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THE KENT COUNTY COUNCIL
(MONSON WAY, TUNBRIDGE WELLS)
(PROVISION OF PARKING PLACES) ORDER 2015
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 of 1984") and 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 of 1984, hereby makes the following Order.

Preamble

This Order shall come into operation on the 4th day of January 2016 and may be cited as "THE KENT COUNTY COUNCIL (MONSON WAY, TUNBRIDGE WELLS)(PROVISION OF PARKING PLACES) ORDER 2015.

Interpretation

(1) In this Order:-

"civil enforcement area"	means an area where civil enforcement of parking restrictions can be undertaken as defined by the Traffic Management Act 2004
"civil enforcement officer"	means a person employed by Tunbridge Wells Borough Council in pursuance of powers granted by the Traffic Management Act 2004 (Civil Enforcement Area)
"disabled persons badge"	has the same meaning as in The Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000 as amended by The Disabled Persons (Badges for Motor Vehicles)(England)(Amendment) Regulations 2013;
"disabled persons vehicle"	means a vehicle lawfully displaying a disabled persons badge;
"driver"	in relation to a vehicle waiting in a street parking place, means the person driving the vehicle at the time it was left in the parking place
"junction"	means the intersection point of the centrelines, or projected centrelines, of the roads specified
"motor car"	means any vehicle which is classed as private light goods for road fund licencing purposes
"owner" and "traffic sign"	have the same meanings as in Section 142 of the Act of 1984
"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 roads where waiting of that vehicle would otherwise be restricted or prohibited
"parking place"	means any area of land or length of road specified in the Schedule to this

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Order provided by the Council or its appointed agent under Section 32 of the Act of 1984 for use as a parking place

"parking permit"

means a valid Contractors Vehicle Pass issued by Tunbridge Wells Borough Council under the provisions of Article 2 of this Order

"relevant position"

means;

- 1) in the case of a vehicle fitted with a dashboard or facia panel, the disabled persons badge is exhibited thereon so that Part I of the badge is legible from outside the vehicle;
- 2) in the case of a vehicle not fitted with a dashboard or facia panel, the disabled persons badge is exhibited in a conspicuous position on the vehicle so that Part I of the badge is legible from outside the vehicle;
- 3) in the case of a parking exemption certificate, in a conspicuous position inside the vehicle so as the certificate is visible in full and legible from outside the vehicle.

"specified road"

means the road or roads specified in the Schedule to this Order

AA "Universal Service
Provider" "Postal
Operator"

has the same meaning as in Section ~~4(1)~~ of the Postal Services Act ~~2000~~

27(3)

2011

Restrictions Imposed

- (2) Save as provided in Articles (3) or (4) of this Order each area of land or length of road specified in PART ONE of the Schedule to this Order is authorised for use as a parking place, subject to it being parked wholly within the marked bay, except upon the direction or with the permission of a police constable in uniform or of a civil enforcement officer, and only:-
- (a) on Mondays to Fridays between the hours of 7am and 6pm if a valid parking permit is displayed, or
 - (b) on Saturdays between the hours of 8am and 6pm for no longer than 30 minutes, after which time that vehicle shall not be permitted to wait again upon any parking place within the same road within 1 hour after its leaving the said parking place, and

Exemptions from Waiting Restrictions

- (3) Nothing in Article (2) 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 necessary:-
- (a) to enable a person to board or alight from the vehicle;
 - (b) to enable goods to be loaded onto or unloaded from the vehicle provided such loading or unloading is continuous;
 - Ab* (c) for a vehicle, if it is in the service of a ~~Universal Service Provider~~ *Postal Operator* and marked as such, to be used for the purpose of delivering or collecting postal packets as defined in Section ~~425(4)~~ *27(2)* of the Postal Services Act ~~2000~~ *2011*;
 - (d) 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;
 - (e) to enable the vehicle to be used for police, ambulance or fire brigade purposes.
- (4) Nothing in Article (2) of this Order shall render it unlawful to cause or permit a vehicle which displays in the relevant position a parking exemption certificate to wait in any of the lengths of road specified in the Schedule to this Order provided the certificate has been issued for the vehicle displaying it and is valid for the place where the vehicle is waiting and for both the day and time when the vehicle is waiting.

