

WILTSHIRE COUNCIL

ROAD TRAFFIC REGULATION ACT 1984
TRAFFIC MANAGEMENT ACT 2004

THE COUNTY OF WILTSHIRE (VARIOUS ROADS,
AIRMAN'S CORNER ROUNDABOUT, WINTERBOURNE STOKE)
(PROHIBITION OF WAITING) ORDER 2016

The Council of the County of Wiltshire in exercise of its powers under Sections 1, 2, 4 and Part IV of Schedule 9 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 hereby makes the following Order:

1. The County of Wilts (Traffic Regulations) Order 1935 is hereby revoked.
2. Save as provided in Articles 3, 4, 5 and 6 of this Order 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 any vehicle (and/or drawn trailer) to wait in any of the lengths of road specified in the Schedule to this Order.
3. Nothing in Article 2 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of road referred to in those Articles for so long as may be necessary to enable:-
 - (a) a person to board or alight from a vehicle;
 - (b) goods to be loaded onto or unloaded from a vehicle;
 - (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used for the purpose of any building operation, demolition or excavation, or the maintenance or improvement or reconstruction of the said road or any works connected with any sewer, main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus;
 - (d) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of the local authority in pursuance of statutory powers or duties;
 - (e) the vehicle of a universal service provider (as defined in Section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;
 - (f) the vehicle to be used in the service of the Police, Fire & Rescue Service or Ambulance Service;
 - (g) the vehicle to be used in any case where the person in control of the vehicle:
 - (i) is required by law to stop or wait or is permitted to stop or wait by a Police Constable in uniform;

- (ii) is obliged to stop so as to prevent an accident, or
 - (iii) is prevented from proceeding by circumstances outside his control;
 - (h) a security vehicle to be used in the course of delivering or collecting cash to/from properties in any of the lengths of road referred to in the Schedules to this Order and being a vehicle specifically designed for that purpose.
4. Nothing in Article 2 of this Order shall apply to any vehicle:-
 - (i) being used as part of a wedding or funeral cortege or otherwise in connection with a wedding or funeral; or
 - (ii) being licensed as a hackney carriage whilst waiting at a duly authorised taxi rank as marked on the carriageway.
 5. Nothing in Article 2 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking disc (on which the driver, or other person in charge of the vehicle has marked the time at which the period of waiting began) to wait in any of the lengths of road referred to in those Articles for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road) providing no obstruction is caused.
 6. Nothing in Article 2 of this Order shall prevent any person from causing or permitting any vehicle to wait in any of the lengths of road referred to in those Articles provided permission has been obtained from Wiltshire Council by means of a waiver to be displayed in the front or nearside of the vehicle which includes information to enable the driver to be contacted in an emergency and providing that an obstruction is not caused by so doing and that the vehicle is moved if the driver is requested to do so by a Police Officer in uniform or Civil Enforcement Officer.
 7. 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 Council under the provisions of the Act of 2004 relating to the Civil Enforcement Areas and Special Enforcement Areas.
 8. 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.
 9. The Penalty Charge shall be paid within 28 days payable to Wiltshire Council under the terms referred to in the said Notice.
 10. 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.
 11. 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.

12. 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

“delivering” and “collecting” in relation to any goods includes checking the goods for the purpose of their delivery or collection

“disabled persons vehicle” means a vehicle lawfully displaying a disabled persons badge;

“disabled persons 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

“driver” in relation to a vehicle waiting on a road or length of road means the person driving the vehicle at the time it was left in that road or length of road;

“goods” includes postal packets of any description;

“hackney carriage” means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847, or Section 6 of the Metropolitan Public Carriage Act 1869(b) or under any similar enactment;

“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 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 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) the parking disc is exhibited on the dashboard or fascia of the vehicle; or
 - (b) 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.

“taxi” has the same meaning given by Regulation 4 of the Traffic Signs Regulations and General Directions 2002 and “taxi rank” means an area of carriageway reserved for use by taxis waiting to pick up passengers

“telecommunications apparatus” has the same meaning as in Schedule 2 of the Telecommunications Act 1984

“waiver” means a document issued by Wiltshire Council to exempt a vehicle from a restriction under the terms and charges applicable at the time of issue.


13. This Order shall come into operation on the 18th January 2016 and shall be cited as The County of Wiltshire (Various Roads, Airman’s Corner Roundabout, Winterbourne Stoke) (Prohibition of Waiting) Order 2016.

SCHEDULE

No Waiting At Any Time

<u>Road</u>	<u>Side</u>	<u>Description</u>
A360 (North/South)	Both Sides	From the centre of the Airman’s Corner Roundabout for a distance of approximately 162 metres in a southerly direction
A360 (East/West)	Both Sides	From the centre of the Airman’s Corner Roundabout for a distance of approximately 162 metres in a southerly direction
A344	Both Sides	From the centre of the Airman’s Corner Roundabout for approximately 156 metres in an easterly direction (including the turning area on the north side)
B3086	Both Sides	From the centre of the Airman’s Corner Roundabout for a distance of approximately 162 metres in a northerly direction

THE COMMON SEAL of
WILTSHIRE COUNCIL
was hereunto affixed this
5th day of January 2016
in the presence of:-


S.W. SLATER

Team Leader (Legal)



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