

DATED 4<sup>TH</sup> MARCH 2013

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD  
(MAIDENHEAD RURAL)  
((PROHIBITION AND RESTRICTION OF WAITING AND LOADING  
AND PARKING PLACES) ORDER 2008  
(AS AMENDED)

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THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD  
(MAIDENHEAD RURAL)  
(PROHIBITION AND RESTRICTION OF WAITING AND LOADING AND PARKING  
PLACES) ORDER 2008

The Royal Borough of Windsor and Maidenhead in exercise of its powers under sections 1, 2, 4, 5, 32, 35, 45, 46, 49, 53, 124 (1) (d) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (the Act of 1984) as amended and the Traffic Management Act 2004 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.

**SECTION 1 – PRELIMINARY**

Citation and commencement

1. This Order shall come into operation of the 4<sup>th</sup> day of March 2013 and may be cited as the Royal Borough of Windsor and Maidenhead (Maidenhead Rural) (Prohibition and Restriction of Waiting and Loading and Parking Places) Order 2008.
2. The Royal Borough of Windsor and Maidenhead (Maidenhead Rural) (Prohibition and Restriction of Waiting and Loading and Parking Places) Order 2008 Plans including the Key (the “Plans”) are incorporated into this Order.

Interpretation

3. In this Order, except where the context otherwise required, the following expressions have the meaning hereby respectively assigned to them:

“Council” means The Royal Borough of Windsor and Maidenhead and includes any parking services contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

“advantage card” means a card issued by the Council under its scheme of providing discounts for residents;

“approved method of payment” means payment by debit or credit card or debit or credit card facilitated by on site or remote verification by, for example, card reader or mobile phone text or phone call;

“business permit” means an inner zone business permit or an outer zone business permit issued under the provisions of this order;

“business user” means a person who occupies premises the postal address of which is in any street or part of a street described in Schedule 3 and who uses such premises for non-residential purposes;

“clearway” means the main carriageway of any of the sides or lengths of roads specified in the plans where stopping is prohibited during the restricted hours provided that the expression clearway shall not include any lay-by or parking place;

“community care personnel” means persons who are employed by or who are members of an official carers organisation operating through the Council or the National Health Service;

“disabled person’s badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“driver” in relation to a vehicle waiting in a restricted area, means the person driving the vehicle at the time it was left in the restricted waiting area or parking place;

“enactment” means any enactment, whether public , general or local, and includes any order, byelaw rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“event times” means periods on any specific day when special events are taking place which require regular but temporary prohibition or restriction of waiting. At event times, appropriate signs under the Traffic Signs and General Directions 2002 will be in place to indicate the required restrictions;

“goods” means goods of any kind whether animate or inanimate and includes postal packets of any;

“goods vehicle” means a motor vehicle under 1500 kg in weight which is constructed or adapted for use for the carriage of goods or burden of any description the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.0 metres and is not drawing a trailer;

"hackney carriage" means a vehicle standing or plying for hire;

“household” means a house or flat which has its own postal address. In the case of sub-divided properties the establishment of an individual address is subject to any appropriate planning consent having been obtained for the sub-division of the property and the paying of separate Council Tax;

“key” means the key attached to the Plans to be read in conjunction with the Plans;

“lay-by” in relation to a main carriageway means any area of a highway at the side of the main carriageway but not part of it and marked in accordance with the Traffic Signs and General Directions 2002 intended for the waiting of vehicles, provided that no person shall cause or permit any vehicle to wait in any lay-by for the purpose of selling goods or services from that vehicle;

“loading area” means any of the sides or lengths of roads specified on the Plans where activities other than loading are prohibited;

“main carriageway” means that part of a public highway used primarily for through traffic provided that the expression main carriageway shall not include any lay-by;

“motor-cycle” has the same meaning as that in S136 of the Act of 1984;

“no loading hours” means in relation to any no loading road the hours during which loading and unloading is restricted on the Plans;

“no loading road” means any of the sides or lengths of roads specified on the Plans where loading is prohibited provided that the expression “no loading road” shall not include any parking place;

