

THE KENT COUNTY COUNCIL
(MOUNT PLEASANT ROAD, TUNBRIDGE WELLS)
(PROVISION OF GOODS VEHICLE LOADING BAY) No.2 ORDER 2018
ROAD TRAFFIC REGULATION ACT 1984

THE KENT COUNTY COUNCIL (hereinafter referred to as "the Council") acting as the local traffic authority and in exercise of its powers under Sections 1, 2, 4, 32, 35 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") as amended by the Traffic Management Act 2004 Part 6 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 make the following Order:-

Commencement and Citation

This Order shall come into operation on the 26th day of August 2019 and may be cited as "THE KENT COUNTY COUNCIL (MOUNT PLEASANT ROAD, TUNBRIDGE WELLS BOROUGH) (PROVISION OF GOODS VEHICLE LOADING BAY) No. 2 ORDER 2018" ("this Order").

Interpretation

(1) In this Order:-

| Term | Meaning |
|-------------------------------|--|
| "Civil Enforcement Area" | means an area where civil enforcement of parking restrictions can be undertaken as defined by s.74 of the Traffic Management Act 2004 |
| "Civil Enforcement Officer" | means a person employed by Tunbridge Wells Borough Council in pursuance of powers granted by s.76 of the Traffic Management Act 2004 |
| "Contravention" | means a failure to comply with restrictions set out in this Order that may result in the issue of a Penalty Charge Notice |
| "Delivering" and "Collecting" | in relation to any Goods includes checking the Goods for the purposes of delivery or collection |
| "Disabled Person's Badge" | has the same meaning as in regulation s.2 of the Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000 |
| "Disabled Person's Vehicle" | means a Vehicle lawfully displaying a Disabled Person's Badge in relation to a Vehicle waiting in a street Parking Place |
| "Driver" | in relation to a vehicle waiting in a Loading Bay, means the person driving the vehicle at the time it was left in the Loading Bay |
| "Emergency Services Vehicle" | means a Vehicle operated by the police, fire & rescue service or ambulance service |
| "Goods" | includes postal packets of any description and has the same meaning as that assigned to postal packets in s.27 of the Postal Services Act 2011 |
| "Goods Vehicle" | means a Vehicle which is designed and constructed for the primary purpose of carrying Goods |
| "Junction" | means the intersection point of the centrelines, or projected centrelines, of the Roads specified |
| "Loading Bay" | means any area of carriageway specified in the Schedule to this Order where waiting other than for the purpose of loading or unloading is prohibited |
| "Owner" and "Traffic Sign" | have the same meanings as in Section 142 of the Act |

| Term | Meaning |
|---------------------------------|---|
| "Parking Disc" | means a disc, issued by a local authority, 125mm in diameter, coloured blue and capable of showing the quarter hour period during which a period of waiting begins |
| "Parking Exemption Certificate" | means a certificate or other means of identification which has been issued by the local traffic authority or its appointed agents permitting a specified Vehicle to wait in specified circumstances on a length or lengths of Road where the waiting of that Vehicle would otherwise be restricted or prohibited. |
| "Parking Place" | means an area of highway designated in this Order for the waiting of Vehicles of specified classes and provided under Section 32 of the Act for use as a parking place |
| "Penalty Charge" | has the same meaning as set out in Part 1 regulation 2 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 |
| Penalty Charge Notice | has the same meaning as set out in Regulation 8 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 |
| "Relevant Position" | means:- 1) in respect of a Disabled Person's Badge and where the Vehicle is fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from the outside of the Vehicle 2) in the case of a Vehicle not fitted with a dashboard or fascia panel, the Disabled Person's Badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from the outside of the Vehicle. 3) in the case of a Parking Exemption Certificate, in a conspicuous position inside the Vehicle so that the certificate is visible in full and legible from outside the Vehicle. |
| "Road" | means the full width, including any footway or verge, of any length of highway or of any other road to which the public have access, and includes bridges over which a road passes |
| "Universal Service Provider" | has the same meaning as in s.65 of the Postal Services Act 2011 |
| "Vehicle" | has the same meaning as that assigned to "motor vehicle" in s.136(1) of the Act |

Restrictions Imposed

- (2) Each area of highway specified in the Schedule to this Order is hereby designated as a Goods Vehicle Loading Bay.
- (3) Except as provided in Article (4) no person shall cause or permit any Vehicle to wait at any time in any Parking Place specified in the Schedule to this Order unless that Vehicle is a Goods Vehicle and is being used for the loading or unloading of Goods in connection with nearby trade or business premises

Exemptions from Waiting Restrictions

- (4) Nothing in Article (3) of this Order shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of Road referred to in that Article for so long as may be reasonably necessary:-
 - (a) if done with the permission of, or at the direction of, a police officer in uniform or a Civil Enforcement Officer
 - (b) to enable a person to board or alight from the Vehicle;
 - (c) to enable Goods to be loaded onto or unloaded from a Goods Vehicle provided such loading or unloading is continuous;

- (d) for a Vehicle, if it is in the service of a Universal Service Provider and marked as such, to be used for the purpose of Delivering or Collecting Postal Packets;
- (e) to enable the vehicle, if it cannot conveniently be used for such a purpose in any other road, to be used in the service of any local authority or with the permission of any such authority in pursuance of statutory powers and duties;
- (f) to enable the maintenance, improvement or reconstruction of said Roads; and
- (g) to enable the Vehicle to be used for police, ambulance or fire brigade purposes.

General Provisions

- (6) In so far as any provision of this Order conflicts with a provision which is contained in an order made or having effect as if made under the Act, and existing at the time when this Order comes into operation, and which imposes a restriction or prohibition on waiting by Vehicles or grants an exemption from such restriction or prohibition, the provisions of this Order shall prevail.
- (7) The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by regulations made or having effect as if made under the Act, or by or under any other enactment.

Power to Suspend use of Parking Places

- (8) Any person authorised by the Council may suspend the use of a Parking Place whenever he considers such suspension reasonably necessary

No Waiting in a Suspended Parking Place

- (9) No person shall cause or permit a Vehicle to wait in a Parking Place or any part thereof during such period as the Council has suspended that Parking Place or part thereof
- (10) Nothing in Article (9) shall render it a contravention to cause or permit a vehicle to be left in a Parking Place which has been suspended which displays in the Relevant Position a valid Parking Exemption Certificate issued by the Council

Contraventions of this Order

- (11) Where a person contravenes any of the provisions of this Order, and the vehicle does not fall into any one of the exemptions contained within Articles (4) or (10) of this Order, a Penalty Charge Notice may be issued by a Civil Enforcement Officer and a Penalty Charge may be payable.

The provisions of this Order shall prevail over the provisions of any previous Order.

Given under the Common Seal of the Kent County Council

This 19th day of August 2019

THE COMMON SEAL OF THE
KENT COUNTY COUNCIL was
hereunto affixed in the
presence of:-


Authorised Signatory



812 - 0079

THE SCHEDULE

No Waiting at Any Time Except for Goods Vehicle Loading

| Road | Side | Definition |
|--------------------------------------|-----------|---|
| Mount Pleasant Road, Tunbridge Wells | West side | From a point 18 metres north of its Junction with Church Road for a distance of 21 metres in a northerly direction. |