

Dated the 7th day of October 2021

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT
(DIDSBURY ROAD PRIMARY SCHOOL) (PROHIBITION OF WAITING/
RESTRICION OF WAITING /PROHIBITION AND RESTRICTION OF
LOADING/UNLOADING) AND (REVOCATION) ORDER 2021**

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**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT
(DIDSBURY ROAD PRIMARY SCHOOL) (PROHIBITION OF WAITING/
RESTRICION OF WAITING /PROHIBITION AND RESTRICTION OF
LOADING/UNLOADING) AND (REVOCATION) ORDER 2021**

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.

"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

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.

Restriction of Waiting

3. Save as provided in Article 5 & 7 no person shall except upon the direction of 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 9.30am and 2.30pm to 4pm Monday to Friday inclusive on the sides of lengths of road specified in Schedule 2.

Prohibition and Restriction of Loading and Unloading

4. Save as provided in Article 5 no person shall load or unload goods from any vehicle at any time and on Monday to Friday 8.00 - 9.30am and 2.30 - 4.00pm on the sides of lengths of roads specified in Schedule 3.

Exemptions

5. Nothing in Articles 2, 3, and 4 shall render it unlawful to cause or permit any vehicle to wait on the sides of lengths of roads referred to in those Articles 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 re-construction 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 telegraphic line 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 roads;
 - (e) the vehicle to wait at or near to any premises situated on or adjacent to the said sides of lengths of roads 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.

6 Nothing in Article 2 shall render it unlawful to cause or permit a disabled persons vehicle which displays in the relevant position a disabled persons' 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 the previous period of waiting by the same vehicle on the same side of length of road on the same day).

7 Nothing in Article 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 to wait on the sides of lengths of roads referred to therein.

CONTRAVENTION OF ORDER

8. 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.

9. 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.

10. 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.

11. 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.

12. Removal of vehicle

Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Article 8,

- (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 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 8 shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.

13. 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.

REVOCATION

- 14** The restrictions Schedule 4 which are hereby revoked.

COMMENCEMENT & CITATION

15. This order shall come into operation on the 8th day of October 2021 and may be cited as The Metropolitan Borough Council of Stockport (Didsbury Road Primary School) (Prohibition of Waiting/ Restriction of Waiting /Prohibition and Restriction of Loading/Unloading) and (Revocation) Order 2021.

SCHEDULE 1

No Waiting at Any Time

No Waiting At Any Time Hawthorn Road (North Side) From the intersection of the western kerbline of Mersey Road for a distance of 10 metres in a westerly direction. Mersey Road (West Side) From the intersection of the northern kerbline of Hawthorn Road for a distance of 24.5 metres in a north easterly direction. Mersey Road (East Side) From the intersection of the northern kerbline of Thornhill Road for a distance of 18.5 metres in a north easterly direction. Thornhill Road (North Side) From the intersection of the eastern kerbline of Mersey Road for a distance of 11.5 metres in an easterly direction. Cavendish Road (West Side) From a point 25 metres north west of the northern kerbline of Didsbury Road for a distance of 36 metres in a northerly direction. From a point 10 metres south of the intersection of the southern kerbline of Pleachway to a point 10 metres north of the intersection of the northern kerbline of Pleachway. Cavendish Road (East Side) From a point 40 metres north of the intersection of the northern kerbline of Didsbury Road for a distance of 3.5 metres in a northerly direction. From a point 26.5 metres south of the projected southern kerbline of Pleachway for a distance of 18 metres in a southerly direction. From a point 4 metres north of the projected northern kerbline of Pleachway for a distance of 14.5 metres in a northerly direction. Didsbury Road (South Side) From the intersection of the eastern kerbline of Vale Close for a distance of 12 metres in a north easterly direction. Vale Close (East Side) From the intersection of the southern kerbline of Didsbury Road for a distance of 3 metres in a southerly direction. Pleachway (Both Sides) From the intersection of the western kerbline of Cavendish Road for a distance of 2.5 metres in a westerly direction. Parrs Mount Mews (West Side) From the intersection of the southern kerbline of Didsbury Road for a distance of 33 metres in south easterly direction. Highfield Park (East Side) From a point 11 metres south east of the intersection of the southern kerbline of Didsbury Road for a distance of 8 metres in a south easterly direction.

