

**THE COUNCIL OF THE CITY
AND COUNTY OF SWANSEA**

CYNGOR DINAS A SIR ABERTAWE

(REVOCATIONS) (DISABLED PERSONS PARKING PLACE)

(LLANGYFELACH ROAD, SWANSEA)

ORDER 2011

Ref: DVT- 1270/LJR

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THE COUNCIL OF THE CITY AND COUNTY OF SWANSEA (hereinafter called "the Council") in exercise of its powers under Sections 1 and 2 of the Road Traffic Regulation Act 1984 (as amended) (which said Act of 1984 is hereby referred to as "the Act of 1984") and the Traffic Management Act 2004 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Section 124 of the Act of 1984 hereby make the following Order:

1. **THIS** Order shall come into operation on Friday the 27th day of May 2011 and may be cited as "the Council of the City and County of Swansea (Revocations)(Disabled Persons Parking Place) (Llangyfelach Road, Swansea) Order 2011"
2. **IN** this Order:
 - 2.1. **EXCEPT** where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order
 - 2.2. **THE** Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the Interpretation of an Act of Parliament
 - 2.3. **THE** prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any other prohibition or restriction whether made under the Act of 1984 or otherwise

2.4. "bus" shall have the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981

"civil enforcement officer" has the same meaning as in Section 63A of the Act of 1984 and by virtue of Section 76 of the 2004 Act a civil enforcement officer appointed under Section 63A of the Act of 1984 is a civil enforcement officer in relation to parking contraventions

"disabled person's vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (Wales) Regulations 2000

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles)(Wales) Regulation 2000

"driver" in relation to a vehicle waiting in a restricted area, means the person driving the vehicle at the time it was left in the restricted waiting area or parking place;

"goods vehicle" means a motor vehicle under 3500 kg in weight which is constructed or adapted for use for the carriage of goods or burden of any description the overall height of which does not exceed 2.35 metres and the overall length of which does not exceed 5.25 metres and is not drawing a trailer;

"motor-cycle" has the same meaning as that in Section 136 of the Act of 1984;

"owner" in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was the owner at the time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his/her employment and who is entitled to use such vehicle as though he/she were the registered keeper thereof;

“parking disc” means a disc and time clock (where appropriate) issued by a Local Authority complying with the requirements of the British Standard Specifications for Parking Discs to comply with the European Blue Badge Scheme being a disc coloured blue and capable of showing the quarter hour period during which a period of waiting begins

“Parking Place” means an area of a highway designated by this Order for the waiting of vehicles of specific classes and indicated on a carriageway by markings in accordance with the Traffic Signs Regulations and General Directions 2002 or any previous versions of such regulations an area of the highway designated for limited waiting ;

“passenger vehicle” means a motor vehicle (other than a motor-cycle or invalid carriage) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

“public service vehicle” means a vehicle carrying passengers for a fee and for the purposes of this Order public service vehicle refers to a large public service vehicle capable of carrying more than eight passengers

“relevant position” in respect of:-

- (a) a disabled person’s badge and parking disc has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (Wales) Regulations 2000; and
- (b) a permit means exhibited on the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the permit is clearly legible from outside the vehicle;
- (c) a pay and display ticket means exhibited on the windscreen

dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the ticket is clearly legible from outside the vehicle;

(d) a waiver means exhibited on the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the waiver is clearly legible from outside the vehicle;

“Permit” means a Permit issued by the Council in respect of certain classes of vehicle

“service vehicles” means a motor vehicle under 3500 kg in weight which is constructed or adapted for use for the carriage of goods or burden of any description the overall height of which does not exceed 2.35 metres and the overall length of which does not exceed 5.25 metres and is not drawing a trailer;

“waiver” means a waiver issued by the Council in respect of vehicles being used for building maintenance repair shop fitting or other industrial or demolition operations and the Council may charge for such waiver such charge to be determined from time to time by resolution of the Council or relevant Committee thereof

3. REGULATIONS IN RESPECT OF A PARKING PLACE OTHER THAN A PERMIT HOLDERS PARKING PLACE

A. Manner of standing in a parking place

Every vehicle left in a pay and display and disabled persons or other parking

place in accordance with the foregoing provisions of this Order shall stand:-

- (i) if the parking place is in a one-way street, so that the vehicle is facing according to the direction of the traffic flow and adjacent to the edge of the carriageway;
- (ii) if the parking place is not in a one-way street, so that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway;
- (iii) so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300mm;
- (iv) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting; and
- (v) so that every part of the vehicle is within the limits of the parking place as marked on the carriageway.

