

WIGAN BOROUGH COUNCIL
THE WIGAN BOROUGH (VARIOUS ROADS, WIGAN)
(24 HOUR CLEARWAY) ORDER 2009

The Wigan Borough Council, in exercise of its powers under Section 1 of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004, hereby makes the following Order -

1. This Order may be cited as the Wigan Borough (Various Roads, Wigan) (24 Hour Clearway) Order 2009 and shall come into operation on 23rd March 2009.
2. (1) In this Order:-

“civil enforcement officer” means an individual authorised by or on behalf of the Council to supervise on street/off street parking places and the roads/streets within the jurisdiction of Wigan Borough Council in accordance with the Traffic Management Act 2004

“specified road” means the carriageway of any road or length of road 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 civil enforcement officer cause or permit a vehicle to wait at any time on any specified road.
4. (1) Nothing in Article 3 of this Order shall apply:-
 - (a) so as to prevent a vehicle waiting on any specified road referred to in that Article for so long as may be necessary to enable the vehicle to be used in connection with -
 - (i) any 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.

- (b) to a vehicle being used in the service of a local authority or a Water Company in pursuance of statutory powers or duties;
- (c) to a vehicle being used for fire services, ambulance or police purposes;
- (d) to a vehicle being used in the delivery or collection of postal packets as defined in Section 87 of the Post Office Act 1953;
- (e) to a vehicle waiting when the person in control of vehicle;
 - (i) is required by law to stop;
 - (ii) is obliged to stop in order to avoid an accident; or
 - (iii) is prevented from proceeding by circumstances outside his control.

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 charge is payable, a penalty charge notice showing the information required by The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 may then be issued by a civil enforcement officer in uniform in accordance with the Traffic Management Act 2004.
- (3) 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 notice in accordance with the requirements of Section 79 of the Traffic Management Act 2004 and that vehicle shall only be released from the device on payment of the penalty charge, or as the case may be the applicable discount or surcharge
- (4) Where a civil enforcement officer 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 person's 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 the applicable discount to the Council in the amount and manner prescribed on the Penalty Charge Notice.
- (2) If the Penalty Charge is not discharged in accordance with paragraph 1 of this article 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

Dated 5th day of March 2009

EXECUTED as a DEED by
affixing THE COMMON SEAL of
THE WIGAN BOROUGH COUNCIL
In the presence of:



Service Director Borough Solicitor



12/4/09

SCHEDULE

Road and Length Thereof

Time and Days

Greenough Street, Wigan –
its full length

At all times.

Central Park Way, Wigan –
its full length

At all times.

Powell Street, Wigan – its full
length

At all times.

Northway, Wigan – its full
length

At all times.

New Market Street, Wigan
from its junction with Mesnes
Road to its junction with
Parson's Walk

At all times.

River Way, Wigan – its full length	At all times.
Chapel Lane, Wigan – its full length	At all times.
Darlington Street, Wigan – its full length	At all times.
Queen Street, Wigan – its full length	At all times.
Caroline Street, Wigan – its full length	At all times.
Crompton Street, Wigan – from its junction with River Way to its junction with School Lane	At all times.
School Lane, Wigan – its full length	At all times.
Rodney Street, Wigan – its full length	At all times.
King Street, Wigan from its junction with River Way to its junction with Rodney Street	At all times.
Pottery Road, Wigan – its full length	At all times.
Wallgate, Wigan from its junction with Ormskirk Road to its junction with Queen Street	At all times.
Poolstock, Wigan from its junction with Chapel Lane to its junction with Corporation Street	At all times.
Harrogate Street, Wigan – its full length	At all times.

