

Dated: 25th October 2012

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT
(BRIDGE HALL PRIMARY SCHOOL) (PROHIBITION AND RESTRICTION OF
WAITING/LOADING/UNLOADING) (SCHOOL CLEARWAY) ORDER 2012**

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**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT
(BRIDGE HALL PRIMARY SCHOOL) (PROHIBITION AND RESTRICTION OF
WAITING/LOADING/UNLOADING) (SCHOOL CLEARWAY) ORDER 2012**

The Council of the Metropolitan Borough of Stockport ("the Council") in exercise of its powers under Section 1 (1), 2(1) to (3) and 4(2) of the Road Traffic Regulation Act 1984 ("the 1984 Act"), and 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 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 this Order in respect of any of the Waiting and Loading restrictions of this Order.

"Lower Level Contravention" means the contravention of this Order in respect of any Articles of this Order other than the Waiting and Loading restrictions

"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/she were the registered keeper thereof;

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

"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 77 of the 2004 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 72 of the 2004 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.

"school keep clear area" means any area of carriageway of a specified road which is comprised within and indicated by a road marking complying with Diagram 1027.1 in Schedule 6 of the Traffic Signs Regulations 2002 and signed by Diagram 642.2A in Schedule 2 of the Traffic Signs Regulations 2002;

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

"specified road" means any road or length of road specified in Schedules 1, 2 and 3 to this Order.

- (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

Prohibition of Waiting

2. Save as provided in Articles 6 and 7 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

Restriction of Waiting

3. Save as provided in Articles 6 and 7, 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 between the hours of 8.00 am to 5.00 pm - Monday to Friday on the sides of length of road specified in Schedule 2.

4. Restriction of Loading/Unloading

No person shall, except upon the direction or with the permission of a constable in uniform or a Civil Enforcement Officer, cause or permit any vehicle to wait for the purpose enabling goods to be loaded or unloaded from a vehicle at any time between the hours of 8am to 5pm Monday to Friday inclusive on the side of length of road specified in Schedule 2.

School Clearway

5. Save as provided in Article 9 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 detailed in Schedule 3.

Exemptions

- 6 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 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 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
- (h) goods to be loaded onto or unloaded from the vehicle.

7 Nothing in Articles 2 and 3 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).

8. Nothing in Article 3 of the 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 to wait on the sides of lengths of road referred to therein.

9 Nothing in Article 5 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.

10. The Council is satisfied that for avoiding danger to persons or other traffic using the roads to which Schedule 3 relates it is requisite that Section 3(1) of the Act shall not apply to this Order

CONTRAVENTION OF ORDER

11. **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.

12. **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.

13. **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.

14. **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.

15. **Removal of vehicle**

Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with any Article of this Order:-

- 15.1 he/she shall provide for the safe custody of the vehicle;
- 15.2 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;
- 15.3 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.

15.4 Nothing in Article 11 or any other Article shall apply in respect of a vehicle displaying in a relevant position a valid Disabled Person's Badge.

16. Restriction on removal of notices

Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 9 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

17. This Order shall come into operation on the 17th December 2012 and may be cited as The Metropolitan Borough Council of Stockport (Bridge Hall Primary School) (Prohibition and Restriction of Waiting/Loading/Unloading) (School Clearway) Order 2012.

SCHEDULE 1

No waiting at any time

Cuddington Crescent, West side from a point 10 metres north of the northerly kerb line of Siddington Avenue to a point 15 metres south of the southerly kerb line of Siddington Avenue.

Cuddington Crescent, East side from the southerly kerb line of Siddington Avenue for a distance of 10 metres in a southerly direction.

Siddington Avenue, North side from the westerly kerb line of Cuddington Crescent for a distance of 10 metres in a westerly direction.

Siddington Avenue, South side from a point 10 metres west of the westerly kerb line of Cuddington Crescent to a point 15 metres east of the easterly kerb line of Cuddington Crescent.

SCHEDULE 2

No waiting, Loading/Unloading Monday to Friday 8am to 5pm




Cuddington Crescent, East side from a point 4 metres north of the northerly kerb line of Siddington Avenue for a distance of 27 metres in a northerly direction.

SCHEDULE 3

No Stopping on School Entrance Markings Monday to Friday 8am to 5pm

Cuddington Crescent East side from a point 31 metres north of the northerly kerb line of Siddington Avenue for a distance of 29 metres in a northerly direction.

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-  NO STOPPING MON - FRI 8AM - 5PM ON SCHOOL MARKINGS
-  NO WAITING AT ANY TIME
-  NO WAITING / LOADING MON - FRI 8AM - 5PM

CUDDINGTON CRESCENT

SIDDINGTON AVENUE

SCHOOL - KEEP - CLEAR

EXISTING NO STOPPING MON - FRI 8AM - 5PM ON SCHOOL MARKINGS



STOCKPORT
METROPOLITAN BOROUGH COUNCIL

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SERVICE DIRECTOR, PLACE MANAGEMENT

JOB TITLE

BRIDGE HALL PRIMARY SCHOOL, ADSWOOD

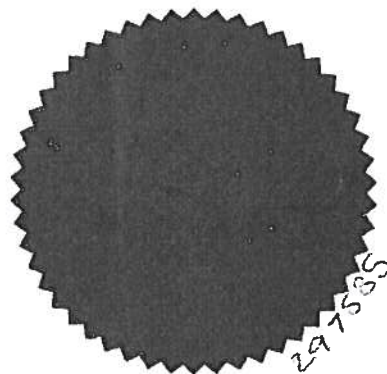
FORM No. NM17/01/P

DRAWN ATG	ENGINEER MT	CHECKED MDJ	APPROVED MDJ
DATE 30/04/12	DATE 30/04/12	DATE 4/12	DATE 4/12
SCALE 1:500		SCC No. M1693	
DRAWING NUMBER NM8/4536/02			Revision

DRAWING TITLE

PROPOSED TRAFFIC MANAGEMENT IMPROVEMENTS

The COMMON SEAL of the COUNCIL)
of the METROPOLITAN BOROUGH)
of STOCKPORT was hereunto affixed)
this 25th October 2012)
in the presence of:-)



Mayor

W. Mead

J.C.

Council Solicitor/Authorised Signatory