

**WILTSHIRE COUNTY COUNCIL**

**ROAD TRAFFIC REGULATION ACT 1984**  
**TRAFFIC MANAGEMENT ACT 2004**

**THE COUNTY OF WILTSHIRE (SALISBURY STREET, AMESBURY)**  
**(DISABLED PERSONS' STREET PARKING PLACES) ORDER 2008**

The Council of the County of Wiltshire in exercise of its powers under Sections 1, 2, 32 and 35 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") as amended and the Traffic Management Act 2004 (hereinafter referred to as "the Act of 2004") as amended 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 that parking place;

"parking place" means a road or length of road designated for the leaving of vehicles as indicated by appropriate road markings;

"parking bay" means an area contained within a parking place as indicated by the appropriate road markings;

"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" has the same meaning as provided in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"relevant position" means:-

- (1) A vehicle displays a disabled persons' badge in the relevant position if:
  - (a) the badge is exhibited in or on the front windscreen, 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 at the front of the vehicle

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

- (2) A vehicle displays a parking disc in the relevant position if:
- (i) the disc is exhibited on the dashboard or fascia of the vehicle; or
  - (ii) 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 the vehicle.

"Civil Enforcement Officer" has the meaning defined in Article 76(1) of the Act of 2004;

"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 to enable the District Council to administer the functions conferred by that Agreement 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 the 28<sup>th</sup> July 2008 and may be cited as The County of Wiltshire (Salisbury Street, Amesbury) (Disabled Persons' Street Parking Places) Order 2008.

## 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) Where within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in the parking bay unless the vehicle is a disabled persons vehicle.
- (3) 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.
- (4) 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 & Rescue Service 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) otherwise than wholly within the limits of a parking bay marked out as a disabled parking place as indicated by white line carriageway markings.
- 6. 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.
- 7. 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.
- 8. 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 7 of this



Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

9. 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 2004 relating to the Civil Enforcement Areas and Special Enforcement Areas.
10. Where a Penalty Charge is payable, a Penalty Charge Notice shall be issued by a Civil Enforcement Officer in accordance with the Act of 2004.
11. The Penalty Charge Notice shall be paid within 28 days payable to Salisbury District Council under the terms referred to in the said Notice.
12. Where a notice has been attached to the vehicle in accordance with the provisions of the Act of 2004, no person not being the driver of the vehicle or duly authorised representative of the Council shall remove the notice from the vehicle unless authorised to do so by the driver.
13. 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 operating from Monday to Saturday 8.00 am to 6.00 pm**

<b><u>Road</u></b>	<b><u>Side</u></b>	<b><u>Description</u></b>
Salisbury Street	North-east	From a point 69 metres south east of the boundary of numbers 3 and 5 Salisbury Street for a distance of 7 metres in a south easterly direction
	South-west	From a point opposite a point 9 metres east of the boundary of numbers 3 and 5 Salisbury Street for a distance of 7 metres in an easterly direction

THE COMMON SEAL of the  
WILTSHIRE COUNTY COUNCIL  
was hereunto affixed this  
16<sup>th</sup> day of July 2008  
in the presence of:-

  
Head of Legal &  
Democratic Services



714458

**Certified true copy**

Head of Legal &  
Democratic Services

