

Dated: 20 October 2016

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT OAK TREE
PRIMARY SCHOOL
(PROHIBITION AND RESTRICTION OF WAITING) (SCHOOL CLEARWAY) AND
(REVOCATION) ORDER 2016**

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**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT OAK TREE
PRIMARY SCHOOL
(PROHIBITION AND RESTRICTION OF WAITING) (SCHOOL CLEARWAY) AND
(REVOCATION) ORDER 2016**

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") 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 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.

"school keep clear area" means any area of carriageway of a specified road which is comprised within and indicated by a road marking complying with Diagram 1027.1 in Schedule 6 of the Traffic Signs Regulations 2002 and signed by Diagram 642.2A in Schedule 2 of the Traffic Signs Regulations 2002;

"specified hours" means the hours between 8.00 a.m. and 5.00 p.m. on Monday to Friday;

"specified road" means any road or length of road specified in Schedule 1 to this Order.

- (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

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 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 between the hours of 8.30 am to 9.30 am and 3.00 pm to 4.00 pm - Monday to Friday – on the sides of length of road specified in Schedule 2.

School Clearway

4. Save as provided in Article 8 no person shall, except upon the direction or with the permission of a police constable in uniform, or Civil Enforcement Officer cause or permit any vehicle to stop or wait during the specified hours in a school keep clear area in the specified road detailed in Schedule 3.

Exemptions

- 5 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.
- 6 Nothing in Articles 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 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).
- 7 Nothing in Article 3 of the Order 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 road referred to therein.
- 8 Nothing in Article 4 of this Order shall render it unlawful for a person to cause or permit a vehicle to stop or wait in the school keep clear area:-
- (a) if the vehicle is being used for the removal of any obstruction to traffic;
 - (b) if the vehicle is being used in the service of a local authority or a water authority in the exercise of statutory powers or duties or in connection with the laying, erection, alteration or repair of any main, pipe or apparatus for the supply of gas or electricity or of any telecommunications apparatus as defined in the Telecommunications Act 1984 and whilst being so used in such service or in such connection it is necessary for the vehicle to wait in that school keep clear area;
 - (c) if the vehicle is being used for police, fire brigade or ambulance purposes; or
 - (d) in any case where the person in control of the vehicle:
 - (i) is required by law to stop;
 - (ii) is obliged to stop so as to prevent an accident; or

- (iii) is prevented from proceeding by circumstances beyond the driver's control.

9. The Council is satisfied that for avoiding danger to persons or other traffic using the roads to which Schedule 3 relates it is requisite that Section 3(1) of the Act shall not apply to this Order

CONTRAVENTION OF ORDER

10. 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.

11. 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.

12. 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.

13. 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.

14. Removal of vehicle

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

- 14.1 he / she shall provide for the safe custody of the vehicle;
- 14.2 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;
- 14.3 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.
- 14.4 Nothing in Article 10 or any other Article shall apply in respect of a vehicle displaying in a relevant position a valid Disabled Person's Badge.

15. Restriction on removal of notices

Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 8 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

- 16 The restrictions in Column 1 of Schedule 4 which are depicted on the Plans marked with the Area Codes 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

17. This Order shall come into operation on the 27th October 2016 and may be cited as The Metropolitan Borough Council of Stockport (Oak Tree Primary School) (Prohibition and Restriction of Waiting) (School Clearway) and (Revocation) Order 2016.

