

**THE TAMESIDE METROPOLITAN BOROUGH**  
**THE TAMESIDE METROPOLITAN BOROUGH (BROOKFIELDS, MOSSLEY)**  
**(PROHIBITION OF WAITING & PARKING PLACE) ORDER 2011**

THE TAMESIDE METROPOLITAN BOROUGH COUNCIL in exercise of its powers under Sections 1(1), 2(1), 2(2), 32, 35 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:-**

"authorised parking place" means any area of carriageway which is comprised within and indicated by a road marking complying with diagram 1028.4 in Schedule 6 of the Traffic Signs and General Directions 2002, together with a sign complying with diagram 801 in Schedule 4 of the Traffic Signs Regulations and General Directions 2002 authorised or designated by an Order made of having effect as if made under the Act of 1984;

"driver" in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in the parking place.

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

"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;

**(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 facia of the vehicle so that the front of the badge is clearly legible from the outside of the vehicle or;
- (ii)** where a vehicle is not fitted with a dashboard or facia, 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 facia of the vehicle and shows the quarter hour period during which a period of waiting began and that period is clearly legible from the outside of the vehicle or;
    - (ii) where the vehicle does not have a dashboard or facia, 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 and that period is clearly legible from the outside of the vehicle.
  - (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 Schedule 1 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;
  - (f) the vehicle to be used for Fire Brigade, Ambulance or Police purposes.
- (2) Nothing in Article 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 Schedule 1 to this Order, at any time.
- (3) Nothing in Article 2 to this Order shall render it unlawful to cause or permit a 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 Schedule 1 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 part of road specified in Column 1 of Schedule 2 to this Order is authorised to be used, subject to the following provisions of this Order, as an authorised parking place for such classes of vehicle in such position, for such period of time as are specified in relation to that part of road in the said Schedule.
- 5. Where in Schedule 2 to this Order, the authorised parking place is described as available for vehicles of a class or in a specific position for a specific period of time, the driver of a vehicle shall not allow it to wait in the authorised parking place:-
  - (a) unless it is of the specified class;
  - (b) if it is in a position other than specified;
  - (c) for a period of time greater than that specified.
- 6. The driver of a vehicle shall not use the authorised parking place so as to unreasonably prevent access to any premises adjoining the road, or the use of the road by any other person, or so as to be a nuisance.
- 7. The driver of a vehicle using the authorised parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or about to depart from the authorised parking place.
- 8. No person shall use the vehicle whilst it is in the authorised parking place in connection with the sale of any article to persons in or near the authorised parking place or in connection with the selling or offering for hire of their skills or services.
- 9. When a vehicle is left in the authorised parking place in contravention of any of the provisions of Articles 5 & 6 to this Order a person authorised in that behalf may remove the vehicle or arrange for it to be removed from that authorised parking place; provided that when a vehicle is waiting in the authorised parking place in contravention of the provisions of Article 5(b) of this Order, a person authorised in that behalf may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.

10. Any person removing the 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 they may think necessary and take such measures in relation to the vehicle as they may consider necessary to enable them to remove it or alter its position as the case may be.
11. When a person removes or makes arrangements for the removal of a vehicle from the authorised parking place by virtue of Article 9 of this Order, they shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
12. Nothing in this Order shall render it unlawful to cause or permit any vehicle to wait in the parking place for so long as may be necessary to enable: -
  - (1) The vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle;
  - (2) 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: -
    - (a) building, industrial or demolitions operations;
    - (b) the removal of any obstruction to traffic;
    - (c) the maintenance, improvement or reconstruction of the said parking place; or
    - (d) the laying, erection, alteration or repair in, or the land adjacent to, the sides of lengths of roads of any sewer or main, pipe or apparatus for the supply of gas, water or electricity or any electronic communications network as defined by the Communications Act 2003
  - (3) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of the local authority or any other Authority in pursuance of statutory powers or duties;
  - (4) the vehicle, to be used for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000;
  - (5) 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
  - (6) the vehicle to be used by the Fire Brigade, Ambulance or Police purposes.
13. 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.
14. The TAMESIDE METROPOLITAN BOROUGH COUNCIL (VARIOUS STREETS, MOSSLEY)(PROHIBITION OF WAITING)ORDER 2009 shall have the effect as though in the Schedule to that order the sides and lengths of road "Brookfields" were deleted therefrom.

15. 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 14<sup>th</sup> day of July 2011 and may be cited as "THE TAMESIDE METROPOLITAN BOROUGH (BROOKFIELDS, MOSSLEY) (PROHIBITION OF WAITING & PARKING PLACE) ORDER 2011

THE COMMON SEAL OF TAMESIDE  
METROPOLITAN BOROUGH COUNCIL  
was hereunto affixed on the 14<sup>th</sup> day of July 2011  
in the presence of

  
Borough Solicitor  




83151

## SCHEDULE 1

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

### **Brookfields**

- (north side) From its junction with Egerton Street for a distance of 2 metres in an easterly direction.
- (north side) From a point 12 metres east of its junction with Egerton Street in an easterly direction upto and including its cul de sac end.
- (south side) From its junction with Stamford Road up to its cul de sac end.

## SCHEDULE 2

- **Parking Place :-**

Column 1	Column 2	Column 3	Column 4	Column 5
<u>Situation of parking place</u>	<u>Position in which vehicles may wait</u>	<u>Class of vehicle</u>	<u>Days &amp; hours of operation of parking place</u>	<u>Maximum period of which vehicles may wait</u>
BROOKFIELDS (NORTH SIDE) All that part of the north side of Brookfields, which is bounded on the north side by so much of the edge of the carriageway of that highway as extends from a point 2 metres east of its junction with Egerton Street for a distance of 10 metres in an easterly direction and has a width throughout 2.0 metres or thereabouts	Wholly within the limits of the authorised parking place.	Any motor vehicle	All days & hours	No limit