

**SWINDON BOROUGH COUNCIL**

**(PERMITTED PARKING AREA AND SPECIAL PARKING AREA)**

**(WAITING RESTRICTIONS, STREET PARKING PLACES CLEARWAYS AND BUS STOP CLEARWAYS) CONSOLIDATION ORDER 2003**

Swindon Borough Council (hereinafter referred to as "the Council") in exercise of the powers conferred by Sections 1(1), 2(1) to (3), 4(2), 19, 32, 35, 45, 46, 47 and 124 of and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act of 1984"), as amended and the Road Traffic Act 1991 and of all other powers them enabling and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984 and with the Road Traffic Act 1991, hereby make the following Order:-

**PART I**  
**CITATION AND INTERPRETATION**

1. This Order shall come into operation on the 1 September 2003 and may be cited as the Swindon Borough Council(Permitted Parking Area and Special Parking Area) (Waiting Restrictions and Street Parking Places Clearways and Bus Stop Clearways) Consolidation Order 2003
2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"ambulance" has the same meaning as in the Vehicle Excise and Registration Act 1994;

"authorised agent" means the parking services contractor appointed by or duly authorised to act on behalf of the Council for the purposes of the supervision and enforcement of this Order;

"authorised officer" means the Director of Environmental Services for the Council or any other officer of the Council (to whom the Council has delegated all relevant powers) to be designated by the Council;

"authorised cab rank" means an area of carriageway which is comprised within and indicated by road markings complying with diagram 1028.2 in Schedule 6 to the 2002 Regulations

"authorised parking place" means any parking place on a road authorised or designated by this Order;

"Borough of Swindon" in relation to this Order means the Borough of Swindon as designated by the Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Swindon) Order 2003;"

"bus" has the same meaning as in Regulation 22 of the 2002 Regulations;

"bus stop" means any area of carriageway, intended for the waiting by buses, which is

comprised within and indicated by road markings complying with diagram 1025.1 and incorporating the words "Bus Stop" in Schedule 6 and a sign complying with diagram 975 in Schedule 5 to the 2002 Regulations;

"bus stop clearway" means any area of carriageway intended for the waiting by buses, which is comprised within and indicated by road markings complying with diagram 1025.1 in Schedule 6 and a sign complying with diagram 974 in Schedule 5 to the 2002 Regulations;

"business permit" means a permit issued to a business occupying premises, the postal address of which is in a road or part of a road identified in the plans attached to this Order and issued under the provisions of Article 27;

"business permit holder" means a person to whom a business permit was issued under the provisions of Article 27;

"business occupier" means an owner or manager of a business the postal address of which is in any road or part of a road identified as residents parking zone in the plans attached to this order who may apply for a permit to be issued under Article 27

"carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

"delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"disabled person's badge", "disabled person's vehicle" and "parking disc" have the same meanings as in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"driver", in relation to a vehicle waiting in a parking place or on a road or length of road, means the person driving the vehicle at the time it was left in that parking place or road or length of road;

"dual purpose vehicle" has the same meaning as in Regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986;

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;

"goods" means goods or burden of any description and includes postal packets of any description;

"goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description

"hackney carriage" means a vehicle licensed under Section 37 of the Town Police Causes Act 1847, or any similar enactment;

"hackney stand" means an area of carriageway which is comprised within and indicated by road markings complying with diagram 1028.2 in Schedule 6 to the 2002 Regulations;

"Household" means a building or part of a building which has been constructed or adapted for use as separate self contained accommodation

"Immobilisation device" has the same meaning as in Section 104(9) of the Act of 1984;

"Local Service" has the same meaning as in Section 2 of the Transport Act 1985.

"loading" means the loading or unloading of goods to or from a vehicle;

"motorcycles" and "invalid carriage" have the same meanings as in Section 136 of the Act of 1984;

"owner", in relation to a vehicle means a resident who is named in the vehicle registration document as the registered keeper of a goods or passenger vehicle or 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;

"One way street" means a highway in which vehicles are prohibited at all times from proceeding in any other than one direction.

