

SWINDON BOROUGH COUNCIL
(WAITING AND LOADING RESTRICTIONS AND PARKING PLACES
CONSOLIDATION) ORDER 2011

Swindon Borough 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 Traffic Management Act 2004 ("the Act of 2004") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby make the following Order:-

PART I
GENERAL

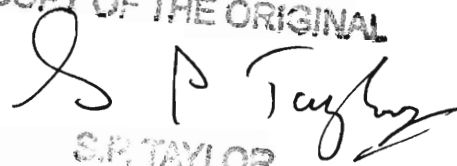
Citation and commencement

1. This Order shall come into operation on the 29 day of August 2011 and may be cited as the Swindon Borough Council (Waiting and Loading Restrictions and Parking Places Consolidation) Order 2011.
2. The Plans listed in Schedule 1 are attached to this Order.

Revocation and re-enactment

3. The Council under the same arrangements and powers hereby revokes the Swindon Borough Council (Waiting and Loading Restrictions and Parking Places Consolidation) Order 2010 and all subsequent variations to it and immediately re-enacts the provisions of those Orders without change.

CERTIFIED TO BE A TRUE
COPY OF THE ORIGINAL


S.P. TAYLOR

DIRECTOR OF LAW AND
DEMOCRATIC SERVICES

Interpretation

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

"Council" means Swindon Borough Council

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

"blue badge" has the same meaning as a disabled person's badge

"bus" has the same meaning as in Regulation 22(2) of the 2002 Regulations;

"Civil Enforcement Officer" has the same meaning as Section 76 of the Act of 2004;

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

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended);

"disabled person's vehicle" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 (as amended);

"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;

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

"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" has the same meaning as in Section 37 of the Town Police Clauses Act 1847;

"highway" means any road over which the public have access and extends from the boundary fence or building line and includes any footway, pavement or grass verge;

"highway boundary" means the building line, boundary wall, boundary hedge or fence separating land over which the public do and do not have access;

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

"invalid carriage" has the same meaning as that in Section 136 of the Act of 1984;

"Key" means the key attached to the Plans in Schedule 1 and to be read in conjunction with the attached Plans;

"lay-by" in relation to a main carriageway means any area of a highway at the side of the main carriageway but not part of it and marked in accordance with the 2002 Regulations intended for the waiting of vehicles, provided that no person shall cause or permit any vehicle to wait in any lay-by for the purpose of selling goods or services from that vehicle;

"light goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description of which the overall weight does not exceed 3.5 tonnes and is not drawing a trailer;

"loading area" means the part of the road authorised by this Order to be used as a goods vehicle loading and unloading area specified on the Plans and defined in the 2002 Regulations

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

"motorcycle" has the same meaning as in Section 136 of the Act of 1984;

"Plans" means the Swindon Borough waiting and loading restrictions and parking places Plans of the specified tile reference including the Key which are incorporated in Schedule 1 to this Order;

"owner" in relation to a vehicle means the person by whom such vehicle is kept and used. In determining who was the owner of a vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;

"parking disc" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons)(England) Regulations 2000 which is capable of showing the quarter hour period during which a period of waiting has begun;

"parking place" means an area of a highway designated by this Order for the waiting or leaving of vehicles of specific classes;

"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 their effects, and not drawing a trailer.

"pay and display ticket machine" means an apparatus of a type approved by the Secretary of State for issuing a ticket indicating the payment of a charge, the date on which the ticket is valid and the time by which the vehicle is required to leave the parking place;

"pay and display ticket" means a ticket issued by a pay and display ticket machine relevant to the parking place in which a vehicle has been left;

"penalty charge" and **"reduced penalty charge"** means a charge set by the Council under the provisions of Section 77 and Schedule 9 of the Act of 2004 and regulations made thereunder and in accordance with any guidance given by the Secretary of State;

"penalty charge notice" means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of Section 78 of the Act of 2004 and regulations made thereunder;

"permit" means any valid parking permit issued by the Council and used in accordance with its terms and conditions;

"permit holder" means a person to whom a valid parking permit has been issued by the Council provided it is used in accordance with the Council's terms and conditions of use;

"permit holder parking place" means a parking place designated by this Order for the leaving of vehicles displaying a corresponding valid parking permit and parked in accordance with the Council's terms and conditions of use during the restricted hours;

"permitted hours" means the periods specified for each parking place during which waiting by vehicles of a specific class is permitted as specified on the Plans;

