

**THE BOROUGH OF WARRINGTON (VARIOUS ROADS) (HACKNEY
CARRIAGE STANDS CLEARWAY) ORDER 2009**

The Warrington Borough Council (hereinafter referred to as "the Council"), in exercise of its powers under Sections 1, 2, and 4 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") 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 makes the following Order: -

1. In this Order:-

"A person authorised by the Council" means a person authorised by or on behalf of the Council to supervise the restrictions and prohibitions imposed by this Order;

"driver", in relation to a vehicle waiting in a Hackney Carriage Stand, means the person driving the vehicle at the time it was left in the Hackney Carriage Stand;

"enactment" means any enactment, whether public, general or local and includes any Order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of any enactment;

"hackney carriage stand" is an appointed stand by Warrington Borough Council for the use of Licensed Hackney Carriage Vehicles;

"hackney carriage vehicle" has the same meaning as in the Town Police Clauses Act 1847;

"owner" in relation to a vehicle means the person by whom such vehicle is kept and used. It is presumed (unless the contrary is proved) that the owner is the person in whose name the vehicle is registered or the person who has the use of such a vehicle in the course of his/her employment and who is entitled to use such a vehicle as though he/she were the registered keeper thereof;

"penalty charge" means the charge set by the Council under the provisions of The Road Traffic Act 1991 which is to be paid to the Council following the issue of a penalty charge notice and within 28 days of the issue of that notice;

"Penalty Charge Notice" means a notice issued or served by a parking attendant pursuant to the provisions of Section 66 of the Road Traffic Act 1991

2. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order.

3. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
4. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked by this Order were Acts of Parliament thereby repealed.
5. The making of this Order by the Council is done so under the duty imposed by Section 122(1) of The Road Traffic Regulation Act 1984 to secure the expeditious, convenient and safe movement of vehicular and other traffic and the provision of suitable and adequate parking facilities on and off the Highway, insofar as practicable having regard to the matters in Section 122(2) of the said Act.
6. Save as provided in Article 7 no person, except with the direction or with the permission of a person authorised by the Council, Police Constable in uniform or Police Community Support Officer in uniform shall cause or permit any vehicle, except Licensed Hackney Carriage Vehicles, from stopping or remaining at rest "at any time" in the Hackney Carriage Stands detailed in the Schedule to this Order.
7. (1) Nothing in Article 6 of this order shall render it unlawful for a person to cause or permit any vehicle to wait in a Hackney Carriage Stand: -
 - (a) if the vehicle is being used for the removal of any obstruction to the traffic;
 - (b) if the vehicle is being used in the service of a local authority or a water authority in exercise of statutory powers or duties and whilst being so used in such service it is necessary for the vehicle to wait in that Hackney Carriage Stand;
 - (c) if the vehicle is being used for police, fire brigade or ambulance purposes; or
 - (d) in any case where the person in control of the vehicle –
 - (i) is required by law to stop;
 - (ii) is obliged to stop so as to prevent an accident; or
 - (iii) is prevented from proceeding by circumstances beyond his control.
8. If a vehicle is left in a Hackney Carriage Stand at any time in contravention or without complying with the requirements of this Order a contravention shall have occurred and a penalty charge shall be payable.

9. In the case of vehicles in respect of which a penalty charge may have been incurred, it shall be the duty of the person authorised by the Council to issue a notice showing the information required by the appropriate legislation in accordance with the requirements of the legislation or any subsequent applicable legislation and/or the vehicle may be removed from the location.
10. The penalty charge shall be paid to the Council within 28 days of the issue of the penalty charge notice either;
 - (a) by cheque, bankers' draft, money order or postal order delivered or sent by post as indicated on the penalty charge notice, or
 - (b) by cheque, postal order, in cash, by credit card or debit card in person at any Borough of Warrington Council office which accepts such payments, or
 - (c) by credit card or debit card over the phone using the number specified on the penalty charge notice

Provided that, if the said twenty eight day falls upon a day on which the said Department or office is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.30 on the next full day on which the said Department is open.

