

THE KENT COUNTY COUNCIL
(VARIOUS ROADS, TUNBRIDGE WELLS)
(PROHIBITION OF WAITING AND PROVISION OF PARKING PLACES) ORDER 2013
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, 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") 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 of 1984, hereby makes the following Order.

Interpretation

(1) In this Order:-

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|-----------------------------|---|
| "civil enforcement area" | means an area where Civil Enforcement of parking restrictions can be enforced as defined in by 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) |
| "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; |
| "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; |
| "junction" | means the intersection point of the centrelines, or projected centrelines, of the roads specified |
| "motor vehicle" | means a mechanically propelled vehicle, intended or adapted for use on the road |
| "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 blue, and capable of showing the quarter hour period during which a period of waiting begins; |
| "parking exemption permit" | a valid Highway Exemption Permit issued by Kent County Council or Tunbridge Wells Borough Council |
| "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 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;3) in the case of a parking exemption permit, in a conspicuous position inside the vehicle so that the permit is visible in full and legible from outside the vehicle. |

"specified road" means the road or roads specified in the Schedule to this Order.

Prohibition of Waiting

- (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 a civil enforcement officer cause or permit:-
 - (a) any vehicle to wait at any time in any of the lengths of road specified in PART ONE of the Schedule to this Order or
 - (b) any vehicle to wait Monday to Saturday between the hours of 8am and 6pm in any of the lengths of road specified in PART TWO of the Schedule to this Order.
- (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) to enable the vehicle to be used as part of a funeral cortege or a wedding procession;
 - (d) 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;
 - (e) 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
 - (f) 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 persons vehicle which displays in the relevant position a disabled persons 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 permit to wait in any of the roads specified in the Schedule to the Order provided the certificate has been issued for the vehicle displaying it and is valid for the place where the vehicle is waiting and for both the day and time when the vehicle is waiting.
- (6) The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the said Act of 1984.
- (7) The provisions of this order shall prevail over the provisions of any previous order.

Street Parking Places

- (8) Each area of land or length of road specified in PART THREE of the Schedule to this Order is authorised for use as a parking place for such classes of vehicles as are specified in Article (9)
 - (a) subject to being parked in the manner described in Article (9) (b).
- (9) Where in PART THREE of the Schedule to this Order a parking place is described, the driver of a vehicle shall not permit it to wait in that parking place unless it is:-

- (a) a motor car, invalid carriage or motorcycle; and
 - (b) wholly within the limits of the marked bay.
- (10) Save as provided in Articles (11), (12) and (13) of this Order, the driver of a vehicle shall not permit it to wait for longer than four hours in any parking place specified in PART THREE of the Schedule to this Order from Monday to Saturday between 8am and 6pm or permit it to wait again upon that parking place within four hours after its leaving the said parking place and;
- (11) Nothing in Articles (9) or (10) 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 those Articles 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;
 - (c) to enable the vehicle to be used as part of a funeral cortege or a wedding procession;
 - (d) 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;
 - (e) if the vehicle is prevented from proceeding by circumstances beyond the drivers control;
 - (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.
- (12) Nothing in Articles (10) of this Order shall render it unlawful to cause or permit a disabled persons vehicle which displays in the relevant position a disabled persons badge to exceed the maximum permitted period of stay specified in the said Articles of this Order.
- (13) Nothing in Articles (9) or (10) of this Order shall render it unlawful to cause or permit a vehicle which displays in the relevant position a parking exemption permit to wait for longer than specified in Part Three of the Schedule to this Order and in any of the roads specified in the Schedule to the Order provided the permit has been issued for the vehicle displaying it and is valid for the place where the vehicle is waiting and for both the day and time when the vehicle is waiting.

Suspensions relating to Street Parking Places

- (14) Any person authorised by the Council may temporarily suspend for as long as may be necessary the use of any parking place referred to in this Order or any part thereof for the following reasons:
- a) On any occasion when it is considered necessary or desirable for traffic management reasons or in the interests of public safety.
 - b) For any event where the street will be thronged or obstructed in any way
 - c) For the purposes of enabling a Public Service Vehicle to wait there
 - d) For the purposes of any works by a Statutory Undertaker required in connection with any sewer, main, pipe or apparatus for the supply of gas, water or electricity or any telecommunication apparatus as defined in the Telecommunications Act 1984 in or adjacent to the parking place.
 - e) For the purposes of any emergency building operation, demolition or excavation work in or adjacent to the parking place.
 - f) For any vehicle in the service of the Council being used in pursuance of its statutory powers or duties and that vehicle cannot reasonable be used for the same purpose in any other road.
 - g) For the removal or delivery of furniture, plant, machinery etc from or to premises adjacent to the parking place or for any general building operation, wedding, funeral or other activity

connected with premises adjacent to the parking place upon application and at the discretion of the Council.