"principal vehicle" in respect of a waiver certificate means:-

- (a) the Bride's vehicle and Bridesmaids vehicle for a wedding or similar religious or civil ceremony;
- (b) the funeral hearse and chief followers vehicle;
- (c) the scaffolding vehicle whilst involved in the active loading or unloading of scaffolding components;
- (d) a vehicle containing tools, materials or equipment constantly needed in association with building, repair, or demolition of premises adjacent to the highway
- (e) the main light or heavy goods vehicle used for the moving of goods or furniture to or from premises

"public service vehicle" has the same meaning as Section 1 of the Public Passenger Vehicles Act 1981;

"medical practitioner" has the same meaning within the meaning of the Medical Act 1983 (as amended) and is a person who appears on the current list of the General Medical Council's list of registered medical practitioners,

"relevant position" in respect of: -

- (a) a disabled person's badge or a parking disc has the same meaning as Section 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons)(England) Regulations 2000;
- (b) a permit or waiver certificate means it is exhibited on the nearside of 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 or voucher 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;

"restricted hours" means in relation to any restricted street the hours during which waiting and or loading are restricted as specified on the Plans;

"restricted street" means any of the sides or lengths of roads specified on the Plans where waiting and/or loading is restricted or specific activities are restricted during the restricted hours and extends from the centreline of the carriageway to the highway boundary;

"road" has the same meaning in Section 142(1) of the 1984 Act;

"school keep clear" means part of the carriageway outside a school entrance as shown on the attached plans where vehicles must not stop and is indicated by a road marking complying with the Traffic Signs Regulations and General Directions 2002;

"taxi rank" means an area of carriageway appointed as a standing for hackney carriages by the Council and which area is bounded by a traffic sign comprising a road marking that is compliant with the 2002 Regulations;

"terms and conditions" means the terms and conditions for use of permits and waiver certificates prescribed by the Council and any amendments made to them

"telecommunications system" has the same meaning as in Section 14 of the Telecommunications Act 1984;

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

"waiver certificate" means the waiver certificate issued by the Council pursuant to Article 12 exempting a vehicle from the general prohibition:

"zones" means any of the residents parking or designated restricted parking areas shown on the Plans

5. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order and any reference to a Plan is a reference to a Plan attached to this Order.

6. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies to the interpretation of an Act of Parliament 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.

PART II

GENERAL PROVISIONS FOR PARKING PLACES

Designation of parking places

7. Whilst this Order continues in force, each area of highway comprising the length of carriageway as shown on the Plans as a parking place and bounded by a traffic sign comprising a road marking that is compliant with the 2002 Regulations is designated as a parking place

Part III

GENERAL PROHIBITION ON STOPPING OR WAITING OR LOADING OF VEHICLES AND PROHIBITIONS APPLYING TO PARKING PLACES

8. Save as provided in Article 10 of this Order no person shall cause or permit any vehicle:-
 - (1) to stop or wait or load on areas of road or sides of the road as shown on the Plans where stopping or waiting or loading is not allowed

- (2) to stop or wait or load in any taxi rank during the operational hours of the rank as shown on the Plans unless they are a licensed Hackney Carriage plying for hire
- (3) to stop or wait or load or remain during the operational hours in any parking place designated for disabled persons' vehicles as shown on the plans unless the vehicle is displaying a valid blue badge and the vehicle immediately before or after the act of parking is about to be driven or used by the person to whom the badge has been issued
- (4) to wait or remain during permitted hours if the vehicle is not displaying a valid Council permit applicable to the use of the parking place as shown on the Plans
- (5) to wait or remain during permitted hours if the vehicle is not displaying a valid pay and display ticket applicable for the time and pay and display parking place as shown on the Plans
- (6) to wait or remain during permitted hours if the vehicle is displaying an unexpired pay and display ticket transferred from another vehicle
- (7) to wait or remain during permitted hours if the vehicle has an additional pay and display ticket substituted to extend the time the vehicle may remain beyond the maximum period of stay as shown on the Plans
- (8) to wait or remain during permitted hours if the vehicle has multiple pay and display tickets displayed on the vehicle
- (9) to wait or remain during permitted hours for longer than the maximum period permitted for waiting specified in relation to that parking place as shown on the Plans
- (10) to again be left in a parking place, limited waiting area or limited loading area until after the expiration of the time shown on the Plans when a

vehicle is permitted to return to the same parking place, limited waiting area or limited loading area.

- (11) to stop, wait or load on school keep clear markings during specified days and times.