11. If the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion.
12. If the owner fails to pay the penalty charge by the end of the 28 day period, a notice of owner may be served; and if the charge is not paid within a further 28 days it may be increased by 50% on the issue of a charge certificate in accordance with the provisions of paragraph 6 of schedule 6 of the 1991 Act.
13. Continuing failure to pay the penalty charge may result in a judgement in the County Court against the owner to enable the Council to recover the payments due.
14. The particulars given in the penalty charge notice attached to a vehicle in accordance with Article 9 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.
15. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 9 no person, not being the driver of the vehicle, a police constable in uniform, a person authorised by the Council or some other person duly authorised by the Council shall remove the notice from the vehicle unless authorised to do so by the keeper of the vehicle.

16. If a vehicle is left after a penalty charge has been incurred, a parking attendant in uniform or a person acting under his/her direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of section 69(1) of the Road Traffic Act 1991 and that vehicle shall only be released from the device on payment of the penalty charge, or as the case may be reduced penalty charge, along with such release fee as may be required by the Council.
17. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.
18. This Order shall come into operation on 6th day of February 2009 and may be cited as "The Borough of Warrington (Various Roads) (Hackney Carriage Stands Clearway) Order 2009".

SCHEDULE

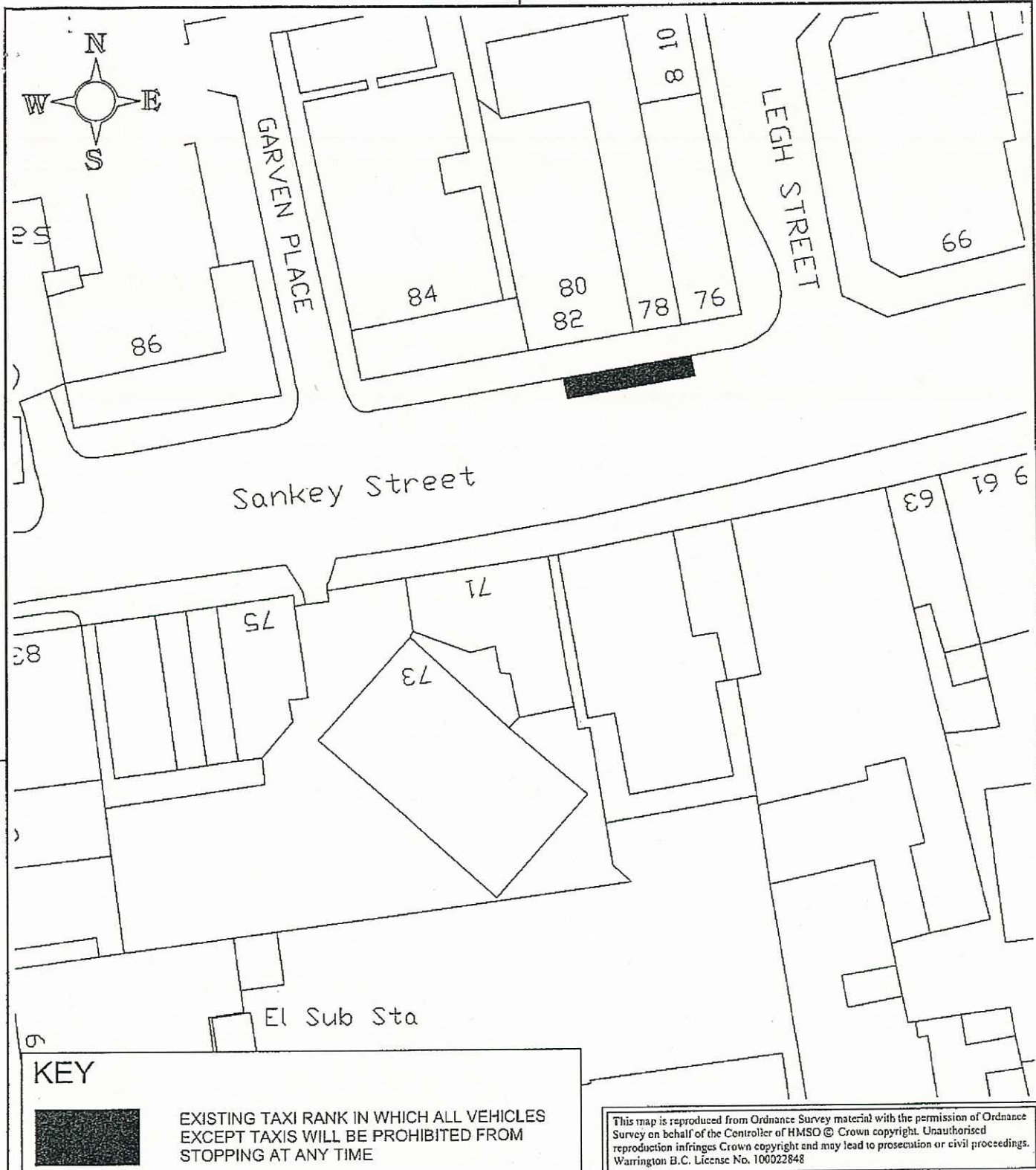
Sankey Street	Stand located on the northern side of Sankey Street adjacent to the White Hart Public House.
Sankey Street	Stand located on the southern side of Sankey Street between Legh Street and Bold Street, opposite the White Hart Public House.
St Austin's Lane	Stand located on the northern side of St Austin's Lane adjacent to the Postern Gate Public House.
Winwick Road	Stand located on the eastern side of Winwick Road adjacent to the Lord Rodney Public House.

