

THE KENT COUNTY COUNCIL
(VARIOUS ROADS, TUNBRIDGE WELLS BOROUGH)
(DISABLED PERSONS PARKING PLACES) ORDER No.1, 2005
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 32 and 35 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (hereinafter referred to as the “Act of 1984”) 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.

Interpretation

(1) In this Order:-

“disabled persons vehicle”	has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1991 or the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
“disabled persons badge”	has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1991 or the Disabled Persons (Badges for Motor Vehicles) Regulations 2000;
“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
“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 either blue or orange, and capable of showing the quarter hour period during which a period of waiting begins;
“parking attendant”	means a parking attendant employed by Tunbridge Wells Borough Council in pursuance of powers granted by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (Borough of Tunbridge Wells) Order 1999;
“parking place”	means any length of road specified in the Schedule to this Order provided by the Council under Section 32 of the Act of 1984 for use as a parking place;
“relevant position”	means; <ol style="list-style-type: none">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;
“specified road”	means the road or roads specified in the Schedule to this Order.

Disabled Persons Parking Places

(2) Each length of road specified in the Schedule to this Order is authorised for use as a parking place for such vehicles as are specified in Article (3) subject to said vehicles being parked wholly within the limits of the marked bay and parallel to the kerb line.

- (3) Save as provided in Article (4) of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a traffic warden or of a parking attendant cause or permit any vehicle to wait at any time in any of the lengths of road specified in the Schedule to this Order unless such vehicle is a disabled persons vehicle displaying in the relevant position a disabled persons badge.
- (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 necessary to:--
 - (a) enable the vehicle, if it cannot conveniently be used for such purpose elsewhere, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the carrying out of any roadwork or the laying, erection and alteration or repair of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraph or telephone wires, cables, posts or supports
 - (b) 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
 - (c) enable the vehicle, if it is the service of or employed by the Post Office Corporation, to be used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953
 - (d) enable the vehicle to be used for police, ambulance or fire brigade purposes.

General Provisions relating to Disabled Persons 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) 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.
- (7) Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions in Articles (2) or (3) 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 (2) 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.
- (8) Any person removing a vehicle by virtue of Article (7) 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.
- (9) 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 (7) of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
- (10) 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 provision, the provisions of this Order shall prevail.

Citation and Commencement

- (11) This Order may be cited as "The Kent County Council (Various Roads, Tunbridge Wells Borough) (Disabled Persons Parking Places) Order No.1, 2005" and shall come into operation on the 31st October 2005.

GIVEN under the Common Seal of the Kent County Council this seventh day of October in the year two thousand and five.

THE COMMON SEAL OF THE
KENT COUNTY COUNCIL

was hereunto affixed
in the presence of:-

Authorised signatory

THE SCHEDULE

Disabled Persons Parking Places

6.6 metre long bay outside the following properties

127 Stephen's Road, Tunbridge Wells

22 Colebrook Road, Southborough

59 Colebrook Road, Southborough

24 Henwoods Mount, Pembury

Opposite the entrance to 33 Park Street, Tunbridge Wells

Opposite 5 Beagles Wood Road, Pembury

Opposite 9 Apsley Street, Rusthall