

THE KENT COUNTY COUNCIL
(BAYHALL ROAD, TUNBRIDGE WELLS)
(PROHIBITION OF WAITING AND LOADING) ORDER 2003
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 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.

Interpretation

(1) In this Order:-

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| “disabled persons badge” | has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1991 or the Disabled Persons (Badges for Motor Vehicles) Regulations 2000; |
| “disabled persons vehicle” | has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1991 or the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000; |
| “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 of 1984 |
| “parking attendant” | means a parking attendant employed by Tunbridge Wells Borough Council in pursuance of powers granted by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (Borough of Tunbridge Wells) Order 1999; |
| “parking disc” | means a disc, issued by a Local Authority, 125mm in diameter coloured either blue or orange, and capable of showing the quarter hour period during which a period of waiting begins; |
| “parking exemption certificate” | a certificate or other means of identification which has been issued by the local traffic authority or its appointed agents on which is shown the index number of the vehicle to which it has been issued and <ol style="list-style-type: none">1) a commencement date and time2) an expiry date and time3) or both and4) may specify those roads or parts thereof in which the certificate is valid |
| “relevant position” | means; <ol style="list-style-type: none">1) in the case of a vehicle fitted with a dashboard or fascia 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 fascia 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. |
| “weekday” | means any day of the week except Sunday |

Prohibition of Waiting

- (2) Save as provided in Articles (3), (4) and (7) of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a traffic warden or of a parking attendant cause or permit: any vehicle to wait on any weekday between the hours of 7am and 10am in any of the lengths of road specified in PART ONE of the Schedule to this Order.
- (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) to enable the vehicle to be used as part of a funeral cortege or a wedding procession;
 - (d) 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;
 - (e) 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 roadworks 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
 - (f) 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.

Prohibition of loading

- (5) Save as provided in Articles (6) and (7) of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a traffic warden or of a parking attendant, cause or permit: any vehicle to wait or load or unload on any weekday between the hours of 7am and 10am in any of the lengths of road specified in PART TWO of the Schedule to this Order.
- (6) Nothing in Article (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 the vehicle to be used as part of a funeral cortege or a wedding procession;
 - (c) 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;
 - (d) 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 roadworks 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
 - (e) to enable the vehicle to be used for police, ambulance or fire brigade purposes.

General

- (7) Nothing in Articles (2) 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 PART ONE or PART TWO of 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.

- (8) The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the said Act of 1984 except that any provision made under the Tunbridge Wells Borough Council (Various Roads, Tunbridge Wells) (Bus Stop Clearways) Order 1992.

Commencement and citation

- (9) This Order may be cited as “The Kent County Council (Bayhall Road, Tunbridge Wells) (Prohibition of Waiting and Loading) Order 2003” and shall come into operation on 1st September 2003.

GIVEN under the Common Seal of the Kent County Council this twenty second day of August in the year two thousand and three.

THE COMMON SEAL OF THE
KENT COUNTY COUNCIL

was hereunto affixed

in the presence of:-

Authorised signatory

THE SCHEDULE

PART ONE

No waiting Monday to Saturday 7am – 10am

Bayhall Road, Tunbridge Wells - Both sides from a point 54 metres east of its junction with Prospect Road to a point 90 metres east of that junction.

PART TWO

Prohibition of loading between 7am and 10am Monday to Saturday

Bayhall Road, Tunbridge Wells - South side from its junction with Prospect Road to a point 90 metres east of that junction.