

WEST BERKSHIRE DISTRICT COUNCIL

(PROHIBITION AND RESTRICTION OF WAITING AND LOADING, PARKING PLACES AND RESIDENTS PARKING)(CONSOLIDATION) ORDER 2009

The West Berkshire District Council (hereinafter referred to as "the Council") in exercise of the powers conferred by Sections 1(1), 2(1) to (3), 4(2), 19, 32, 35, 45, 46, 47, 49, 53 and 124 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984, (hereinafter referred to as "the 1984 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 1984 Act and with the Road Traffic Act 1991, hereby make the following Order:-

**PART I
CITATION AND INTERPRETATION**

1. This Order shall come into operation on the **6th** day of April 2009 and may be cited as **The West Berkshire District Council (Prohibition and Restriction of Waiting and Loading, Parking Places and Residents Parking)(Consolidation) Order 2009**
2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"administration fee" means the administration fee payable when applying to the Council for the suspension of a parking place or disabled person's parking place in accordance with Article 29(3) of £15 pounds for each three working day period or part thereof (excluding Sundays and public holidays);

"authorised cab rank" means any area of carriageway which is comprised within and indicated by a road marking complying with diagram 1028.2 of Schedule 6 to The Traffic Signs Regulations and General Directions 2002;

"authorised parking place" means any parking place on a road authorised or designated by an order made or having effect as if made under the Act

"bus" means;

(a) motor vehicles constructed or adapted to carry more than eight passengers (exclusive of driver)

(b) local buses not so constructed or adapted and "bus" shall be construed accordingly

"Bus Lane" means a traffic lane reserved for;

(a) motor vehicles constructed or adapted to carry more than eight passengers (exclusive of driver) and

(b) local buses not so constructed or adapted and "bus" shall be construed accordingly.

"buses" has the same meaning as in Regulation 22 of The Traffic Signs Regulations and General Directions 2002;

'bus stop area' means any area of carriageway intended for the waiting of buses, which area of carriageway is comprised within and indicated by a road marking complying with either diagram 1025.1 or diagram 1025.3 in Schedule 6 to The Traffic Signs Regulations and General Directions 2002;

“carriageway” means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

“Civil Enforcement Officer” means a person authorised by or on behalf of the Council to supervise and carry out enforcement in respect of this Order;

“delivering” and “collecting” in relation to any goods includes checking the goods for the purpose of their delivery or collection;

“disabled person's badge” has the same meaning as in The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“disabled person's vehicle” has the same meaning as in The Motor Vehicles (Approval) (Amendment) Regulations 2004;

“disabled person's parking place” means a road or length of road designated as a parking place by Article 19;

the District Council” means the West Berkshire Council

“driver” in relation to a vehicle waiting in a parking place or disabled person’s parking place, or on a road or length of road, means the person driving the vehicle at the time it was left in that parking place, or disabled person’s parking place on that road or length of road;

“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 an enactment;

“goods” means goods or burden of any description and includes postal packets of any description;

“Goods Vehicle” means a motor vehicle which is constructed or adapted for use for the carriage of goods or burdens of any description, or a trailer so constructed or adapted and does not include any motor vehicle primarily constructed or adapted for the carriage of passengers, such as a saloon, hatchback or estate type motor car.

hackney carriage” means a mechanically propelled vehicle standing or plying for hire

“loading” means the loading or unloading of goods to or from a vehicle;

“motor car”, “motorcycle” and “invalid carriage” have the same meanings as in Section 136 of the Act of 1984;

“keeper” in relation to a vehicle means the person by whom such vehicle is kept and used;

“parking disc” means a disc, issued by the local authority, dimensioned in accordance with current regulations coloured blue, and capable of showing the quarter hour period during which a period of waiting begins;

“parking place” means a road or length of road designated as a parking place by Article 10

“parking space” means a space within a parking place which is provided for the leaving of a vehicle;

“passenger vehicle” means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer;

“pay & display area” means a parking place identified on the plans as pay & display and for which a specified charge for parking is payable;

“penalty charge” and “reduced penalty charge” means a charge set by the Council under the provisions of Section 66 of the Road Traffic Act 1991 and with the approval of the Secretary of State for Transport which is to be paid to the Council within 28 days beginning with the date of the notice or 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice;

“penalty charge notice” means a notice issued or served by a civil enforcement officer pursuant to the provisions of Section 66 of the Road Traffic Act 1991; and as amended by Schedule 6 of the Traffic Management Act 2004.

