

**TAMESIDE METROPOLITAN BOROUGH COUNCIL**

**THE TAMESIDE METROPOLITAN BOROUGH  
(HIGH STREET, STALYBRIDGE)  
(DISABLED PERSONS' PARKING PLACE) (EXPERIMENTAL) ORDER 2010**

THE TAMESIDE METROPOLITAN BOROUGH COUNCIL in exercise of its powers under Sections 11, 12, 32 and 35(1) 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 1028.3 in Schedule 6 of the Traffic Signs and General Directions 2002, together with a sign complying with diagram 661A in Schedule 2 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.

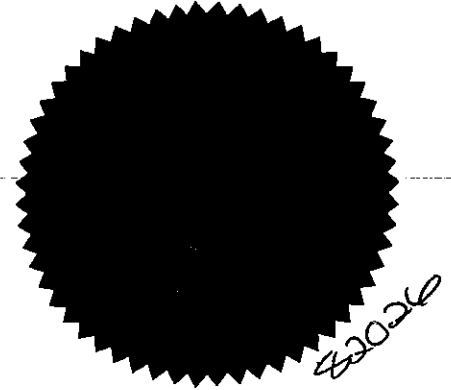
- (b) a parking disc in the relevant position if;
- (i) the disc is exhibited on the dashboard or fascia of the vehicle and shows the quarter hour period during which a period of waiting began and that period is clearly legible from the outside of the vehicle or;
  - (ii) where the vehicle does not have a dashboard or 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 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. The part of road specified in Column 1 of the Schedule to this Order is authorised to be used subject to the following provisions of this Order, as a parking place for such classes of vehicles in such positions as are specified in relation to that part of road in the said Schedule.
3. Where in the Schedule to this Order, the 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 the parking place: -
  - (1) Unless it is of the specified class; or
  - (2) If it is in a position other than that specified.
4. 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 the Schedule to this Order in relation to that parking place.
5. The driver of a vehicle shall not use the parking place so as unreasonably to 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.
6. The driver of a vehicle using the parking place shall stop the engine as soon as the vehicle is in position and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
7. No person shall use the vehicle whilst it is in the parking place in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.
8. When a vehicle is left in the parking place in contravention of any provisions of Articles 3 and 4 of this Order of a person authorised in that behalf may remove the vehicle or arrange for it to be removed from that parking place: Provided that when a vehicle is waiting in the parking place in contravention of the provisions of Article 3(2) 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.

9. 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 a manner as he may think necessary and 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.
10. When a person removes or makes arrangements for the removal of a vehicle from the parking place by virtue of Article 8 of this Order, he shall make such arrangements as may be necessary for the safe custody of the vehicle.
11. 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.
12. 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
13. 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 other 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 19<sup>th</sup> day of February 2010 and may be cited as  
"THE TAMESIDE METROPOLITAN BOROUGH (HIGH STREET, STALYBRIDGE)  
(DISABLED PERSONS' PARKING PLACE) (EXPERIMENTAL) ORDER 2010"

THE COMMON SEAL OF TAMESIDE  
METROPOLITAN BOROUGH COUNCIL  
was hereunto affixed on the 10<sup>th</sup> February 2010  
in the presence of



  
Borough Solicitor

#### SCHEDULE

- 24 hour Disabled Bay : -

Column 1	Column 2	Column 3	Column 4	Column 5
<u>Parts of roads in Tameside Metropolitan Borough</u>	<u>Position in which vehicle may wait</u>	<u>Class of vehicle</u>	<u>Days and hours of operations of parking place</u>	<u>Maximum period that vehicle may wait</u>
High Street, Stalybridge (north west side) : from a point 47 metres north east of its junction with James Street for a distance of 6.6 metres in a north easterly direction.	Wholly within the limits of the parking place, parallel to the kerb.	Disabled Persons' vehicle	All days and hours	Unrestricted

SEALING NUMBER ..... 82026 .....  
(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 ROBIN MONK.  
On 26/11/2010

Signed ..... Nigel Gurne .....  
Nominated Officer

Dated ..... 8/2/10 .....