B. Alteration of position of a vehicle in a parking place

Where any vehicle is standing in a parking place in contravention of the provisions of Article 4.A. above, the Council or police officer in uniform may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

C. Movement of a vehicle in a parking place in an emergency

A police officer in uniform or a civil enforcement officer may move or cause to be moved or remove or cause to be removed, in case of emergency, to any place he/she thinks fit, any vehicle left in a parking place and shall provide for the safe custody of the vehicle

D. Suspensions of use of parking place

- (1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever they consider such ~~suspension reasonably necessary:-~~

- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
- (b) for the purpose of any building operation, demolition or excavation adjacent to the parking place provided that a waiver issued by the Council is displayed in the relevant position on the vehicle, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration or repair in or adjacent to the parking place or any sewer or any main, pipe, or apparatus for the supply of gas, water or electricity or of any telecommunications system or the placing, maintenance or removal of any traffic sign;
- (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depositary, another office or dwelling-house;
- (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed;
- (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions; or

(f) on any occasion in the interests of traffic or pedestrian movement and safety when a special event is taking place in the vicinity;

(2) ~~A police officer in uniform or a civil enforcement officer or other person authorised by the Council may suspend for not longer than twenty-four~~ hours the use of a parking place or any part thereof whenever he/she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety

(3) Any person or police officer suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof a traffic sign indicating that waiting by vehicles is prohibited.

E. No waiting in a suspended parking place

No person shall cause or permit a vehicle to wait in a parking place or any part thereof during which such period as the Council or a police officer in uniform or a civil enforcement officer has suspended that parking place or part thereof and exhibits notice of such suspension on or near that parking place.

4. **NOTHING** in Article 7 of this Order shall make 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 of which the period of waiting began) to wait on the length or lengths of road referred to in the said Article

5. **NOTHING** in Article 7 of this Order shall render it unlawful to cause or permit any vehicle to wait on the sides or lengths of the roads specified

therein for as long as may be necessary to enable:-

(a) 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 maintenance repair shop fitting or other industrial or~~
demolition operations with a waiver issued by the Council and displayed in the correct position on the windscreen of the vehicle
- (ii) the removal of any obstruction to traffic
- (iii) the laying erection alteration or repair in or on land adjacent to the said side of the road of any sewer or any main pipe or apparatus for the supply of water gas electricity or of any telecommunications apparatus as defined by the Telecommunications Act 1984
- (iv) a vehicle being used for police ambulance fire brigade or other emergency purposes

(b) the vehicle if it cannot conveniently be used for such purpose in any other road to be used in connection with the service of a local authority or of a water authority in pursuance of its statutory powers and duties.

(c) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 37 of the Post Office Act 1953

(d) public service vehicles when waiting at an authorised bus stop to set down or pick up passengers

(e) vehicles picking up and dropping off passengers

6. The existing Orders are revoked insofar as they are inconsistent with the proposals contained in the Schedule hereto and insofar as they relate to the length or lengths of the road or roads referred to in the Schedule hereto.

7. Save as provided in Articles 4. and 5. and except on the direction of a Police

Officer in uniform or a civil enforcement officer or person authorised by the Council no person shall cause any vehicle to wait on the length or lengths of the road or roads referred to in the Schedule hereto

Dated this 3rd day of May 2011

SCHEDULES

SCHEDULE 1

REVOCATIONS

The existing Orders are revoked insofar as they are inconsistent with the proposals contained in Schedule 2 and insofar as they relate to the length or lengths of the road or roads referred to in Schedule 2.

SCHEDULE 2

DISABLED PERSONS PARKING PLACE

Llangyfelach Road

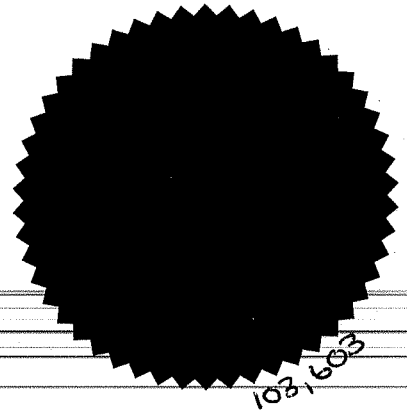
East Side

From a point 19 metres north of the north eastern kerb line of Bryn Road to a point 7 metres north thereof.

THE COMMON SEAL OF THE
COUNCIL OF THE CITY AND
COUNTY OF SWANSEA

was hereunto affixed

in the presence of



I. Meredith

Acting Head of Legal, Democratic Services and Procurement /
Authorised Signatory