“permit” means a permit issued under the provisions of Article 30;

“permit holder” means a person to whom a permit has been issued;

“plans” means the plans attached to this Order and listed in Schedule 2;

“relevant position” has the same meaning as in The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“resident” means a person whose usual residence is at premises the postal address of which is in a zone described in Schedule 1 to this Order;

“specified charge for parking” means the fee payable for parking in a parking place in a pay and display area;

“the 2002 Regulations” means the Traffic Signs Regulations and General Directions 2002;

“ticket machine” means apparatus or devices of a type and design approved by the appropriate Minister in accordance with Section 35(3) of the Act;

“traffic sign” means a sign of any size, colour and type prescribed or authorised pursuant to or having the effect as though prescribed or authorised pursuant to Section 64 of the Act of 1984;

3. Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order;
4. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act of 1984, or by or under any other enactment provided that:-
 - (a) in so far as any provision which imposes a restriction or prohibition on the waiting by vehicles other than buses in a bus stop area, or grants an exemption from such restriction or prohibition, conflicts with a provision contained in this Order, the provisions of that Order shall prevail; but

- (b) in so far as any other provision which imposes a restriction or prohibition on the waiting by vehicles or grants an exemption from such restriction or prohibition, conflicts with a provision contained in this Order, the provisions of this Order shall prevail.
5. Save where the contrary is indicated, any reference in this Order to:-
- (a) this Order or another Order shall be construed as such a reference to this Order or, as the case may be, such other Order, as the same may have been or may from time to time be amended, varied or supplemented;
 - (b) a Statute or Regulation shall be construed as reference to such Statute or Regulations as the same may have been, or may from time to time be amended or re-enacted.
6. The provisions of this Order shall not apply to an authorised cab rank.

**PART II
PROHIBITION AND RESTRICTION OF WAITING**

7. Save as provided within Article 9 no person shall, except in the case of an emergency upon the direction or with the permission of a police constable or Police Community Support Officer in uniform, or a civil enforcement officer, cause or permit a vehicle to wait:-
- (a) in the lengths of road identified on the plans as “no waiting” during the periods identified on the plans; or
 - (b) in the case of a length of road identified on the plans as “limited waiting”, for longer than the maximum period specified on the plans in relation to that length of road and provided that the number of hours specified on the plans for returning to wait in that length of road has elapsed since the termination of the last period of waiting (if any) by that vehicle on that length of road.
8. Save as provided within Articles 9 (c)(ii), (d) and (h) no person shall, except in the case of an emergency upon the direction or with the permission of a police constable in uniform or a civil enforcement officer, or when the person in control of the vehicle is required by law to stop or is obliged to stop to avoid an accident or is prevented from proceeding by circumstances outside of their control, cause or permit a vehicle to wait in the lengths of road identified on the plans as a bus stop area during the hours specified on the plans.
9. (1) Subject to the provisions of Article 29, nothing in Article 7 shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of roads or on the sides of road specified therein for so long as may be necessary to enable:
- (a) a person to board or alight from the vehicle;
 - (b) goods to be loaded on to or unloaded from the vehicle (except on those lengths of road identified on the plans as “no loading”);
 - (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;

- (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to the said lengths or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
- (d) the vehicle, if it cannot be conveniently be used for such purposes in any other road, to be used in the service of a local authority, or water authority in pursuance of statutory powers or duties;
 - (e) the vehicle of a universal service provider (as defined in Section 4(3) and (4) of the Postal Services Act 2000) to be used for the purposes of delivering and/or collecting mail;
 - (f) the vehicle to wait at or near to any premises situated on or adjacent to the said lengths or sides of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral; or
 - (g) to enable the vehicle to be used for fire brigade, ambulance or police purposes;
- (2) Nothing in Article 7 shall render it unlawful to cause or permit a disabled person's 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 identified on the plans where waiting is prohibited (except in a bus stop area) 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 or on the same side of road on the same day). Provided that in respect of roads identified on the plans where loading is prohibited at all times or limited to certain times, such period lies entirely within the period during which loading is permitted.
 - (3) Nothing in Article 7 shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge to wait in the lengths of road identified on the plans as "limited waiting".
 - (4) Nothing in Article 7 shall render it unlawful to cause or permit a motor car or motor cycle which displays in the relevant position a valid permit for the zone in which the length of road is situate (issued under the provisions of Article 30) to wait in such lengths of road identified in Article 7 where it is specified on the plans that those permit holders are excepted from those provisions.
 - (5) Nothing in Article 7 shall render it unlawful to cause or permit a motor car or motor cycle to be parked on a footway where such footway has been designated as a parking place under Article 10 and where such parking place is indicated by signs complying with Diagrams 668 and 668.2 or Diagrams 667 and 667.2 of the 2002 Regulations.