"parking attendant " means a person authorised by or on behalf of the Council to supervise and carry out enforcement in respect of any parking area;

"parking bay" means any area of the parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;

"parking place" means a road or length of road which is provided for the leaving of vehicles;

"passenger vehicle" means a motor vehicle (other than a motor cycle invalid carriage or disabled person's vehicle ) not exceeding 5.30 metres in length and 2.25 metres in height and constructed or adapted to carry not more than 12 passengers exclusive of the driver, and not drawing a trailer.

"penalty charge" and "reduced penalty charge" means a charge set by the Council under the provisions of Section 66 of the Road Traffic Act 1991 and with the approval of the Secretary of State for Transport which is to be paid to the Council within 28 days beginning with the date of the notice, or 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice;

"penalty charge notice" means a notice issued or served by a parking attendant pursuant to the provisions of Section 66 of the Road Traffic Act 1991;

"permit" means a permit issued under the provisions of Articles 27, 28 and 32;

"permit holder" means a person to whom a permit has been issued;

"permitted hours" means the hours identified on the plans attached to this Order;

"relevant position" in respect of: -

- (a) a disabled person's badge or a parking permit, means
  - (i) in the case of a vehicle fitted with a front windscreen, that the badge or permit is exhibited thereon with the front facing forward on the nearside of and immediately behind the windscreen; or
  - (ii) the case of a vehicle not fitted with a front windscreen, that the badge or permit is exhibited on the front or nearside of the vehicle;
- (b) a disabled person's parking disc, means that the side showing the time is facing forward or outward and immediately behind the windscreen or side window nearest to the kerb;

"resident" means a person whose usual place of abode is at premises the postal address of which is in a road or part of a road identified as a residents' parking zone on the plans attached

"specified position" a vehicle left in a parking place during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand:-

- (a) in the case of the parking place in relation to which special provisions as to the manner of standing of a vehicle in that place are specified, to be in accordance with those provisions;
- (b) in the case of any other parking place -
  - (i) if the parking place is not in a one-way street, that the left or near-side of the vehicle is adjacent to the left-hand edge of the carriageway;
  - (ii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres;
- (c) so that every part of a vehicle is within the limits of a parking place;
- (d) that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.

"specified hours" means the hours identified for parking, or loading/unloading places, or for bus stop clearways on the plans attached to this Order;

"the said road" – means a road or part of a road identified in the plans attached to this Order

"telecommunications apparatus" has the same meaning as in Paragraph 1 to Schedule 2 the Telecommunications Act 1984;

"The 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002;

"traffic sign" means a sign of any size, colour and type prescribed or authorised pursuant to or having the effect as though prescribed or authorised pursuant to Section 64 of the Act of 1984.

"water authority" means a water or sewerage undertaker within the meaning of the Water Industry Act 1991;

- 3. (a) Except where otherwise stated, any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order;
- (b) insofar as any provision of this Order conflicts with a provision which is contained in

an Order made or having effect as if made under the Act of 1984 and existing at the time when this Order comes into operation and which imposes a restriction or prohibition on waiting by vehicles other than buses in a bus stop clearway or grants an exemption from such restriction or prohibition, that provision of that Order shall prevail.

4. The prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act of 1984, or by or under any other enactment.
5. Save where the contrary is indicated, any reference in this Order to:-
  - (a) this Order or another Order shall be construed as such a reference to this Order or, as the case may be, such other Order, as the same may have been or may from time to time be amended, varied or supplemented;
  - (b) a Statute or Regulation shall be construed as reference to such Statute or Regulations as the same may have been, or may from time to time be amended or re-enacted