Given under the Common Seal of the Council of the Borough of Warrington this 4th day of February 2009.

The Common Seal of the **BOROUGH**)
OF WARRINGTON was hereunto)
affixed in the presence of)


Authorised Signatory





KEY



EXISTING TAXI RANK IN WHICH ALL VEHICLES EXCEPT TAXIS WILL BE PROHIBITED FROM STOPPING AT ANY TIME

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Executed as a Deed by affixing the Common Seal of Warrington Borough Council in the presence of:

C. Gough
 Authorised Signatory

Warrington
 Borough Council

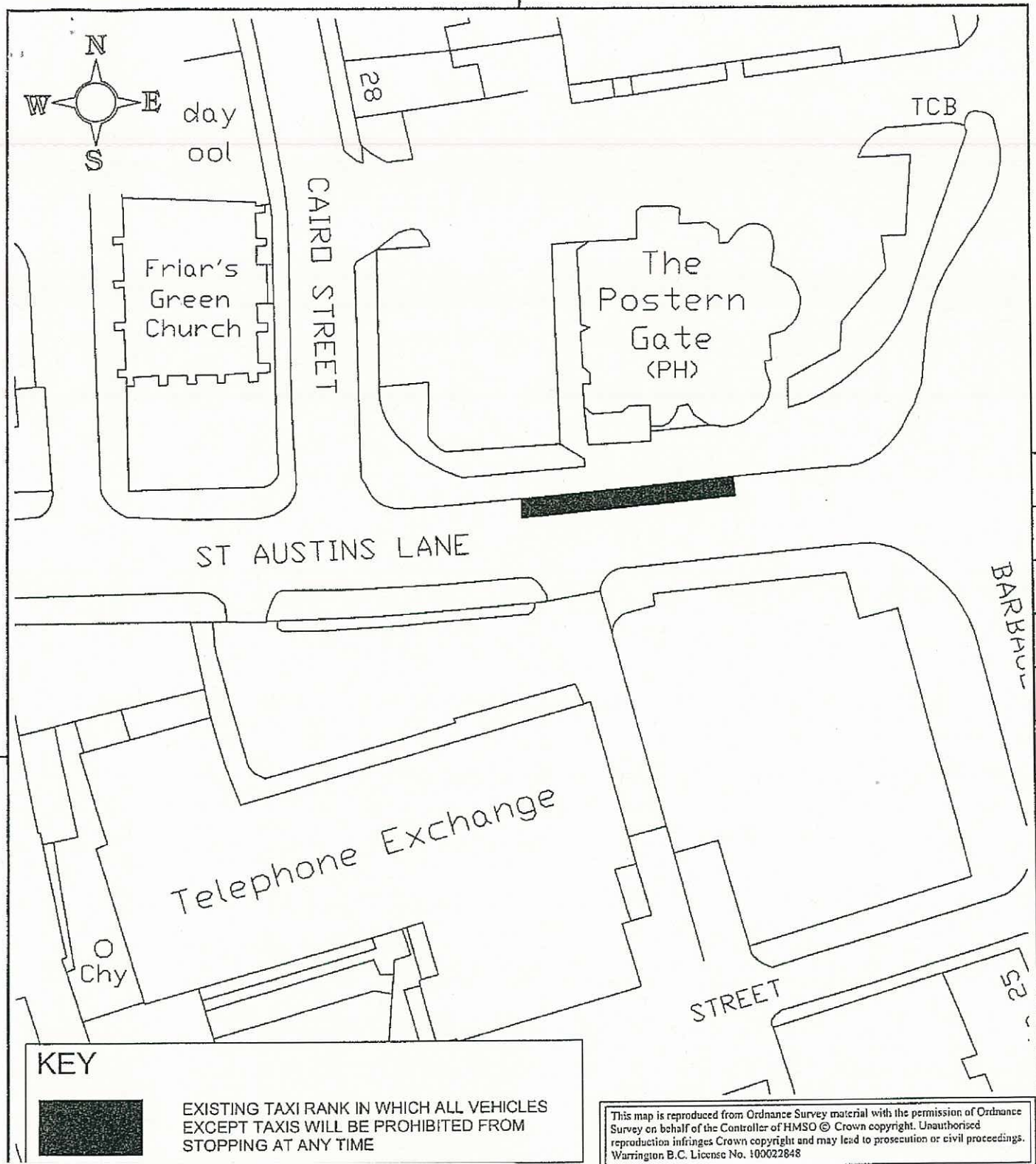
Environment and Regeneration
 Transportation Service, Palmyra House, Palm
 Head of Service: Eur Ing P Johnson BSc(Hons)




