

**Dated the 22<sup>nd</sup> day of December 2010**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (EDWARD STREET/PICCADILLY, STOCKPORT) (PROHIBITION OF WAITING) (ON STREET PAY AND DISPLAY PARKING PLACES) (LIMITED WAITING) (DISABLED PERSONS PARKING PLACES) AND (REVOCATION) ORDER 2010**

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**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (EDWARD STREET/PICCADILLY, STOCKPORT) (PROHIBITION OF WAITING) (ON STREET PAY AND DISPLAY PARKING PLACES) (RESTRICTION OF WAITING) (DISABLED PERSONS PARKING PLACES) AND (REVOCATION) ORDER 2010**

The Council of the Metropolitan Borough of Stockport ("the Council") in exercise of its powers under Section 1 (1), 2(1) to (3) and 4(2) of the Road Traffic Regulation Act 1984 as amended ("the 1984 Act"), and the Road Traffic Act 1991 as amended ("the 1991 Act"), 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 1991 Act, hereby makes the following Order:-

**Interpretation**

1. (1) In this Order:-

"appropriate charge" means

- (a) for a period of waiting on any day other a Sunday or a Bank Holiday the charge shown in Column 5 of Schedule 4 for the parking place in which the vehicle waits corresponding to the period during which that vehicle waits specified in Column 4 Schedule 4; and
- (b) for a period of waiting on a Sunday the charge shown in Column 7 of Schedule 4 for the parking place in which the vehicle waits corresponding to the period during which that vehicle waits specified in Column 6 of that Schedule;

"charging hours" means the period specified in Column 3 of Schedule 4 corresponding to each parking place specified in Column 1 of that Schedule during which an appropriate charge is to be paid in accordance Article 10;

"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 employment and who is entitled to use such a vehicle as though he were the registered keeper thereof;

"parking bay" means any area of a parking place indicated by markings on the surface of the parking place and which is provided for the leaving of a vehicle of the specified classes of vehicles;

"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;

"parking ticket" means a ticket issued by a ticket machine pursuant to this Order and indicating the payment of a charge, the time at the beginning of the period for which payment was made and the time when the period expires;

"pay and display parking place" means any part of the roads identified Schedule 4 as a pay and display parking place;

"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;

"permitted hours" means for each parking place specified in Column 1 of Schedule 4 the corresponding days and periods specified in Columns 4 and 6 of that Schedule during which a parking place may be used for the waiting of the specified classes of vehicles;

"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.

"ticket machine" means an apparatus of a type and design approved by the Secretary of State for Transport being apparatus designed to issue parking tickets;

- (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.

### **PROHIBITION OF WAITING**

- 2. Save as provided in Articles 4 and 5 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 Articles 4 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 between the hours of 8.00 am to 6.00 pm – Monday to Friday for 5 minutes with no return within 20 minutes on the sides of length of road specified in Schedule 2.

### **Exemptions**

- 4. Nothing in Articles 2 and 3 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
  - (h) goods to be loaded onto or unloaded from the vehicle.
5. Nothing in Articles 2 and 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, 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 side 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 a previous period of waiting by the same vehicle on the same side of length of road on the same day).

### **AUTHORISATION OF DISABLED PERSONS PARKING PLACES**

- 6 Each of the parts of the road specified in column 2 of Schedule 3 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 Schedule 3.

#### **Classes of vehicles permitted to use Disabled Persons Parking Place**

7. Where in Schedule 3 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**

- 8 Nothing in Article 6 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.
- 9 Nothing in Article 6 shall apply to a vehicle used for police, fire brigade or ambulance purposes in pursuance of statutory powers or duties.

### **PAY AND DISPLAY PARKING PLACES**

#### **Charges**

- 10 Any person leaving a vehicle in a pay and display parking place specified in Column 1 of Schedule 4 during the chargeable hours shall pay the charge applicable to that parking place shown in Column 3 of the Schedule in respect of the corresponding period of waiting specified in Column 4 of the Schedule.

11. Save as provided in Article 17, no person shall cause or permit any vehicle to wait in a pay and display parking place during the chargeable hours unless the relevant charge for the period during which the vehicle waits therein calculated in accordance with Article 10 has been paid and there is displayed on that vehicle in the relevant position a valid parking ticket for that period of waiting.

#### **Maximum period of waiting**

12. Save as provided in Article 17, no person shall cause or permit:
- (i) any vehicle to remain in a pay and display parking place for longer than the period for which payment was made in accordance with the provisions of Article 10;
  - (ii) any vehicle to remain in a pay and display parking place specified in Column 1 of the Schedule for longer than the maximum period specified for that parking place in column 2 of Schedule 4;

#### **Purchase and display of tickets**

13. The charge calculated in accordance with Article 10 shall be payable by the insertion in the ticket machine relating to that parking place of a coin or coins of the correct denomination. Upon payment of the said charge, the driver shall exhibit in the relevant position on the vehicle at all times during which the vehicle is left in the parking place the parking ticket or tickets issued by the ticket machine relating to the parking place in which the vehicle is left.

#### **Expiry of time period**

14. The expiry of the period for which the charge specified in Column 3 of Schedule 4 has been paid shall be indicated when there is exhibited on the vehicle a parking ticket issued by a ticket machine relating to a parking place in which the vehicle is left showing the day and time of payment of the charge, and the time shown on the clock of the said ticket machine is later than the time at which the period for which a charge has been paid expired.

