

**Dated the 3<sup>rd</sup> day of October 2019**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT  
(ASTLEY STREET/CHESTERGATE AREA) (PROHIBITION OF  
WAITING/PROHIBITION AND RESTRICTION OF LOADING AND UNLOADING,  
LOADING/UNLOADING ONLY BAYS)  
ORDER 2019**

**V. Bates  
Strategic Head of Service (Legal)  
Council Solicitor  
Town Hall  
Stockport  
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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) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act"), the Road Traffic Act 1991 ("the 1991 Act") and the Traffic Management Act 2004 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:-

**Interpretation**

1. (1) In this Order:-

"Civil Enforcement Officer" means a person employed in accordance with section 63A of the 1984 Act as amended by the 2004 Act to carry out the functions referred to therein

"Disabled Persons" and "Disabled Person's Badge" have the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"Disabled Persons' Vehicle" has the same meaning as section 142 of the 1984 Act and which is a vehicle, which immediately before or after any period of waiting, has been or is to be driven by a disabled person or, as the case may be, used for carrying Disabled Person(s) as passenger(s);

"Higher Level Contravention" means the contravention of the Waiting and Loading restrictions of this Order.

"Lower Level Contravention" means the contravention of any other Articles of 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 employment and who is entitled to use such a vehicle as though he were the registered keeper thereof;

"Parking Disc" means a disc, issued by a Local Authority, 125 millimetres square, coloured blue or orange and capable of showing the quarter hour period during which a period of waiting begins.

"Parking Place" means any road or part of road authorised by this Order as a place where specified classes of vehicles may wait;

"Penalty Charge" has the same meaning as in section 82(1) of the 1991 Act and is £70 in respect of a Higher Level Contravention and £50 in respect of a Lower Level



Contravention or such other charges as may be set by the Council under the provisions of section 74 of the 1991 Act in accordance with guidance given by the Secretary of State for Transport;

"Penalty Charge Notice" means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of section 66 of the 1991 Act;

"Relevant Position" in respect of a Disabled Person's Badge and Parking Disc has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

- (2) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- (3) Unless the context otherwise requires any reference in this Order to a numbered Article or Schedule is a reference to an Article or Schedule so numbered in this Order
- (4) Any reference in this Order to any Act or Regulation shall be construed as a reference to that Act or Regulation as amended, applied, consolidated, re-enacted or as having effect by virtue of any subsequent Act or Regulation;
- (5) Words importing the singular meaning shall where the context so admits include the plural meaning and vice versa. Words of the masculine gender include the feminine and neuter genders

## **RESTRICTIONS**

### **Prohibition of Waiting**

2. Save as provided in Articles 5 and 6 no person shall, except upon the direction or with the permission of a constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to wait at any time on the sides of lengths of road specified in Schedule 1.

### **Prohibition and Restriction of Loading/Unloading**

3. No person shall, except upon the direction or with the permission of a constable in uniform or of a Civil Enforcement Officer cause or permit any vehicle to load or unload at any time and between 7am and 10am and 4pm and 7pm Monday to Friday (inclusive) on the sides of lengths of roads specified in Schedule 2.

### **Loading and unloading only at all times**

4. The sides of lengths of road specified in Schedule 3 are authorised to be used, subject to the provisions of Article 5 as a loading bay area, for all classes of vehicle, in such positions and on such days and during the permitted hours as specified in relation to that part of the road for the purposes of loading and unloading only.

### **Exemptions**

5. Nothing in Articles 2 and 3 shall render it unlawful to cause or permit any vehicle to wait on the sides of lengths of road referred to in those Articles for so long as it 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 and 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 be used for the purpose of delivering or collecting postal packets as defined in Section 125 Postal Services Act 2000;
- (e) 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;
- (f) 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;
- (g) the vehicle to be used for fire brigade, ambulance or police purposes; or

- 6 Nothing in Article 2 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 sides 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).

## **CONTRAVENTION OF ORDER**

### **7. 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.

### **8. 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 1991 Act.





**9. 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.

**10. 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.

**11. Removal of vehicle**

Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with the provisions of Article 7 :-

- (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 1984 Act shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.
- (d) Nothing in Article 10 shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.