General Provisions Relating to Street Parking Places

- (5) The driver of a motor vehicle using a 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.
- (6) A driver of a vehicle shall not use a parking place so as unreasonably to prevent access to any premises adjoining the road or so as to be a nuisance.
- (7) No person shall use a vehicle, while it is in a 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.
- (8) Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions in Article (2) of this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from the parking place provided that when a vehicle is waiting in a parking place in contravention of the provision of Article (3) (b) of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.
- (9) Any person removing a vehicle by virtue of Article (8) may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it.
- (10) When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a street parking place by virtue of Article (8) of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

Contraventions of the Order

- (11) If a parking contravention (as defined in the Traffic Management Act 2004) is committed in respect of any of the provisions of this Order a Penalty Charge will be payable.
- (12) In the case of a vehicle in respect of which a Penalty Charge is payable a Penalty Charge Notice may be issued by a Civil Enforcement Officer.

Power to Suspend the Use of Street Parking Places

- (13) Any person duly authorised by the issuing authority may by Order, Notice or the erection of a suitable barrier suspend the use of any part of a parking place whenever he considers such suspension is necessary:
 - a) for facilitating the movement of traffic or promoting its safety, or
 - b) for facilitating any building operation, demolition or excavation in or adjacent to any part or the whole of a parking place, or
 - c) for maintaining, improving or reconstructing any part or the whole of a parking place or any part of the adjacent carriageway, or
 - d) for laying, erecting, altering, removing or repairing any sewer pipe or apparatus for the supply of gas, water, electricity or telecommunications, or
 - e) for placing, maintaining or removal of any traffic sign in or adjacent to a parking place, or
 - f) for the convenience of occupiers or premises adjacent to a parking place to facilitate the removal or delivery of furniture from or to those premises, or
 - g) for the convenience of occupiers of premises adjacent to a parking place on the occasion of weddings or funerals, or on other special occasions, or
 - h) if due to a public procession, rejoicing or illumination or when the streets are thronged or liable to be obstructed.

- (14) A police constable in uniform may suspend the use of the whole or any part of a parking place for no longer than 24 hours whenever he considers such suspension is reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (15) Any person suspending the use of any part or the whole of a parking place in accordance with the provisions of Articles (13) or (14) of this Order shall place or cause to be placed in or adjacent to any part of that parking place a traffic sign or signs indicating that vehicles are prohibited from waiting and shall remove or cover any existing signs indicating the suspended restriction.
- (16) No person shall cause or permit a vehicle to be left in any part of a suspended parking place or adjacent to it where a traffic sign has been placed in pursuance of Article (15) of this Order unless the vehicle is being used for any purpose specified in Article (13) of this Order or the vehicle is left with the permission of the person suspending the use of the parking place.

General Provisions

- (17) 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 Road Traffic Regulation Act 1984, 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.
- (18) 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 of 1984, or by or under any other enactment.
- (19) The parts of Orders listed in PART TWO of the Schedule to this Order are hereby revoked and will cease to have effect from 4th January 2016

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

Commencement and citation

This Order may be cited as "THE KENT COUNTY COUNCIL (MONSON WAY, TUNBRIDGE WELLS) (PROVISION OF PARKING PLACES) ORDER 2015" and shall come into operation on the 4th January 2016.

Given under the Seal of the Kent County Council

This *16th* day of *December* 2015

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


Authorised Signatory



THE SCHEDULE

PART ONE

**No waiting except Permit holders (Zone TH) Monday – Friday, 7am – 6pm
30 minute limited waiting Saturday, 8am – 6pm, no return within 1 hour**

Road	Side	Definition
Monson Way (east – west spur), Tunbridge Wells	South side	between points 19 metres east and 62 metres east of its junction with Civic Way (north – south spur)

PART TWO

Orders and parts of Orders to be Revoked

From PART TWO of the Schedule to THE TUNBRIDGE WELLS BOROUGH COUNCIL (TRAFFIC RESTRICTIONS – CIVIC WAY) ORDER 1995 the following shall be revoked

Road	Type of Restriction	Side	Section to be Revoked
Civic Way – West to East Spur N.B. <i>This road is now known as Monson Way</i>	Thirty minute limited waiting Monday to Saturday 8am – 6pm	South side	Between points 35m and 62m east of its junction with Civic Way

From PART FOUR of the Schedule to THE TUNBRIDGE WELLS BOROUGH COUNCIL (TRAFFIC RESTRICTIONS – CIVIC WAY) ORDER 1995 the following shall be revoked

Road	Type of Restriction	Side	Section to be Revoked
Civic Way – West to East Spur N.B. <i>This road is now known as Monson Way</i>	Disabled Persons Parking Place	South side	Between points 19m and 35m east of its junction with Civic Way