SCHEDULE 1

No waiting at any time

Queens Road - Orrishmere Road - Radnormere Drive Junction. Queens Road, south west side, from the north westerly kerb line of Orrishmere Road for a distance of 15 metres in a north westerly direction. Orrishmere Road, north west side, from the south westerly kerb line of Queens Road for a distance of 10 metres in a south westerly direction. Queens Road, south west side, from the south easterly kerb line of Orrishmere Road for a distance of 20 metres in a south easterly direction. Orrishmere Road, south east side, from the south westerly kerb line of Queens Road for a distance of 10 metres in a south westerly direction. Queens Road, north east side, from the south easterly kerb line of Radnormere Drive for a distance of 15 metres in a south easterly direction. Radnormere Drive, south east side, from the north easterly kerb line of Queens Road for a distance of 10 metres in a north easterly direction. Queens Road, north east side, from the north westerly kerb line of Radnormere Drive for a distance of 20 metres in a north westerly direction. Radnormere Drive, north west side, from the north easterly kerb line of Queens Road for a distance of 10 metres in a north easterly direction. Queens Road - Grange Avenue Junction. Queens Road, south west side, from the north westerly kerb line of Grange Avenue for a distance of 10 metres in a north westerly direction. Grange Avenue, north west side, from the south westerly kerb line of Queens Road for a distance of 10 metres in a south westerly direction. Queens Road, south west side, from the south easterly kerb line of Grange Avenue for a distance of 10 metres in a south easterly direction. Grange Avenue, south east side, from the south westerly kerb line of Queens Road for a distance of 10 metres in a south westerly direction. Queens Road, north east side, from the south easterly kerb line of Grange Avenue for a distance of 10 metres in a south easterly direction. Grange Avenue, south east side, from the north easterly kerb line of Queens Road for a distance of 10 metres in a north easterly direction. Queens Road, north east side, from the north westerly kerb line of Grange Avenue for a distance of 10 metres in a north westerly direction. Grange Avenue, north west side, from the north easterly kerb line of Queens Road for a distance of 10 metres in a north easterly direction. Queens Road - Kings Road Junction. Queens Road, south west side, from the north westerly kerb line of Kings Road for a distance of 10 metres in a north westerly direction. Kings Road, north west side, from the south westerly kerb line of Queens Road for a distance of 15 metres in a south westerly direction. Queens Road, south west side, from the south easterly kerb line of Kings Road for a distance of 15 metres in a south easterly direction. Kings Road, south east side, from the south westerly kerb line of Queens Road for a distance of 15 metres in a south westerly direction. Queens Road, north east side, from the

south easterly kerb line of Kings Road for a distance of 12 metres in a south easterly direction. Kings Road, south east side, from the north easterly kerb line of Queens Road for a distance of 12 metres in a north easterly direction. Queens Road, north east side, from the north westerly kerb line of Kings Road for a distance of 12 metres in a north westerly direction. Kings Road, north west side, from the north easterly kerb line of Queens Road for a distance of 12 metres in a north easterly direction. Queens Road - Buckingham Road Junction. Queens Road, Cheadle Hulme, south west side, from the north westerly kerb line of Buckingham Road for a distance of 20 metres in a north westerly direction. Buckingham Road, north west side, from the south westerly kerb line of Queens Road for a distance of 15 metres in a south westerly direction. Queens Road south west side, from the south easterly kerb line of Buckingham Road for a distance of 20 metres in a south easterly direction. Buckingham Road, south east side, from the south westerly kerb line of Queens Road for a distance of 15 metres in a south westerly direction. Queens Road, north east side, from the south easterly kerb line of Buckingham Road for a distance of 20 metres in a south easterly direction. Buckingham Road, south east side, from the north easterly kerb line of Queens Road for a distance of 16 metres in a north easterly direction. Queens Road - Queens Drive - Kingsley Drive Junction. Queens Road, south west side, from the north westerly kerb line of Queens Drive for a distance of 10 metres in a north westerly direction. Queens Drive, north west side, from the south westerly kerb line of Queens Road for a distance of 1 metre in a south westerly direction. Queens Road, south west side, from the south easterly kerb line of Queens Drive for a distance of 10 metres in a south easterly direction. Queens Drive, south east side, from the south westerly kerb line of Queens Road for a distance of 10 metres in a south westerly direction. Queens Road, north east side, from the south easterly kerb line of Kingsley Drive (north western junction) for a distance of 10 metres in a south easterly direction. Kingsley Drive, south east side (north western junction with Queens Road), from the north easterly kerb line of Queens Road for a distance of 10 metres in a north easterly direction. Queens Road, north east side, from the north westerly kerb line of Kingsley Drive (north western junction) for a distance of 10 metres in a north westerly direction. Kingsley Drive, north west side (north western junction with Queens Road), from the north easterly kerb line of Queens Road for a distance of 10 metres in a north easterly direction. Buckingham Drive - Carlton Avenue Junction. Carlton Avenue, north east side, from the north westerly kerb line of Buckingham Road for a distance of 10 metres in a north westerly direction. Buckingham Road, north west side, from the north easterly kerb line of Carlton Avenue for a distance of 10 metres in a north easterly direction. Carlton Avenue, south west side, from the north westerly kerb line of Buckingham Road for a distance of 10 metres in a north westerly direction. Buckingham Road, north west side, from the south westerly kerb line of Carlton Avenue for a distance of 23 metres in a south westerly direction. Buckingham Road - Linden Road Junction. Buckingham Road, north west side, from the north easterly kerb line of Linden Road for a distance of 10 metres in a north easterly direction. Linden Road, north east side, from the north westerly kerb line of Buckingham Road for a distance of 10 metres in a north westerly direction. Linden Road, south west side, from the north westerly kerb line of Buckingham Road for a distance of 7 metres in a north westerly direction. Princess Avenue - Buckingham Road Junction. Princess Avenue, north east, from the north westerly kerb line of Buckingham Road for a distance of 15 metres in a north westerly direction. Buckingham Road, north west side, from the north easterly kerb line of Princess Avenue for a distance of 10 metres in a north easterly direction. Princess Avenue, south west side, from the north westerly kerb line of Buckingham Road for a distance of 15 metres in a north westerly direction. Buckingham Road, north west side, from the south westerly kerb line of Princess Avenue for a distance of 15 metres in a north westerly direction.

