

Dated the 1st day of March 2018

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (SHAW HEATH,
STOCKPORT) (PROHIBITION OF WAITING AND LIMITED WAITING)
(RESTRICTION OF LOADING/UNLOADING) AND (REVOCATION) ORDER 2018**

**Celia Tierney
Head of Legal &
Democratic Governance
Town Hall
Stockport
SK1 3XE**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (SHAW HEATH,
STOCKPORT) (PROHIBITION OF WAITING AND LIMITED WAITING)
(RESTRICTION OF LOADING/UNLOADING) AND (REVOCATION) ORDER 2018**

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 employment and who is entitled to use such a vehicle as though he 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;
- (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

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.

Limited Waiting

- 3 Save as provided in Article 5 & 7 no person shall except upon the direction of with the permission of a constable in uniform or of a Civil Enforcement Officer cause or permit any vehicle to wait for longer than 1 hour, no return within 1 hour, between the hours of 8.00 am to 6.00 pm Monday to Saturday inclusive on the sides of lengths of road specified in Schedule 2.

Restriction of Loading and Unloading

- 4 Save as provided in Article 5 no person shall load or unload goods from any vehicle between the hours of 7.00 am to 9.30 am and 4pm to 6.30 pm Monday to Friday inclusive on the sides of lengths of roads specified in Schedule 3.

Exemptions

5. Nothing in Articles 2, 3, and 4 shall render it unlawful to cause or permit any vehicle to wait on the sides of lengths of roads referred to in those Articles 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 re-construction 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 telegraphic line 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 take in petrol, oil, water or air from any garage situated on or adjacent to the said sides of lengths of roads;
- (e) the vehicle to wait at or near to any premises situated on or adjacent to the said sides of lengths of roads for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral.
- (f) the vehicle to be used for fire brigade, ambulance or police purposes.
- 6 Nothing in Article 2 shall render it unlawful to cause or permit a disabled persons vehicle which displays in the relevant position a disabled persons' 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 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 the 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 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 roads referred to therein.

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,

- (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 8 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.

REVOCATION

- 14 The restrictions in Column 1 of Schedule 4 which are 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

- 15 This Order shall come into operation on the 19th day of April 2018 and may be cited as The Metropolitan Borough Council of Stockport (Shaw Heath, Stockport) (Prohibition of Waiting and Limited Waiting) (Restriction of Loading/Unloading) and (Revocation) Order 2018

SCHEDULE 1

No Waiting at Any Time

Shaw Heath - Western side from the South Easterly kerbline of Holmes Street for a distance of approximately 8 metres in a South Easterly direction.

Shaw Heath - Western side from the North Westerly kerbline of Heathland Terrace for a distance of 1.5 metres in a North Westerly direction.

SCHEDULE 2

Limited Waiting Monday-Saturday 8am-6pm 1 hour no return within 1 hour

Shaw Heath - Western side from a point approximately 8 metres South East of the South Easterly kerbline of Holmes Street to a point 1.5m north west of the North Westerly kerbline of Heathland Terrace.

