

TAMESIDE METROPOLITAN BOROUGH COUNCIL

THE TAMESIDE METROPOLITAN BOROUGH
(COUNTY AVENUE & WITHAM STREET, ASHTON UNDER LYNE)
(DISABLED PERSONS' PARKING PLACE) ORDER 2013

THE TAMESIDE METROPOLITAN BOROUGH COUNCIL in exercise of its powers under Sections 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:-

"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 Regulations 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 or 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.

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges For Motor Vehicles)(England) Regulations 2000, or the Chronically Sick & Disabled Persons Act 1970.

"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;

"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 any 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 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-

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- (i) the disc is exhibited on the dashboard or facia 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, 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. A disabled person's vehicle must display in the relevant position a disabled person's badge to wait on any of the sides of lengths of roads referred to in the Schedule to this Order.
5. 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.
6. 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.
7. The driver of a vehicle using the 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 to depart from the parking place.
8. 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.
9. When a vehicle is left in the parking place in contravention of any of the provisions of Articles 3 and 5 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 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.
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 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.

11. When a person removes or makes arrangements for the removal of a vehicle from the parking place by virtue of Article 9 of this Order, he shall make such arrangements as may be 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, 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 demolition 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 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.
 - (2) 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;
 - (3) the vehicle, to be used for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000;
 - (4) 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
 - (5) the vehicle to be used for 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 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 day of September 2013 and may be cited as "THE TAMESIDE METROPOLITAN BOROUGH, THE TAMESIDE METROPOLITAN BOROUGH (COUNTY AVENUE & WITHAM STREET, ASHTON UNDER LYNE) (DISABLED PERSONS' PARKING PLACE) ORDER 2013"

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


Borough Solicitor



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SCHEDULE

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>
<u>Parts of road in Tameside Metropolitan Borough</u>	<u>Position in which Vehicle may wait</u>	<u>Class of Vehicle</u>	<u>Days and Hours of Operation of Parking Place</u>	<u>Maximum Period that Vehicle may wait</u>
Witham Street : south side: from a point from a point 124 metres east of the extended westerly kerbline of Witham Street for a distance of 6.6 metres in an easterly direction.	Wholly within the limits of the parking place, parallel to the kerb	Disabled Persons' vehicle displaying in the relevant position a disabled person's badge.	All days and Hours	Unrestricted