

WILTSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984
ROAD TRAFFIC ACT 1991

THE COUNTY OF WILTSHIRE (SALISBURY - ZONE E)
(DISABLED PERSONS' STREET PARKING PLACES) ORDER 2004

The Council of the County of Wiltshire in exercise of its powers under Sections 32(1), 35(1) 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 parking place means the person driving the vehicle at the time it was left in the parking place;

"parking place" means the part of a road authorised by this Order to be used as a parking area;

"Disabled Person's Vehicle" means a vehicle lawfully displaying a disabled person's badge;

"disabled person's badge" means a badge issued by a local authority in the form prescribed by Regulations 7 and 11 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

"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.

"relevant position" means:-

- (1) A vehicle displays a disabled persons' 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 outside the vehicle.

- (2) A vehicle displays a parking disc in the relevant position if:
- (a) in the case of a vehicle fitted with a dashboard or facia 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
 - (b) 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.

"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 24 May 2004 and may be cited as The County of Wiltshire (Salisbury - Zone E) (Disabled Persons' Street Parking Places) Order 2004.

PART II

AUTHORISATION AND USE OF PARKING PLACE

3. (1) Each of the parts 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 parking place for a disabled person's vehicle in such positions and on such days and during such hours as are specified in relation to that part of the road in the said Schedule.
- (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 parking place.
- (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 parking place 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. (1) The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in the Schedule to this Order in relation to that parking place.
(2) When a vehicle has left a parking place after waiting thereon, the driver thereof shall not, within the time specified in the Schedule to this Order after its leaving, permit it to wait again upon that parking place.
5. The driver of a vehicle shall not park in a parking place:-
 - (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 parking place the Council shall, by resolution made on the occasion of any public procession, rejoicing or illumination or when the parking place is thronged, or liable to be obstructed, have closed that parking place and exhibited notice of such closing on or near the parking place;
 - (c) in a position other than that specified in the Schedule to this Order.
6. The driver of a motor vehicle using the 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.
7. No person shall use a vehicle while it is in the 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 skill or services.
8. Subject to the proviso hereto, when a vehicle is left in the parking place 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 parking place provided that when a vehicle is waiting in the parking place in contravention of the provisions of Article 5(c) of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.
9. Any person removing a vehicle or altering its position 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 or alter its position as the case may be.
10. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place 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 Act of 1991.
13. The Penalty Charge Notice 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

Disabled Parking Places Operating Every Day At All Times
With Waiting Limited To 3 Hours
Return Prohibited Within 3 Hours
Mon-Sat 8.00 am to 6.00 pm

<u>Road</u>	<u>Side</u>	<u>Description</u>
Gigant Street	East	from a point in line with the southern boundary of No.41 Gigant Street to a point 6 metres north of a point in line with the southern boundary of No. 41 Gigant Street.
Pennyfarthing Street	West	from a point 48 metres south of its junction with Winchester Street to a point 58 metres south of that junction.

THE COMMON SEAL of THE)
WILTSHIRE COUNTY COUNCIL)
was hereunto affixed this 13th day of)
May 2004 in the presence of:-)

IR Gibbons
Assistant Solicitor
to the County Council



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