, 8am - 5pm on School Keep Clear Markings**

Osborne Street, Bredbury Northern side From a point 25.8 metres west of the projected westerly kerb line of Robin Croft, for a distance of 43.56 metres in a westerly direction.

Stockport Road West, Bredbury South-east side from a point 53.5 metres north-east of the projected north-easterly kerb line of Lindow Court, for a distance of 25.56 metres in a north-easterly direction.

Stockport Road West, Bredbury South-east side from a point 165 metres north-east of the projected north-easterly kerb line of Lindow Court, for a distance of 25.56 metres in a north-easterly direction

**SCHEDULE 2  
PROHIBITION OF WAITING**

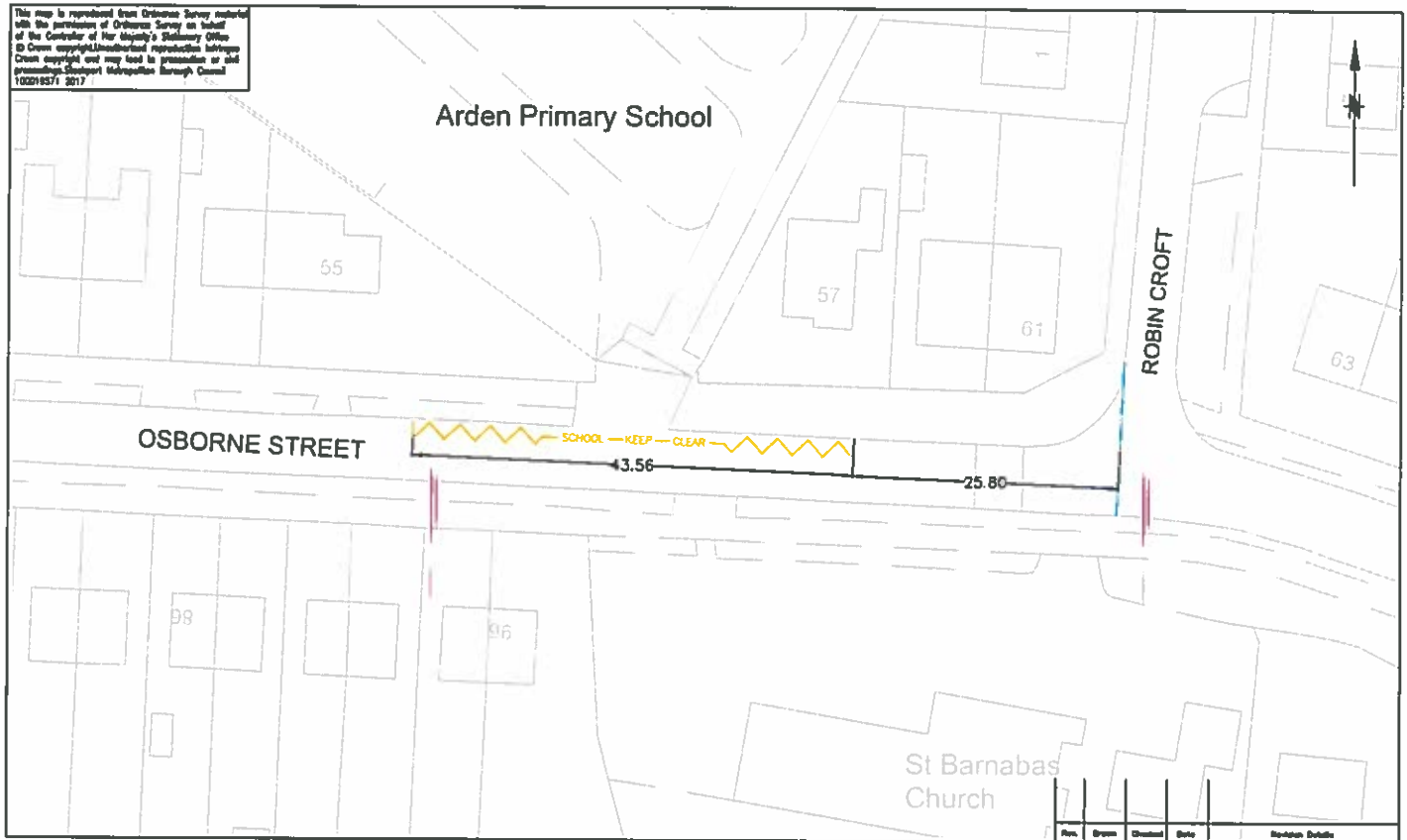
Stockport Road West, Bredbury North-west side from a point 63 metres north-east of the projected north-easterly kerb line of Lindow Court, for a distance of 6 metres in a north-easterly direction.

Osborne Street, Bredbury Northern side from a point 25 metres west of the projected westerly kerb line of Robin Croft, for a distance of 27 metres in a westerly direction

**SCHEDULE 3  
REVOCATION**

**Revocation of No Stopping Monday - Friday, 8am - 5pm on School Keep Clear Markings**  
Stockport Road West and Osborne Street, Bredbury

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Rev.	Drawn	Checked	Date	Revision Details

SCG JOB No.

