

Dated: 17 April 2014

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (OAKWOOD
ROAD, ROMILEY) (PROHIBITION OF LOADING/UNLOADING) (GOODS
VEHICLES ONLY LOADING AND UNLOADING) AND (REVOCATION) ORDER
2014**

**Barry Khan
Council Solicitor
Town Hall
Stockport
SK1 3XE**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (OAKWOOD
ROAD, ROMILEY) (PROHIBITION OF LOADING/UNLOADING) (GOODS
VEHICLES ONLY LOADING AND UNLOADING) AND (REVOCATION) ORDER
2014**

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 / 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 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;

PROHIBITION OF LOADING/UNLOADING

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 load or unload on any day on the sides of lengths of roads specified in Schedule 1.

LOADING AND UNLOADING ONLY AT ALL TIMES GOODS VEHICLES ONLY

7. The sides of lengths of road specified in Schedule 2 are authorised to be used as a loading bay area, for Goods Vehicles Only on all days and in such positions as specified in relation to that part of the road for the purposes of loading and unloading only.

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 or any other Article:-

- (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 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 or any other Article 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.

REVOCATIONS

14. The restrictions in Column 1 of Schedule 3 as depicted on the Plan(s) marked with the Area Code(s) in Column 2 of this Schedule 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

15. This Order shall come into operation on the 24th April 2014 and may be cited as The Metropolitan Borough Council of Stockport (Oakwood Road, Romiley) (Prohibition of Loading/Unloading) (Goods Vehicles Only Loading and Unloading) and (Revocation) Order 2014.

SCHEDULE 1

No Loading/unloading at Any Time

Oakwood Road, Romiley, west side from the southern kerb line of Compstall Road for a distance of 15 metres in a southerly direction.

Oakwood Road, Romiley, west side from a point 27 metres south of the southern kerb line of Compstall Road for a distance of 70 metres in a southerly direction.

Oakwood Road, Romiley, east side from the southern kerb line of Compstall Road for a distance of 185 metres in a southerly direction.

SCHEDULE 2

Goods Vehicles - Loading/Unloading Only

The west side from a point 15 metres south of the southern kerb line of Compstall Road for a distance of 12 metres in a southerly direction.

SCHEDULE 3

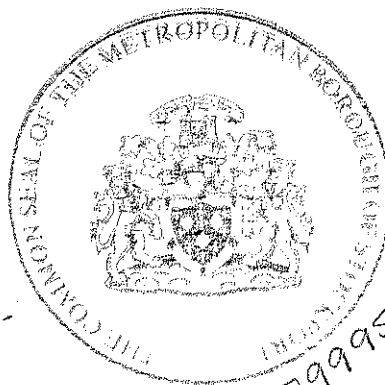
Revocations

Revocation of No Waiting At Any Time The west side from a point 15 metres south of the southern kerb line of Compstall Road for a distance of 12 metres in a southerly direction.

Area Codes
V19 & V20

The COMMON SEAL of the COUNCIL
of the METROPOLITAN BOROUGH
OF STOCKPORT was hereunto affixed
this 17th day of April 2014
in the presence of:-

Mayor



799954



Council Solicitor/Authorised Signatory