

TAMESIDE METROPOLITAN BOROUGH COUNCIL

THE TAMESIDE METROPOLITAN BOROUGH (MARKET STREET AREA, DENTON)
(PROHIBITION AND RESTRICTION OF WAITING, DISABLED PERSON'S PARKING PLACE)
ORDER 2012

THE TAMESIDE METROPOLITAN BOROUGH COUNCIL in exercise of its powers under Sections 1(1), 2(1), 2(2), 4(2), 32, 35(1) 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:-

"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.

"parking place" means any parking place on a road authorised or designated by an Order made or having effect as if made under the Act of 1984;

"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;

"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 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 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 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;

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- (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. Save as provided in Article 17 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. Save as provided in Article 17 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 wait between the hours of 8am and 7pm on Monday to Saturday inclusive on the sides of lengths of road specified in Schedule 2 to this Order.

4. Save as provided in Article 17 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 on Monday to Saturday inclusive on the sides of lengths of roads specified in Schedule 3 to this Order:-

(1) for a longer period than 2 hour; or

(2) if a period of less than 4 hours has elapsed since the termination of the last period of waiting, if any, by that vehicle on the same side of length of road.

5. Save as provided in Article 17 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 7am and 6pm on Monday to Friday inclusive on the sides of lengths of roads specified in Schedule 4 to this Order:-

(3) for a longer period than 10 minutes; or

(4) if a period of less than 50 minutes has elapsed since the termination of the last period of waiting, if any, by that vehicle on the same side of length of road.

6. The part of road specified in Column 1 of Schedules 5 and 6 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 Schedules.

7. Where in Schedules 5 and 6 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.

8. A disabled person's vehicle must display 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 5 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).

9. 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 Schedule 6 to this Order.
10. 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 Schedules 5 and 6 to this Order in relation to that parking place.
11. 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.
12. 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.
13. 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.
14. When a vehicle is left in the parking place in contravention of any of the provisions of Articles 7 and 10 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 7(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.
15. 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.
16. When a person removes or makes arrangements for the removal of a vehicle from the parking place by virtue of Article 14 of this Order, he shall make such arrangements as may be necessary for the safe custody of the vehicle.
17. (1) Nothing in Articles 2, 3, 4, 5 and 6 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.

- (2) Nothing in Article 2, 3, 4 and 5 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, 2, 3 and 4 to this Order, at any time.
- (3) 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).
- (4) Nothing in Article 4 and 5 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, to wait on any of the sides of lengths of roads referred to in those Articles.

18. THE TAMESIDE METROPOLITAN BOROUGH (VARIOUS ROADS, DENTON) (PROHIBITION AND RESTRICTION OF WAITING, LOADING AND UNLOADING) ORDER 2008 shall have the effect as though the sides of lengths of road 'Albert Street' and 'Duke Street' in Schedule 5 to that Order were deleted therefrom.

19. THE TAMESIDE METROPOLITAN BOROUGH (MARKET STREET, ALBERT STREET AND DUKE STREET, DENTON) (PROHIBITION AND RESTRICTION OF WAITING) ORDER 2007 shall have the effect as though:

- 1) The following sides of lengths of road were deleted from Schedule 1 to that Order;

MARKET STREET (east side)	from its junction with Albert Street for a distance of 30 metres in a southerly direction.
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- 2) The following side of lengths of road were deleted from Schedule 2 to that Order;

MARKET STREET (west side)	from a point 12 metres north of Duke Street for a distance of 51 metres in a northerly direction.
ALBERT STREET (south side)	from a point 15 metres west of its junction with Stockport Road to a point 10 metres east of its junction with Market Street.

21. THE TAMESIDE METROPOLITAN BOROUGH (MARKET STREET, DENTON) (DISABLED PERSONS' PARKING PLACE) ORDER 2007 is hereby revoked.

22. THE TAMESIDE METROPOLITAN BOROUGH (DUKE STREET, DENTON) (SCHOOL ENTRANCE PROHIBITION OF STOPPING) ORDER 2000 is hereby revoked.

23. 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 30th day of September 2013 and may be cited as "**THE TAMESIDE METROPOLITAN BOROUGH (MARKET STREET AREA, DENTON) (PROHIBITION AND RESTRICTION OF WAITING, DISABLED PERSON'S PARKING PLACE) ORDER 2012**".

THE COMMON SEAL OF TAMESIDE
METROPOLITAN BOROUGH COUNCIL
was hereunto affixed on the 26th September 2013
in the presence of


Borough Solicitor




84754

SCHEDULE 1

No Waiting at Any Time:-

ALBERT STREET

(north side) From the westerly kerbline of Market Street for a distance of 5 metres in an easterly direction.

MARKET STREET

(east side) From its junction with Albert Street for a distance of 3 metres in a southerly direction.

(east side) From a point 15 metres south of its junction with Albert Street for a distance of 15 metres in a southerly direction.

SCHEDULE 2

No Waiting Monday – Saturday 8am – 7pm

DUKE STREET

(south side) From a point 15 metres west of its junction with Stockport Road to its junction with Market Street.

SCHEDULE 3

Limited Waiting 2 hours, No return within 4 hours, Monday to Saturday, 8am to 7pm

MARKET STREET

(west side) From a point 12 metres north of its junction with Duke Street for a distance of 28 metres in a northerly direction.

ALBERT STREET

(north side) From a point 15 metres west of its junction with Stockport Road for 25 metres in a westerly direction.

(south side) From a point 15 metres west of its junction with Stockport Road to a point 10 metres east of its junction with Market Street.

SCHEDULE 4

Limited Waiting 10 mins, No return within 50 mins, Monday to Friday 7am – 6pm

MARKET STREET

(east side) from a point 42 metres south of its junction with Albert Street for a distance 12 metres in a southerly direction.

(east side) From a point 64 metres south of its junction with Albert Street for a distance of 10 metres in a southerly direction.

SCHEDULE 5

3 hour Disabled Persons Parking Place:-

Column 1 <u>Parts of road in</u> <u>Tameside Metropolitan</u> <u>Borough</u>	Column 2 <u>Position in</u> <u>which vehicle</u> <u>may wait</u>	Column 3 <u>Class of vehicle</u>	Column 4 <u>Days and</u> <u>hours of</u> <u>operation of</u> <u>parking place</u>	Column 5 <u>Maximum</u> <u>period that</u> <u>vehicle may</u> <u>wait</u>
ALBERT STREET (north side) From a point 40 metres west of its junction with Stockport Road to a point 5 metres east of the westerly kerbline of Market Street.	Wholly within the limits of the parking place, parallel to the kerb	Disabled person's vehicle displaying in the relevant position a disabled person's badge and parking disc	All days and hours	3 hours

SCHEDULE 6

24 hour Disabled Persons Parking Place:-

Column 1 <u>Parts of road in</u> <u>Tameside Metropolitan</u> <u>Borough</u>	Column 2 <u>Position in</u> <u>which vehicle</u> <u>may wait</u>	Column 3 <u>Class of vehicle</u>	Column 4 <u>Days and</u> <u>hours of</u> <u>operation of</u> <u>parking place</u>	Column 5 <u>Maximum</u> <u>period that</u> <u>vehicle may</u> <u>wait</u>
MARKET STREET (east side) From a point 3 metres south of its junction with Albert Street for a distance of 12 metres in a southerly direction.	Wholly within the limits of the parking place, parallel to the kerb	Disabled person's vehicle displaying in the relevant position a disabled person's badge	All days and hours	Unrestricted