Contravention of the General Prohibition

9. Where a person contravenes the general prohibition set out in Article 8 of this Order, and does not fall into any one of the exemptions in Article 10 of this Order, the Owner of the Vehicle in question shall incur a penalty charge as stipulated by the Council but only if the contravention falls into one of the categories contained within the Contravention Codes as set out in Annex C of the Department for Transport's Operational Guidance to Local Authorities: Parking Policy and Enforcement dated March 2008 and any amendments to it.

Exemptions to the General Prohibition

10. The following vehicles are exempt from the General Prohibition as set out in Article 8 of this Order:
 - (1) a vehicle, necessarily required for use in connection with any of the following operations, namely:-
 - (a) building, industrial or demolition operations
 - (b) the removal of any obstruction to traffic,
 - (c) the maintenance, improvement or reconstruction on the areas of road or sides of road, and
 - (d) the laying, erection, alteration or repair in or on land adjacent to the roads, lengths of road 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 system by a utility organisation while attending to their apparatus;

- (2) a vehicle in the service of a local authority being necessarily used in connection with highways and parking enforcement, waste collection or street cleansing activities in pursuance of statutory powers and duties;
- (3) a vehicle where the person in control of the vehicle is:
 - (a) required by law to stop; or
 - (b) obliged to stop so as to prevent an accident; or
 - (c) prevented from proceeding by circumstances outside his control; or
 - (d) caused or permitted to stop or wait upon the direction or with the permission of a police constable in uniform.
- (4) a public service vehicle whilst waiting at an authorised stopping place, terminal or timing point;
- (5) a vehicle being used for:
 - (a) fire brigade, ambulance or police purposes; or
 - (b) attending an emergency by a doctor, a district nurse or midwife, in which cases the Council may require evidence to show that there was a genuine emergency; or
 - (c) naval, military or air force or visiting forces if at the time they are being used or appropriated by such forces.
- (6) a vehicle validly displaying a blue badge in the relevant position:
 - (a) in the circumstances prescribed in regulations 7, 8 or 9 but subject to the limitation set out in regulation 6(2) of the Local Authorities' Traffic

Orders (Exemptions for Disabled Persons) (England) Regulations 2000,

- (b) provided it does not remain beyond the maximum length of stay allowed for a blue badge in a parking place in the Plans.
- (7) a vehicle validly displaying in the relevant position a blue badge parked in any permit holder parking place at any time.
- (8) a vehicle taking in fuel, oil, water or air at the kerbside.
- (9) a vehicle that is waiting only for so long as to enable goods to be actively loaded on or unloaded from the vehicle save on the areas of road or sides of the road where loading or unloading are specifically regulated, as identified and defined and for the periods stipulated in the plans.
- (10) a vehicle that is waiting only for so long as is necessary to enable a person to board or alight from that vehicle.
- (11) a vehicle validly displaying a waiver certificate in accordance with the Council's terms and conditions of use.
- (12) a vehicle in the service of a universal service provider as defined in Section 4(3) and (4) of the Postal Services Act 2000 being used for the purpose of delivering or collecting postal packets.
- (13) a vehicle validly displaying a valid permit issued under the Council's terms and conditions of use and parked in any permit holder bay shown on the Plans.
- (14) a vehicle displaying a valid parking ticket insofar as it is parked within a pay and display parking place as shown on the Plans where it complies with the following:-
 - (a) a parking ticket valid at that time has been obtained from an appropriate pay and display machine by the driver of the vehicle

- paying the appropriate charge as stipulated by the Council and by inserting the correct money in a ticket machine provided for the pay and display parking place
- (b) the parking ticket is displayed in a prominent position within the vehicle so that it can be read in its entirety from outside the vehicle
 - (c) the parking ticket is not transferred from one vehicle to another
 - (d) additional parking ticket(s) are not obtained to extend the parking period beyond the maximum length of stay as shown on the Plans
 - (e) if at the time when a vehicle is left during the permitted hours in a pay and display parking place and all the ticket machines relative to that parking place are out of order, that vehicle shall be exempt from payment of the charge and the requirement to display a pay and display ticket provided that it is removed within the maximum period of waiting specified for that parking place on the Plans and on street.
- (15) a vehicle displaying a valid parking ticket where the driver of the vehicle has paid the appropriate charge by an approved method of payment
 - (16) if and insofar as a vehicle described in Articles 10(1)(9)-(15) is parked in a parking place, that vehicle must be wholly parked within that parking place and must not obstruct access or egress from any dropped footway, drive or off-street vehicular access point.
 - (17) a police officer in uniform or a Civil Enforcement Officer may in case of emergency move or cause to be moved any vehicle left in a parking place to any place he thinks fit.

