

**THE KENT COUNTY COUNCIL
(TUNBRIDGE WELLS BOROUGH)
(PROHIBITION OF WAITING)
No.1 ORDER 2023**

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") as amended by the Traffic Management Act 2004 Part 6 and all other enabling powers, 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

- (1) This Order shall come into operation on the 27th day of November 2023 and may be cited as "THE KENT COUNTY COUNCIL (TUNBRIDGE WELLS BOROUGH) (PROHIBITION OF WAITING) No.1 ORDER 2023" ("this Order").

Interpretation

- (2) In this Order:-

Term	Meaning
"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)
"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 The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000
"Disabled Person's Vehicle"	means a Vehicle lawfully displaying a Disabled Person's Badge in relation to a Vehicle waiting in a street Parking Place
"Driver"	Means a person driving the Vehicle at the time it was left in the Parking Place
"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
"Motor Car"	Means any Vehicle which is classed as private light goods for road fund licensing 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 Road where the 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"	means a charge of the appropriate higher or lower level rates, set in accordance with the provisions of the Act of 2004 payable to the Council in the event of any contravention of this Order
"Penalty Charge Notice"	means a notice indicating a Penalty Charge has been incurred served by either attaching it to the Vehicle or by first class post to the DVLA registered keeper of the Motor Vehicle observed in contravention of the regulations made by this Order
"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 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

- (3) Save as provided in Articles (5), (6) and (7) 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 PART ONE of the Schedule to this Order
- (4) Save as provided in Articles (5), (6) and (7) 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 between the hours of 7am and 4pm Monday to Friday in any of the lengths of Road specified in PART TWO of the Schedule to this Order

Exemptions from Waiting Restrictions

- (5) Nothing in Article (3) or (4) 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.
- (6) Nothing in Article (3) or (4) of this Order shall render it unlawful to cause or permit a Disabled Person's 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 Article (3) or (4) of this Order shall render it unlawful to cause or permit a Vehicle which is registered with Tunbridge Wells Borough Council as having a valid Parking Exemption Certificate or parking dispensation to wait in any of the Roads specified in the Schedule to this Order provided the permit or dispensation is valid for the Parking Place where the Vehicle is waiting and for both the day and time when the Vehicle is waiting.

General Provisions

- (7) 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.
- (8) 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

- (9) 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 may be payable
- (10) 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

Revocations

- (11) From the Kent County Council Zone D (Residents Parking) (Tunbridge Wells) Order 2011 that part of Part One of the Schedule to the Order applicable to the west side of Windmill Street between a point 15 metres south-west of its Junction with Bayhall Road and a point 35 metres south-west of that Junction

Given under the Common Seal of the Kent County Council

This 2nd day of November 2023

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



Authorised Signatory



1031-2023

THE SCHEDULE

PART ONE

No waiting at any time

Road	Side	Definition
Brook Road, Tunbridge Wells	North-East	From a point 25 metres north-west of its Junction with Oak Road to a point 32 metres north-west of that Junction
Linden Park Road, Tunbridge Wells	North	From a point 90 metres west of its Junction with Montacute Road to a point 105 metres west of that Junction
Henwood Green Road, Pembury	South-West	From a point 10 metres north-west of its Junction with Stanam Road to a point 10 metres south-east of that Junction
Stanam Road, Pembury	Both	From its Junction with Henwood Green Road to a point 10 metres south-west of that Junction
Hill View Road, Rusthall	Both	From its Junction with Erskine Park Road to a point 10 metres south of that Junction
Erskine Park Road, Rusthall	South	From a point 10 metres west of its Junction with Hill View Road to a point 10 metres east of that Junction
Erskine Park Road, Rusthall	Both	From its Junction with Manor Road to a point 10 metres west of that Junction
Manor Road, Rusthall	West	From a point 10 metres north of its Junction with Erskine Park Road to a point 10 metres south of that Junction
Windmill Street, Tunbridge Wells	North-West	From a point 15 metres south-west of its Junction with Bayhall Road to a point 35 metres south-west of that Junction
Wood Street, Tunbridge Wells - Access Road between the rear of 70 to 102 Camden Road and the Age Concern Building	East West	Between its Junction with Wood Street and a point 25 metres south-west of its junction with Wood Street and between a point 36 metres south-west of its Junction with Wood Street and its south-western most point. For its entire length

PART TWO

No waiting between 7am and 4pm, Monday to Friday

Road	Side	Definition
St James' Road, Tunbridge Wells	East	From a point 18 metres north of its Junction with Western Road and a point 30 metres north of that Junction