- (6) For the purposes of this order a vehicle shall be regarded as displaying -
- (a) a disabled persons badge in the relevant position if -
 - (i) In the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside the vehicle; or
 - (ii) In the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle.
 - (b) a parking disc in the relevant position if -
 - (i) In the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle: or
 - (ii) In the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle.

PART III
AUTHORISATION AND USE OF STREET PARKING PLACES

10. (1) Subject to the following provisions of Articles 11 to 18, the parts of roads identified on the plans as parking places for permit holders are authorised to be used as parking places in such positions, on such days and during such hours as identified on the plans, for vehicles displaying in the relevant position a permit for that parking place issued under the provisions of Article 30.
- (2) Subject to the following provisions of Articles 11 to 18, the parts of roads identified on the plans as a pay & display area are authorised to be used as parking places for vehicles in such positions, on such days and during such hours as identified on the plans, upon payment of the specified charges for parking as indicated on the notices on site. Provided that no person shall, except in an emergency upon the direction of a police constable in uniform or a civil enforcement officer, cause or permit a vehicle to wait in a parking place in a pay & display area for longer than either the maximum period for waiting specified on the plans or until the expiration of the period for which the specified charge for parking has been paid, whichever occurs earlier.
- (3) Nothing in this Order shall require a parking place to be available for the purpose of parking when that parking place is required for use by Stalls operated lawfully as part of Hungerford Market.
- (4) Subject to the following provisions of Articles 11 to 18, the parts of the roads identified on the plans as parking places for vehicles (not being a parking place in a pay & display area or a parking place for permit holders) are authorised to be used as parking places for vehicles in such positions, on such days and during such hours as identified on the plans

- (5) Subject to the following provisions of Articles 11 to 18, the parts of roads identified on the plans as "loading only" are authorised to be used as parking places for vehicles delivering or collecting goods, in such positions, on such days and during such hours as identified on the plans.
11. Every vehicle left in a parking place in accordance with this Order shall stand so that every part of the vehicle is wholly within the limits of the marked parking space.
12.
 - (1) Save as provided in Articles 17 and 18, the driver of any vehicle waiting in a parking place in a pay & display area shall pay the specified charge for parking on the leaving of the vehicle in the parking place.
 - (2) The specified charge for parking shall be paid by the insertion in the ticket machine relating to that parking place of a coin or coins of the appropriate denomination making up the full amount of the specified charge or payment by other approved means for parking for the entire period in which the vehicle is being left in the parking place.
 - (3) The driver of a vehicle shall attach the ticket issued upon payment of the specified charge for parking to the vehicle in respect of which it was issued and shall ensure that the whole of the front of the ticket is clearly visible during the entire period that the vehicle is waiting in the parking place.
 - (4) If at any time while a vehicle is left in a parking place during the prescribed hours no ticket is exhibited on the vehicle in accordance with Article 12(3) above, it shall be presumed that the initial charge has not been paid.
 - (5) Any person who wilfully avoids or seeks to avoid or assists in avoiding the payment of the specified charge for parking shall be guilty of contravening this Order.
 - (6) The driver of a vehicle parking that vehicle in a parking place in a pay & display area shall not, after obtaining the ticket referred to in Article 12(3) above, insert in the ticket machine an additional coin or coins for the purpose of obtaining a further ticket for that vehicle in that parking place.
13.
 - (1) Save as provided in Articles 17 and 18, a driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified on the plans in relation to that parking place.
 - (2) Save as provided in Articles 17 and 18, where a vehicle has been left in a parking place, after waiting thereon the driver shall not permit the vehicle to wait upon that parking place, or upon any other parking place in the same street, until the number of hours specified on the plans for not returning to wait in that parking place have elapsed following the termination of the last period of waiting (if any) by that vehicle on that parking place.
14. A driver of a vehicle shall not use a parking place so as to unreasonably prevent access to or egress from any premises adjoining the parking place, or so as to unreasonably prevent the use of the road by any other persons, or so as to be a nuisance.

15. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in a position in the parking place, and shall not start the engine except when about to change the position of the vehicle or to depart from the parking place.
16. No person shall use a vehicle while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skills or services. (Unless authorised by the council)
17. (1) Without prejudice to the provisions of Articles 10, 12 and 13, the following vehicles may be left in a parking place identified in Articles 10(1) and 10(2) and the driver of any such vehicle shall be exempt from payment of any specified charge for parking and from any limitation on the period of waiting or return of the vehicle specified in this Order:-
 - (a) an invalid carriage;
 - (b) a vehicle issued to a disabled person by the Department of Health in lieu of an invalid carriage;
 - (c) a vehicle which displays in the relevant position a disabled person's badge;(2) Without prejudice to the provisions of Articles 10, 12 and 13, a motor car or a motor cycle which displays on the front of the vehicle in the relevant position (so that all of the particulars referred to in Article 35 are readily visible from the front of the vehicle) a valid permit for that parking place issued in respect of that vehicle under the provisions of Article 30, may be left in a parking place identified in Article 10(2) and the driver of any such vehicle shall be exempt from payment of the specified charge for parking and from the limitation on the period of waiting or return of the vehicle specified in this Order.
18. (1) Without prejudice to the provisions of Articles 10 and 12, any vehicle may wait anywhere on the carriageway in a parking place (unless the use of the parking place or part thereof has been suspended under Article 29 of this Order) for so long as may be necessary:-
 - (i) to enable a person to board or alight from the vehicle;
 - (ii) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident;
 - (iii) if the vehicle is a vehicle used for police, fire brigade or ambulance purposes, or a vehicle (other than a passenger vehicle) in the service of a local authority which is being used in pursuance of statutory powers or duties;
 - (iv) to enable it to be used in connection with the removal of any obstruction to traffic;
 - (v) to enable it to be used for the purpose of delivering or collecting postal packets as defined in Section 125 of the Postal Services Act 2000;
 - (vi) to enable it to be used in connection with posting or removing advertising material in the form of posters on or from, or cleaning windows or chimneys in, premises adjacent to the parking place in which the vehicle is waiting;
 - (vii) to enable goods to be loaded on to or unloaded from the vehicle;

(viii) if the vehicle is being used by a legally qualified general medical practitioner, a health visitor or a midwife when visiting premises near to the parking place to attend to a patient;

(ix) if the vehicle is being used by a home carer when visiting premises near to the parking place to provide care in the home for a resident provided that the vehicle is left in a parking place identified on the plans as a parking place for residents permit holders and a home carer's permit is displayed on the vehicle in the relevant position; and the driver of any such vehicle shall be exempt from payment of any specified charge for parking

(2) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act.

PART IV AUTHORISATION AND USE OF PARKING PLACES FOR DISABLED PERSONS' VEHICLES

19. Subject to the following provisions of Articles 20 to 24, the parts of roads identified on the plans as parking for disabled person's vehicles are authorised to be used as disabled person's parking places in such positions, on such days and during such hours as identified on the plans, for vehicles displaying in the relevant position a disabled person's badge.
20. Save as provided in Article 24, the driver of a vehicle shall not permit it to wait in a disabled person's parking place unless it is a disabled person's vehicle which displays in the relevant position a disabled person's badge.
21. (1) Save as provided in Article 24, the driver of a vehicle shall not permit it to wait in a disabled person's parking place for longer than the maximum period permitted for waiting specified on the plans in relation to that parking place.
- (2) Save as provided in Article 24, where a vehicle has been left in a disabled person's parking place, after waiting thereon the driver shall not permit the vehicle to wait upon that disabled person's parking place, or upon any other disabled person's parking place in the same street, until the number of hours specified on the plans for not returning to wait in that disabled person's parking place have elapsed following the termination of the last period of waiting (if any) by that vehicle in that disabled person's parking place.
22. (1) The driver of a motor vehicle using a disabled person's parking place shall stop the engine as soon as the vehicle is in position and shall not start the engine except when about to change position of the vehicle or depart.
- (2) Every vehicle left in a disabled person's parking place in accordance with this Order shall stand so that every part of the vehicle is wholly within the limits of a parking space.
23. No person shall use a vehicle while it is in a disabled person's parking place, in connection with the sale of any article to persons in or near the disabled person's parking place or in connection with the selling or offering for hire of his skills or services.
24. Without prejudice to the provisions of Articles 19 and 20, any vehicle may wait anywhere on the carriageway in a disabled person's parking place (unless the use of disabled person's parking place or any part thereof has been suspended under Article 29) for so long as may be necessary for any of the reasons identified in Article 18.