Power to suspend use of parking places

11. (1) A Police Constable in uniform may direct the suspension of the use of a Parking Place or any part thereof for no longer than twenty-four hours whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (2) Upon written application on a form approved by the Council and upon payment of the appropriate fee the Council may direct that the use of a parking place or any part thereof be suspended whenever it considers such suspension reasonably necessary.
- (3) 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.
- (4) Nothing in this Article restricts in any way the discretion afforded to the Council to stipulate such conditions to or grant such exemptions for any suspension directed in accordance with Article 11(2) as it considers

reasonably necessary. Notwithstanding the foregoing the exemptions provided for in Articles 10(6) and (7) will apply in respect of a suspended parking place.

- (5) Where the Council directs that the use of a parking place or any part thereof be suspended in accordance with Article 11(2), the Council will place or cause to be placed in or adjacent to that parking place or part thereof, traffic signs indicating that vehicles are prohibited from stopping or waiting or loading thereon.
- (6) No person shall cause or permit a vehicle to be left in any suspended parking place or any part thereof:
 - (a) during such period as any suspension directed in accordance with this Article is in force in respect of that parking place or any part thereof; and
 - (b) whilst there are in or adjacent to that parking place or part thereof traffic signs placed in accordance with Article 11(4) or placed by the police.
- (7) Where a person contravenes Article 11(6), that person shall incur a penalty charge.

Power to Dispense with the General Prohibition in respect of a parking place

- 12 (1) Upon written application on a form approved by the Council and payment of the appropriate fee the Council may grant a waiver certificate(s) restricted to a specified location and for a specified period, whenever it considers such grant reasonably necessary for the principal vehicle(s):
 - (a) for a wedding or a funeral or similar religious or civil ceremony; or where no reasonable alternatives exist, for other gatherings; or

(b) for the erection of scaffolding, works of repair, a building operation, demolition, excavation, maintenance, improvement or reconstruction to or at a dwelling-house or business premises; or

(c) for the convenience of occupiers of premises adjacent to the location on any occasion for the moving of furniture to or from such premises.

(2) A vehicle displaying a waiver certificate is exempted from the general prohibition in respect of the location specified for the period and date specified.

13. The prohibitions and restrictions imposed by the Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

PART IV

CONTRAVENTION OF ORDER

14 (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 may be issued by a Civil Enforcement Officer in accordance with the Act of 2004 and regulations made thereunder.

(3) If a vehicle is left after a penalty charge has been incurred a Civil Enforcement Officer may attach to the vehicle an immobilisation device and a

notice under Section 79 of the Act of 2004 and regulations made thereunder 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 Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article:-

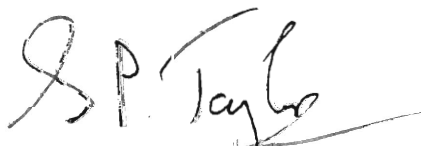
- (a) he shall provide for the safe custody of the vehicle;
- (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
- (c) the provisions of the Act of 1984 as amended 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.

Dated – 22 August 2011

20731

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



DIRECTOR OF LAW AND
DEMOCRATIC SERVICES
SWINDON BOROUGH COUNCIL

SCHEDULE ONE - LIST OF PLANS

No.	Tile Ref	Date Sealed	Operational Date
1	AL44	22/08/2011	29/08/2011
2	AM43	22/08/2011	29/08/2011
3	AM44	22/08/2011	29/08/2011
4	AN43	22/08/2011	29/08/2011
5	AO43	22/08/2011	29/08/2011
6	AP43	22/08/2011	29/08/2011
7	AQ43	22/08/2011	29/08/2011
8	BH41	22/08/2011	29/08/2011
9	BH42	22/08/2011	29/08/2011
10	BI41	22/08/2011	29/08/2011
11	BI42	22/08/2011	29/08/2011
12	BJ41	22/08/2011	29/08/2011
13	BJ42	22/08/2011	29/08/2011
14	BK41	22/08/2011	29/08/2011
15	BK42	22/08/2011	29/08/2011
16	BP31	22/08/2011	29/08/2011
17	BP32	22/08/2011	29/08/2011
18	BQ31	22/08/2011	29/08/2011
19	BT32	22/08/2011	29/08/2011
20	BW31	22/08/2011	29/08/2011
21	BW32	22/08/2011	29/08/2011
22	BX31	22/08/2011	29/08/2011
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27	BY28	22/08/2011	29/08/2011
28	BY29	22/08/2011	29/08/2011
29	BY31	22/08/2011	29/08/2011
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