## **PART II**

### **PROHIBITION AND RESTRICTION OF WAITING**

6. Save as provided in Articles 7 to 12 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform, traffic warden or a parking attendant, cause or permit any vehicle to wait on the roads or sides of the roads identified and for the periods identified (or, in the case of a road or side of road where limited waiting is permitted, otherwise than during the period identified) on the plans attached to this Order.
7. Nothing in Article 6 of this Order shall render it unlawful to cause or permit any vehicle to wait so long as it may be necessary for the purpose of enabling goods to be loaded on or unloaded from the vehicles on the roads identified and for the periods identified on the plans attached to this Order.
8. (1) Nothing in Article 6 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road specified therein 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 lengths of road or sides of road; -or
    - (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides 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;
  - (c) the vehicle, if it cannot conveniently be used for such purposes in any other

road, to be used in the service of a local authority or of a water authority in pursuance of statutory powers or duties;

- (d) the vehicle of a universal service provider (as defined in Section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;
- (e) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths or sides of road; or
- (f) the vehicle to be used for fire brigade, ambulance or police purposes;
- (g) the vehicle to wait at or any premises situated on or adjacent to the said length or side of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral.
- (h) in any case where the person in control of the vehicle,
  - (i) is required by law to stop;
  - (ii) is obliged to stop so as to prevent an accident, or
  - (iii) is prevented from proceeding by circumstances outside his control

(2) Nothing in Article 6 of this Order shall render it unlawful to cause or permit any vehicle

- (a) to wait upon an authorised parking place, or
- (b) being a hackney carriage, to wait upon a hackney stand or/ authorised cab rank.

9. Nothing in Article 6 of this 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 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 in any of the roads, lengths of road or on any of the sides of road identified on the plans attached to this Order for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road or on the same side of road on the same day). Provided that in respect of the roads identified in the plans attached to this Order when loading is permitted at all times or limited to certain times such period lies entirely within the period during which loading is permitted.
10. Nothing in Article 6 of this 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 at the sides of the roads identified on the plans attached to this Order where limited waiting is permitted.
11. Insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act of 1984 and existing at the time when this Order comes into operation, and which imposes a restriction or prohibition on waiting by vehicles other than a public service vehicle in a bus stop clearway area or grants an exemption from such restriction or prohibition, that provision of that Order shall prevail.

12. Nothing in Article 6 to this Order shall render it unlawful for the driver of a public service vehicle to cause that vehicle to wait at a recognised timing point.

**PART III**  
**AUTHORISATION AND USE OF STREET PARKING PLACES**

13. (1) The parts of the roads identified on the plans attached to this Order are authorised to be used, subject to the following provisions of this Order, as parking places for such classes of vehicles, in such positions and on such days and during such hours as identified on the plans attached to this Order.
- (2) Nothing in paragraph (1) of this Article shall restrict the power of this Council, for preventing obstruction of the streets, by order on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place.
14. Save as provided in Article 26 and identified in the plans attached to this Order a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place -
- (a) unless it is of the specified class; or
- (b) in a position other than that specified.
15. (1) Save as provided in Article 26 of this Order, the driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in relation to that parking place and as identified on the plans attached to this Order.
- (2) Save as provided in Article 26 of this Order, when a vehicle has left a parking place after waiting thereon the driver thereof shall not within the period specified in relation to that parking place and as identified on the plans attached to this Order after its leaving permit it to wait again upon that parking place.
- (3) Every vehicle left in parking place in accordance with the foregoing provisions of the Order shall so stand that every part of the vehicle is within the limits of a parking place.
16. A driver of a vehicle shall not use a parking place -
- (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any other persons, or so as to be a nuisance;
- (b) when for preventing obstruction of the streets the Council shall by Order made on the occasion of any public procession, rejoicing or illumination or when the streets are thronged or liable to be obstructed have closed that parking place and exhibited notice of such closing on or near the parking place.
17. A Police Officer in uniform or a parking attendant may in case of emergency move or cause to be moved any vehicle left in a parking place to any place he thinks fit.

- 18.
- (1) Any person authorised by the Council may suspend the use of a parking place or any part thereof whenever he considers 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 in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus or traffic sign;
    - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
    - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
    - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or other special occasions.
  - (2) A Police Officer in uniform may suspend for not longer than twenty-four hours the use of a parking place or any part thereof wherever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
  - (3) Any person 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 the part thereof the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.
  - (4) No person shall cause or permit a vehicle to be left in any parking place or part of a parking place during such period as there is in or adjacent to that parking place or part of a parking place a traffic sign placed in pursuance of paragraph (3) of this Article.

