

THE KENT COUNTY COUNCIL
(VARIOUS ROADS, TUNBRIDGE WELLS BOROUGH)
(CAR CLUB PARKING PLACES) (AMENDMENT 1) 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 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") 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, hereby make the following Order.

Interpretation

(1) In this Order:-

- "Car Club" means an organisation that manages and administers the 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;
- "Car Club Parking" means any length of road specified Road;
- "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;
- "Civil Enforcement Area" means an area where civil enforcement of parking restrictions can be enforced as defined by s.76 of the Traffic Management Act 2004;
- "Car Club Permit" means a permit issued by the Council or its agent to the Car Club operator;
- "Civil Enforcement Officer" means a person employed by Tunbridge Wells Borough Council or the Council in pursuance of powers granted by s.74 of the Traffic Management Act 2004 (Civil Enforcement Area);
- "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 Contravention" means a failure to comply with the restrictions set out in this Order that may result in the issue of a Penalty Charge Notice;
- "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;
- "Penalty Charge" has the same meaning as set out in Part 1 section 2 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;
- "Relevant Position" Means a Car Club Permit in a conspicuous position inside the vehicle so that the permit is visible in full legible from outside the vehicle;
- "Specified Road" means the road or roads specified in the Schedule to this Order.

Car Club Parking Spaces – Restrictions Imposed

- (2) Each length of the Specified Road 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.
- (3) Save as provided in Article 5 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 marked
- (4) 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, or
 - (ii) for cooking, sleeping or camping purposes

Exemptions

- (5) Nothing in Article (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 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 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) 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, 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;
 - (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 a Car Club Parking Place

- (6) The Council, a Civil Enforcement Officer or a police constable in uniform may suspend the use of a Car Club Parking space or any part of it whenever he considers such suspension reasonably necessary.
- (7) 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 use of which is suspended, a Traffic Sign and/or marking indicating that waiting by vehicles is prohibited.

Contraventions of the Order

- (8) If a Parking Contravention is committed in respect of any of the provision of this Order a Penalty Charge will be payable.
- (9) 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.

Variations and Revocations

- (10) The variations to existing Orders listed in Part 1 of the Schedule to this Order will have effect from 26th August 2019.
- (11) The parts of Orders listed in Part 2 of the Schedule to this Order are hereby revoked and will cease to have any effect from 26th August 2019.

Commencement and citation

This Order may be cited as "The Kent County Council (Various Roads, Tunbridge Wells Borough) (Car Club Parking Places) (Amendment 1) Order 2018" ('this Order') and shall come into operation on the 26th day August 2019.

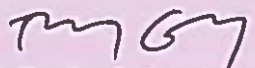
GIVEN under the Common Seal of The Kent County Council

This 19th day of August 2019

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



810-2019



Authorised signatory

THE SCHEDULE

PART ONE

Car Club Parking Places

1. Road Name	2. Restriction Imposed	3. Side and Length of Road	4. Designation
Civic Way, Tunbridge Wells	No waiting at any time except Car Club Permit holder	West side – from a point 50 metres south of its junction with Monson Way for a distance of 8 metres in a southerly direction	CC-01

PART TWO

Orders and parts of Orders to be revoked

From The Schedule to THE KENT COUNTY COUNCIL (VARIOUS ROADS) (TUNBRIDGE WELLS BOROUGH) (CAR CLUB PARKING PLACES) ORDER 2015 the following shall be revoked

1. Road Name	2. Restriction Imposed	3. Side and Length of Road	4. Designation
Mount Pleasant Road, Tunbridge Wells	No waiting at any time except Car Club Permit holder	West side – between points 23 metres and 29 metres north of its Junction with Church Road	CC-01