

**ROAD TRAFFIC REGULATION ACT 1984**

**THE KENT COUNTY COUNCIL**

**(MOUNT PLEASANT ROAD, TUNBRIDGE WELLS)**

**(ELECTRIC VEHICLE CHARGING BAYS) No.1 ORDER 2020**

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") 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:-

**Commencement and Citation**

This Order shall come into operation on the 30th day of March 2020 and may be cited as "THE KENT COUNTY COUNCIL (MOUNT PLEASANT ROAD, TUNBRIDGE WELLS) (ELECTRIC VEHICLE CHARGING BAYS) NO.1 ORDER 2020" ("this Order").

**Interpretation**

(1) In this Order:-

Term	Meaning
"Charging Point"	means an installation adjacent to a Parking Place for the purposes of recharging the battery of an Electric Vehicle by way of a connection lead
"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)
"Contravention"	means a failure to comply with restrictions set out in this Order that may result in the issue of a Penalty Charge Notice
"Electric Private Hire Vehicle"	means a Private Hire Vehicle that is powered entirely or partially by electricity and is capable of being charged from an external source
"Electric Taxi"	means a Taxi that is powered entirely or partially by electricity and is capable of being charged from an external source
"Electric Taxi Charging Place"	means a bay or bays indicated by markings on the surface of the carriageway and/or by signs where a Charging Point is provided for the use of drivers to charge Electric Taxis or Electric Private Hire Vehicles.
"Electric Vehicle"	means a Vehicle that is powered entirely or partially by electricity and is capable of being charged from an external source
"Electric Vehicle Charging Place"	means a bay or bays indicated by markings on the surface of the carriageway and/or by signs where a charging post is provided for the use of drivers to charge Electric Vehicles.
"Emergency Services Vehicle"	means a Vehicle operated by the police, fire & rescue service or ambulance service
"Junction"	means the intersection point of the centrelines, or projected centrelines, of the roads specified
"Owner" and "Traffic Sign"	have the same meaning as in Section 142 of the Act of 1984

Term	Meaning
"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 the Order for the waiting of Vehicles of specified classes and provided under Section 32 of the Act for use as a Parking Place
"Private Hire Vehicle"	means a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage, public service vehicle or a London cab, which is provided for hire with the services of a driver for the purpose of carrying passengers
"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
"Taxi"	means any vehicle licensed by Tunbridge Wells Borough Council under section 37 of the Town Police Clauses Act 1847 or section 6 of the Metropolitan Public Carriage Act 1869 or under any similar enactment
"Universal Service Provider"	has the same meaning as in the Postal Services Act 2011
"Vehicle"	has the same meaning as that assigned to "motor vehicle" in s.136(1) of the Act of 1984

#### **Electric Vehicle Charging Places - Restrictions Imposed**

- (2) Each of the lengths of Road specified in Part One of the Schedule to this Order is authorised to be used, subject to the provisions of this Order, as a Parking Place for an Electric Vehicle provided that the Electric Vehicle is at all times connected via a recharging lead to the Charging Point installed in respect of that Parking Place. A maximum stay of 1 hour with no return within 2 hours shall apply to all bays thus marked.
- (3) Each of the lengths of Road specified in Part Two of the Schedule to this Order is authorised to be used, subject to the provisions of this Order, as a Parking Place for an Electric Taxi or electric private hire vehicle provided that the Electric Taxi or electric private hire vehicle is at all times connected via a recharging lead to the Charging Point installed in respect of that Parking Place. A maximum stay of 1 hour with no return within 2 hours shall apply to all bays thus marked.
- (4) Save as provided in Article (6) of this Order no person shall cause or permit any Vehicle to wait in an Electric Vehicle Parking Place or Electric Taxi Parking Place at any time unless:-
  - (i) it is of the class of Vehicle specified in Article 2 or 3, and
  - (ii) it is parked with every part of the Vehicle on the carriageway and so that it is entirely within the limits of the Electric Vehicle Charging Place or Electric Taxi Charging Place as marked.
- (5) No person shall use any Vehicle while it is in an Electric Vehicle Charging Place or Electric Taxi Charging Place:-
  - (i) in connection with the sale of any article to any person in or near it or in connection with the selling or offering for hire of his skills or services
  - (ii) for cooking, sleeping or camping purposes.

#### **Exemptions from Waiting Restrictions**

- (6) Nothing in Articles (2) or (3) of this Order applies to the lengths of Road restricted by that Article (which said lengths of Road are referred to in this Article as "the restricted area") in relation to:-
  - a) A Vehicle in actual use for fire and rescue, ambulance or police purposes:

- b) Anything done with the permission of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and employed by the Council or its agent;
- c) A Vehicle which is prevented from proceeding by circumstances beyond the drivers control or which has stopped in order to avoid injury or damage to persons or property when required to do so by law;
- d) A Vehicle, if it cannot conveniently be used for such 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) A Vehicle being used for the maintenance, improvement or reconstruction of a part or whole of the restricted area;
- f) A Vehicle being used for the laying, alteration, repair or cleaning of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus within the restricted area;
- g) A Vehicle waiting only for so long as is necessary to enable a person to board or alight from the Vehicle.

#### **Suspension of use of an Electric Vehicle Charging Place**

- (7) The Council, a Civil Enforcement Officer or a police officer in uniform may suspend the use of an Electric Vehicle Parking Place or an Electric Taxi Parking Place or any part of it whenever they consider such suspension to be reasonably necessary.
- (8) Any person suspending the use of an Electric Vehicle Charging Place or an Electric Taxi Charging Place or any part of it in accordance with the preceding Article shall place thereupon or cause to be placed in or adjacent to that Parking Place or the part that has been suspended, a traffic sign and/or marking indicating that the waiting by Vehicles is prohibited

#### **Contraventions of this Order**

- (9) 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 Article (6) of this Order, a Penalty Charge Notice may be issued by a Civil Enforcement Officer and a Penalty Charge may be payable.

#### **Revocations in Part**

- (10) The following Order is hereby revoked to the extent specified
- (11) The Kent County Council (Various Roads, Tunbridge Wells)(Provision of Parking Places) Order 2006 shall be revoked only insofar as it relates to that part of Mount Pleasant Road, Tunbridge Wells situated on its west side between points 25m and 37m north of its junction with Lonsdale Gardens

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 8<sup>th</sup> day of March 2020

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



Authorised Signatory



**THE SCHEDULE**

**PART ONE**

**Electric Vehicle Charging Places**

**One hour limited waiting, return prohibited within two hours. Electric vehicle charging only**

<b>Road</b>	<b>Side</b>	<b>Definition</b>
Mount Pleasant Road, Tunbridge Wells	West side	Between a point 31 metres north of its junction with Lonsdale Gardens and a point 37 metres north of that junction.

**PART TWO**

**Electric Taxi Charging Places**

**One hour limited waiting, return prohibited within two hours. Electric taxi charging only**

<b>Road</b>	<b>Side</b>	<b>Definition</b>
Mount Pleasant Road, Tunbridge Wells	West side	Between a point 25 metres north of its junction with Lonsdale Gardens and a point 31 metres north of that junction.