

THE KENT COUNTY COUNCIL  
(VARIOUS ROADS) (TUNBRIDGE WELLS BOROUGH)  
(PROHIBITION OF WAITING AND PROVISION OF LOADING BAY) ORDER No.3 2014  
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, 32, 35 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (“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 of 1984, hereby makes the following Order.

**Preamble**

This Order shall come into operation on the 1st day of December 2014 and may be cited as “THE KENT COUNTY COUNCIL (VARIOUS ROADS)(TUNBRIDGE WELLS BOROUGH)(PROHIBITION OF WAITING AND PROVISION OF LOADING BAY) ORDER No.3 2014.

**Interpretation**

(1) In this Order:-

“civil enforcement area”	means an area where civil enforcement of parking restrictions can be undertaken as defined by the 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)(England) Regulations 2000 as amended by The Disabled Persons (Badges for Motor Vehicles)(England)(Amendment) Regulations 2013;
“disabled persons vehicle”	means a vehicle displaying a disabled persons badge in accordance with regulation 12 and in the circumstances prescribed in regulations 14 or 16 of The Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000;
“driver”	in relation to a vehicle waiting in a loading bay, means the person driving the vehicle at the time it was left in the loading bay
“goods”	means goods of any description whether animate or inanimate and includes postal packets of any description and “delivering” and “collecting” in relation to any goods includes checking the goods for the purpose of their delivery or collection;
“goods vehicle”	means a motor vehicle which is designed and constructed for the primary purpose of carrying goods;
“junction”	means the intersection point of the centrelines, or projected centrelines, of the roads specified
“loading bay”	means any area of carriageway specified in the Schedule to this Order where waiting other than for the purpose of loading or unloading is prohibited;
“motor car”	means any vehicle which is classed as private light goods for road fund licencing purposes;

“owner” and “traffic sign”	have the same meanings as in Section 142 of the Act
“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 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 in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;
“penalty charge notice”	has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;
“relevant position”	means; <ul style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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.</li> </ul>
“postal packets”	has the meaning as defined in Section 125 (1) of the Postal Services Act 2000
“specified road”	means the road or roads specified in the Schedule to this Order
“Universal Service Provider”	has the same meaning as in Section 4(1) of the Postal Services Act 2000
“weekday”	means any day of the week except Sunday

### **Restrictions Imposed**

- (2) Save as provided in Articles (4), (5), (6) and (7) 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 at any time in any of the lengths of road specified in PART ONE of the Schedule to this Order;
- (3) Save as provided in Articles (4) and (7) 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 between 8am and 6pm on any weekday in any of the lengths of road specified in PART TWO of the Schedule to this Order unless such vehicle is (a) parked wholly within the limits of the marked bay and, (b) is being used for the loading or unloading of goods in connection with nearby trade or business premises

### **Exemptions from Waiting Restrictions**

- (4) Nothing in Articles (2) and (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:-
  - (a) to enable a person to board or alight from the vehicle;
  - (b) 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 125 (1) of the Postal Services Act 2000;
  - (c) 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;
  - (d) 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
  - (e) to enable the vehicle to be used for police, ambulance or fire brigade purposes.
- (5) 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 to enable goods to be loaded onto or unloaded from the vehicle provided such loading or unloading is continuous.
- (6) 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.
- (7) Nothing in Articles (2) and (3) 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 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.

### **General Provisions Relating to Loading Bays**

- (8) The driver of a motor vehicle using a loading bay shall stop the engine as soon as the vehicle is in position in the loading bay, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
- (9) A driver of a vehicle shall not use a loading bay so as unreasonably to prevent access to any premises adjoining the road or so as to be a nuisance.
- (10) No person shall use a vehicle, while it is in a loading bay, in connection with the sale of any article to persons in or near the loading bay or in connection with the selling or offering for hire of his skill or services.
- (11) Subject to the proviso hereto, when a vehicle is left in a loading bay in contravention of any of the provisions in Articles (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 loading bay provided that when a vehicle is waiting in a loading bay in contravention of the provision of Article (3)(a) 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.
- (12) Any person removing a vehicle by virtue of Article (11) 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.