Provided that nothing in this Article shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose specified in Article 21(1)(a)(c)(d) or (e) of this Order to be left in the parking place or part of a parking place during any such period, or to any other vehicle so left if that vehicle is left with the permission (i) of the person suspending the use of the parking place or the part thereof in pursuance of paragraph (1) of the Article, (ii) of a police officer in uniform or (iii) of a person authorised in that behalf by the Council.



19. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in a position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
20. While any vehicle is in a parking place during the permitted hours, no person shall use the vehicle in connection with the sale of any article to any person in or near the parking place or in connection with the selling or offering for sale of his skill or services;

Provided that nothing in this Article shall prevent the sale of goods from a vehicle:-

- (a) if the vehicle is a passenger vehicle, a dual purpose vehicle, a goods vehicle a motor cycle or an invalid carriage)and the goods are immediately delivered at or taken into premises adjacent to the parking place from which the sale is effected;  
or  
(b) if the vehicle is one to which the provisions of Article 21(1)(h) or (i)of this Order apply.

21. (1) Notwithstanding the forgoing provisions of this Order, any vehicle may wait during the permitted hours anywhere on the carriageway in a parking place (other than a parking place or part of a parking place the use of which has been suspended, under Article 18 of this Order) if:-

- (a) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;-
- (b) the vehicle is a vehicle being used for police, fire or ambulance purposes, or a vehicle (other than a passenger vehicle) in the service of a local authority which is being used in pursuance of statutory powers or duties;
- (c) the vehicle is waiting to enable it to be used in connection with the removal of any obstruction to traffic.
- (d) the vehicle is in the service of or employed by any universal service provider (as defined in Section 4(3) and (4) of the Postal Services Act 2000 and is waiting while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle, or, having been unloaded therefrom, are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting;
- (e) the vehicle is in the service of or employed by British Telecom in connection with the servicing of telephone kiosks adjacent to the parking space.
- (f) the vehicle (not being a passenger vehicle) is waiting to enable it to be used for any purpose specified in Article 18(1)(b) of this Order.
- (g) the vehicle (not being a passenger vehicle) is in actual use in connection with the removal of furniture from one business or dwelling house or another or the removal of furniture from such premises to a depository or to such premises from a depository.

- (h) The vehicle is waiting otherwise than in a parking place if goods are being sold or offered for sale from the vehicle to a person who is licensed by the Council to sell goods from a stationery pitch situated in the parking place.
- (i) In any other case the vehicle is waiting for the purpose of delivering or collecting goods including, so far as a Bank is concerned, cash or other valuables or valuable securities, or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle (not being a goods vehicle) does not wait for such purpose for more than thirty minutes or for such longer period as a police officer in uniform or a person authorised in that behalf by the Council may authorise, or, being a goods vehicle, does not wait for more than thirty minutes or such longer period as aforesaid it is in any part of a parking place.
- (2) No charge shall be payable in respect of any vehicle waiting in a parking space in accordance with the foregoing provisions of this Article.
- (3) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act of 1984.

22. The following vehicles left in a parking place shall be exempt from any limitation on time-

- (i) an invalid carriage;
- (ii) a vehicle left by the driver thereof, being a disabled person's vehicle which displays in the relevant positions a disabled person's badge and a parking disc.

23. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 14, 15 or this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place. Provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 14(b) of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.

24. Any person removing a vehicle or altering its position by virtue of the last preceding Article of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.

25. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 243 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

26. The provisions contained in Article 14, 15 and 20 of this Order and the restrictions imposed by Article 6 of this Order shall not apply to any hackney carriage while waiting upon a hackney stand or authorised cab rank

**PART IV**  
**PERMITS**

27. (1) Any business, or resident, who is the owner of a vehicle of the following class, that is to say a passenger vehicle, a goods vehicle not exceeding 1.5 tonnes unladen weight and not drawing a trailer, or a dual purpose vehicle or a motorcycle may apply to the Council or an authorised agent for a permit for the parking of that vehicle in a parking place within a resident's parking zone identified on the plans attached to this Order and any such application shall be made on a form issued by and obtainable from the Council or authorised agent and shall include the particulars and information required by such form to be supplied and such fee as is for the time being prescribed by the Council.
- (2) The Council or authorised agent may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council or authorised agent such evidence in respect of an application for a permit as they may reasonably require to verify the particulars or information given to them or to verify that the permit is valid.
- (3) The Council or authorised agent upon being satisfied that the applicant is:-
- (a) A business occupier or a resident who is the owner of a vehicle of the class specified in paragraph 1 Of this Article 27, shall issue to the applicant the following permits for the leaving during the permitted hours in a parking place of the vehicle to which the permit relates:-
- i) for residents of Zones A,D,E,F,G & K not more than two Residents' parking permits per household.
  - ii) For residents of Zones B,C,H,J,L & N not more than three Residents Parking permits per household.
  - iii) For business occupiers not more than two business permits per business.
- (b) A resident who resides within a permit zone can apply for visitors' permits as follows:
- i) For visitors' permits to a resident of 50 permits per annum valid for the day of issue.
  - ii) Additional visitor permits to a resident of 50 permits per annum valid for a maximum of 3 hours waiting for the day of issue subject to the Council receiving back the said first 50 used all day permits from the resident.
  - iii) The said visitors' permits shall, following their issue by the Council to a resident, be handed only by the resident to another person at the actual time of that other person's visit to their premises; a visitor's permit shall in no circumstances be sold by a resident.
- (4) (a) A Business Permit shall only be a valid for use in a parking place on a road within that parking zone and for the permitted hours identified on the plans attached to this Order for use by holders of such Permits and in accordance with the guidance and regulations issued by the Council for the use thereof;
- (b) a Residents Parking Permit shall only be a valid for use in a parking place on a road within that parking zone and for the permitted hours identified on the plans attached to this Order for use by holders of such permits and in

accordance with the guidance and regulations issued by the Council for the use thereof;

- (c) a visitors Parking Permit shall only be valid for use in a parking place on a road within that parking zone and for the permitted hours identified on the plans attached to this Order for use by the holders of such Permits and in accordance with the guidance and regulations issued by the Council for the use thereof.

28. Notwithstanding the provisions contained in Article 27(1) a resident or business occupier whose property address is on the common boundary between two adjacent permit zones may choose to apply for a permit for either zone but not both.

29. (1) A permit holder (whether of a Business, or Residents Parking Permit, may surrender such permit to the Council or authorised agent at any time and shall surrender such permit to the Council or authorised agent on the occurrence of any one of the events set out in paragraph (3) of this Article.

(2) The Council or authorised agent may, by notice in writing served on 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 residence, withdraw a permit if it appears to the Council or authorised agent that any one of the events set out in paragraph (3) of this Article has occurred and the permit holder shall surrender the permit to the Council or authorised agent within 48 hours of the receipt of the aforementioned notice.

(3) The events referred to in the foregoing provisions of this Article are:-

- (a) the permit holder ceasing to be a resident or a business, as the case may be;
- (b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
- (c) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 27 (1);
- (d) the issue of a duplicate permit by the Council under the provisions of Article 32
- (e) the expiry of the period for which the permit was issued;
- (f) where a permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit shall cease to be of any effect;

30. Without prejudice to the provisions of Article 29, a permit shall cease to be valid at the expiration of the period specified thereon:-

- (a) which period, in the case of a Business Permit or Residents permit, shall not exceed a period of eleven months from the end of the month during which it first became valid;  
or

or on the occurrence of any one of the events set out in paragraph 3 Article 29 whichever is

the earlier.

