

**TAMESIDE METROPOLITAN BOROUGH COUNCIL**

**THE TAMESIDE METROPOLITAN BOROUGH**  
**ST MICHAEL'S SQUARE ASHTON – UNDER - LYNE**  
**( PARKING PLACES AND TRAFFIC REGULATION ) ORDER 2009**

THE TAMESIDE METROPOLITAN BOROUGH COUNCIL in exercise of its powers under Sections 32, 35, 35A and 36 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:-

"authorised parking place" means the parking bays described in column 1 of Schedule 3 to this Order;

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges For Motor Vehicles) 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 Persons Act 1970;

"driver" in relation to a vehicle entering or 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

"motor car" and "motor cycle" have the same meaning as in Section 136 of the Road Traffic Regulation Act 1984

"parking disc" means a disc issued by a local authority, 125 millimetres square and coloured blue if issued on or after 1<sup>st</sup> April 2001 or coloured orange if issued before that date and capable of showing the quarter hour period during which a period of waiting begins;

"St Michael's Square parking area " means that area defined in Schedule 1 of this Order

(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:-

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- (i) the badge is exhibited on the dashboard or fascia of the vehicle, or
- (ii) where the 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.

- (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.

## **TRAFFIC REGULATION**

2. Save as provided in Article 5 to this Order no person shall except upon the direction or with the permission of a police constable in uniform or of a traffic warden, cause or permit any vehicle to enter or proceed in any of the lengths of road within the St Michael's Square parking area as defined in Schedule 1 to this Order.
3. Any person causing a vehicle to enter the St Michael's Square parking area from its junction with Old Street or exiting a parking place within it shall travel around the internal circulatory road as defined in Schedule 2 to this Order in a clockwise direction.
4. Save as provided in Article 6 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 lengths of road referred to in Schedule 2 to this Order.
- 5
  - (1) Nothing in Article 2 of this Order shall render it unlawful to cause or permit any vehicle to enter or proceed in the St Michael's Square parking area so far as such entry or proceeding is reasonably necessary to enable the vehicle to be used for any of the purposes specified in paragraph (2) of this Article.
  - (2) The purposes referred to in paragraph (1) of this Article are:-
    - (a) the removal of any obstruction to traffic
    - (b) police, fire brigade or ambulance purposes

- (c) in the service of any local authority or any other authority in pursuance of statutory powers or duties, the maintenance, cleansing, improvement or reconstruction of the said lengths of road or the laying, erection, alteration or mend in or adjacent to the said lengths of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications network as defined in the Communications Act 2003
- (d) any building, industrial or demolition operations within or adjacent to the St Michael's Square parking area
- (e) the delivery or collection of postal packets as defined in the Postal Services Act 2000
- (f) to wait at or near any premises situated within or adjacent to the St Michael's Square parking area provided that such waiting is reasonably necessary in connection with any wedding or funeral
- (g) to enable goods to be delivered to or collected from premises located within the St Michael's Square parking area
- (h) to access an authorised parking place
- (i) being a disabled person's vehicle to wait in accordance with the provisions of Article 8 or 11 to this Order

6 (1) Nothing in Article 4 to this Order 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 within or adjacent to the St Michael's Square parking area
  - (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 Article 4 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 2 to this Order, at any time.
- 7 Nothing in Article 4 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 side of the length of road referred to in Schedule 2 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 that length of road on the same day).

#### **AUTHORISATION AND USE OF PARKING PLACES.**

- 8 The parts of road specified in column 1 of Schedule 3 to this Order are authorised to be used subject to the following provisions of this Order as authorised parking places for vehicles in such positions and for such periods of time as are specified in relation to that part of the road in the said Schedule.
- 9 Nothing in Article 8 shall restrict the power of the Council, for preventing obstruction of the streets, by order on the occasion of any public procession, rejoicing or illumination, or when the streets are thronged or liable to be obstructed, to close any authorised parking place.
- 10 Save as provided in Article 11 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 between the hours of 8.00am and 6.00pm on Monday to Saturday inclusive in an authorised parking place specified in column 1 of Schedule 3 to this Order:-
- (1) for a longer period than 30 minutes; or
  - (2) if a period of less than 1 hour has elapsed since the termination of the last period of waiting, if any, by that vehicle in an authorised parking place within the St Michael's Square parking area.
- 11 Nothing in Article 10 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

between the hours of 8am and 6pm Monday to Saturday in an authorised parking place referred to in column 1 of Schedule 3 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 that length of road on the same day).

- 12 The driver of a vehicle shall not permit it to enter or wait in an authorised parking place specified in Schedule 4
  - (1) if it is in a position other than that specified (column 2 of Schedule 3) or
  - (2) unless it is of the specified class (column 3 of Schedule 3) or
  - (3) for a period of time greater than that specified (column 5 of Schedule 3)
- 13 The driver of a vehicle shall not use an 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
- 14 The driver of a vehicle shall not use an authorised parking place when for preventing obstruction of the streets the Council shall by order, made on the occasion of of any public procession, rejoicing or illumination, or when the streets are thronged and liable to be obstructed, have closed that parking place and exhibited Notice of such closing on or near the parking place.
- 15 The driver of a vehicle using an 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.
- 16 No person shall use the vehicle whilst it is in an authorised 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.
- 17 When a vehicle is left in an authorised parking place in contravention of any of the provisions of Article 13 of this Order 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 an authorised parking place in contravention of the provisions of Article 12(1) 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.
- 18 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.
- 19 When a person removes or makes arrangements for the removal of a vehicle from an authorised parking place by virtue of Article 18 of this Order, he shall make such arrangements as may be necessary for the safe custody of the vehicle.