- (13) When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a loading bay by virtue of Article (11) of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

#### **Power to Suspend the Use of Loading Bays**

- (14) Any person duly authorised by the issuing authority may by Order, Notice or the erection of a suitable barrier suspend the use of any part of a loading bay whenever he considers such suspension is necessary:
- a) for facilitating the movement of traffic or promoting its safety, or
  - b) for facilitating any building operation, demolition or excavation in or adjacent to any part or the whole of a loading bay, or
  - c) for maintaining, improving or reconstructing any part or the whole of a loading bay or any part of the adjacent carriageway, or
  - d) for laying, erecting, altering, removing or repairing any sewer pipe or apparatus for the supply of gas, water, electricity or telecommunications, or
  - e) for placing, maintaining or removal of any traffic sign in or adjacent to a loading bay, or
  - f) for the convenience of occupiers or premises adjacent to a loading bay to facilitate the removal or delivery of furniture from or to those premises, or
  - g) for the convenience of occupiers of premises adjacent to a loading bay on the occasion of weddings or funerals, or on other special occasions, or
  - h) if due to a public procession, rejoicing or illumination or when the streets are thronged or liable to be obstructed.
- (15) A police constable in uniform may suspend the use of the whole or any part of a loading bay for no longer than 24 hours whenever he considers such suspension is reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (16) Any person suspending the use of any part or the whole of a loading bay in accordance with the provisions of Articles 14 or 15 of this Order shall place or cause to be placed in or adjacent to any part of that parking place a traffic sign or signs indicating that vehicles are prohibited from waiting and shall remove or cover any existing signs indicating the suspended restriction.
- (17) No person shall cause or permit a vehicle to be left in any part of a suspended loading bay or adjacent to it where a traffic sign has been placed in pursuance of Article 16 of this Order unless the vehicle is being used for any purpose specified in Article 14 of this Order or the vehicle is left with the permission of the person suspending the use of the loading bay.

#### **Contraventions and Penalty Charges**

- (18) Where a person contravenes the prohibitions and requirements set out in this Order, the owner of the vehicle in question shall incur a penalty charge.
- (19) The penalty charge shall be payable to Tunbridge Wells Borough Council in accordance with the instructions contained on the penalty charge notice.

#### **General Provisions**

- (20) 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 prohibition, the provisions of this Order shall prevail.
- (21) 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 of 1984, or by or under any other enactment.

(22) The parts of Orders listed in PART THREE of the Schedule to this Order are hereby revoked and will cease to have any effect from 1<sup>st</sup> December 2014

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

**Commencement and citation**

This Order may be cited as “THE KENT COUNTY COUNCIL (VARIOUS ROADS) (TUNBRIDGE WELLS BOROUGH) (PROHIBITION OF WAITING AND PROVISION OF LOADING BAY) ORDER No.3 2014” and shall come into operation on the 1<sup>st</sup> December 2014.

Given under the Seal of the Kent County Council

This                      day of    2014

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>
Mount Ephraim Road, Tunbridge Wells	South side	between points 99 metres east and 122 metres east of its junction with Hanover Road
Pennington Road, Southborough	North side	from a point 15 metres west of its junction with Doon Brae to a point 30 metres west of its westerly junction with Fernhurst Crescent
Sandhurst Road, Tunbridge Wells	Both sides	between a point 15 metres north-west of its southerly junction with Sandhurst Park and a point 25 metres south-east of that junction
Sandhurst Park, Tunbridge Wells	Both sides	between its southern most junction with Sandhurst Road and a point 15 metres west of that junction

PART TWO

**No Waiting Monday to Saturday 8am to 6pm except for loading**

Road	Side	Definition
Lime Hill Road, Tunbridge Wells	South side	from a point 33 metres south-west of its junction with Mount Ephraim Road to a point 43 metres south-west of that junction

PART THREE

**Orders and parts of Orders to be Revoked**

From PART ONE of the Schedule to THE KENT COUNTY COUNCIL (VARIOUS ROADS, BOROUGH OF TUNBRIDGE WELLS) (PROHIBITION OF WAITING) CONSOLIDATION ORDER 2004 the following shall be revoked

Road	Type of Restriction	Side	Section to be Revoked
Mount Ephraim Road, Tunbridge Wells	No Waiting At Any Time	North-east side	between points 116 metres east and 125 metres east of its junction with Hanover Road
Mount Pleasant Avenue, Tunbridge Wells (southern-most east-west spur)	No Waiting At Any Time	South side	between points 13 metres east and 45 metres east of its junction with Mount Pleasant Road

From PART THREE of the Schedule to THE KENT COUNTY COUNCIL (VARIOUS ROADS, BOROUGH OF TUNBRIDGE WELLS) (PROHIBITION OF WAITING) CONSOLIDATION ORDER 2004 the following shall be revoked

Road	Type of Restriction	Side	Section to be Revoked
Mount Ephraim Road, Tunbridge Wells	No Waiting Monday to Saturday 8am - 6pm	North side	between points 73 metres east and 91 metres east of its junction with Hanover Road

From PART FIVE of the Schedule to the KENT COUNTY COUNCIL (TRAFFIC RESTRICTIONS)(FIVE WAYS) ORDER 1998 the following shall be revoked

Road	Type of Restriction	Side	Section to be Revoked
Lime Hill Road, Tunbridge Wells	Loading Bay Monday to Saturday 8am - 6pm	South and East side	between a point 26 metres south of its junction with Mount Ephraim Road and a point 41 metres south of that junction