SCHEDULE 2

No Waiting Monday to Friday 8.30am to 9.30am and 3pm to 4pm

Queens Road, north east side from a point 12 metres south east of the south easterly kerb line of Kings Road, for a distance of 21 metres in a south easterly direction.
Buckingham Road, south east side from a point 12 metres north east of the north easterly kerb line of Queen Road, for a distance of 173 metres in a north easterly direction.
Buckingham Road, south east side, from a point 4 meters north of the projected north easterly kerb line of Carlton Avenue for a distance of 35 metres in a south westerly direction

SCHEDULE 3

Specified Road - School Clearway - No stopping Monday to Friday 8.00 am to 5.00 pm

Queens Road, north east side from a point 33 metres south east of the south easterly kerb line of Kings Road, for a distance of 130 metres in a south easterly direction.
Buckingham Road, north west side, from the north easterly kerb line of Queens Road for a distance of 16 metres in a north easterly direction.

SCHEDULE 4

Revocation of No Waiting Monday to Friday 8.30am to 9.30am & 3.15pm to 4pm

Queens Road, south west side, from the north westerly kerb line of Buckingham Road for a distance of 10 metres in a north westerly direction. Buckingham Road, north west side, from the south westerly kerb line of Queens Road for a distance of 15 metres in a south westerly direction. Queens Road, south west side, from the south easterly kerb line of Buckingham Road for a distance of 15 metres in a south easterly direction. Buckingham Road, south east side, from the south westerly kerb line of Queens Road for a distance of 15 metres in a south westerly direction. Queens Road, north east side, from the south easterly kerb line of Buckingham Road for a distance of 20 metres in a south easterly direction. Buckingham Road, south east side, from the north easterly kerb line of Queens Road for a distance of 189 metres in a north easterly direction. Queens Road, north east side, from the north westerly kerb line of Buckingham Road for a distance of 20 metres in a north westerly direction. Buckingham Road, north west side, from the north east kerb line of Queens Road for a distance of 16 metres in a north easterly direction. Linden Road, south west side from the north westerly kerb line of Buckingham Road for a distance of 5.5m metres in a south westerly direction.	Area Codes G32, G33, G34, H33, H34
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The COMMON SEAL of the COUNCIL)
of the METROPOLITAN BOROUGH)
of STOCKPORT was hereunto affixed)
this 20th October 2016)
in the presence of:-)



Mayor

A handwritten signature in dark ink, appearing to be 'J. G. M.', written over a horizontal line.

Head of Legal & Democratic Governance/Authorised Signatory

A handwritten signature in dark ink, consisting of several loops and a long horizontal stroke, written over a horizontal line.