

Dated: 11th day of July 2013

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT
(DIALSTONE LANE & OTHER ROADS, OFFERTON) (PROHIBITION OF WAITING)
ORDER 2013**

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

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (DIALSTONE
LANE & OTHER ROADS, OFFERTON) (PROHIBITION OF WAITING) ORDER
2013**

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) of the Road Traffic Regulation Act 1984 ("the 1984 Act"), the Road Traffic Act 1991 ("the 1991 Act") and the Traffic Management Act 2004 ("the 2004 Act") 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 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 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 3 and 4, 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 length of roads specified in the Schedule.

Exemption

3. Nothing in Article 2 shall render it unlawful to cause or permit any vehicle to wait on the sides of length of road referred to in that Article for so long as may be necessary to enable:-
 - 3.1 a person to board or alight from the vehicle;
 - 3.2 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:-
 - 3.2.1 building, industrial or demolition operations;
 - 3.2.2 the removal of any obstruction to traffic;
 - 3.2.3 the maintenance, improvement or reconstruction of the said sides of lengths of road; or
 - 3.2.4 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;
 - 3.3 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 of duties;
 - 3.4 the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125 Postal Services Act 2000.

- 3.5 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;
 - 3.6 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;
 - 3.7 the vehicle to be used for fire brigade, ambulance or police purposes; or
 - 3.8 goods to be loaded onto or unloaded from the vehicle.
4. Nothing in Article 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).

CONTRAVENTION OF ORDER

5. Contravention

If a vehicle is left in a parking place during the permitted hours or in any road or length of road in contravention of 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.

6. 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.

7. 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.

8. 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.

9. Removal of vehicle

Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Article 5 or any other Article,

- 9.1 he shall provide for the safe custody of the vehicle;

- 9.2 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;
- 9.3 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.
- 9.4 Nothing in Article 5 or any other Article shall apply in respect of a vehicle displaying in a relevant position a valid Disabled Person's Badge.

10. Restriction on removal of notices

Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 6, 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.

COMMENCEMENT & CITATION

11. This Order shall come into operation on the 6th September 2013 and may be cited as The Metropolitan Borough Council of Stockport (Dialstone Lane & Other Roads, Offerton) (Prohibition of Waiting) Order 2013.

SCHEDULE

No Waiting at any Time

Dial Road, North side from a point 15 metres West of the Westerly kerb line of Dialstone Lane for a distance of 10 metres in a Westerly direction.

Katherine Road, North side from a point 15 metres West of the Westerly kerb line of Dialstone Lane for a distance of 10 metres in a Westerly direction.

Cherry Tree Lane, South East side from a point 17 metres South West of the Westerly kerb line of Dialstone Lane for a distance of 10 metres in a South Westerly direction.

Lisburne Lane, both sides from a point 15 metres East of the Easterly kerb line of Dialstone Lane for a distance of 10 metres in an Easterly direction.

Mile End Lane, South side from a point 15 metres West of the Westerly kerb line of Dialstone Lane for a distance of 15 metres in a Westerly direction.

Hillcrest Road, both sides from a point 15 metres East of the Easterly kerb line of Dialstone Lane for a distance of 28 metres in a Easterly direction.

Mile End Lane, North side from a point 15 metres West of the Westerly kerb line of Dialstone Lane for a distance of 55 metres in a Westerly direction.

Nangreave Road, North side from a point 15 metres West of the Westerly kerb line of Dialstone Lane for a distance of 19 metres in a Westerly direction.

Dialstone Lane, West side from a point 33 metres South of the Southerly kerb line of Dial Road for a distance of 12 metres in a Southerly direction.

Dialstone Lane, West side from a point 10 metres South of the Southerly kerb line of Dial Road to a point 15 metres North of the Northerly kerb line of Dial Road.

Dialstone Lane, East side from a Point 20 metres South of the Southerly kerb line of Magda Road to a point 5 metres North of the Northerly kerb line of Magda Road.

Dialstone Lane, West side from a point 10 metres South of the Southerly kerb line of Katherine Road to a point 10 metres North of the Northerly kerb line of Katherine Road.

Dialstone Lane, East side from a point 10 metres South of the Southerly kerb line of Hollymount Drive to a point 10 metres North of the Northerly kerb line of Hollymount Drive.

