

**THE COUNCIL OF THE CITY
AND COUNTY OF SWANSEA
CYNGOR DINAS A SIR ABERTAWE**



ST PETERS TERRACE, SWANSEA

ORDER 2013

DVT-1755/MAW

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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.

SECTION 1 – PRELIMINARY

Citation and commencement

1. This Order shall come into operation on the 21st day of May 2013 and may be cited as the Council of the City and County of Swansea (St Peters Terrace, Swansea) traffic regulation order 2013

Definitions

2. In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

"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;

“Council” means the Council of the City and County of Swansea;

“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;

“Hackney Carriage” means a vehicle standing or plying for hire for which a hackney carriage licence has been issued by the Council;

“Traffic Warden” means a traffic warden employed by a police authority in pursuance of sections 95 and 96 of the Act of 1984 and any powers or functions given to a traffic warden in this order may also be exercised by a police officer in uniform;

“Loading Bay” means an area of the highway designated by road markings complying with the Traffic Signs Regulation and General Directions 2002 or any previous version of the same for the loading and unloading of vehicles servicing businesses in the immediate area of the bay;

“No Return” in relation to a Parking Place where waiting is limited by time and day of the week means no return within the stated time and day of the week to a parking place in the same road or a Controlled Parking Zone as the Parking Place vacated;

“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;

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

“Police Community Support Officer” has the same meaning as in section 38 of the Police Reform Act 2002;

“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;

“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

Interpretation

3. 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
4. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the Interpretation of an Act of Parliament
5. 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

SECTION 2 – PROHIBITION OF WAITING AT ANY TIME

Prohibition of waiting at any time

6. Save as provided in Articles 7 and 8 of this Order no person shall, except

upon the direction or with the permission of a Civil Enforcement Officer, Police Community Support Officer, a police officer in uniform, a Traffic Warden or a person authorised by the Council, cause or permit any vehicle to wait, at any time, on any of the length or lengths of the road or roads referred to in Schedule 1 hereto.

Exemptions

7. Nothing in Article 6 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 Relevant 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 lengths or sides 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

8. Nothing in Article 6 of this Order shall make it unlawful to cause or permit 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 side of the road or roads referred to in the said Article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from the previous period of waiting by the same vehicle on the same side of the road or roads.

SECTION 3 – PARKING PLACES

9. Regulation of A Permit Parking Place

- A (i) The holder of a Permit shall not park in any Parking Place
- (a) other than in the street named on the Permit except in the case of a Controlled Parking Zone where the permit allows the holder to park in any of the designated bays within the C.P.Z. and
 - (b) without a the valid Permit being displayed in the Relevant Position on the vehicle
- (ii) Where a Police Constable in uniform or a Civil Enforcement Officer or a person authorised by the Council is of the opinion that the provisions contained in this Order have been contravened he may remove or cause to be removed the vehicle from the Parking Place and where it is so removed shall provide for the safe custody of the vehicle

(iii) A Police Constable in uniform or a Civil Enforcement Officer or a person authorised by the Council may move or cause to be moved in the case of emergency to any place he thinks fit any vehicle left in the Parking Place

(iv) Every vehicle left in the Parking Place shall stop so that every part of the vehicle is within the limits of the Parking Place

B A Police Constable in uniform or a Civil Enforcement Officer or a person duly authorised by the Council may suspend the use of the Parking Place or any part thereof whenever he considers such suspension is reasonably necessary:

(i) for the purposes of facilitating the movement of traffic or promoting its safety

(ii) for the convenience of occupiers of premises adjacent to the Parking Place on any occasion of the delivery or removal of furniture to or from an office or dwelling house adjacent to the Parking Place

(iii) on any occasion on which it is likely by reason of some special attraction that any streets will be thronged or obstructed

(iv) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals

- (v) any person herein authorised to suspend the use of the Parking Place or any part thereof in accordance with the provisions of this Article shall thereupon place or cause to be placed in that Parking Place or as the case may be in that part thereof the use of which is suspended a traffic sign of any size colour and type prescribed or authorised under Section 64 of the Act of 1984 indicating that the waiting by vehicles is prohibited

C No persons shall cause or permit any vehicle to wait in any part of the Parking Place during such period as there is in or adjacent to that part of the Parking a traffic sign placed in pursuance of this Order provided that nothing in this Article shall apply:

- (i) in respect of any vehicle being used for fire brigade ambulance or police purposes when the presence of the said vehicle is essential to the carrying out of their duties
- (ii) to anything done with the permission of a Police Constable in uniform or a Civil Enforcement Officer or a person authorised by the Council or the person suspending the use of the Parking Place or part thereof in pursuance of this Order

D Nothing in the Articles of this Order shall apply to:

- (a) legally qualified medical practitioners as defined in Section 52 of the Medical Act 1956 provided that the vehicle is displaying an appropriately worded notice to the effect that it is being used "on call" or community nurses or carers with a permit issued by the Council of the City and County of Swansea displayed in the Relevant Position on the vehicle
- (b) a maximum of two vehicles being used in connection with a wedding

- (c) vehicles being used for building and maintenance purposes in properties adjacent to a Parking Place provided that a waiver issued by the Council is displayed in the relevant position on the vehicle.
- (d) Support Officers from bona fide care organisations to park in Residents Only Parking Area whilst visiting a Community Care dwelling in pursuit of their duties providing the special permit issued by the Council of the City and County of Swansea is displayed in the Relevant Position on the vehicle
- (e) Holders of holiday family or other temporary permits issued by the Council and displayed in the Relevant Position on the vehicle