SCHEDULE 2

Restriction of Waiting

No Waiting Monday to Friday 8.00 - 9.30am and 2.30-4.00pm Highfield Park (West Side) From a point 11 metres south east of the intersection of the southern kerbline of Didsbury Road for a distance of 10.5 metres in a south easterly direction.

SCHEDULE 3

Prohibition and Restriction of Loading/Unloading

No Loading At any Time Richmond Road (Both Sides) From the intersection of the southern kerbline of Didsbury Road for a distance of 7 metres in a south easterly direction. Didsbury Road (South Side) From a point 10 metres north east of the intersection of the eastern kerbline of Richmond Road, to a point 11.5 metres south west of the intersection of the western kerbline of Richmond Road. Parrs Mount Mews (West Side) From the intersection of the southern kerbline of Didsbury Road for a distance of 33 metres in a south easterly direction. Parrs Mount Mews (East Side) From the intersection of the southern kerbline of Didsbury Road for a distance of 10 metres in a southerly direction. Didsbury Road (South Side) From a point 15 metres north east of the intersection of the eastern kerbline of Parrs Mount Mews, to a point 6 metres south west of the intersection of the western kerbline of Parrs Mount Mews. From a point 31 metres east of the intersection of the eastern kerbline of Highfield Park, to a point 9 metres south west of the intersection of the western kerbline of Highfield Park. Highfield Park (West Side) From the intersection of the southern kerbline of Didsbury Road for a distance of 11 metres in a south easterly direction. Highfield Park (East Side) From the intersection of the southern kerbline of Didsbury Road for a distance of 19 metres in a south easterly direction.

No Loading Monday to Friday 8.00 - 9.30am and 2.30 - 4.00pm Highfield Park (West Side) From a point 11 metres south east of the intersection of the southern kerbline of Didsbury Road for a distance of 10.5 metres in a south easterly direction. Highfield Park (East Side) From a point 19 metres south east of the intersection of the southern kerbline of Didsbury Road for a distance of 181 metres in a south easterly direction.

SCHEDULE 4

Revocation of existing Traffic Regulation Orders

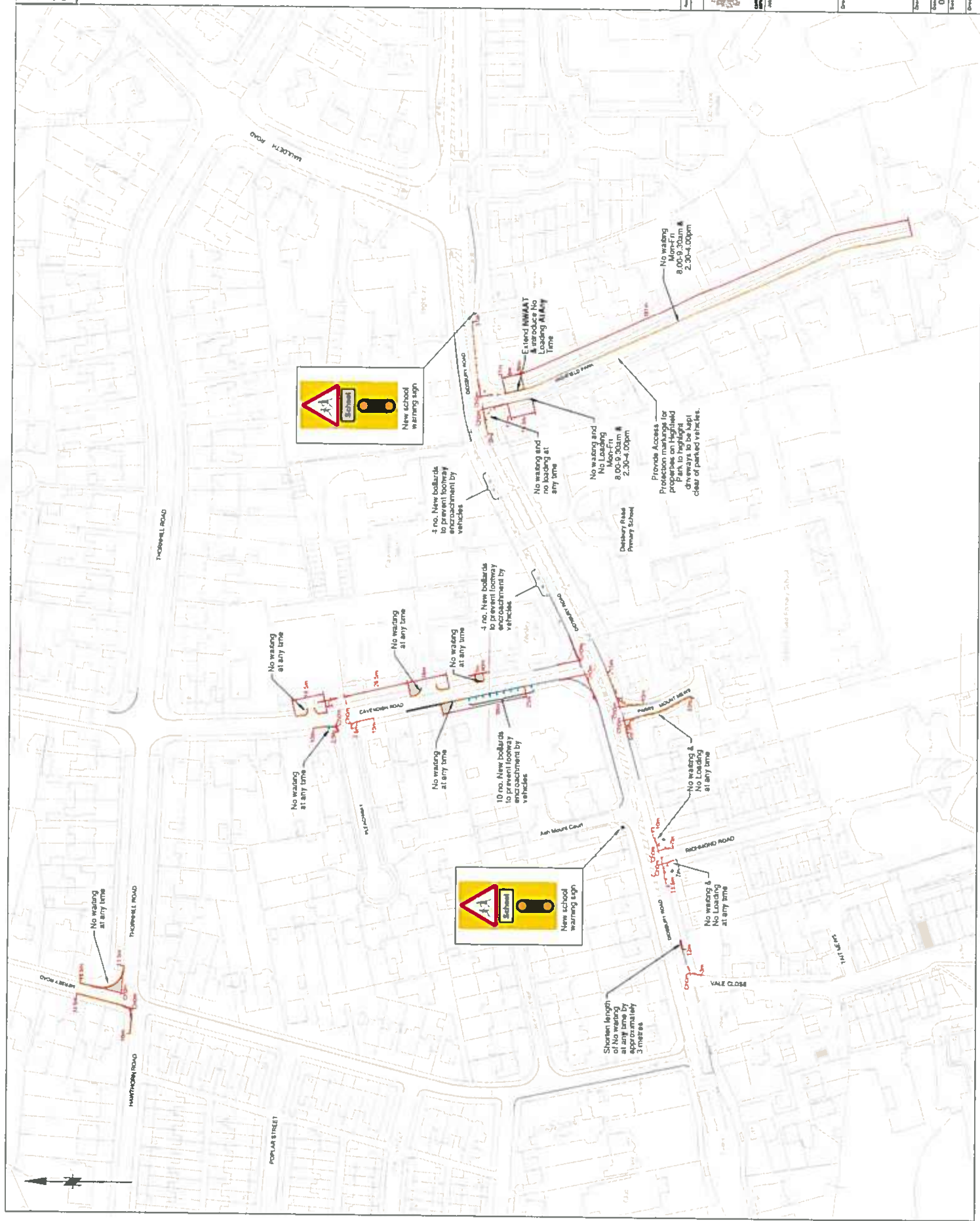
Revocation of No Waiting At Any Time Hawthorn Road (North Side)