Dialstone Lane, West side from a point 55 metres South of the South Easterly kerb line of Cherry Tree Lane to a point 120 metres North of the North Westerly kerb line of Cherry Tree lane.

Dialstone Lane, East side from a point 15 metres South of the Southerly kerb line of Lisburne Lane to a point 10 metres North of the Northerly kerb line of Lisburne Lane.

Dialstone Lane, East side from a Point 10 metres South of the Southerly kerb line of

Biddulph Avenue to a point 10 metres North of the Northerly kerb line of Biddulph Avenue.
 Dialstone Lane, West side from a point 15 metres South of the Southerly kerb line of Brooklyn Road to a point 20 metres North of the Northerly kerb line of Brooklyn Road.
 Dialstone Lane, East side from a point 30 metres South of the Southerly kerb line of Oakland Avenue to a point 10 metres North of the Northerly kerb line of Oakland Avenue.
 Dialstone Lane, West side from a point 15 metres South of the Southerly kerb line of Tall Trees Place to the Southerly kerb line of Mile End Lane.
 Dialstone Lane, East side from a point 15 metres South of the Southerly kerb line of Wellfield Road to a point 15 metres North of the Northerly kerb line of Wellfield Road.
 Dialstone Lane, West side from the Northerly kerb line of Mile End Lane for a distance of 40 metres in a Northerly direction.
 Dialstone Lane, West side from a point 68 metres North of the Northerly kerb line of Mile End Lane to a point 24 metres North of the Northerly kerb line of Nangreave Road.
 Dialstone Lane, East side from a point 72 metres South of the Southerly kerb line of Hillcrest Road to a point 60 metres North of the Northerly kerb line of Hillcrest Road.
 Magda Road, both sides from the Easterly kerb line of Dialstone Lane for a distance of 10 metres in an Easterly direction.
 Dial Road, North side from the Westerly kerb line of Dialstone Lane for a distance of 15 metres in a Westerly direction.
 Dial Road, South side from the Westerly kerb line of Dialstone Lane for a distance of 10 metres in a Westerly direction.
 Katherine Road, North side from the Westerly kerb line of Dialstone Lane for a distance of 15 metres in a Westerly direction.
 Katherine Road, South side from the Westerly kerb line of Dialstone Lane for a distance of 10 metres in a Westerly direction.
 Hollymount Drive, both sides from the Easterly kerb line of Dialstone Lane for a distance of 10 metres in an Easterly direction.
 Cherry Tree Lane, North West side from the Westerly kerb line of Dialstone Lane for a distance of 6 metres in a South Westerly direction and to tie in with existing.
 Lisburne Lane, both sides from the Easterly kerb line of Dialstone Lane for a distance of 15 metres in an Easterly direction.
 Biddulph Avenue, both sides from the Easterly kerb line of Dialstone Lane for a distance of 10 metres in an Easterly direction.
 Brooklyn Road, North side from the Westerly kerb line of Dialstone Lane for a distance of 15 metres in a Northerly direction.
 Brooklyn Road, South side from the Westerly kerb line of Dialstone Lane for a distance of 10 metres in a Westerly direction.
 Oakland Avenue, both sides from the Easterly kerb line of Dialstone Lane for a distance of 10 metres in an Easterly direction.
 Tall Trees Place, both sides from the Westerly kerb line of Dialstone Lane for a distance of 10 metres in a Westerly direction.
 Wellfield Road, both sides from the Easterly kerb line of Dialstone Lane for a distance of 10 metres in an Easterly direction.
 Mile End Lane, both sides from the Westerly kerb line of Dialstone Lane for a distance of 15 metres in a Westerly direction.
 Nangreave Road, North side from the Westerly kerb line of Dialstone Lane for a distance of 15 metres in a Westerly direction.
 Nangreave Road, South side from the Westerly kerb line of Dialstone Lane for a distance of 12 metres in a Westerly direction.
 Hillcrest Road, both sides from the Easterly kerb line of Dialstone Lane for a distance of 15 metres in an Easterly direction.

The COMMON SEAL of the COUNCIL)
of the METROPOLITAN BOROUGH)
OF STOCKPORT was hereunto affixed)
this: 11th day of July 2013)
in the presence of:-)



Mayor

Council Solicitor/Authorised Signatory