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03 SEP 2013

**Wiltshire Council**  
Where everybody matters

**WILTSHIRE COUNCIL**

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

**THE COUNTY OF WILTSHIRE (HIGH STREET, TISBURY)**  
**(LOADING BAY AREAS) ORDER 2013**

The Council of the County of Wiltshire in exercise of its powers under Sections 1, 2, 4, 32, 35 of the Road Traffic Regulation Act 1984 ("hereinafter referred to as "the Act of 1984") 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 of 1984 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:-

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

"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 2002;

"Permitted hours" in relation to the loading bay area means the period specified in the schedule to this Order;

"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 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 13<sup>th</sup> September 2013 and may be cited as The County of Wiltshire (High Street, Tisbury) (Loading Bay Areas) Order 2013.

**PART II**

**AUTHORISATION AND USE OF LOADING BAY AREAS**

3. (1) Each of the parts of a road specified in the Schedule to this Order are authorised to be used, subject to the following provisions of this Order, as loading bay areas, for all classes of vehicle, in such positions and on such days and during the permitted hours as specified in relation to those parts 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 & 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. 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. 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. 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.
7. 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 to enable him to remove it as aforesaid and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it
8. 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 7 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

*[Handwritten signature]*

- 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 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 a 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 prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act of 1984, or by or under any other enactment.

**SCHEDULE**

Loading Bay Areas in which  
Only Loading or Unloading is permitted 7am – 9am Monday - Saturday

<u>Road</u>	<u>Side</u>	<u>Description</u>
High Street	West	From a point 19 metres south of its junction with Beckett Street to a point 27 metres south of that junction

THE COMMON SEAL of  
WILTSHIRE COUNCIL  
was hereunto affixed this  
3<sup>rd</sup> day of September 2013  
in the presence of:-

*[Handwritten signature]*  
Principal Councillor  
*S. W. SLATER*

