

THE KENT COUNTY COUNCIL
(VARIOUS ROADS, TUNBRIDGE WELLS) (CAR CLUB PARKING
PLACES) (EXPERIMENTAL) ORDER 2023

ROAD TRAFFIC REGULATION ACT 1984

The Kent County Council (hereinafter called "the Council") acting as the Local Traffic Authority and in exercise of its powers under Sections 9 and 10 of the Road Traffic Regulation Act 1984 (hereinafter called "the Act") and Part IV of Schedule 9 of the Act, the Traffic Management Act 2004 (hereinafter called "the TMA") and all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act, hereby make the following Order:-

COMMENCEMENT & CITATION

This Order shall come into operation on the 24th day of April 2023 for a period not exceeding 18 months and may be cited as "The Kent County Council (Various Roads, Tunbridge Wells) (Car Club Parking Places) (Experimental) Order 2023 (this Order).

INTERPRETATION

1. Any reference in this Order to the Council includes any person (including any body corporate) authorised to act on behalf of the Council.
2. Any reference in this Order to any enactment (meaning any Act and any subordinate legislation as defined in the Interpretation Act 1978) shall be construed as a reference to that enactment as amended or replaced by any subsequent enactment.
3. The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any other enactment.
4. Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to a numbered Article or Schedule bearing that number in this Order.
5. Headings are inserted for convenience and shall not affect the construction or interpretation of this Order.
6. The provisions of this Order shall prevail over the provisions of any previous Order unless stated otherwise.

DEFINITIONS

7. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-
 - (i) "Car Club" means an organisation that manages and administers a car club for the purpose of hiring passenger vehicles to subscribers to that organisation and has been approved in writing by the Council or its agent for the purposes of this Order
 - (ii) "Car Club Parking Place" means any length of road specified in the Schedule to this Order.
 - (iii) "Car Club Vehicle" means a vehicle of a type approved by the Council or its agent for the use of persons who have paid any relevant membership or other club fee.

- (iv) "Car Club Permit" means a permit issued by the Council or its agent to a car club operator.
- (v) "Civil Enforcement Officer" means a person employed by Tunbridge Wells Borough Council in pursuance of powers granted by the TMA (Civil Enforcement Area).
- (vi) "Junction" means the intersection point of the centrelines, or projected centrelines, of any specified roads.
- (vii) "Penalty Charge" means a charge of the appropriate higher or lower level rates, set in accordance with the provisions of the TMA payable to the Council in the event of any contravention of this Order.
- (viii) "Penalty Charge Notice" means a notice indicating a penalty charge has been incurred served by either attaching it to the vehicle or by first class post to the DVLA registered keeper of the motor vehicle observed in contravention of the regulations made in this Order.
- (ix) "Relevant Position" means on the windscreen, dashboard or fascia of the vehicle in a conspicuous position so that the whole of the information on the front of the permit is clearly legible from outside the vehicle.
- (x) "Specified Road" means the road or roads specified in the Schedule to this Order.
- (xi) "Vehicle" means any motor car, motorcycle or other mechanically propelled automobile.

CAR CLUB PARKING SPACES - RESTRICTIONS IMPOSED

8. Each of the lengths of road specified in the Schedule to this Order is authorised to be used, subject to the provisions of this Order, as a parking place for any vehicle belonging to a Car Club and which displays in the relevant position a valid Car Club Permit.
9. Save as provided in Article 13 of this Order no person shall cause or permit a vehicle to wait in a Car Club Parking Place at any time unless:-
 - (i) it is a Car Club Vehicle and displays a valid Car Club Permit; 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 Car Club Parking Place as marked
10. No person shall use any Vehicle while it is in a Car Club Parking 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

11. Nothing in Article 11 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:-
 - (i) a Vehicle in actual use for fire and rescue, ambulance or police purposes;
 - (ii) anything done with the permission of or at the direction of a police constable in uniform or with the permission of a Civil Enforcement Officer as defined by the TMA and employed by Tunbridge Wells Borough Council;

- (iii) 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 or when required to do so by law;
- (iv) a Vehicle being used for the maintenance, improvement or reconstruction of a part or whole of the restricted area;
- (v) a Vehicle being used for the laying, erection, 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;
- (vi) a Vehicle being used in the service of the local authority in pursuance of statutory powers or duties which cannot reasonably be used for such purpose without stopping in the restricted area;
- (vii) 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 A CAR CLUB PARKING PLACE

- 12. The Council, a Civil Enforcement Officer or a police constable in uniform may suspend the use of a Car Club Parking Place or any part of it whenever they consider such a suspension reasonably necessary.
- 13. Any person suspending the use of a Car Club Parking 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 Car Club Parking Place or the part of it the use of which is suspended, a traffic sign and/or marking indicating that waiting by vehicles is prohibited.

CONTRAVENTIONS OF THE ORDER

- 14. If a parking contravention as defined in the TMA is committed in respect of any of the provisions of this Order a Penalty Charge will be payable.
- 15. 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.

SUSPENSION OF EXISTING RESTRICTIONS WHILST EXPERIMENTAL ORDER IN FORCE

- 16. For the duration of this Order, and only insofar as they relate to the lengths and sides of road specified in the Schedule to this Order, those parts of The Kent County Council (Various Roads, Tunbridge Wells) (Prohibition of Waiting) No.3 Order 2012 and The Kent County Council (Various Roads, Tunbridge Wells Borough) (Disabled Persons Parking Places) Consolidation Order 2005 shall be suspended.

GENERAL PROVISIONS

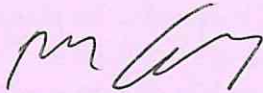
- 17. Where it appears necessary for certain operational or other purposes, the Council's Director of Highways or any person authorised may modify or suspend this Order or any of its provisions whilst the Order is in force in the interests of the expeditious, convenient and safe movement of traffic.

Unless this Order is revoked or made permanent by a subsequent Order, this Order shall cease to have effect on 23rd October 2024.

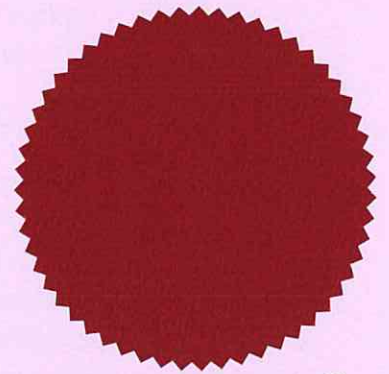
Given under the Common Seal of The Kent County Council

This 13th day of April 2023

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



Authorised Signatory



366-2023

THE SCHEDULE

1. Road Name	2. Restriction Imposed	3. Side and Length of Road	4. Designation
Amherst Road, Tunbridge Wells	No waiting At Any Time except car club permit holder	West side between points 30 metres and 36 metres south of its Junction with Queens Road.	CC- 07
Goods Station Road, Tunbridge Wells	No waiting At Any Time except car club permit holder	South-East side between points 130 metres and 136 metres south-west of its Junction with Kirkdale Road.	CC- 08
Warwick Park, Tunbridge Wells	No waiting At Any Time except car club permit holder	South-West side between points 41 metres and 47 metres south east of its Junction with Nevill Street	CC – 05

