

THE KENT COUNTY COUNCIL
(VARIOUS ROADS) (TUNBRIDGE WELLS BOROUGH)
(PROHIBITION OF WAITING) No.1 ORDER 2016
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 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 1st day of August 2016 and may be cited as “THE KENT COUNTY COUNCIL (VARIOUS ROADS)(TUNBRIDGE WELLS BOROUGH)(PROHIBITION OF WAITING) No.1 ORDER 2016.

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
“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;

- 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 the Schedule to this Order

“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 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 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 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

- (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 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.
- (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 of 1984, 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 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.

Commencement and citation

This Order may be cited as “THE KENT COUNTY COUNCIL (VARIOUS ROADS) (TUNBRIDGE WELLS BOROUGH) (PROHIBITION OF WAITING) No.1 ORDER 2016” and shall come into operation on the 1st 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
No waiting at any time

Road	Side	Definition
Knights Way, Tunbridge Wells	Both sides	From a point 15 metres east of the western most north-south part of Knights Way (the western most access road to the Leisure complex) to its junction with The Avenue
Knights Way, Tunbridge Wells western most north-south section (the western most access road to the Leisure Complex)	Both sides	From its junction with the northern most part of the east-west section of Knights Way to a point 15 metres south-east of that junction
The Avenue, Tunbridge Wells	Both sides	From its junction with Knights Way to its junction with Golding Road
Access road to school from The Avenue, Tunbridge Wells	Both sides	From its junction with The Avenue to a point 18m north-west of that junction
Golding Road, Tunbridge Wells	Both sides	From its junction with The Avenue to a point 10 metres north of that junction
Grove Place, Tunbridge Wells	Both sides	From its junction with The Avenue to a point 15 metres south of that junction