**12. Restriction on removal of notices**

Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 8, no person, not being the driver of the vehicle, a police constable in uniform, a Civil Enforcement Officer or some other person duly authorised by the Council, shall remove the notice from the vehicle unless authorised to do so by the driver.

**COMMENCEMENT & CITATION**

13. This Order shall come into operation on the 4<sup>th</sup> day of October 2019 and may be cited as The Metropolitan Borough Council of Stockport (Astley Street/Chestergate Area) (Prohibition of Waiting/ Prohibition and Restriction of Loading and Unloading, Loading/Unloading Only Bays) Order 2019



**SCHEDULE 1**  
**No Waiting at any Time**

Astley Street, west side from the projected southerly kerblines of Heaton Lane for a distance of approximately 131 metres in a southerly then south-westerly direction as far as the projected westerly kerblines of Swaine Street. Astley Street, east side from the projected southerly kerblines of Heaton Lane for a distance of 12 metres in a southerly direction. Astley Street, east side from a point 38 metres south of the projected southerly kerblines of Heaton Lane for a distance of approximately 100 metres in a southerly direction as far as the projected easterly kerblines of Swaine Street. Cheestergate both sides, from the projected westerly kerblines of Swaine Street to the projected easterly kerblines of Viaduct Street in a westerly direction. Swaine Street, west side from the projected southerly kerblines of Cheestergate for a distance of approximately 11 metres in a southerly direction. Swaine Street, east side from the projected southerly kerblines of Cheestergate for a distance of approximately 14 metres in a southerly direction. Heaton Lane car park access off Great Egerton Street, both sides between the projected southerly kerblines of Great Egerton Street for a distance of approximately 7.5 metres in a southerly direction. Heaton Lane car park Emergency access, off Heaton Lane, east side for a distance of approximately 14 metres from the projected northerly kerblines of Heaton Lane in a north westerly direction. Heaton Lane car park Emergency access, Off Heaton Lane west side for a distance of approximately 16 metres from the projected northern kerblines of Heaton Lane in a north westerly direction. Heaton Lane, both sides between its junction with Heaton Lane roundabout to the projected westerly kerblines of the A6 Wellington Road North.

**SCHEDULE 2**  
**Prohibition and Restriction of Loading and Unloading**

**No Loading Monday to Friday 7am-10am & 4pm-7pm** Astley Street, both sides from the projected southerly kerblines of Heaton Lane for a distance of 4 metres in a southerly direction. Astley Street, easterly side from a point approximately 17 metres north-east of the projected easterly kerblines of Swaine Street to its junction with Cheestergate. Swaine Street, east side from the projected southerly kerblines of Cheestergate for a distance of approximately 14 metres in a southerly direction. Heaton Lane, both sides between its junction with Heaton Lane roundabout to its junction with A6 Wellington Road North.

**No Loading At Any Time** Astley Street, west side from a point 4 metres south of the projected southerly kerblines of Heaton Lane for a distance of approximately 127 metres in a southerly then south-westerly direction to its junction with Cheestergate. Astley Street, east side from a point 4 metres south of the projected southerly kerblines on Heaton Lane for a distance of approximately 8 metres in a southerly direction. Astley Street, east side from a point 38 metres south of the projected southerly kerblines of Heaton Lane to a point approximately 18 metres north-east of the projected easterly kerblines of Swaine Street. Cheestergate, south side from the projected westerly kerblines of Swaine Street to the projected easterly kerblines of Viaduct Street in a westerly direction. Cheestergate, north side from the projected westerly kerblines of Viaduct Street to its junction with Astley Street in an easterly then north-easterly direction. Swaine Street, west side from the projected southerly kerblines of Cheestergate for a distance of approximately 11 metres in a southerly direction.

**SCHEDULE 3**  
**Loading/Unloading Bay only**

**Loading / Unloading Only Bay (all vehicles)** Astley Street, east side from a point 12 metres south of the projected southerly kerblines of Heaton Lane for a distance of 26 metres in a southerly direction.







The **COMMON SEAL** of the **COUNCIL** )  
of the **METROPOLITAN BOROUGH** )  
**OF STOCKPORT** was hereunto affixed )  
this 3<sup>rd</sup> day of October 2019 )  
in the presence of:- )

Deputy

Mayor

J D Wright

*[Handwritten signature]*

Authorised Signatory



