

**Dated 13 June 2019**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (HATTERS  
COURT, HIGHER HILLGATE) (RESTRICTION OF WAITING) ORDER 2019**

**V. Bates  
Strategic Head of Service (Legal)  
Town Hall  
Stockport  
SK1 3XE**

## **THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (HATTERS COURT, HIGHER HILLGATE) (RESTRICTION OF WAITING) ORDER 2019**

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) of the Road Traffic Regulation Act 1984 ("the 1984 Act"), the Road Traffic Act 1991 ("the 1991 Act") and 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

"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 / her 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 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 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.

- (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 of the masculine gender shall include the feminine gender.

### **Restriction of Waiting**

2. Save as provided in Articles 3 and 4 no person shall, except upon the direction of a constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to wait between the hours of 8am to 4.30pm Monday to Saturday (inclusive) on the sides of length of road specified in the Schedule to this Order.

### **Exemptions**

3. Nothing in Article 2 shall render it unlawful to cause or permit any vehicle to wait on the sides of length of road referred to in that Article 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 length 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 of the 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 length of road;
  - (f) the vehicle to wait at or near to any premises situated on or adjacent to the said sides of length 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.
4. 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 length 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 sides of length of road on the same day).

### **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**

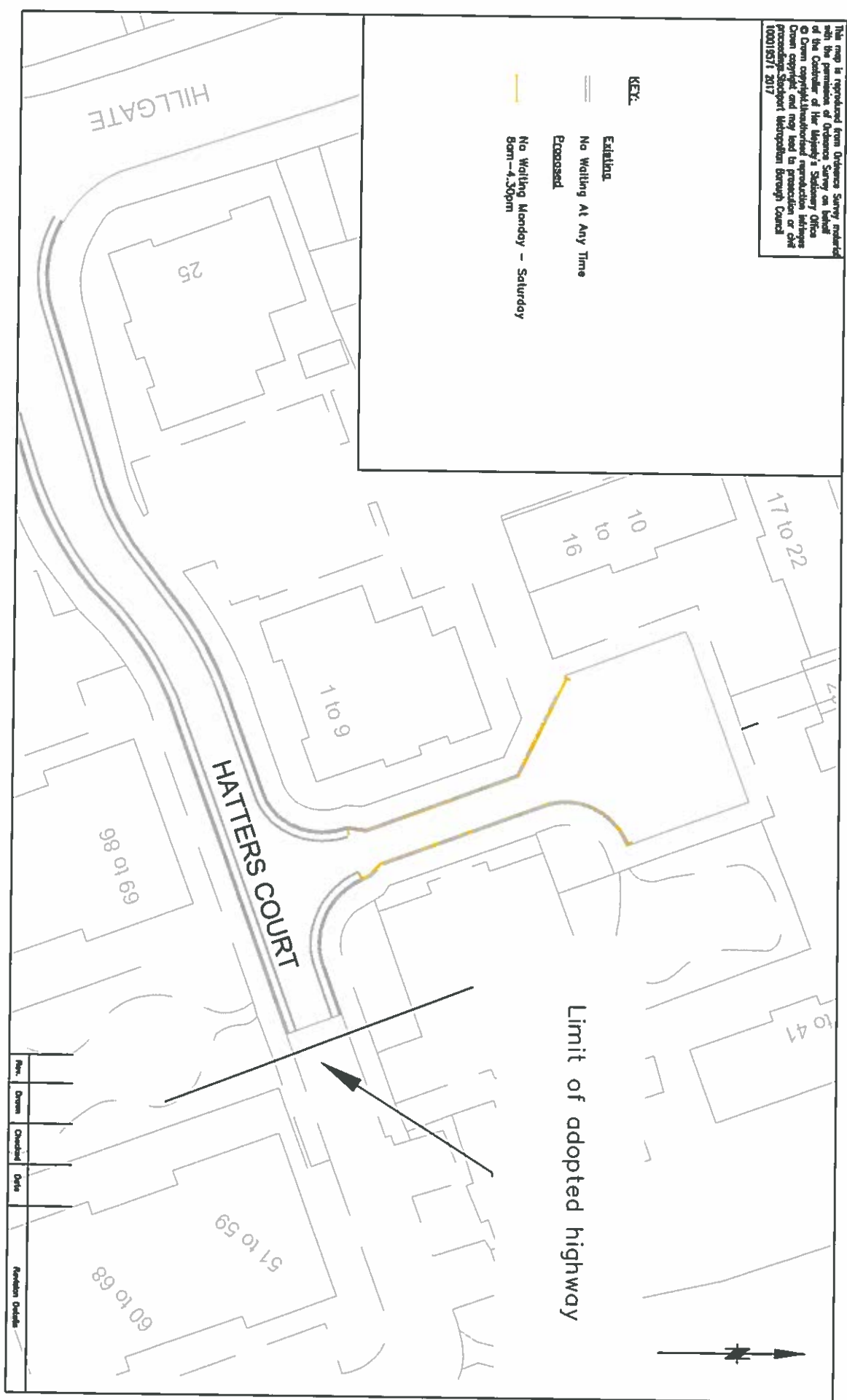
The particulars given in the penalty charge notice attached to a vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

**9. Removal of vehicle**

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**KEY:**

- Existing
- No Waiting At Any Time
- Proposed
- No Waiting Monday - Saturday  
8am-4.30pm



JOB TITLE

Hatters Court, Hilgate, Stockport

DRAWING TITLE

Proposed Prohibition of Waiting



**STOCKPORT**  
METROPOLITAN BOROUGH COUNCIL

CAROLINE SIMMONS  
STOCKPORT METROPOLITAN BOROUGH COUNCIL  
COMPLAINTS DIRECTOR

MEMORANDUM AND TRANSMITTAL  
STOCKPORT METROPOLITAN BOROUGH COUNCIL  
Tel: 0161 317 6111

SCG JOB No.

Date	Drawn	Checked	Date	Revision Details

Drawn	Engineer	Checked	Approved
VB	CP	JG	EPS
Date	Date	Date	Date
20/09/18	20/09/18	20/09/18	20/09/18

Scale	Drawing No.	Revision
1:500	NM88/4889/02/REV A	A

Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Article 5 or any other Article,

- (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 1 August 2019 and may be cited as The Metropolitan Borough Council of Stockport (Hatters Court, Higher Hillgate) (Restriction of Waiting) Order 2019

**SCHEDULE**  
**NO WAITING MONDAY-SATURDAY 8AM-4.30PM**

Hatters Court North Western Arm – South Western side from a point 6 metres North West of the North Westerly kerbline of Hatters Court for a distance of 28 metres in a North Westerly direction.

Hatters Court North Western Arm – North Eastern side from a point 6 metres North West of the North Westerly kerbline of Hatters Court for a distance of approximately 25 metres in a North Westerly direction and then 6 metres in a North Easterly direction.

The COMMON SEAL of the COUNCIL )  
of the METROPOLITAN BOROUGH OF )  
STOCKPORT was hereunto affixed )  
This 13<sup>th</sup> day of June 2019 )  
the presence of:- )

Mayor

*Lana Soatt*

Authorised Signatory

*K. Gennery*

