

Dated: 16 March 2023

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (QUEENS GARDENS,
CHEADLE) (DISABLED PERSONS PARKING PLACES) ORDER 2023**

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THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (QUEENS GARDENS, CHEADLE) (DISABLED PERSONS PARKING PLACES) ORDER 2023

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

"disabled persons and disabled persons' badge" has 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);

"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;

"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;

"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 place" means any road or part of road authorised as a place where specified classes of vehicles may wait;

"penalty charge" has the same meaning as in Section 82(1) of the 1991 Act and is £70 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 Civil Enforcement Officer 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.
- (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

Authorisation of Disabled Persons Parking Places

- 2 Each of the parts of the road specified in column 2 of the Schedule is authorised to be used subject to the following provisions, as a parking place for such classes of vehicles in such positions and on such days and during such hours as are specified in relation to that part of road in the Schedule.

Classes of vehicles permitted to use Disabled Persons Parking Place

3. Where in the Schedule the parking place is described as available for vehicles of a specified class or in a specified position, the driver of the vehicle shall not permit it to wait in the parking place:-
 - (a) unless it is of the specified class; or
 - (b) if it is in a position other than that specified.

Exemptions

- 4 Nothing in Article 2 shall render it unlawful for any person to cause or permit any vehicle to wait in the parking place for so long as may be necessary in connection with any building operation or demolition in or adjacent to the said parking place, the removal of any obstruction to traffic, the maintenance, cleansing, improvement or reconstruction of the part of the road authorised to be used as a parking place or the laying, erection, alteration or repair in or adjacent to the said parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus as defined in the Telecommunications Act 1984.
- 5 Nothing in Article 2 shall apply to a vehicle used for police, fire brigade or ambulance purposes in pursuance of statutory powers or duties.

CONTRAVENTION OF ORDER

6. 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

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contravention shall have occurred and the penalty charge shall be payable and/or the vehicle may be removed from that location.

7. 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.

8. 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.

9. 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.

10. Removal of vehicle

Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Article 6 or any other Article of this Order,

- (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 6 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.

11. Restriction on removal of notices

Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 7, 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

12. This Order shall come into operation on the 17 March 2023 and may be cited as The Metropolitan Borough Council of Stockport (Queens Gardens, Cheadle) (Disabled Persons Parking Places) Order 2023 .

**SCHEDULE
DISABLED PERSONS PARKING PLACES**

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
PARTS OF ROAD AUTHORISED TO BE USED AS DISABLED PERSONS' PARKING PLACES	POSITION IN WHICH THE VEHICLE MUST WAIT	CLASS OF VEHICLE	DAYS OF OPERATION OF PARKING PLACE	HOURS OF OPERATION OF PARKING PLACES
Queens Gardens, (Northern arm) North side, from a point 65 metres west of the intersection of the western kerbline of Bank Street for a distance of 13 metres in a westerly direction.	Wholly within the limits of the parking place and parallel to the kerb.	Disabled person's vehicle which displays in the relevant position a disabled person's badge.	All days	All hours

The COMMON SEAL of the COUNCIL)
of the METROPOLITAN BOROUGH OF)
STOCKPORT was hereunto affixed)
this 16 March 2023)
in the presence of:-)



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..... *V. Bates*
Assistant Director Legal & Democratic Governance / Designated Authorised Signatory
(legal officer)

..... *VICTORIA BATES*
Print Name

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Authorised Signatory (legal officer)



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Print Name