SCHOOL KEEP CLEAR MARKINGS

ARDEN PRIMARY (1 of 2)



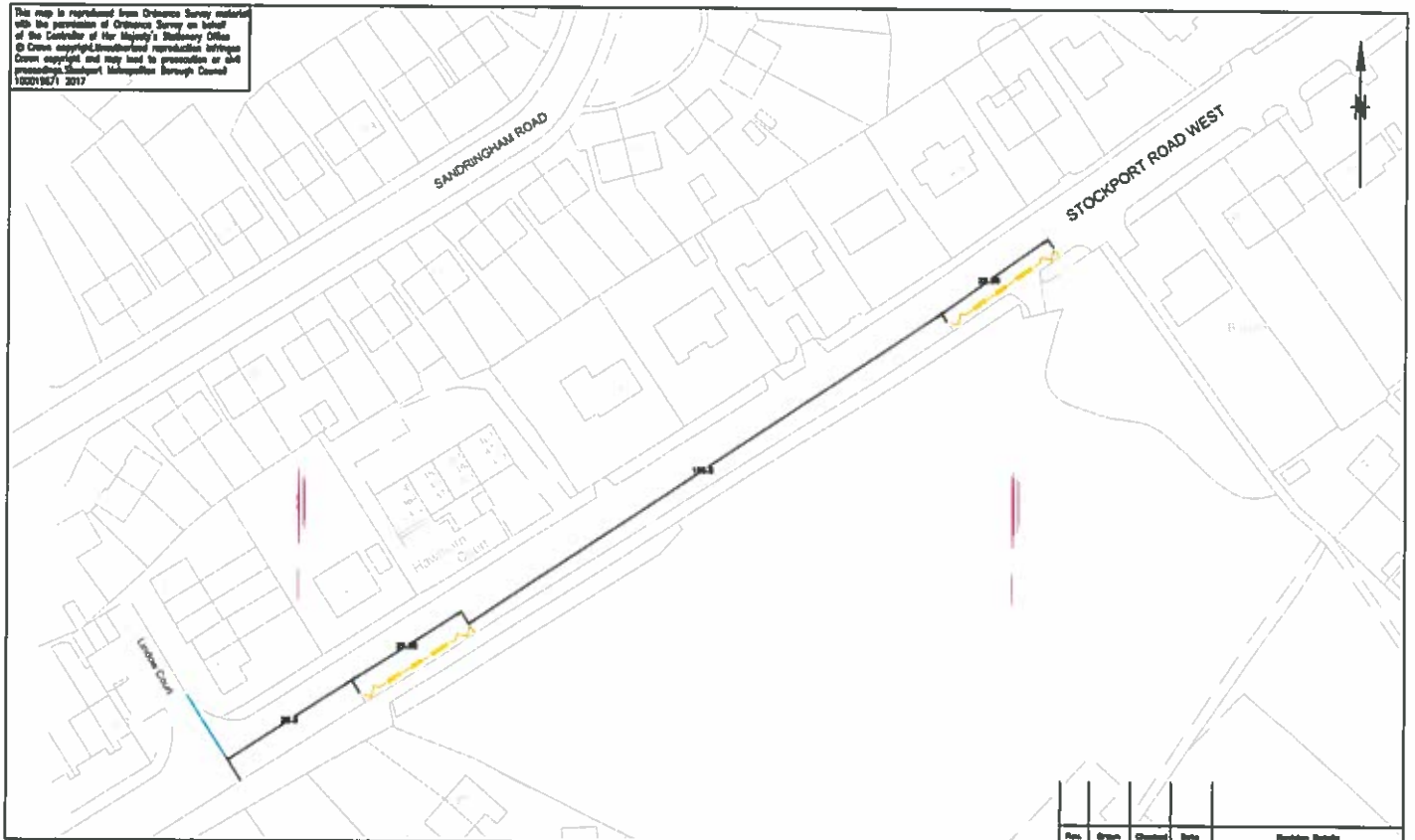
**STOCKPORT**  
METROPOLITAN BOROUGH COUNCIL

CAROLINE SHAPSON  
CORPORATE DIRECTOR  
PLACE

MEMBERS AND THOSE PARTICIPATING  
STOCKPORT 0161 274 2000  
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Drawn	GL	Engineer	GL	Checked	ES	Approved
Date	04/18	Date	04/18	Date		Date
Scale	1:500@A4	Scale		Scale		Scale
Drawing No.	0305/AP/002	Drawing No.		Drawing No.		Drawing No.
Revision		Revision		Revision		Revision

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SCG JOB No.

SCHOOL KEEP CLEAR MARKINGS

ARDEN PRIMARY (2d/2)



**STOCKPORT**  
METROPOLITAN BOROUGH COUNCIL

CAROLINE BRIDGES  
CORPORATE DIRECTOR  
PLACES

ROADWAYS AND TRANSPORT/PLACES  
STOCKPORT 2017  
Tel: 0161 434

Drawn	GL	Engineer	GL	Checked	ES	Approved
Date	04/18	Date	04/18	Date		Date
Scale	1:10000A4					
Drawing No.	0305/AP/003					
Revision						



Dated this: 12 October 2018

The COMMON SEAL of the COUNCIL )  
of the METROPOLITAN BOROUGH OF )  
STOCKPORT was hereunto affixed )  
in the presence of:- )



Mayor

W J Brett

Authorised Signatory

*[Signature]*