SCHEDULE 3

No Loading/Unloading - Monday - Friday 7.30 am - 9.30 am & 4pm - 6.30 pm

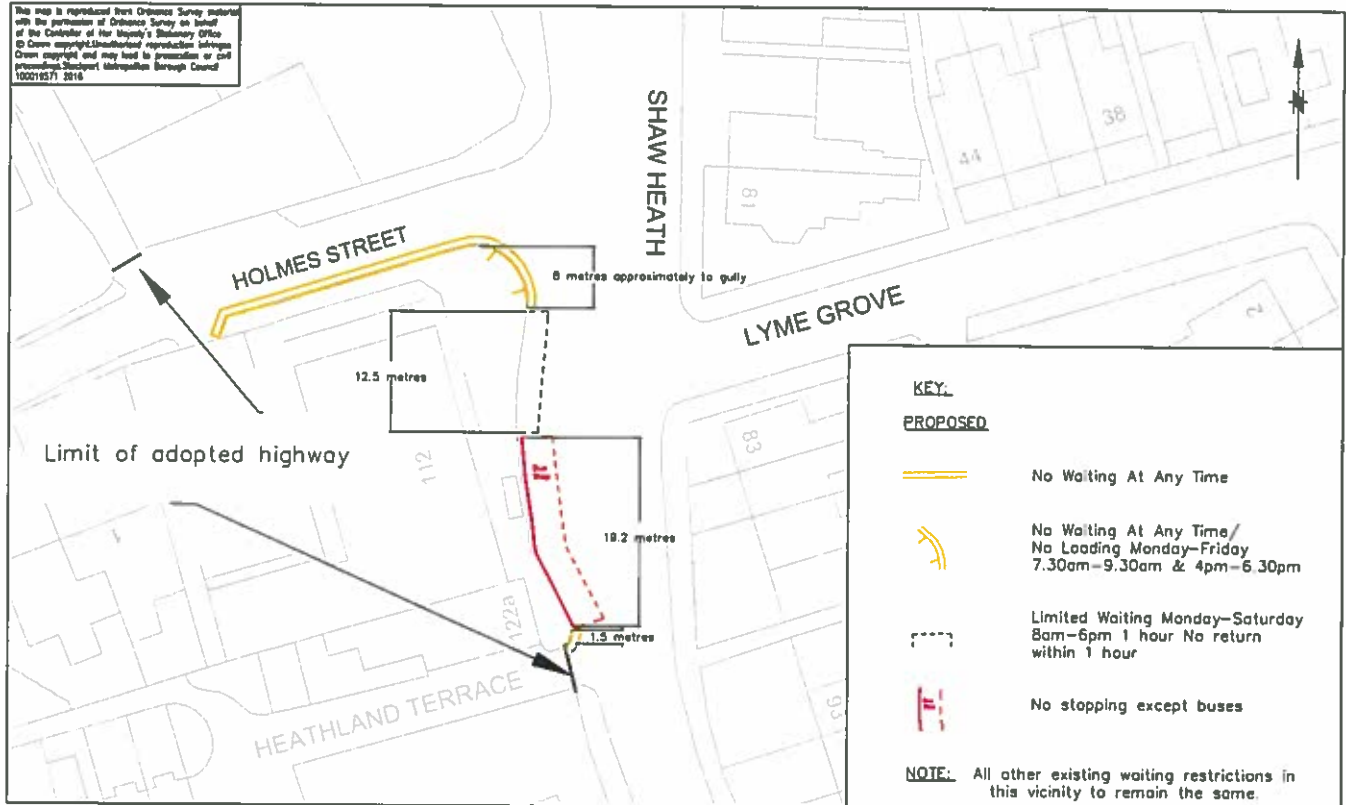
Shaw Heath - Western side from the South Easterly kerbline of Holmes Street for a distance of approximately 8 metres in a South Easterly direction.

SCHEDULE 4

Revocation of existing Traffic Regulation Orders

Column 1	Column 2
Revocation of all existing Traffic Regulation Orders on Shaw Heath - Western side from the South Easterly kerbline of Holmes Street to the North Westerly kerbline of Heathland Terrace.	Area Code L25

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KEY:

PROPOSED

- No Waiting At Any Time
- No Waiting At Any Time/
No Loading Monday-Friday
7.30am-9.30am & 4pm-6.30pm
- Limited Waiting Monday-Saturday
8am-6pm 1 hour No return
within 1 hour
- No stopping except buses

NOTE: All other existing waiting restrictions in this vicinity to remain the same.

SCG JOB No.

JOB TITLE

Shaw Heath, Shaw Heath, Stockport

DRAWING TITLE

Proposed Limited Waiting and ratification of existing TRO's



STOCKPORT
METROPOLITAN BOROUGH COUNCIL

CAROLINE SHAPCOCK
CORPORATE DIRECTOR
PLUCK

Transport Services
Stockport 0161 277 0111
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FILENAME

Drawn	Engineer	Checked	Approved
VB	CP	JG	EPS
Date 10/08/17	Date 10/08/17	Date 10/08/17	Date 10/08/17
Scale 1:500	Drawing No. NMB/4987/02		
Revision			

THE COMMON SEAL of the
METROPOLITAN BOROUGH
COUNCIL OF STOCKPORT was
hereunto affixed
this 1st day of March 2018
in the presence of:

Mayor

W. H. H. H. H.

M. D. D. D.
Authorised Signatory