31. (1) A permit holder who surrenders a permit to the Council before the permit becomes valid shall be entitled to a refund of the charge paid in respect of the issue thereof.
- (2) Save as provided in paragraph 1 of this Article a refund shall not be made in respect of a resident's or visitor permit charge.
- (3) a business occupier who surrenders a permit to the Council after the permit has become valid shall be entitled to a refund of part of the charge based upon the number of complete months remaining unexpired.
32. (1) If a permit is accidentally mutilated or defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council or authorised agent and apply to the Council or authorised agent for the issue to him of a duplicate permit, whereupon Council or authorised agent, shall issue a duplicate permit so marked and upon such issue the original permit shall become invalid.
- (2) If a permit is lost or destroyed, the permit holder may apply to the Council or authorised agent for the issue to him of a duplicate permit and the Council or authorised agent upon being satisfied as to such loss or destruction, shall issue a duplicate permit so marked and upon such issue the original permit shall become invalid.
- (3) All the provisions of this Order shall apply to a duplicate permit to the same extent as they applied to the original permit.
33. A permit shall be in indelible writing and shall include the following particulars:
- (A) For a Residents' Permit
- (i) the registration mark of the vehicle in respect of which the permit has been issued.
- (ii) the period during which, subject to Article 30 of this Order, the permit shall remain valid.
- (iii) an authentication that the permit has been issued by the Council.
- (iv) the identifying zonal area letter and name,
- (B) For a Business Occupiers' Permit
- (i) the period during which, subject to Article 30 of this Order, the permit shall remain valid.
- (ii) an authentication that the permit has been issued by the Council;
- (iii) the identifying zonal area letter and name.
- (C) For a Visitors Permit – all Day Parking
- (i) the day during which, subject to the provisions of Article 30 of this Order, the permit shall remain valid.
- (ii) an authentication that the permit has been issued by the Council.

(iii) the identifying zonal area letter and name.

(D) For additional Visitors Permits – Maximum 3 hours parking

- (i) the day on which, subject to the provisions of Article 27 of this order, the permit is valid;
- (ii) the start time in hours and minutes of when the permit becomes valid.
- (iii) identification that it is valid for a maximum of 3 hours waiting;
- (iv) an authentication that the permit has been issued by the Council;
- (v) the identifying zonal area letter and name,

34. At all times during which a vehicle is left in a parking place during the permitted hours, there shall be displayed in the relevant position a permit issued in respect of that vehicle valid for that parking place. within that parking zone identified in the plans attached to this order
35. When a permit has been displayed in accordance with the provisions of Article 34, or where a penalty charge notice has been attached to the vehicle in accordance with Article 39(3) no person other than a parking attendant shall remove such permit or notice from the vehicle unless authorised to do so by the driver of that vehicle.

#### **PART V**

#### **DESIGNATED PARKING PLACES FOR DISABLED PERSONS' VEHICLES**

36. (1) The areas of land identified in the plans attached to this Order and therein designated "Disabled Badge Holders Only" may be used, subject to the provisions of this Order, as parking places for disabled persons' vehicles, in such positions as are identified on the plans attached to this Order.
- (2) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in the parking bay unless it is a disabled person's vehicle.

#### **PART VI**

#### **CLEARWAYS**

37. (1) Save as provided in paragraph 2 of this Article no person shall, except upon the direction or with the permission of a police constable in uniform, traffic warden or a parking attendant, cause or permit any vehicle to wait on any part of the roads identified as clearways on the plans attached to this Order ("the said road").
- (2) Nothing in paragraph (1) above shall apply:
- (a) so as to prevent a vehicle waiting for so long as may be necessary to enable that vehicle to be used in connection with -
    - i. any building operation or demolition,
    - ii. the removal of any obstruction to traffic
    - iii. the maintenance, improvement or reconstruction of the road, or
    - iv. the erection, laying, placing, inspection, maintenance, testing, alteration, repair, renewal or removal in on under or over the road of any structure, works, sewer, main, pipe, wire, cable or other apparatus for the supply of gas, water, electricity or any telecommunication apparatus
  - (b) in relation to a vehicle being used -
    - i. for fire brigade, ambulance or police purposes,

