

THE KENT COUNTY COUNCIL  
(VARIOUS ROADS) (TUNBRIDGE WELLS BOROUGH)  
(PROHIBITION OF WAITING AND PROVISION OF PARKING PLACES) No.2 ORDER 2015  
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.

**Preamble**

This Order shall come into operation on the 7th day of September 2015 and may be cited as “THE KENT COUNTY COUNCIL (VARIOUS ROADS, TUNBRIDGE WELLS BOROUGH) (PROHIBITION OF WAITING AND PROVISION OF PARKING PLACES) No. 2 ORDER 2015.

**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 lawfully displaying a disabled persons badge;
“driver”	in relation to a vehicle waiting in a street parking place, 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 licencing purposes
“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 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 of 1984 for use as

	a parking place
“relevant position”	means; <ol 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> </ol>
“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

### **Restrictions Imposed**

- (2) Save as provided in Articles (6), (7) and (8) 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;
  - (b) on any day except Saturday or Sunday 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) 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 vehicle as are specified in Article (4)(a) subject to being parked in the manner described in Article (4)(b).
- (4) 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.
- (5) Save as provided in Articles (6), (7) and (8) of this Order, the driver of a vehicle shall not permit it to wait for longer than 30 minutes in any parking place specified in PART THREE of the Schedule to this Order on any weekday between 8am and 6pm and shall not permit it to wait again upon any parking place within the same road within 2 hours after its leaving the said parking place.

### **Exemptions from Waiting Restrictions**

- (6) Nothing in Articles (2), (4), or (5) 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 125 (1) of the Postal Services Act 2000;
  - (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.
- (7) Nothing in Articles (2), (4), or (5) 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.
- (8) Nothing in Articles (2), (4), or (5) 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 Street Parking Places**

- (9) 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.
- (10) 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.
- (11) 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.
- (12) Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions in Articles (4), or (5) 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 (4) (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.
- (13) Any person removing a vehicle by virtue of Article (12) 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.
- (14) 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 (12) 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 Street Parking Places**

- (15) 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 parking place 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 parking place, or
  - c) for maintaining, improving or reconstructing any part or the whole of a parking place 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 parking place, or
  - f) for the convenience of occupiers or premises adjacent to a parking place 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 parking place 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.
- (16) A police constable in uniform may suspend the use of the whole or any part of a parking place 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.
- (17) Any person suspending the use of any part or the whole of a parking place in accordance with the provisions of Articles 15 or 16 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.
- (18) No person shall cause or permit a vehicle to be left in any part of a suspended parking place or adjacent to it where a traffic sign has been placed in pursuance of Article 17 of this Order unless the vehicle is being used for any purpose specified in Article 15 of this Order or the vehicle is left with the permission of the person suspending the use of the parking place.

### **General Provisions**

- (19) 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.
- (20) 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.
- (21) The parts of Orders listed in PART FOUR of the Schedule to this Order are hereby revoked and will cease to have effect from 7th September 2015

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 PARKING PLACES) No.2 ORDER 2015" and shall come into operation on the 7th September 2015.

Given under the Seal of the Kent County Council

This            day of                            2015

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

Road	Side	Definition
Barden Road, Speldhurst	East and North-east side	from a point 48 metres north of its junction with Furze field Avenue to a point 35 metres south-east of that junction
Birchwood Avenue, Southborough	Both sides	from its junction with London Road to a point 35 metres west of that junction
	Both sides	between points 15 metres west and 15 metres east of its junction with Bounds Oak Way
Bounds Oak Way, Southborough	Both sides	from its junction with Birchwood Avenue and a point 15 metres north-west of that junction
Clarendon Way, Tunbridge Wells (Spur road to even nos 56 – 60)	Both sides	Between its junction with Clarendon Way and a point 10 metres north-west of that junction
Clarendon Way, Tunbridge Wells	North-west side	Between points 9 metres and 31 metres south-west of its junction with Clarendon Gardens
	North-west side	Between points 10 metres north-east and 10 metres south-west of its junction with the spur road to even nos. 56 – 60 Clarendon Way
	South-east side	Between points 27 metres and 31 metres south-west of its junction with Clarendon Gardens
	South-east side	Between points 25 metres and 30 metres south-west of its junction with Montacute Road
Court Road, Tunbridge Wells	North-east side	between its junction with Earls Road and a point 10 metres north-west of that junction
	South-west side	between its junction with Earls Road and a point 15 metres north-west of that junction
Earls Road, Tunbridge Wells	Both sides	between a point 10 metres north-east of its junction with Molyneux Park Road and a point 15 metres north-east of that junction
	West side	between points 10 metres north-east and 15 metres south-west of its junction with Court Road

Forest Road, Tunbridge Wells	West side	from a point 10 metres south of its junction with the vehicular access to AXA PPP offices (opposite 63 Forest Road) to a point 15 metres north of that junction
High Brooms Road, Southborough	West side	Between points 1 metre north and 15 metres south of its junction with Wolseley Road
Hilbert Road, Tunbridge Wells	West side	Between points 15 metres north and 15 metres south of its junction with King George V Hill
John Street, Tunbridge Wells	South side	between points 25 metres and 41 metres west of its junction with St Johns Road
King George V Hill, Tunbridge Wells	Both sides	From its junction with Hilbert Road and a point 30 metres west of that junction
London Road, Southborough	West side	between points 20 metres north and 20 metres south of its junction with Birchwood Avenue
Molyneux Park Road, Tunbridge Wells	North-east side	from a point 15 metres north-west of its junction with Earls Road to a point 20 metres north-west of that junction  from a point 15 metres south-east of its junction with Earls Road to a point 25 metres south-east of that junction
Monson Road, Tunbridge Wells (Fronting odd nos. 17 – 31)	North-west side	for its entire length
Mount Pleasant, Paddock Wood (North – South spur road serving nos. 5a – 7a)	South-east side	For its entire length
Wolseley Road, Southborough	North-west side  South-east side	from its junction with High Brooms Road to a point 10 metres south-west of that junction  from its junction with high Brooms Road to a point 15 metres south-west of that junction

PART TWO

**No Waiting Monday to Friday 8am - 6pm**

Road	Side	Definition
Birchwood Avenue, Southborough	South side	Between a point 15 metres east of its junction with Bounds Oak Way and a point 35 metres west of its junction with London Road

PART THREE

**30 minute limited waiting Monday to Saturday 8am – 6pm, no return within 2 hours**

Road	Side	Definition
Barden Road, Speldhurst	North-east side	from a point 15 metres north-west of its junction with Northfields to a point 23 metres north-west of that junction

PART FOUR

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

From The Schedule to THE KENT COUNTY COUNCIL (VARIOUS ROADS, BOROUGH OF TUNBRIDGE WELLS) (PROVISION OF PARKING PLACES) ORDER 2004 the following shall be revoked

Road	Type of Restriction	Side	Section to be Revoked
John Street, Tunbridge Wells	Thirty minute limited waiting Monday to Saturday 8am – 6pm, no return within one hour	South side	from a point 25 metres west of its junction with St Johns Road to a point 41 metres west of that junction

From PART FOUR of the Schedule to THE KENT COUNTY COUNCIL (VARIOUS ROADS, BOROUGH OF TUNBRIDGE WELLS) (PROHIBITION OF WAITING) No 2 2004 the following shall be revoked

Road	Type of Restriction	Side	Section to be Revoked
Earls Road, Tunbridge Wells	No Waiting Monday to Saturday 10am – 11am	West side	from its junction with Court Road to a point 10 metres north of that junction