

TAMESIDE METROPOLITAN BOROUGH COUNCIL

THE TAMESIDE METROPOLITAN BOROUGH
(COUNTY AVENUE & WITHAM STREET, ASHTON UNDER LYNE)
(PROHIBITION OF WAITING) ORDER 2013

THE TAMESIDE METROPOLITAN BOROUGH COUNCIL in exercise of its powers under Sections 1(1), 2(1), 2(2) and of 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 Parts 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;

(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 4 and 5 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 1 to this Order.

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3. Save as provided in Articles 4 and 5 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 8am and 7pm Monday to Sunday inclusive on the sides of lengths of roads specified in Schedule 2 to this Order.

4. (1) Nothing in Article 2 and 3 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.

5. (1) Nothing in Article 2 and 3 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 Schedules 1 and 2 to this Order.

(2) Nothing in Article 2 and 3 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 Schedules 1 and 2 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)

6. THE TAMESIDE METROPOLITAN BOROUGH (MOSSLEY ROAD AREA, ASHTON – UNDER-LYNE)(PROHIBITION OF WAITING)(PART 1) ORDER 2012 shall have the affect as though the "Witham Street" was deleted therefrom. AUL 538
7. THE TAMESIDE METROPOLITAN BOROUGH (WITHAM STREET)(ASHTON UNDER LYNE) (PROHIBITION OF WAITING) ORDER 2008 is hereby revoked. AUL 473
8. 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 9th September 2013 and may be cited as "**THE TAMESIDE METROPOLITAN BOROUGH (COUNTY AVENUE & WITHAM STREET, ASHTON UNDER LYNE) (PROHIBITION OF WAITING) ORDER 2013**"

THE COMMON SEAL OF TAMESIDE
METROPOLITAN BOROUGH COUNCIL
was hereunto affixed on the 2nd day of
September 2013 in the presence of

AAG

Borough Solicitor

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SCHEDULE 1

No Waiting at Any Time

County Avenue (north side)	from its junction with Fountain Street in a north easterly direction upto and including its cul de sac end
County Avenue (south side)	from its junction with Fountain Street for a distance of 15 metres in a north easterly direction
County Avenue (south side)	from a point 144 metres north east of its junction with Fountain Street upto its cul de sac end
Witham Street (east side)	from its junction with Mossley Road for a distance of 27 metres in a southerly direction
Witham Street (west side)	from its junction with Mossley Road for a distance of 10 metres in a southerly direction
Witham Street (west side)	from a point 20 metres south of its junction with Mossley Road for a distance of 5 metres in a southerly direction

SCHEDULE 2

No Waiting, Monday – Sunday inclusive, 8am to 7pm

Witham Street (east side)	from a point 60 metres south of its junction with Mossley Road to the extended northerly kerbline of Witham Street
Witham Street (west side)	from a point 61 metres south of its junction with Mossley Road to the extended southerly kerbline of Witham Street
Witham Street (north side)	from the extended easterly kerbline of Witham Street for a distance of 19 metres in an easterly direction (westerly boundary line of 16 Witham Street)
Witham Street (north side)	from a point 68 metres east of the extended easterly kerbline of Witham Street (boundary line of nos 26 & 28 Witham Street) for a distance of 52 metres in an easterly direction.
Witham Street (south side)	from the extended west kerbline of Witham Street for a distance of 85 metres in an easterly direction (boundary line of nos 29 & 31 Witham Street).
Witham Street (south side)	from a point 117 metres east of the extended west kerbline of Witham Street (boundary of nos. 37 & 39) for 7 metres in an easterly direction
Witham Street (north easterly cul de sac end)	from a point 125 metres east of the extended easterly kerbline of Witham Street up to and including the north easterly cul de sac end, terminating at the disabled bay on the southern side of Witham Street