

THE KENT COUNTY COUNCIL
(VARIOUS ROADS, TUNBRIDGE WELLS BOROUGH)
(DISABLED PERSONS PARKING PLACES) No.1 ORDER 2016
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 1984 Act, hereby makes the following Order.

Interpretation

(1) In this Order:-

“civil enforcement area”	Means an area where civil enforcement of parking restrictions can be enforced 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 vehicle”	means a vehicle lawfully displaying in the relevant position a disabled persons badge;
“disabled persons badge”	has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 2000;
“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
“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 place”	means any 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;
“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;
“specified road”	means the road or roads specified in the Schedule to this Order.

Disabled Persons Parking Places

- (2) Each length of road specified in PART ONE of the Schedule to this Order is authorised for use as a parking place for such vehicles as are specified in Article (3) subject to said vehicles being parked wholly within the limits of the marked bay.
- (3) Save as provided in Article (4) 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 the Schedule to this Order

unless such vehicle is a disabled persons vehicle displaying in the relevant position a disabled persons badge.

- (4) Nothing in Article (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 to:--
- (a) 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 work 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
 - (b) 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; or
 - (c) enable the vehicle, if it is 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; or
 - (d) enable the vehicle to be used for police, ambulance or fire brigade purposes.

General Provisions Relating to Disabled Persons Parking Places

- (5) 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.
- (6) 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.
- (7) Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions in Articles (2) or (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 parking place provided that when a vehicle is waiting in a parking place in contravention of the provision of Article (2) 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.
- (8) Any person removing a vehicle by virtue of Article (7) 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.
- (9) 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 (7) of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
- (10) 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 provision, the provisions of this Order shall prevail.

Revocations

- (11) The Parts of Orders specified in PART TWO of the schedule to this Order are hereby revoked and shall cease to have any effect from the 1st day of August 2016

Citation and Commencement

- (12) This Order may be cited as “The Kent County Council (Various Roads, Tunbridge Wells Borough) (Disabled Persons Parking Places) No.1 Order 2016” and shall come into operation on the 1st day of August 2016.

Given under the Seal of the Kent County Council

This day of 2016

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

Authorised Signatory

THE SCHEDULE

PART ONE Disabled Persons Parking Places

Road	Side	Description
Little Mount Sion Tunbridge Wells	south east side	from a point 35 metres south-west of its junction with Warwick Road to a point 42 metres south-west of that junction
Hill View Road Rusthall	east side	(outside 12 Hill View Road) between points 54 metres and 61 metres north of its junction with Rusthall High
	east side	(outside 28 Hill View Road) between points 92 metres and 99 metres north of its junction with Rusthall High Street
Broomhill Park Road Southborough	north side	from a point 138 metres west of its junction with Prospect Road and a point 157 metres west of that junction
Cambrian Road High Brooms	north east side	(outside 6 Cambrian Road) between points 51 metres and 58 metres north west of its junction with Upper Grosvenor Road
	south west side	(outside 17 Cambrian Road) between points 74 metres and 81m north west of its junction with Upper Grosvenor Road
Clifton Road High Brooms	west side	(outside 69 Clifton Road) between points 54 metres and 61 metres north of its junction with Brook Road
	west side	(outside 117 Clifton Road) between points 170 metres and 177 metres north of its junction with Brook Road
	east side	(outside 116 Clifton Road) between points 180 metres and 187 metres north of its junction with Brook Road
	east side	(outside 108 Clifton Road) between points 158 metres and 165 metres west of its junction with Brook Road

PART TWO

Parts of Orders Revoked

From PART ONE of The Kent County Council (Various Roads, Tunbridge Wells Borough) (Disabled Persons Parking Places) Consolidation Order 2005:

6.6 metres long bay outside 44 Cambrian Road, Tunbridge Wells

From The Kent County Council (Various Roads, Tunbridge Wells Borough) (Disabled Persons Parking Places) Order No. 2 2006:

6.6 metres long disabled persons parking bay outside 26 Cambrian Road, Tunbridge Wells.

From The Kent County Council (Various Roads, Tunbridge Wells Borough)(Disabled Persons Parking Places) Order No.1 2007:

6.6 metres long bay outside 21 Hill View Road, Rusthall

From The Kent County Council (Various Roads, Tunbridge Wells Borough) (Disabled Persons Parking Places) Order No.1 2008:

6.6 metre long disabled persons parking bay outside 30 Broomhill Park Road, Southborough.