

Dated the 5th day of April 2019

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT
(CASTLE STREET, EDGELEY) (LOADING BAY) ORDER 2019**

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THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT
(CASTLE STREET, EDGELEY) (LOADING BAY) ORDER 2019

The Council of the Metropolitan Borough of Stockport in exercise of its powers under Sections 32(1) and 35(1) of the Road Traffic Regulation Act 1984 ("the 1984 Act"), the Road Traffic Act 1991 ("the 1991 Act"), 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:-

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

"driver" means the person driving the vehicle at the time it was left in the loading bay area.

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

"loading bay area" means the part of the road authorised by this Order which may only be used as a loading and unloading area and which is delineated by lines to diagrams 1028.3, 1032 or 1033 as defined in Schedule 6 of the Traffic Signs Regulations and General Directions 2002 and indicated by sign diagram 660.4 as defined in Schedule 2 of the Traffic Signs Regulations and General Directions 2002

"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" 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;

- (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

Loading and Unloading

- 2 The sides of lengths of road specified in the Schedule to this Order are authorised to be used, subject to the provisions of Article 3 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

3. Nothing in Article 2 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

CONTRAVENTION OF ORDER

4. Contravention

If a vehicle is left in a Loading Bay 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.

5. 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.

6. 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.

7. 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.

8. 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:-

- (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.

9. 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

10. This Order shall come into operation on the 5 April 2019 and may be cited as The Metropolitan Borough Council of Stockport (Castle Street, Edgeley) (Loading Bay) Order 2019.

**SCHEDULE
INTRODUCTION OF LOADING BAY**

Castle Street, Edgeley, North Side from the projected westerly kerb line of Worrall Street for a distance of 6.6 meters in a westerly direction.

The COMMON SEAL of the COUNCIL)
of the METROPOLITAN BOROUGH)
of STOCKPORT was hereunto affixed)
this 5 April 2019)
in the presence of:-)



Mayor

W J Brett

Authorised Signatory

A handwritten signature in black ink, consisting of a stylized 'S' followed by a long horizontal stroke.