**PART V
AUTHORISATION AND USE OF PARKING PLACES FOR DOCTORS**

25. Subject to the following provisions of Articles 26 to 28, the parts of roads identified on the plans as parking for doctor's vehicles are authorised to be used as doctor's parking places in such positions, on such days and during such hours as identified on the plans, for vehicles displaying in the relevant position a permit issued under the provisions of Article 30(6).
26. (1) The driver of a motor vehicle using a doctor's parking place shall stop the engine as soon as the vehicle is in position and shall not start the engine except when about to change position of the vehicle or depart.
- (2) Every vehicle left in a doctor's parking place in accordance with this Order shall stand so that every part of the vehicle is wholly within the limits of a parking space.
27. No person shall use a vehicle while it is in a doctor's parking place, in connection with the sale of any article to persons in or near the doctor's parking place or in connection with the selling or offering for hire of his skills or services.
28. Without prejudice to the provisions of Article 25, any vehicle may wait anywhere on the carriageway in a doctor's parking place (unless the use of doctor's parking place or any part thereof has been suspended under Article 29) for so long as may be necessary for any of the reasons identified in Article 18.

**PART VI
SUSPENSION OF PARKING PLACES**

In Part VI reference to a "parking place" refers to a parking place, disabled person's parking place or doctors parking place.

29. (1) Any person authorised by the council may suspend the use of a parking place, or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (2) A police constable in uniform may suspend for not longer than twenty-four hours the use of a parking place, or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person may apply to the Council for the suspension of a parking place, or any part thereof for the purpose of:-
- (a) facilitating any building operation, demolition or excavation in or adjacent to the parking place, disabled person's parking place or doctor's parking place, or the laying, erection, alteration, removal or repair in or adjacent to the parking place, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus, telephone kiosk or traffic sign;
- (b) the convenience of occupiers of premises adjacent to the parking place, on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
- (c) any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
- (d) the convenience of occupiers of premises adjacent to the parking place, at times of weddings or funerals, or any other special occasions.

Provided always the suspension of such a parking place shall be at the Council's discretion and any such application shall be made on a form obtainable from the Council and shall be submitted to the Council together with the administration fee

(4) Any person suspending the use of a parking place, or any part thereof in accordance with the provisions of paragraphs (1), (2) or (3) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place, or the part thereof a traffic sign indicating that waiting by vehicles is prohibited.

(5) No person shall cause or permit a vehicle to be left in any parking place, place during such period as there is in or adjacent to that parking place a traffic sign placed in pursuance of paragraph (4) of this Article.

Provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose specified in Articles 18(1)(ii) or (iv) to be left in the parking place, during any such period, or for any other vehicle so left if that vehicle is left with the permission of the person suspending the use of the parking place, or of a police constable in uniform or of a civil enforcement officer.

PART VII PERMITS

30. (1) Any resident who is the keeper of a passenger vehicle, an invalid carriage or a motor cycle, may apply to the District Council for the issue of an exemption permit for the unrestricted parking of that vehicle in a limited waiting area or designated parking area specified in the Plans and any such application shall be made on a form issued by and obtainable from the District Council and shall include the particulars and information required by such form which will be accompanied by details of the permit charge

(2) The District Council may require an applicant for a permit to produce to an officer of the District Council such evidence in respect of the application as they may reasonably require to verify any particulars or information given to them

(3) The District Council, upon being satisfied that an applicant is a resident and is the keeper of a vehicle of a class specified in paragraph (1) of this Article, may issue to that applicant for the duration of up to one year a permit for the parking during the permitted hours in a parking place of the vehicle to which such permit relates by the keeper or by any person using such vehicle with the consent of the keeper (other than person to whom such vehicle has been let for hire or reward)

(4) Where a resident is over 60 or registered disabled and does not own or have the regular use of a car and the District Council is satisfied that such a resident is dependent upon a visitor making frequent visits, a permit may be issued to the resident for the particular vehicle used by that visitor and to whom the application relates

(5) A doctor who can justify the need for special parking arrangements close to a surgery or consulting rooms may apply to the Council for the issue of a permit for the leaving of each vehicle specified in the application in a parking place or doctor's parking place and any such application shall be made on a form issued by and obtainable from the Council and shall be accompanied by a remittance for such charge as provided by Article 31(3).

(6) Upon receipt of an application duly made under the foregoing provision (5) of this Article and the fee, the Council, may issue to the applicant a permit or permits for the leaving in the parking place or doctor's parking place specified thereon of such vehicles specified in the application as they are satisfied are used by a doctor who has justified the need for special parking arrangements close to the surgery or consulting rooms shown on such application and to whom no suitable alternative parking facility is available.