## GENERAL

- 20 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
- 21 The TAMESIDE METROPOLITAN BOROUGH (ST MICHAELS SQUARE, ASHTON-UNDER-LYNE) (RESTRICTION OF ACCESS AND TRAFFIC REGULATION) ORDER 1992 is hereby revoked
- 22 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.

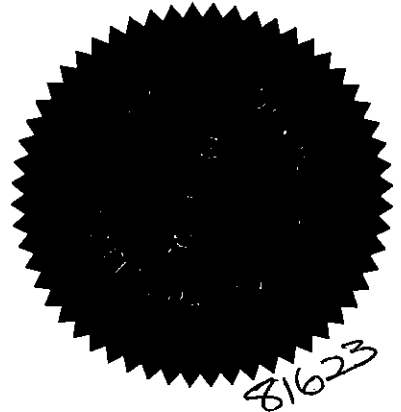
The Order shall come into operation on the 23rd day of July 2009 and may be cited as

**"THE TAMESIDE METROPOLITAN BOROUGH ( ST MICHAEL'S SQUARE  
ASHTON – UNDER – LYNE ) ( PARKING PLACES AND TRAFFIC REGULATION )  
ORDER 2009"**

THE COMMON SEAL OF TAMESIDE  
METROPOLITAN BOROUGH COUNCIL  
was hereunto affixed on the 23rd day of July 2009  
in the presence of

  
Borough Solicitor

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## **SCHEDULE 1**

### **Description of the St Michael's Square parking area**

From point A following the southern highway boundary of Old Street to point B

Point A is on the southern highway boundary of Old Street where it is intersected by the extended building line of the westerly side of St Michael's Square.

Point B is on the southern highway boundary of Old Street at its junction with the south western highway boundary of the link road connecting Old Street and Stamford Street Central.

From point B following the south westerly, westerly and north westerly highway boundary of the link road connecting Old Street and Stamford Street Central to point C

Point C is on the north westerly highway boundary of the link road connecting Old Street and Stamford Street Central at its junction with the northerly highway boundary of Stamford Street Central

From point C following the northern highway boundary of Stamford Street Central to point D

Point D is on the northern highway boundary of Stamford Street Central where it is intersected by the extended building line of the westerly side of St Michael's Square.

From point D following the building line of the westerly side of St Michael's Square to point A

## **SCHEDULE 2**

The internal circulatory road within the St Michael's Square except for the authorised parking places specified in Schedule 3

### SCHEDULE 3

Column 1	Column 2	Column 3	Column 4	Column 5
Parking bay within the St Michael's Square parking area	Position in which vehicle may wait	Class of vehicle	Days and hours of operation of parking bay	Period of waiting allowed
Between the easterly boundary of St Michael's Square and the eastern side of the southbound leg of the internal circulatory road, from a point approximately 5 metres south of Old Street for a distance of 23 metres in a southerly direction	Wholly within the defined limits of the parking bay and approximately perpendicular to the internal circulatory road	Motor car or motor cycle	All days and all hours	30 minutes during the period 8am to 6pm Monday to Saturday At other times no limit
3 metre wide strip to the east of the eastern side of the northbound leg of the internal circulatory road, from a point approximately 10 metres south of Old Street for a distance of 24 metres in a southerly direction	Wholly within the defined limits of the parking bay and approximately parallel to the internal circulatory road	Motor car or motor cycle	All days and all hours	30 minutes during the period 8am to 6pm Monday to Saturday At other times no limit



From a point approximately 2 metres north of the northern highway boundary of Stamford Street Central for a distance of approximately 5 metres in a northerly direction and from the south western side of the northbound leg of the internal circulatory road, in a westerly direction to a point approximately 2.7 metres from the frontage of 114 Stamford Street at the northern edge of the bay and to a point 4.6 metres from the frontage of 114 Stamford Street at the southern edge of the bay	Wholly within the defined limits of the parking bay and approximately parallel to Stamford Street Central	Motor car or motor cycle	All days and all hours	30 minutes during the period 8am to 6pm Monday to Saturday At other times no limit
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SEALING NUMBER 81623  
(To be completed by Sealing Officer)

**TAMESIDE LEGAL SERVICES**

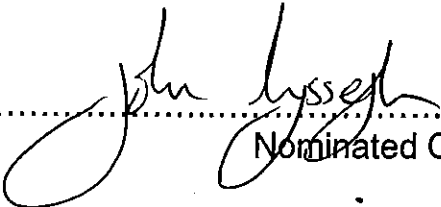
**SEALING AUTHORITY**

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 Director of Economy and Environment  
On 14 October 2008

Signed   
Nominated Officer

Dated 21-7-07