“no stopping hours” means in relation to any no stopping road the hours during which stopping is restricted on the Plans;

“no stopping road” means any of the sides or lengths of roads (including clearways) specified on the Plans where stopping is prohibited provided that the expression “no stopping road” shall not include any parking place;

“one-way street” means a highway in which the driving of vehicles otherwise than in one direction is prohibited;

“owner” in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was the owner at any time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his / her employment and who is entitled to use such vehicle as though he / she were the registered keeper thereof;

“Civil Enforcement Officer” means a person employed in accordance with section 76 of The Traffic Management Act 2004 to carry out the functions therein or a

person employed as a Parking Attendant for the purposes of section 63A of the Road Traffic Act 1984;

“parking disc” has the same meaning as in the Local Authorities Orders (Exemptions for Disabled Persons)(England) Regulations 2000 which is capable of showing the quarter hour period during which a period of waiting has begun;

“parking place” means an area of a highway designated by this Order for the waiting of vehicles of specific classes;

“passenger vehicle” means a motor vehicle (other than a motor-cycle or invalid carriage) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

“pay and display ticket machine” means an apparatus of a type approved by the Secretary of State for issuing a ticket indicating the payment of a charge, the date on which the ticket is valid and the time by which the vehicle is required to leave the parking place;

“pay and display ticket” means a ticket issued by a pay and display ticket machine relevant to the parking place in which a vehicle has been left;

“penalty charge” has the same meaning as in Section 78 of The Traffic Management Act 2004;

"penalty charge notice" means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions Section 78 of The Traffic Management Act 2004;

“permit” means any permit being a resident, business, community care, civic, staff permit or visitor voucher issued by the Council under the provisions of this Order or by any other body with Councils approval and permission;

“permit holder” means a person to whom a permit has been issued under the provisions of this Order;

“permitted hours” means the periods specified for each parking place during which waiting by vehicles of a specific class is permitted as specified on the Plans;

“prohibited hours” means in relation to any prohibited road the hours during which waiting or loading is prohibited as specified on the Plans;

“prohibited road” means any of the sides or lengths of roads specified on the Plans where waiting is prohibited provided that the expression “prohibited road” shall not include any parking place;

“relevant position” in respect of: -

- (a) a disabled person’s badge and parking disc has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
- (b) a permit means exhibited on the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the permit is clearly legible from outside the vehicle; and
- (c) a pay and display ticket means exhibited on the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle, so that the whole of the information on the front of the ticket is clearly legible from outside the vehicle;

“resident” means a person whose usual residence is at premises the postal address of which is in any road or part of road specified in Schedule 2;

“restricted hours” means in relation to any restricted road the hours during which waiting is restricted as specified on the Plans;

“restricted road” means any of the sides or lengths of roads specified on the Plans where waiting is restricted or specific activities are restricted during the restricted hours provided that the expression “restricted road” shall not include any parking place;

“taxi rank” means an area of carriageway which is indicated by road markings complying with diagram 1028.2 in the Traffic Signs and General Directions 2002;

“telecommunication system” has the same meaning as in the Telecommunications Act 1984;

“visitor voucher” means a voucher issued by the Council under the provisions of this Order on application to a resident to enable bona fide visitors to park in a residents permit parking place and validated in accordance with conditions of use described on the voucher;

“waiver certificate” means a certificate issued by or on behalf of the Council for the purposes of this Order permitting a specified vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be restricted or prohibited.

4. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order and any reference to a Plan is a reference to a Plan incorporated into this Order.



5. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.

## **SECTION 2 – PROHIBITION AND RESTRICTION OF WAITING AND LOADING**

### Prohibition of Waiting

6. Save as provided in Articles 14 to 21 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait at any time on any prohibited road as specified on the Plans.

### Restriction of waiting

7. Save as provided in Articles 14 to 20 and 22 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle or a vehicle of a specific class to wait on any restricted road during the restricted hours as specified on the Plans.