31. (1) A permit holder may surrender such permit to the District Council at any time and shall surrender such permit to the District Council on the occurrence of any of the events set out in paragraph (3) of this Article

(2) The District Council may, by notice in writing, served on the permit holder at the address shown by that person on the application for the permit, or at any other address believed to be that person's residence, withdraw a permit if it appears to the District Council that any of the events set out in paragraph (3) of this Article have occurred, and the permit holder shall surrender the permit to the District Council within 48 hours of the receipt of the said notice

(3) The events referred to in the foregoing provisions of this Article are –

(a) the permit holder ceasing to be a resident

(b) the permit holder ceasing to be the keeper of the vehicle in respect of which the permit was issued

(c) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of a class specified in Article 30

(d) the issue of a duplicate permit by the District Council under the provisions of Article 33

(e) the expiry of the period for which the permit was issued

(f) where a permit is issued pursuant to Article 31(4) the vehicle in respect of which the permit was issued ceasing to be used for frequent visits to the permit holder

(4) The events referred to in the foregoing provisions of this Article are, in respect of a permit issued to a doctor:-

(i) the vehicle or any vehicle in respect of which the permit was issued ceasing to be used by a doctor who can justify the need for special parking arrangements close to the surgery or consulting room shown on the application for that permit;

(ii) the revocation of the designation of the parking place or doctor's parking place in respect of which the permit was issued;

(iii) the issue of a revised permit or a duplicate permit by the Council under the provision of Article 33;

(iv) the permit being used in such a manner which contravenes the provisions of this Order.

- (5) No refund shall be payable on the withdrawal of a permit. A pro-rata refund shall be made for unused whole calendar months remaining on a permit where it is surrendered.
32. Without prejudice to the foregoing provisions of Article 31 a permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any one the events set out in paragraphs (3 and 4) of Article 31 whichever is the earlier
33. (1) If a permit
- (a) is accidentally mutilated or defaced or the figures or particulars thereon have become illegible or the colour of the permit has been altered by fading or otherwise, the permit holder shall surrender it to the District Council and apply to the District Council for the issue of a duplicate permit, whereupon the District Council shall issue a duplicate permit so marked and the original permit shall forthwith become invalid
- (b) is lost or destroyed, the permit holder may apply to the District Council for the issue of a duplicate permit and the District Council, upon being satisfied as to such loss or destruction, shall issue a duplicate permit so marked and the original permit shall forthwith become invalid
- (2) All provisions of this Order shall apply to a duplicate permit to the same extent as they applied to the original permit
- (3) A charge shall be payable for the issue of a duplicate permit under this Article
34. A permit shall be in writing and shall include the following particulars-
- (a) the registration number of the vehicle in respect of which the permit has been issued or an identification code provided by the District Council
- (b) the period during which the permit shall remain valid
- (c) an authentication that the permit has been issued by the District Council
- (d) the parking areas for which designated parking place the permit is valid, in streets shown in Schedule 1
35. At all times during which a vehicle is left in a parking place during the permitted hours there shall be displayed in the relevant position a valid permit issued in respect of that vehicle, so that all the particulars referred to in Article 34 are readily visible from outside the vehicle
36. When a permit has been displayed on a vehicle in accordance with the provisions of Article 35 no person shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle
37. A vehicle in respect of which a permit has been issued pursuant to Article 30(4) shall not be parked in a parking place other than in pursuance of a visit to the permit holder
38. (1) Any person authorised by the District Council may suspend the use of a parking place or of any part thereof whenever he considers such suspension reasonably necessary
- (2) A police constable in uniform may suspend for not longer than twenty four hours the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety

