

TAMESIDE METROPOLITAN BOROUGH COUNCIL

THE TAMESIDE METROPOLITAN BOROUGH
(ASHWORTH LANE, JOHN KENNEDY ROAD & STRINGER AVENUE,
LONGDENDALE) (PROHIBITION OF WAITING) ORDER 2009

THE TAMESIDE METROPOLITAN BOROUGH COUNCIL in exercise of its powers under Sections 1(1), 2(1), 2(2) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

1. (1) In this Order:-

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

"disabled person's vehicle" means a vehicle which displays a disabled person's badge in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended, or under any succeeding legislation, and shall include a badge issued under regulations having effect in Scotland or Wales under Section 21 of the Chronically Sick and Disabled Person's Act 1970, and a recognised badge under Section 21A and B of the 1970 Act.

"parking disc" means a disc issued by a local authority, 125 millimetres square, coloured blue and capable of showing the quarter hour period during which a period of waiting begins;

"owner" means the person by whom the vehicle is kept; and for the purpose of determining who was the owner of the vehicle at the time, it shall be presumed that the owner was the person who was the registered keeper of the vehicle at that time;

(2) For the purpose of this Order a vehicle shall be regarded as displaying:-

(a) a disabled person's badge in the relevant position, when:-

- (i) the badge is exhibited on the dashboard or fascia of the vehicle
or
- (ii) where a vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle, so that the front of the badge is clearly legible from the outside of the vehicle

(b) a parking disc in the relevant position if;

- (i) the disc is exhibited on the dashboard or fascia of the vehicle;
or
- (ii) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle, so that, when marked to show the quarter hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle.

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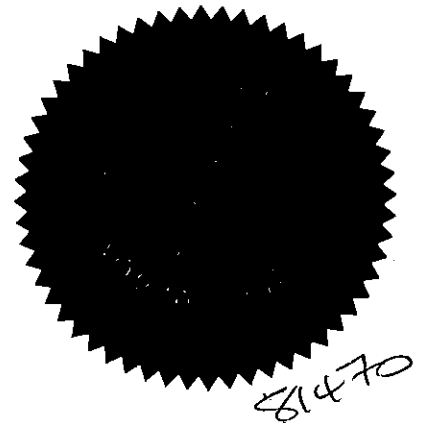
- (3) except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
2. Save as provided in Article 3 to this Order no person shall except upon the direction or ~~with the permission of a police constable in uniform or of a civil enforcement officer,~~ cause or permit any vehicle to wait at any time on the sides of lengths of roads specified in the Schedule to this Order.
3. (1) Nothing in Article 2 shall render it unlawful to cause or permit any vehicle to wait on the sides of lengths of roads referred to therein for so long as may be necessary to enable:-
- (a) persons to board or alight from a 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 sides of lengths of roads; or
 - (iv) the laying, erection, alteration or repair in, or the land adjacent to, the sides of lengths of roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any electronic communications network as defined in the Communications Act 2003.
 - (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority or any other Authority in the pursuance of statutory powers or duties;
 - (d) the vehicle, to be used for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000.
 - (e) the vehicle to wait at or near to any premises situated on or adjacent to the sides of lengths of roads for so long as such waiting is reasonably necessary in connection with any wedding or funeral; or
 - (f) the vehicle to be used for Fire Brigade, Ambulance or Police purposes.
- (2) Nothing in Articles 2 to this Order shall render it unlawful to cause or permit any vehicle to wait for so long as may be necessary for the purpose of enabling goods to be loaded onto or unloaded from the vehicle on the sides of lengths of roads specified in the Schedule to this Order, at any time.

- (3) Nothing in Article 2 to 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 person in charge of the vehicle, has marked the time at which the period of waiting began) to wait on any of the sides of lengths of roads referred to in the Schedule 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 on the same side of length of road on the same day).

4. THE COUNTY OF CHESTER (ASHWORTH LANE AND JOHN KENNEDY ROAD, MOTTRAM, LONGDENDALE UD) (PROHIBITION OF WAITING) ORDER 1972 is hereby revoked.
5. Pursuant to Section 35A(3)(a) of the Road Traffic Regulation Act 1984, the person responsible for any contravention or non compliance with this Order shall be the person who was the Owner of the vehicle involved in the contravention at the material time.
6. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restrictions or requirement imposed by any regulations made or having effect as if made under the said Act of 1984 or by or under any other enactment.

The Order shall come into operation on the 3rd day of July 2009 and may be cited as "THE TAMESIDE METROPOLITAN BOROUGH (ASHWORTH LANE, JOHN KENNEDY ROAD & STRINGER AVENUE, LONGDENDALE) (PROHIBITION OF WAITING) ORDER 2009"

THE COMMON SEAL OF TAMESIDE
METROPOLITAN BOROUGH COUNCIL
was hereunto affixed on the 29th June 2009
in the presence of




Borough Solicitor

SCHEDULE

- **No Waiting at Any Time: -**

ASHWORTH LANE

(south side) From its junction with John Kennedy Road to a point 15 metres north east of its junction with Stringer Avenue.

(north side) From its junction with John Kennedy Road for a distance of 37 metres in an easterly direction.

JOHN KENNEDY ROAD

(both sides) from its junction with Ashworth Lane to its junction with Costobadie Close.

STRINGER AVENUE

(both sides) From its junction with Ashworth Lane for a distance of 15 metres in a southerly direction.

SEALING NUMBER81470.....
(To be completed by Sealing Officer)

TAMESIDE LEGAL SERVICES

SEALING AUTHORITY

I certify that this document should be sealed under the following authority:- *(delete as necessary)*

1. Resolution of Committee on

OR

2. Delegated Power exercised by *Mike Thompson*
On *8/10/08*.

Signed *RK James*
Nominated Officer

Dated *25/6/2009*

