

Dated: 5 January 2017

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (CHURCHLEY
ROAD, CHEADLE HEATH) (SCHOOL CLEARWAY)
ORDER 2017**

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**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (CHURCHLEY
ROAD, CHEADLE HEATH) (SCHOOL CLEARWAY) ORDER 2017**

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT ("the Council") in exercise of the powers conferred by Sections 1(1), 2(1) to (3), 3(2), 4(1) and (2) of the Road Traffic Regulations Act 1984 as amended ("the 1984 Act"), and the Road Traffic Act 1991 as amended ("the 1991 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 the Road Traffic Act 1991, hereby makes the following Order:-

1(1) In this Order:-

"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 6.00 p.m. on Monday to Friday;

"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" has the same meaning as in section 82(1) of the 1991 Act and is £60 or such other charge 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 parking attendant pursuant to the provisions of section 66 of the 1991 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.
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 parking attendant 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 1991 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 parking attendant 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 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

11. This Order shall come into operation on the 13 January 2017 and may be cited as The Metropolitan Borough Council of Stockport (Churchley Road, Cheadle Heath) (School Clearway) Order 2017.

**SCHEDULE
Specified Road**

No Stopping Monday – Friday 8.00am-6.00pm on School Entrance Markings, Churchley Road from a point approximately 28.5 metres from the easterly kerbline of Heathside Road for a distance of 4.8 metres in a north easterly direction, then for a distance of approximately 10.5 metres in a northerly direction, then for a distance of approximately 13.5 metres in a north westerly direction.

Dated this: 5th day of January 2017

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



Mayor

~~Head of Legal & Democratic Governance~~ Authorised Signatory