Drawn by	S.K.	e-mail	skhan@warrington.gov.uk
Approved by		Telephone	01925 442634
Date	August 2008	Fax	01925 443255
Project	Taxi Rank Clearway Orders		
Drawing Title	Sankey Street Location Plan		
Scales	1:500	Drawing No.	ER/TMS/SK/TRO297/A
		Phase / Revision	

AutoCAD File Ref: Taxi Rank - Sankey SLDwg

46581B



KEY

 EXISTING TAXI RANK IN WHICH ALL VEHICLES EXCEPT TAXIS WILL BE PROHIBITED FROM STOPPING AT ANY TIME

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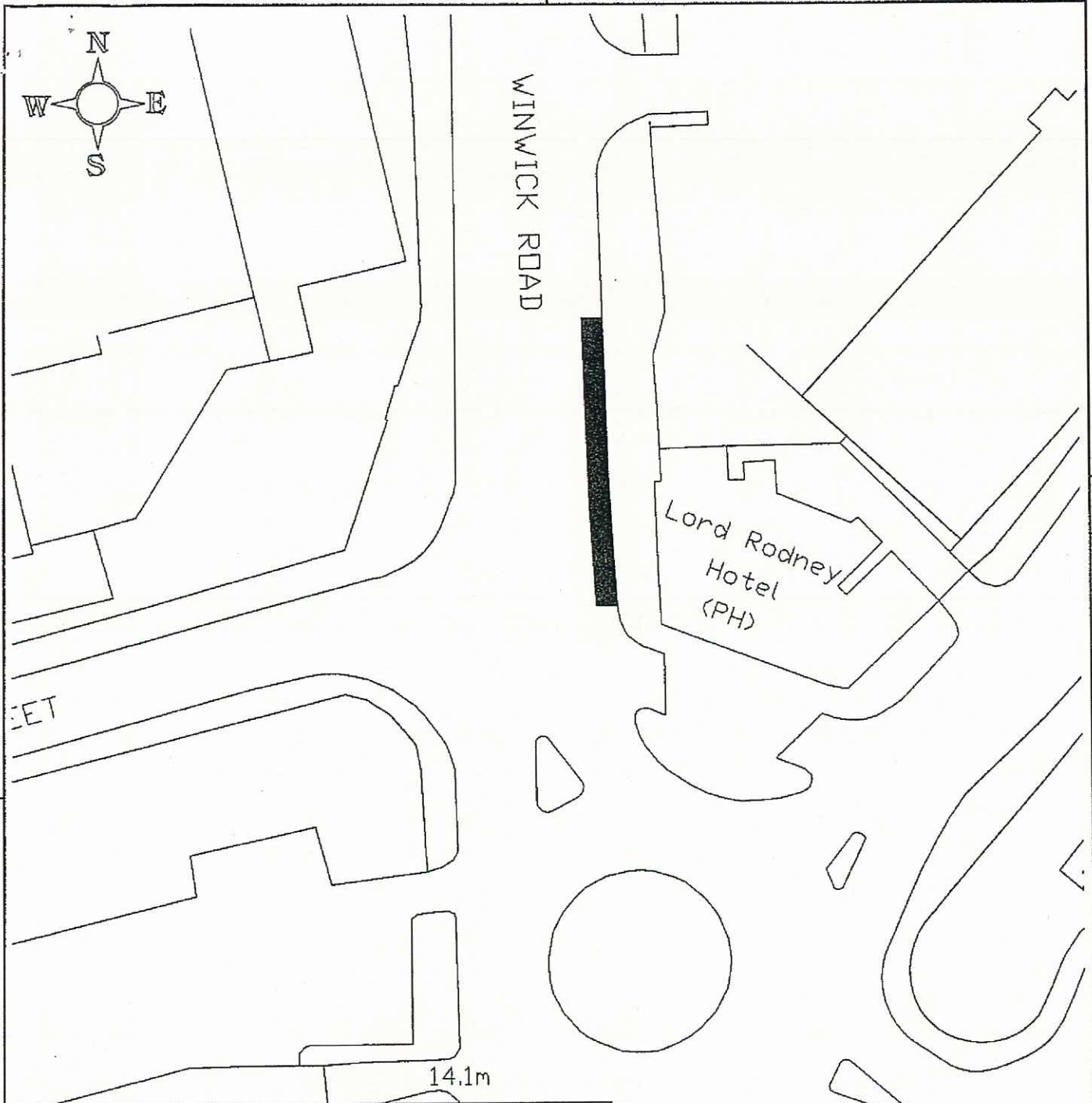
Warrington
 Borough Council

Environment and Regeneration
 Transportation Service, Palmyra House, Palmyra
 Head of Service: Eur Ing P Johnson BSc(Hons) CEng


Drawn by	S.K.	e-mail	skhan@warrington.gov.uk
Approved by		Telephone	01925 442634
Date	August 2008	Fax	01925 443255
Sheet	1 of 1		
Subject			
Taxi Rank			
Clearway Orders			
Drawing Title			
