

Dated 30 March 2017

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (HEATON MOOR
PUBLIC REALM IMPROVEMENTS, SHAW ROAD HEATON MOOR)
(PROHIBITION OF WAITING AND LIMITED WAITING) AND (REVOCATION)
ORDER 2017**

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**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (HEATON MOOR
PUBLIC REALM IMPROVEMENTS, SHAW ROAD HEATON MOOR)
(PROHIBITION OF WAITING AND LIMITED WAITING) AND (REVOCATION)
ORDER 2017**

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:-

"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.

- (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

Limited 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 Saturday, 2 hours, no return within one hour 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).
6. 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.

CONTRAVENTION OF ORDER

7. 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.

8. 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.

9. 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.

10. 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.

11. 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:-

11.1 he / she shall provide for the safe custody of the vehicle;

11.2 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;

11.3 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.

11.4 Nothing in Article 7 or any other Article shall apply in respect of a vehicle displaying in a relevant position a valid Disabled Person's Badge.

12. 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.

REVOCATIONS

13. 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

14. This Order shall come into operation on the 31 March 2017 and may be cited as The Metropolitan Borough Council of Stockport (Heaton Moor Public Realm Improvements, Shaw Road Heaton Moor) (Prohibition of Waiting and Limited waiting) and (Revocation) Order 2017.

SCHEDULE 1
No Waiting at Any Time

Shaw Road, Heaton Moor, south west side from a point 57.1 metres from the north westerly kerb line of Heaton Moor Road for a distance of 9 metres in a north westerly direction.

Shaw Road, Heaton Moor, north east side from a point 37.5 metres from the north westerly kerb line of Heaton Moor Road for a distance of 9 metres in a north westerly direction.

Shaw Road, Heaton Moor, north east side from a point 77 metres from the north westerly kerb line of Heaton Moor Road for a distance of 24 metres in a north westerly direction.

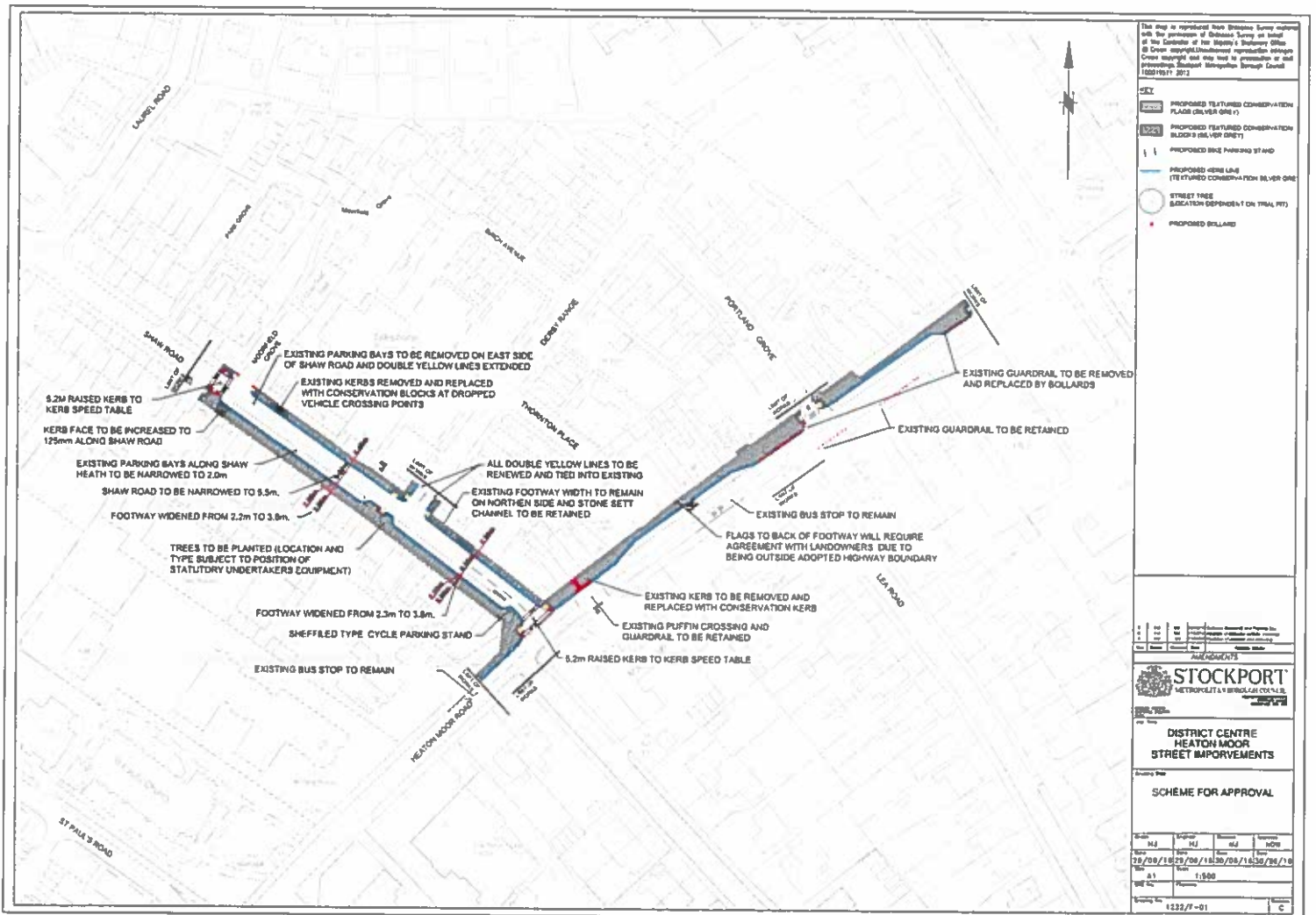
SCHEDULE 2
Limited Waiting, Mon Sat, 8am-6pm, 2 hours, no return within the hour

Shaw Road, Heaton Moor, south west side from a point 19.1 metres from the north westerly kerb line of Heaton Moor Road for a distance of 40 metres in a north westerly direction.

Shaw Road, Heaton Moor, south west side from a point 68.1 metres from the north westerly kerb line of Heaton Moor Road for a distance of 49.5 metres in a north westerly direction.

SCHEDULE 3
Revocations

Column 1	Column 2
<p>Revoke No Waiting At Any Time Shaw Road, Heaton Moor, south west side from a point 56.5 metres from the north westerly kerb line of Heaton Moor Road for a distance of 10.5 metres in a north westerly direction.</p> <p>Revoke Limited Waiting, Mon - Sat, 8am - 6pm, 1 hour, no return within 1 hour Shaw Road, Heaton Moor, south west side from a point 57.1 metres from the north westerly kerb line of Heaton Moor Road for a distance of 38 metres in a north westerly direction.</p> <p>Shaw Road, Heaton Moor, south west side from a point 67.6 metres from the north westerly kerb line of Heaton Moor Road for a distance of 49.5 metres in a north westerly direction.</p> <p>Shaw Road, Heaton Moor, north east side from a point 37.5 metres from the north westerly kerb line of Heaton Moor Road for a distance of 9 metres in a north westerly direction.</p> <p>Shaw Road, Heaton Moor, north east side from a point 77 metres from the north westerly kerb line of Heaton Moor Road for a distance of 24 metres in a north westerly direction.</p>	<p>Area Code L8</p>



The COMMON SEAL of the COUNCIL)
of the METROPOLITAN BOROUGH OF)
STOCKPORT was hereunto affixed)
this 30th day of March 2017)
in the presence of:-)



Mayor

Head of Legal & Democratic Governance/
Authorised Signatory