

**THE KENT COUNTY COUNCIL**  
**(VARIOUS ROADS, BOROUGH OF TUNBRIDGE WELLS)**  
**(PROHIBITION OF WAITING) No.02 ORDER 2019**

**Road Traffic Regulation Act 1984**

THE KENT COUNTY COUNCIL, ("the Council") acting as the local traffic authority and in exercise of its powers under Sections 1, 2, 4 and 124 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: -

- "Civil Enforcement Area" means an area where civil enforcement of parking restrictions can be undertaken as defined by s.74 of the Traffic Management Act 2004
- "Civil Enforcement Officer" means a person employed by Tunbridge Wells Borough Council in pursuance of powers granted by s.76 of the Traffic Management Act 2004 (Civil Enforcement Area)
- "Disabled Person's Badge" has the same meaning as in s.2 of The Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000
- "Disabled Person's Vehicle" means a vehicle lawfully displaying a Disabled Persons Badge in relation to a vehicle waiting in a street parking place
- "Driver" 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 licensing purposes
- "Owner" and "Traffic Sign" have the same meanings as in Section 142 of the Act
- "Parking Disc" means a disc, issued by the Council or on behalf of Council, 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 Order provided by the Council under Section 32 of the Act for use as a Parking Place
- "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;
- "Penalty Charge Notice" has the same meaning as set out in Regulation 8 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

P/13/05/2019/TW/1760

- "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 ~~s.65~~ <sup>am</sup> of the Schedule to this Order <sup>am S.65of</sup>
- "Universal Service Provider" has the same meaning as in the Postal Services Act 2011
- "Weekday" means any day of the week except Sunday

### **Restrictions Imposed**

- (2) Save as provided in Articles (3), (4) and (5) of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to wait: -
- (a) at any time in any of the lengths of road specified in PART ONE of the Schedule to this Order;

### **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;
  - (c) for a vehicle, if it is in the service of a Universal Service Provider and marked as such, to be used for the purpose of delivering or collecting postal packets as defined in Section 27 of the Postal Services Act 2011;
  - (d) to enable the vehicle to be used as part of a funeral cortege or a wedding procession;
  - (e) 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;
  - (f) to 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 road works 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; or
  - (g) 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 Disabled Person's Vehicle which displays in the Relevant Position a Disabled Person's Badge, and a Parking Disc (on which the Driver, or other person in charge of the vehicle, has

marked the time at which the period of waiting began) to wait in any of the lengths of road referred to in the Schedule to this Order for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same length of road) provided always that where the period of the prohibition of waiting does not exceed 3 hours the Parking Disc need not be displayed.

- (5) 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 roads specified in the Schedule to this Order provided the certificate has been issued for the vehicle displaying it and is valid for the place

### **General Provisions**

- (6) 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 Act, 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.
- (7) 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, or by or under any other enactment.

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

### **Contraventions of the Order**

- (8) If a parking contravention (as defined in s.73 of the Traffic Management Act 2004) is committed in respect of any of the provisions 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.

### **Citation and commencement**

This Order may be cited as "The Kent County Council (Various Roads, Borough of Tunbridge Wells) (Prohibition of Waiting) No.02 Order 2019" ('this Order') and shall come into operation on the 13<sup>th</sup> day of May 2019.

Given under the Common Seal of The Kent County Council

This 13 day of May 2019

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



Authorised Signatory



**The Schedule**

**PART ONE**

**No waiting at any time**

<b>Road</b>	<b>Side</b>	<b>Definition</b>
Five Oak Green Road	North side	From its junction with Woodgate Way for a distance of 186 metres in a westerly direction to its boundary with Tonbridge & Malling.
Five Oak Green Road	South side	From its junction with Woodgate Way for a distance of 126 metres in a north-westerly direction.
Five Oak Green Road	South side	From a point 167 metres southwest of its junction with Woodgate Way in a south-westerly direction for a distance of 15 metres.
Five Oak Green Road	South side	From a point 208 metres southwest of its junction with Woodgate Way in a south-westerly direction for a distance of 22 metres.
Five Oak Green Road (spur)	Both sides	From its junction with Five Oak Green Road in a northerly direction for a distance of 7 metres.