St Austins Lane			
Location Plan			
Scale	Drawing No.	Phase / Revision	
1:500	ER/TMS/SK/TRO297/B		

AutoCAD File Ref: Taxi Rank - St Austins Lane.dwg

40581B



KEY

 EXISTING TAXI RANK IN WHICH ALL VEHICLES EXCEPT TAXIS WILL BE PROHIBITED FROM STOPPING AT ANY TIME

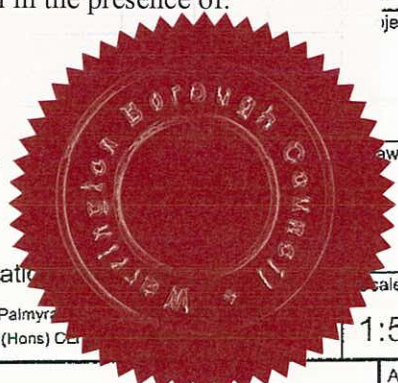
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C. Gaughran
 Authorised Signatory



Environment and Regeneration
 Transportation Service, Palmyra House, Palmyra
 Head of Service: Eur Ing P Johnson BSc(Hons) CEng



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Date	August 2008	Fax	01925 443255
Sheet	1 of 1		
Subject			
Taxi Rank			
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Winwick Road			
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AutoCAD File Ref: Taxi Rank - Winwick Road.dwg

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