#### **Failure to pay charge**

15. If at any time while a vehicle is left in a pay and display parking place no parking ticket, indicating that the relevant charge has been paid in respect of that parking place during the period in which the vehicle is so left, is displayed on that vehicle in the relevant position the relevant charge shall be deemed not to have been paid unless the contrary is proved

#### **Indications as Evidence**

16. The indications given by any ticket machine or any parking ticket issued by it shall be treated as evidence of the facts which the ticket machine or parking ticket purports to record.

### **Exemptions**

17. Nothing in Article 10 shall render it unlawful to cause or permit any vehicle which displays in the relevant position a valid disabled person's badge to wait in any pay and display parking place without purchasing and displaying a parking ticket or for longer than the maximum period of waiting for that parking place

### **CONTRAVENTION OF ORDER**

18. 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.

### **Penalty Charge Notice**

19. 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.

### **20. 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.

### **21. 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.

### **22. Removal of vehicle**

Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Article 7 or any other Article:-

- 22.1 he shall provide for the safe custody of the vehicle;
- 22.2 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;
- 22.3 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.
- 22.4 Nothing in Article 18 shall apply in respect of a vehicle displaying in a relevant position a valid Disabled Person's Badge.

**23. Restriction on removal of notices**

Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 19 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.

**REVOCATIONS**

24. The restrictions in Column 1 of Schedule 5 as depicted on the Plan(s) marked with the Area Code(s) in Column 2 of this Schedule and which are appended to the Metropolitan Borough Council of Stockport (Permitted Parking Area and Special Parking Area) (Waiting Restrictions and Street Parking Places) Consolidation Order 2010 are hereby deleted from that Order.

**COMMENCEMENT & CITATION**

25. This Order shall come into operation on the 4th day of January 2011 and may be cited as The Metropolitan Borough Council of Stockport (Edward Street/Piccadilly, Stockport) (Prohibition of Waiting) (On Street Pay and Display Parking Places) (Limited Waiting) (Disabled Persons Parking Places) and (Revocation) Order 2010.

**SCHEDULE 1  
No Waiting at Any Time**

**Piccadilly, West side** from a point 38.5 metres south of the southerly kerbline of Norbury Street for a distance of 11.5 metres in a southerly direction. .

**SCHEDULE 2**

**Limited Waiting Monday to Saturday 8.00 am to 6.00 pm  
5 minutes and no return within 20 minutes**

**Edward Street, North side** from a point 9.5 metres north east of the easterly kerbline of Lacy Street for a distance of 17 metres in a north easterly direction.



**SCHEDULE 3**  
**Disabled Persons Parking Places**

<b>Number of Disabled Persons Parking Places</b>	<b>Parts of Road Authorised to be used as Disabled Persons Parking Places</b>	<b>Days of Operation of Parking Places</b>	<b>Hours of Operation of Parking Places</b>
6	Edward Street, north side from a point 26.5 metres north east of the easterly kerbline of Lacy Street for a distance of 40 metres in a north easterly direction.	All days	All Hours

**SCHEDULE 4**  
**Parking Places**

**Pay and display parking bays – Maximum Stay 3 hours between 8.00 am and 6.00 pm - Monday to Saturday**


Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Parking Place	Permitted hours	Charging hours	Period of waiting Mondays to Saturdays	Charge Mondays to Saturdays	Period of Waiting on Sundays	Charge Sundays	Season Ticket Charge
Piccadilly, West side from a point 50 metres south of the southerly kerbline of Norbury Street for a distance of 2.5 metres in a southerly direction.	24 hours	8.00 am - 6.00 pm	3 hours	Up to 1 hour - £0.90 Up to 2 hours - £1.70 Up to 3 hours - £2.50	All day	No charge	Not available
Piccadilly, West side from a point 23 metres north west of the northerly kerbline of Edward Street for a distance of 12 metres in a north westerly direction							



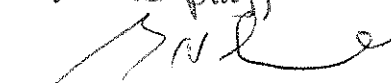
**SCHEDULE 5**  
**Revocations**

Column 1	Column 2
<p><b>Revocation of Limited Waiting, Pay and Display Maximum Stay 3 Hours Mon-Sat 8am-6pm</b>  <b>Piccadilly West side</b> from a point 38.5 metres south of the southerly kerbline of Norbury Street for a distance of 2.5 metres in a southerly direction.  <b>Edward Street North side</b> from a point 17 metres south west of the westerly kerbline of Piccadilly for a distance of 30 metres in a south westerly direction.  <b>Revocation of No Waiting At Any Time</b>  Edward Street North side from a point 9.5 metres north east of the easterly kerbline of Lacy Street for a distance of 10 metres in a north easterly direction.  <b>Revocation of Disabled Persons Parking Spaces</b>  <b>Piccadilly, west side</b>, from a point 41 metres south of the southerly kerbline of Norbury Street for a distance of 9 metres in a southerly direction.  <b>Piccadilly, west side</b>, from a point 23 metres north west of the northerly kerbline of Edward Street for a distance of 12 metres in a north westerly direction.  <b>Edward Street, north side</b> from a distance of 47 metres south west of the westerly kerbline of Piccadilly for distance of 16 metres in a south westerly direction.</p>	<p><b>Area code</b> L22</p>

The COMMON SEAL of the COUNCIL )  
of the METROPOLITAN BOROUGH OF )  
STOCKPORT was hereunto affixed )  
This 22<sup>nd</sup> day of December 2010 )  
in the presence of:- )



Mayor (Deputy)



Authorised Signatory  
Council Solicitor