- ii. in the service of a local authority in pursuance of statutory powers or duties,
    - iii. for the picking up or setting down of passengers by a bus in a bus stop;
  - (c) in relation to a vehicle waiting while any gate or other barrier at the entrance to a premises to or from which the vehicle is proceeding is opened or closed, if it is not reasonably practicable for the vehicle to wait elsewhere; or
  - (d) in relation to a vehicle waiting when the person in control of it is –
    - i. required by law to stop,
    - ii. obliged to stop in order to avoid an accident, or
    - iii. prevented from proceeding by circumstances outside his control.
- (3) Notwithstanding any exemption in paragraph 2 of this Article, the person in control of a vehicle waiting in any of the lengths of road identified as clearways on the plans attached to this Order shall move the vehicle on the instruction of a police constable in uniform, traffic warden or a parking attendant whenever such moving may be reasonably necessary for the purpose of preventing an obstruction.

## **PART VIII**

### **BUS STOP CLEARWAY**

38. (1) No person shall cause or permit any vehicle other than those exempted by paragraph 2 of this Article to wait in an area of carriageway which is specified as bus stop and as identified on the plans attached to this order during the specified hours.
- (2).Nothing in paragraph 1 of this Article shall apply to:-
- (a) bus used in the provision of a local service;
  - (b) vehicles used for Police, fire brigade or ambulance purposes;
  - (c) vehicles used by a universal service provider (as defined in Section 4(3) and (4) of the Postal Services Act 2000) solely for the purpose of making a collection from a post box adjacent to the bus stop.
  - (d) any vehicle under the direction or with the permission of a police constable in uniform, traffic warden or a parking attendant.
  - (e) vehicles used for refuse collection.
  - (f) the loading or unloading of any building materials or in connection with works to the buildings adjacent to the said road or the removal or unloading of furniture or personal effects in connection with the buildings adjacent to the said road, provided that in all circumstances it is necessary for the vehicle to enter the clearway.
- 4.Nothing in paragraph 1 of this Article shall render it unlawful for a vehicle to wait in the bus stop area if the vehicle is being used in connection with;-
- (a) the maintenance or reconstruction of the said road; or
  - (b)the laying, erection, alteration or repair in, or in land adjacent to the said road, or of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus.
- 5.The authorised officer may modify or suspend the operation of this Article or any

provision of it if it appears to him essential;-

(a) in the interests of the expeditious, convenient and safe movement of traffic;

(b) in the interests of providing suitable and adequate on-street parking facilities;

or

(c) for preserving or improving the amenities of the area through which any road affected by this Article runs.

## **PART IX**

### **CONTRAVENTION OF ORDER**

39. (1) If a vehicle is left in a parking place during the permitted hours or in any road or length of road in contravention of any provision of this Order, a penalty charge shall be payable and/or the vehicle may be removed from that location.
- (2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by Section 66(3) of the Road Traffic Act 1991 may then be issued by a parking attendant in uniform in accordance with section 66(1) of the said Act.
- (3) If a vehicle is left after a penalty charge has been incurred, a parking attendant in uniform or a person acting under his direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of section 69(1) and (2) of the Road Traffic Act 1991 and that vehicle shall only be released from the device on payment of the penalty charge, or as the case may be a reduced penalty charge, along with such release fee as may be required by the Council.
- (4) Where a parking attendant has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article:-
- (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 Road Traffic Regulation Act 1984 as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.

Nothing in paragraphs (3) and (4) of this Article shall apply in respect of a vehicle displaying in the relevant position a valid disabled person's badge issued by any local authority.



**PART X**  
**REVOCATION**

- 40.(1) All the traffic regulation orders imposing waiting prohibitions and restrictions only and all the street parking places orders and clearways and bus stop clearways orders which relate to roads in the Borough of Swindon made prior to this Order are hereby revoked.
- (2) All the traffic regulation orders which (in addition to other provisions) include waiting prohibitions and restrictions relating to roads in the Borough of Swindon made prior to this Order are hereby varied.

Dated

THE COMMON SEAL of                    )  
  )  
SWINDON BOROUGH COUNCIL        )  
  )  
was hereunto affixed in the        )  
  )  
presence of:-                            )

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