From the intersection of the western kerbline of Mersey Road for a distance of 10 metres in a westerly direction. Mersey Road (West Side) From the intersection of the northern kerbline of Hawthorn Road for a distance of 11.5 metres in a north easterly direction. Mersey Road (East Side) From the intersection of the northern kerbline of Thornhill Road for a distance of 10 metres in a north easterly direction. Thornhill Road (North Side) From the intersection of the eastern kerbline of Mersey Road for a distance of 11.5 metres in an easterly direction. Didsbury Road (South Side) From the intersection of the eastern kerbline of Vale Close for a distance of 15.5 metres in a north easterly direction. Vale Close (East Side) From the intersection of the southern kerbline of Didsbury Road for a distance of 3 metres in a southerly direction. Parrs Mount Mews (West Side) From the intersection of the southern kerbline of Didsbury Road for a distance of 10 metres in south easterly direction.

Revocation of No Waiting Monday to Friday 8am - 5pm Parrs Mount Mews (West Side)

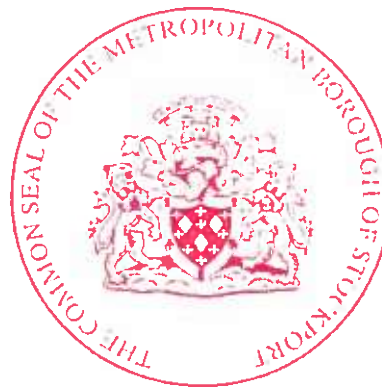
From a point 10 metres south east of the intersection of the southern kerbline of Didsbury Road for a distance of 23 meters in a south easterly direction. Cavendish Road (West Side) From a point 25 metres north west of the northern kerbline of Didsbury Road for a distance of 36 metres in a northerly direction.

Revocation of No Waiting Monday to Friday 8.30 - 9.15am and 2.45 - 3.30pm Highfield Park (East Side) From a point 11 metres south east of the southern kerbline of Didsbury Road for a distance of 8 metres in a south easterly direction. Highfield Park (West Side) From a point 11 metres south east of the intersection of the southern kerbline of Didsbury Road for a distance of 10.5 metres in a south easterly direction.



THE COMMON SEAL of the
METROPOLITAN BOROUGH
COUNCIL OF STOCKPORT was
hereunto affixed
this 7th day of October 2021
in the presence of:

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V Bates

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Head of Legal & Democratic Governance / ~~Designated Authorised Signatory~~ (legal officer)

Victoria BATES

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Print Name

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Authorised Signatory (legal officer)

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Print Name