E Permits

The Council may at any time require an applicant for a Permit or a holder of a Permit to produce to an officer of the Council such evidence in respect of an application for a Permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any Permit issued by them as they may reasonably require to verify that the Permit is valid

- (ii) On receipt of an application for a Permit the Council upon being satisfied that
 - (a) the applicant is a person who resides in a road or the Controlled Parking Zone referred to in the Schedules to this Order or is a person who falls within the categories of persons eligible for the granting of Permit as may be determined from time to time by the Council

- (b) the application is made in respect of an eligible vehicle as defined in paragraph (iii) of this Article

shall issue to the applicant a Permit in respect of that vehicle subject to no more than two Permits being issued in respect of any particular residence

- (iii) For the purposes of this Article "eligible vehicle" means:

- (a) a passenger vehicle which is a motor vehicle constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver and not drawing a trailer

- (b) a goods vehicle the weight of which does not exceed 3500kg unladen

- (c) solo motor cycle or moped

- (d) A vehicle not exceeding 2.35 metres by 5.25 metres in length

- (iv) (a) No person shall be entitled to hold a Permit for more than one vehicle at any time except the Family Visitor permit which can display up to two vehicles.

- (b) the Permit shall be valid only for the vehicle in respect of which it is issued and no Permit holder shall cause or permit any Permit issued to him by the Council to be displayed on any vehicle bearing a different registration number to that contained on that Permit

- (v) A Permit holder may surrender a Permit to the Council at any time and shall surrender it to the Council on the occurrence of any one of the following events:
 - (a) the Permit holder ceasing to be a resident in the street or Controlled Parking Zone for which the Permit is issued
 - (b) save as provided in paragraph (viii)(a) of this Article the Permit holder ceasing to be the owner of the vehicle in respect of which the Permit is issued
 - (c) the vehicle in respect of which the Permit was issued being adapted or used in such manner that it ceases to be an eligible vehicle as defined in paragraph (iii) of this Article
 - (d) the issue by the Council of a duplicate Permit
 - (e) the expiry of the Permit pursuant to paragraph (vi) of this Article
 - (f) the withdrawal of the Permit by the Council
- (vi) A Permit shall cease to be valid at the expiration of the date stated thereon or on the occurrence of any of the events set out in paragraph (v) of this Article whichever is the earlier

- (vii) The Council may by notice in writing served on a Permit holder by sending the same to the Permit holder at the address shown by that person on the application for the Permit or at any other address believed to be that person's abode withdraw a Permit if it appears to the Council that any of the events set out in paragraph (v) of this Article has occurred and the Permit holder shall surrender the Permit to the Council within forty eight hours of the receipt of the aforementioned notice
- (viii) A Permit shall be in writing and shall include the following particulars:
 - (a) the registration mark of the vehicle in respect of which the Permit was issued except when such Permit is issued to a resident whose vehicle is owned by a bona fide motor trader and which vehicle does not exceed 3500 kg unladen weight in such cases the registration mark will be replaced with the words "MOTOR TRADER" or relevant company name.
 - (b) the expiry date of the Permit pursuant to paragraph (vi) of this Article
 - (c) an indication that the Permit was issued by the Council
 - (d) the name of the street or controlled parking zone in which the applicant resides

F Charges

The Council may at its discretion charge for the issue of residents parking places Permits such charge to be determined from time to time by resolution of the Council or relevant Committee thereof and in any case any duplicate Permit shall only be issued on the payment by the applicant of a fee of ten pounds sterling (£10) or such other sum as may be determined from time to time by the Council or the relevant committee thereof

10. Regulations in respect of a parking place other than a permit holders parking place

Manner of standing in a parking place

A. Every vehicle left in a pay and display and disabled person's 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 10 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.

SECTION 4 – REVOCATION

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

SCHEDULES

SCHEDULE 1 - PROHIBITION OF WAITING AT ANY TIME

ST PETER'S TERRACE

Southern Side

From its junction with the south western kerb line of Church Gardens to a point 86 metres south west of that junction to its junction with Cockett Road

Eastern Side

From its junction with the north eastern kerb line of Church gardens to a point 6 metres north of that junction.

CHURCH GARDENS

Both Sides

From its junction with St Peter's Terrace to a point 8 meters south east of that junction.

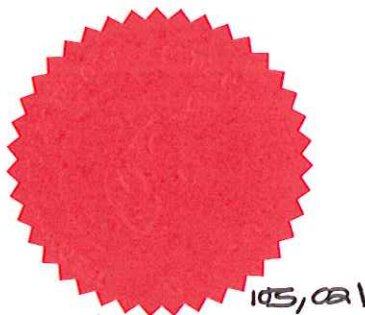
SCHEDULE 2 - REVOCATIONS

The existing Orders are revoked insofar as they are inconsistent with the proposal hereinafter contained which relate to the length or lengths of the road or roads referred to in the schedules hereto.

Dated this 14th day of May 2013

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

was hereunto affixed
in the presence of



D. J. Smith

Head of Legal, Democratic Services and Procurement/
Authorised Signatory

