

WILTSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

ROAD TRAFFIC ACT 1991

THE COUNTY OF WILTSHIRE (THE SQUARE, MERE)

(LOADING BAY AREA) ORDER 2003

The Council of the County of Wiltshire in exercise of its powers under Sections 1(1) 2(1) to 2(3), 4, 32, 35 and 63A of the Road Traffic Regulation Act 1984 ("the Act") as amended and the Road Traffic Act 1991, as amended, (whether generally or in relation to the Council's area, or part thereof) (hereinafter referred to as "the Act of 1991" 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: -

PART I

1. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them: -

“driver” in relation to a vehicle waiting in a loading bay area for the purpose of loading and unloading, means a person driving the vehicle at the time it was left in the loading bay area;

“loading bay area” means the part of a road authorised by this Order to be used as a loading and unloading only area and indicated by sign diagram number 660.4 as defined in Schedule 2 of the Traffic Signs Regulations and General Directions 1994;

“permitted hours” in relation to the loading bay area means the period specified in the Schedule to this Order;

“Parking Attendant” has the meaning given by Section 63A of the Road Traffic Regulation Act 1984;

“the Council” means during any period in which there is in force an agreement under Section 101 of the Local Government Act 1972 between the Wiltshire County Council and the Salisbury District Council that the District Council shall administer the Order on the County Council’s behalf, the Salisbury District Council failing which it shall mean the Wiltshire County Council.

2. This Order shall come into operation on 17 March 2003 and may be cited as The County of Wiltshire (The Square, Mere) (Loading Bay Area) Order 2003.

PART II

AUTHORISATION AND USE OF LOADING BAY AREA

3. (1) The part of a road specified in the Schedule to this Order is authorised to be used, subject to the following provisions of this Order, as a loading bay area,

for all classes of vehicles, in such positions and on such days and during the permitted hours as specified in relation to that part of the road in the said Schedule for the purpose of loading and unloading only.

- (2) Nothing in paragraph 3(1) of this Article shall restrict the power of the Council, for preventing obstruction of the streets, by resolution on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any loading bay area.
 - (3) Nothing in paragraph 3(1) of this Article shall apply so as to prevent any person from causing any vehicle to wait in the loading bay area specified in that paragraph if the vehicle is being used: -
 - (a) in the service of the local authority in pursuance of statutory powers or duties;
 - (b) in the service of the Police Authority, Fire Brigade or Ambulance Service in the case of emergency; or
 - (c) in connection with any building operation, or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the road so referred to or the laying, erection, alteration or repair in or near the said 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 Schedule 2 of the Telecommunications Act 1984, if it cannot conveniently be used for such purpose in any other road.
4. The driver of a vehicle shall not permit it to wait in a loading bay area for longer than is necessary to enable goods to be loaded or unloaded from a vehicle.
5.
 - (1) The driver of a vehicle shall not wait in a loading bay area: -
 - (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance;
 - (b) when for preventing obstruction of the loading bay area the Council shall, by resolution made on the occasion of any public procession, rejoicing or illumination or when the loading bay area is thronged, or liable to be obstructed, have closed that loading bay area and exhibited notice of such closing on or near the loading bay area.
6. The driver of a motor vehicle using a loading bay area shall stop the engine as soon as the vehicle is in a position in the loading bay area and shall not start the engine except when about to change the position of the vehicle or to depart from the loading bay.
7. No person shall use a vehicle while it is in the loading bay area, in connection with the sale of any article to persons in or near the loading bay area, or in connection with the selling or offering for hire of his skill or services.

IR Gibbons

Acting Solicitor to the County Council

8. Subject to the proviso hereto, when a vehicle is left in the loading bay area in contravention of any of the provisions contained in Articles 4 and 5 of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that loading bay area.
9. Any person removing a vehicle by virtue of the last preceding Article of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it.
10. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a loading bay area by virtue of Article 8 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
11. Where a vehicle has been left in contravention of the restrictions imposed by this Order, a Penalty Charge shall be incurred, the amount of which will be set by Wiltshire County Council under the provisions of the Act of 1991 relating to special parking areas and permitted parking areas.
12. Where a Penalty Charge is payable, a Penalty Charge Notice shall be issued by a Parking Attendant in accordance with the requirements of the Act of 1991.
13. The Penalty Charge shall be paid within 28 days payable to Salisbury District Council under the terms referred to in the said Notice.
14. The prohibition and restrictions imposed by this Order shall be in addition to and not in derogation from any restrictions or requirement imposed by any regulations made or having effect as if made under the Act as amended or by or under any other enactment.

SCHEDULE

Loading Bay Area in which Only Loading or Unloading is Permitted by All Classes of Vehicles Mon-Sat 9am-6pm

<u>Road</u>	<u>Side</u>	<u>Description</u>
The Square U/C 813204 (length south of the Clock Tower Island between B3095 and Church Street)	South	From a point 2m west of a point in line with the western boundary of No. 4 The Square for a distance of 12m in a westerly direction

THE COMMON SEAL of the
WILTSHIRE COUNTY COUNCIL
was hereunto affixed this
6th day of March 2003

in the presence of: -

IR Gibbons
Acting Solicitor to the County Council