- (3) Nothing in this order shall render it unlawful to cause or permit any vehicle to wait during the permitted hours in a parking place (other than a parking place the use of which has been suspended under paragraph (1) and (2) for so long as may be necessary for the purpose of enabling goods to be loaded onto or unloaded from the vehicle
- (4) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or (2) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or the part thereof the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited
- (5) No person shall cause or permit a vehicle to be left in any parking place or part of a parking place during such period as there is in or adjacent to that parking place or part of a parking place a traffic sign placed in pursuance of paragraph (4) of this Article PROVIDED that nothing in this paragraph shall render it unlawful to cause or permit any vehicle to be left in the parking place or part of a parking place during any such period if that vehicle is left with the permission –
- (a) of the person suspending the use of the parking place or the part thereof in pursuance of paragraph (1) of this Article
- (b) of a police constable in uniform;
- (c) of a parking attendant
- (6) Where a permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such permit was issued by sending the same by the recorded delivery service to the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of residence, require that person to surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.
39. (1) (a) A permit holder may at any time apply to the Council for a permit issued to him to be amended so as to relate to any other vehicle (in the case of a permit issued to a doctor being a vehicle which is used by a doctor who is liable to be called of necessity to emergencies away from the surgery or consulting room shown on the application to the extent that he need for special parking arrangements can be justified).
- (b) Upon receipt of an application pursuant to paragraph (1)(a) of this Article and of the relevant permit, the Council may amend the permit accordingly, or to such extent as they think fit, or at their discretion issue a revised permit, and if a revised permit is so issued, the original permit shall become invalid and shall be surrendered to the Council.
40. When a permit has been displayed in accordance with the provisions of this Order, or where a penalty charge notice has been attached to the vehicle in accordance with this Order no person other than a parking attendant shall remove such permit or notice from the vehicle unless authorised to do so by the driver of that vehicle.

**PART VIII
CONTRAVENTION OF ORDER**

- 41 (1) If a vehicle is left in a parking place, disabled person's parking place, doctor's parking place, or waiting in a road or length of road in contravention of the provisions of this Order, a penalty charge shall be payable and/or the vehicle may be removed from that location. Provided that when a vehicle is waiting and is not wholly within the limits of a parking space, a person authorised by the Council may alter or cause to be altered the position of the vehicle in order that it is wholly within the limits of a parking space.
- (2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by Section 66(3) of the Road Traffic Act 1991 may then be issued by a civil enforcement officer in uniform in accordance with Section 66(1) of the said Act.
- (3) Save as provided in paragraph (5) of this Article, if a vehicle is left after a penalty charge has been incurred, a civil enforcement officer in uniform or a person acting under his direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of Section 69(1) and (2) 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 a reduced penalty charge, along with such release fee as may be required by the Council.
- (4) Save as provided in paragraph (5) of this Article, where a parking attendant has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article:-
- (a) he shall provide for the safe custody of the vehicle;
 - (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage, and disposal of the vehicle as it might prescribe from time to time;
 - (c) the provisions of the Act (as amended) shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.
- (5) Nothing in paragraphs (3) and (4) of this Article shall apply in respect of a vehicle displaying in the relevant position a valid disabled person's badge issued by any Local Authority.

**PART IX
REVOCATION OF ORDERS**

All the Traffic Regulation Orders or parts of Traffic Regulation Orders made prior to this Order insofar as they relate to the roads and restrictions in the West Berkshire District Council area as defined in the Plans associated with this Order are hereby revoked.

**THE COMMON SEAL of WEST
BERKSHIRE DISTRICT COUNCIL**
hereunto affixed this **16th**
day of **MARCH 2009** is authenticated
by:

Nick Carter
Authorised Signatory

**SCHEDULE 1
RESIDENTS' PARKING ZONES**

**STREETS OR LENGTHS OF STREETS OR PREMISES IN
WEST BERKSHIRE FOR THE PURPOSE OF THE ISSUE OF PERMITS**

NEWBURY

Zone E1

Boundary Road (north of the junction with Kings Road)
Connaught Road
Hambridge Road
Kings Road (east of the junction with Hectors Way)
Mill Lane

Zone SE1

Greenham Road

Zone W1

Berkeley Road
Blenheim Road
Craven Road
Gloucester Road
Kennet Road
Rockingham Road
Russell Road
St David's Road
St Michael's Road
St Nicholas' Road
West Mills

Zone SW1

Catherine Road
Link Road
Station Road

ZoneSW2

Argyle Road
Buckingham Road
Derby Road
Pound Street
Newtown Road
Rectory Close

Zone C1

Kings Road West
Northcroft Lane

Zone N1

Hawthorn Road
London Road
Pelican Lane
St Mary's Road

HUNGERFORD

Zone H1

Canal Walk
Charnham Street
Church Croft
Church Lane
Croft Road
Park Street
Parsonage Lane

