

ROAD TRAFFIC REGULATION ACT 1984

THE KENT COUNTY COUNCIL

(TUNBRIDGE WELLS BOROUGH)

(PROHIBITION OF WAITING) No.4 ORDER 2019

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") 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, hereby make the following Order:-

Commencement and Citation

This Order shall come into operation on the 26th day of August 2019 and may be cited as "THE KENT COUNTY COUNCIL (TUNBRIDGE WELLS BOROUGH) (PROHIBITION OF WAITING) No. 4 ORDER 2019" ("this Order").

Interpretation

(1) In this Order:-

Term	Meaning
"Civil Enforcement Area"	means an area where civil enforcement of parking restrictions can be undertaken as defined by Section 74 of the Traffic Management Act 2004
"Civil Enforcement Officer"	means a person employed by Tunbridge Wells Borough Council in pursuance of powers granted by the Section 76 of the Traffic Management Act 2004
"Contravention"	means a failure to comply with restrictions set out in this Order that may result in the issue of a Penalty Charge Notice
"Disabled Person's Badge"	has the same meaning as in regulation 2 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000
"Disabled Persons Vehicle"	means a Vehicle lawfully displaying a Disabled Person's Badge
"Emergency Services Vehicle"	means a Vehicle operated by the police, fire & rescue service or ambulance service
"Goods"	means goods or burden of any kind whether animate or inanimate and includes postal packets of any description
"Goods Vehicle"	means a Vehicle constructed or adapted for use for the carriage of Goods or burden
"Junction"	means the intersection point of the centrelines, or projected centrelines, of the Roads specified
"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 Road where the waiting of that Vehicle would otherwise be restricted or prohibited.

"Penalty Charge"	has the same meaning as set out in Part 1 regulation 2 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007
"Penalty Charge Notice"	has the same meaning as set out in regulation 8 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007
"Relevant Position"	means: - 1) in respect of a Disabled Person's Badge and where the Vehicle is fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from the outside of the Vehicle 2) in the case of a Vehicle not fitted with a dashboard or fascia panel, the Disabled Person's Badge is exhibited in a conspicuous position on the Vehicle so that Part 1 of the badge is legible from the outside of the Vehicle. 3) in the case of a Parking Exemption Certificate, in a conspicuous position inside the Vehicle so that the certificate is visible in full and legible from outside the Vehicle.
"Road"	means the full width, including any footway or verge, of any length of highway or of any other road to which the public have access, and includes bridges over which a road passes
"Universal Service Provider"	has the same meaning as in Section 65 of the Postal Services Act 2011
"Vehicle"	has the same meaning as that assigned to "motor vehicle" in s.136(1) of the Act

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 officer 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

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 Person's 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 valid Parking Exemption Certificate to wait in any of the roads specified in the Schedule to this 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) Insofar 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 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, or by or under any other enactment.

Contraventions of this Order

- (8) Where a person contravenes any of the provisions of this Order, and the Vehicle does not fall into any one of the exemptions contained within Articles (3), (4), or (5) of this Order, a Penalty Charge Notice may be issued by a Civil Enforcement Officer and a Penalty Charge may be payable.

Given under the Common Seal of the Kent County Council

This 9th day of August 2019

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



A handwritten signature in black ink, consisting of stylized initials and a surname.

Authorised Signatory

THE SCHEDULE

No waiting at any time

Road	Side	Definition
Holden Park Road Southborough	Both sides	From its Junction with Prospect Road to a point 15 metres east of that Junction
Prospect Road Southborough	East side	From a point 15 metres north and 15 metres south of its Junction with Holden Park Road