- h) 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.
- (15) Upon receipt of any request to suspend the use of any parking place or any part thereof, the Council may charge such amount in respect of the implementation of that suspension as is set out in the current "On Street Parking Charges" Order, where applicable.
- (16) Any person suspending the use of a parking place or any part thereof in accordance with Articles (14) and (15) shall where appropriate:
 - a) Place or cause to be placed in or as close as possible to that parking place or part thereof the use of which is to be suspended, a Traffic Sign indicating the period during which waiting by vehicles is prohibited.
- (17) No person shall at any time, whether or not within the prescribed hours, cause or permit a vehicle to be left in any parking place or part thereof during any period when the use of that place has been suspended as indicated under the provisions of Article 16.

PROVIDED that nothing in this Article shall prevent a vehicle from waiting in a parking place or part thereof, the use of which has been suspended if it is being used for the purpose for which the suspension has been arranged or with the consent of a Civil Enforcement Officer or person authorised by the Council or with the consent of a Police Constable in uniform in the case of Article (14) (a) and (b) of this Part.
- (18) A Police Constable in uniform may suspend a parking place or any part thereof for a period no longer than 7 days for the purpose of promoting traffic movement or in the interests of public safety.
- (19) Nothing in this Part shall prevent any Ambulance, Police or Fire Service vehicle from waiting in any suspended parking place or part thereof if the vehicle is being used for emergency purposes.
- (20) The provisions of this Part shall apply to any parking place as if it were a parking place.

General Provisions relating to Street Parking Places

- (21) 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.
- (22) A driver of a vehicle shall not use a parking place so as unreasonably to prevent access to any premises adjoining the road or so as to be a nuisance.
- (23) 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.
- (24) Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions in Articles (9) or (10) 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 (9) (b) 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.
- (25) Any person removing a vehicle by virtue of Article (17) 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.
- (26) 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 (17) of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
- (27) 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.

- (28) The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984, or by or under any other enactment.

Commencement and citation

This Order may be cited as "THE KENT COUNTY COUNCIL (VARIOUS ROADS, TUNBRIDGE WELLS) (PROHIBITION OF WAITING AND PROVISION OF PARKING PLACES) ORDER 2013" and shall come into operation on the 2nd June 2014.

Given under the Seal of the Kent County Council

This 7th day of May 2014

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




Authorised Signatory

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THE SCHEDULE

PART ONE

No waiting at any time

Road	Side	Definition
Castle Road, Tunbridge Wells	West side	From a point 17 metres south of its junction with Mount Edgcombe Road to a point 77 metres south of that junction
Hungershall Park, Tunbridge Wells	Both sides	From a point 295 metres south west of its junction with Major York's Road to a point 345 metres south west of that junction.
Hungershall Park, Tunbridge Wells	Both sides	From a point 125 metres south west of its junction with Major York's Road to a point 145 metres south west of that junction.
Hungershall Park, Tunbridge Wells	Both sides	From a point 70 metres south west of its junction with Major York's Road to a point 90 metres south west of that junction.
Major York's Road, Tunbridge Wells	South side	From a point 30 metres south east of its junction with Hungershall Park to a point 40 metres south east of that junction.

PART TWO

No waiting Monday to Saturday 8am-6pm

Road	Side	Definition
Bishop's Down Road, Tunbridge Wells	West side	From a point 25 metres north of its junction with Bishop's Down to a point 68 metres north of that junction

PART THREE

Four hour limited waiting Monday to Saturday 8am - 6pm, no return within four hours

Road	Side	Definition
Castle Road, Tunbridge Wells	West side	From a point 77 metres south of its junction with Mount Edgcombe Road to a point 372 metres north of its junction with London Road
Mount Edgcombe Road, Tunbridge Wells	North side	From a point 21 metres east of its junction with Castle Road to a point 21 metres west of its junction with London Road