PANGBOURNE

Zone P

Horseshoe Road
Meadowside Road
Short Street
St James Close

THEALE

Zone TE

Church Street
Englefield Road
High Street
Meadow Way
Station Road
Woodfield Way

THATCHAM

ZONE TM

Chapel Street

**SCHEDULE 2
PLANS ATTACHED TO THIS ORDER**

WEST BERKSHIRE COUNCIL WAITING RESTRICTION MAP UPDATE					
Area Code	Sheet Revision No.	Date of Effect	Area Code	Sheet Revision No.	Date of Effect
I 28	0		AK 72	0	
J 26	0		AK 74	0	
J 27	0		AK 75	0	
J 28	0		AK 76	0	
J 29	0		AK 77	0	
J 69	0		AL 68	0	
K 68	0		AL 70	0	
K 69	0		AL 71	0	
L 66	0		AL 72	0	
L 67	0		AL 73	0	
L 68	0		AL 74	0	
L 69	0		AL 75	0	
L 70	0		AL 76	0	
L 71	0		AL 77	0	
L 72	0		AL 78	0	
L 73	0		AM 47	0	
M 66	0		AM 68	0	
M 67	0		AM 69	0	
M 69	0		AM 70	0	
U 41	0		AM 71	0	
U 42	0		AM 72	0	
V 76	0		AM 73	0	
X 55	0		AM 74	0	
AB 33	0		AM 75	0	
AD 25	0		AM 76	0	
AE 67	0		AM 77	0	
AE 68	0		AM 80	0	
AE 84	0		AN 47	0	
AJ 79	0		AN 69	0	
AJ 80	0		AN 70	0	
AJ 82	0		AN 71	0	
AJ 83	0		AN 72	0	
AJ 84	0		AN 73	0	
AK 71	0		AN 74	0	

WEST BERKSHIRE COUNCIL WAITING RESTRICTION MAP UPDATE					
Area Code	Sheet Revision No.	Date of Effect	Area Code	Sheet Revision No.	Date of Effect
AN 75	0		AV 73	0	
AN 76	0		AV 74	0	
AN 77	0		AV 75	0	
AN 78	0		AW 24	0	
AN 79	0		AW 73	0	
AN 80	0		AW 74	0	
AO 70	0		AW 75	0	
AO 74	0		AW 76	0	
AO 75	0		AX 73	0	
AO 77	0		AX 74	0	
AO 78	0		AX 76	0	
AP 31	0		AX 77	0	
AP 56	0		AY 76	0	
AP 71	0		AY 77	0	
AP 72	0		BA 69	0	
AQ 56	0		BD 45	0	
AQ 72	0		BD 84	0	
AS 73	0		BH 71	0	
AS 74	0		BH 72	0	
AT 61	0		BJ 19	0	
AT 72	0		BJ 20	0	
AT 73	0		BJ 67	0	
AU 47	0		BJ 81	0	
AU 48	0		BK 19	0	
AU 61	0		BK 20	0	
AU 62	0		BK 36	0	
AU 63	0		BK 82	0	
AU 70	0		BL 59	0	
AU 71	0		BM 73	0	
AU 72	0		BM 74	0	
AU 73	0		BR 35	0	
AU 74	0		BS 35	0	
AV 24	0		BS 36	0	
AV 64	0		BS 37	0	
AV 71	0		BT 35	0	
AV 72	0		BT 36	0	

WEST BERKSHIRE COUNCIL WAITING RESTRICTION MAP UPDATE					
Area Code	Sheet Revision No.	Date of Effect	Area Code	Sheet Revision No.	Date of Effect
BT 37	0		BX 41	0	
BT 38	0		BX 42	0	
BT 57	0		BX 48	0	
BT 58	0		BX 49	0	
BU 37	0		BX 50	0	
BU 38	0		BX 51	0	
BU 56	0		BX 54	0	
BU 57	0		BX 55	0	
BU 58	0		BX 56	0	
BU 59	0		BX 84	0	
BU 60	0		BX 85	0	
BV 55	0		BY 37	0	
BV 56	0		BY 38	0	
BV 57	0		BY 39	0	
BV 58	0		BY 41	0	
BV 59	0		BY 42	0	
BV 60	0		BY 43	0	
BV 74	0		BY 45	0	
BV 75	0		BY 46	0	
BV 76	0		BY 48	0	
BV 83	0		BY 49	0	
BV 84	0		BY 50	0	
BW 49	0		BY 51	0	
BW 50	0		BY 52	0	
BW 51	0		BY 54	0	
BW 52	0		BY 55	0	
BW 55	0		BY 56	0	
BW 56	0		BY 68	0	
BW 58	0		BZ 37	0	
BW 59	0		BZ 38	0	
BW 73	0		BZ 41	0	
BW 76	0		BZ 42	0	
BW 84	0		BZ 43	0	
BX 37	0		BZ 85	0	
BX 38	0		CB 55	0	
BX 39	0		CB 56	0	
BX 40	0				