

WIGAN BOROUGH COUNCIL

THE WIGAN BOROUGH (WIGAN ROAD / ROSEBERRY ROAD, BRYN, WIGAN)

(PROHIBITION OF WAITING) ORDER 2005

The Wigan Borough Council, in exercise of its powers under Section 1 of the Road Traffic Regulation Act 1984 and the Road Traffic Act 1991, hereby makes the following Order –

1. This Order may be cited at The Wigan Borough (Wigan Road / Roseberry Road, Bryn, Wigan) (Prohibition of Waiting) Order 2005 and shall come into operation on 23rd May 2005.

2. (1) In this Order –

"disabled person's badge" means either

- (i) a badge in the form prescribed by Regulation 11 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000; or
- (ii) a replacement badge issued in accordance with Regulation 7 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"parking attendant" means a person authorised by or on behalf of the Wigan Borough Council to supervise parking on any road or in any parking place.

"parking disc" means a device which

- (a) is 125 millimetres square and coloured blue;
- (b) has been issued by a Local Authority and has not ceased to be valid; and
- (c) is capable of showing the quarter-hour period during which a period of waiting has begun

"penalty charge" and "reduced penalty charge" means a charge set by the Council under the provisions of section 66 of the 1991 Act which is to be paid to the Council within 28 days beginning with the date of the penalty charge notice, or 14 days in the case of a reduced penalty charge, following issue of a penalty charge notice.

"penalty charge notice" means a notice issued or served by a parking attendant pursuant to the provisions of section 66 of the 1991 Act containing the particulars therein required

"relevant position" means

- (i) A vehicle displays a disabled person's badge in the relevant position if:-
 - (a) the badge is exhibited on the dashboard or fascia of the vehicle, or
 - (b) where the vehicle is not fitted with a dashboard or fascia the badge is exhibited in a conspicuous position on the vehicle,

so that the front of the badge is clearly legible from the outside of the vehicle

(ii) A vehicle displays a parking disc in the relevant position if:-

- (a) the disc is exhibited on the dashboard or fascia of the vehicle; or
- (b) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle;

so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle

"specified" means specified in the Schedule to this Order

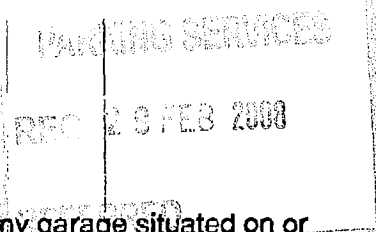
(2) A reference in this Order to a numbered Article is a reference to the Article having that number in this Order.

(3) The Interpretation Act 1978 applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Save as provided in Article 4, no person shall except upon the direction or with the permission of a police constable in uniform or of a parking attendant cause or permit a vehicle to wait at any time on a specified side of a specified length of road.

4. (1) It is not unlawful to cause or permit a vehicle to wait on a specified side of a specified length of road for so long as may be necessary to enable -

- (a) a person to board or alight from the vehicle;
- (b) the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in or in connection with any of the following operations, namely -
 - (i) building, engineering or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of such length of road; or
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to, such length of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined in the Telecommunications Act 1984.
- (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a Local Authority or a Water Company in pursuance of statutory powers or duties;
- (d) the vehicle to be used for fire services, ambulance or police purposes or in connection with a funeral provided always that the vehicle being used for fire service, ambulance or police purposes is a liveried vehicle;
- (e) the vehicle to be used in the delivery or collection of postal packets as defined in Section 87 of the Post Office Act 1953;



- (f) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to such length of road;
- (g) the vehicle to be used in the delivery or collection of goods or to be loaded or unloaded; or
- (h) the avoidance of an accident.
- (2) It is not unlawful to cause or permit a vehicle to wait on a specified side of a specified length of road for a period not exceeding three hours if -
 - (a) the vehicle displays a disabled person's badge and a parking disc in the relevant position;
 - (b) the quarter-hour period during which the period of waiting commenced is marked on the parking disc; and
 - (b) a period of at least one hour separated the commencement of the period of waiting from any previous period of waiting on the same length of road by the same vehicle on the same day.

5. Penalty Charges

- (1) If a vehicle is left on any road or length of road in contravention of any provision of this Order, a penalty charge shall be payable and/or the vehicle may be removed from that location
- (2) In the case of a vehicle in respect of which a penalty 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 parking attendant in uniform in accordance with section 66 (1) of the said Act.
- (3) If a vehicle is left after a penalty charge has been incurred, a parking attendant 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) 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 Road Traffic Regulation Act 1984 as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.

Nothing in paragraphs (3) and (4) of this Article shall apply in respect of a vehicle displaying in the relevant position a valid disabled persons badge issued by any local authority.

6. Manner of Payment of Penalty Charge and Reduced Penalty Charge

- (1) A Penalty Charge can be discharged by the driver of a vehicle in respect of which a Penalty Charge has been incurred paying a Reduced Penalty Charge to the Council in the amount and manner prescribed on the Penalty Charge Notice (or the rear thereof) so as to reach the Council within the period ending at 4.00pm on the 14th day following the day on which the Penalty Charge was incurred.
- (2) If the Penalty Charge is not discharged in accordance with Article 6(1) above then the Penalty Charge shall be discharged by the driver of a vehicle in respect of which a Penalty Charge has been incurred paying the full amount of the Penalty Charge in the amount and manner prescribed on the Penalty Charge Notice (or the rear thereof) so as to reach the Council within the period ending at 4.00pm on the 28th day following the day on which the Penalty Charge was incurred

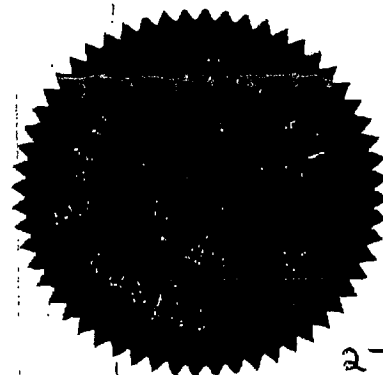
In the event that either of the said 14th or 28th day falls upon a day on which the offices of the said Legal and Property Services are closed, the period within which payment of the Penalty Charge or Reduced Penalty Charge shall be made, shall be extended until 4.00pm on the next full day on which the said offices are open.

GIVEN under the Common Seal of the Wigan Borough Council this
22 day of APRIL

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THE COMMON SEAL of THE
WIGAN BOROUGH COUNCIL
was hereunto affixed
in the presence of:

Director of Legal and Property Services
And Solicitor for the Council



277/05

SCHEDULE

Road
Side and Length thereof

Time and days

Roseberry Road, Bryn, both sides –
from its junction with Wigan Road to a
point 10 metres north east of its
junction with Wigan Road

At any time

Wigan Road, Bryn – north east side
from a point 15 metres north west of
its junction with Roseberry Road to a
point 15 metres south east of its
junction with Roseberry Road

At any time