### Loading areas

8. Save as provided in Articles 14 to 16 and 20 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait during the restricted hours in any loading area specified on the Plans unless it is of the specified class and except for the loading or unloading of goods in connection with nearby trade or business premises.
9. Where there is specified in the Plans a maximum period during the restricted hours for which loading or unloading is permitted, no person shall, except upon the

direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait on any loading area,

- (a) for longer than is necessary for goods to be loaded onto or unloaded from the vehicle
- (b) for a period longer than specified on the Plans, or
- (c) if a period less than that specified on the Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same side of length of road.

#### Restriction on loading and unloading

10. Save as provided in Articles 14 to 15 and 20 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle or a vehicle of a specific class to wait for the purpose of enabling goods to be loaded to or unloaded from the vehicle on any no loading road during the no loading hours as specified on the Plans.

#### Restriction on stopping

11. Save as provided in Articles 14 to 15 and 20 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to stop on any no stopping road, suspended road/part of road or clearway during the no stopping hours as specified on the Plans or suspension notices.

#### Event only prohibitions and restrictions

12. Save as provided in Articles 14 to 22 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait in any prohibited or restricted road at event times as indicated on the Plans when there are displayed on the prohibited or restricted road signs as prescribed by the Traffic Signs Regulations and General Directions indicating prohibition or restriction of waiting or restriction on stopping.

13. On event days, the provisions for the normal prohibitions and restrictions of waiting as indicated on the Plans on roads affected by the event day restrictions are suspended.

#### Emergencies

14. Nothing in Articles 6 to 13 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable the vehicle to be used in an emergency for fire and rescue, ambulance or police purposes:

#### General exemptions

15. Nothing in Articles 6 to 13 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable:
- (a) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
    - (i) building, shop fitting, industrial or demolition operations;
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
    - (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system,
  - (b) the vehicle, not being a passenger vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local

authority or its contractors in pursuance of that authority's statutory powers or duties;

- (c) the vehicle of the Royal Mail or other 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;
- (d) in any case where the person in control of the vehicle,
  - (i) is required by law to stop;
  - (ii) is obliged to stop so as to prevent an accident, or
  - (iii) is prevented from proceeding by circumstances outside his/her control;

#### Loading and unloading

- 16. Nothing in Articles 6 to 9 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable goods to be loaded to or unloaded from a vehicle (or goods or merchandise to be delivered or collected).

#### Board and alight from vehicle

- 17. Nothing in Articles 6 to 7 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road specified therein for so long as may be necessary to enable a person to board or alight from the vehicle.

#### Funerals and weddings

- 18. Nothing in Articles 6 to 7 of this Order shall render it unlawful to cause or permit any vehicle to wait, if it cannot safely and conveniently do so elsewhere, in any of the roads, lengths of road or on the sides of road specified therein if it is an official vehicle being used for funerals or weddings.

### Parking places

19. Nothing in Article 6 to 11 of this Order shall render it unlawful to cause or permit any vehicle to wait upon a designated parking place.

### Waiting by vehicle displaying a waiver certificate

20. Nothing in Articles 6 to 12 shall prevent any person from causing or permitting a vehicle to wait in any prohibited or restricted road if it is displaying in the relevant position a valid waiver certificate issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said permit or certificate.

### Waiting by disabled persons' vehicle

21. Nothing in Articles 6 to 7 shall render it unlawful to cause or permit a 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 a prohibited road or a restricted road for a period not exceeding 3 hours (not being a period separated by an interval of less than that specified on the Plans from a previous period of waiting by the same vehicle in the same length of road or on the same side of road on the same day):  
Provided that the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

### Taxi ranks

22. Nothing in Articles 6 and 7 shall prevent any person from causing or permitting a licensed hackney carriage to wait in any duly authorised taxi rank during the period of operation specified on the Plans.

23. No person shall cause or permit any vehicle other than a hackney carriage to wait on a taxi rank during the period of operation.
24. No person shall cause or permit a hackney carriage to wait on a taxi rank during the period of operation other than for the purpose of plying for hire.
25. No person shall cause or permit any vehicle to wait on a taxi rank outside the period of operation of the taxi rank as specified on the plans.

### **SECTION 3 – PARKING PLACES**

#### **Pay and display parking places**

##### Designation of pay and display parking places

26. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as pay and display parking places and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
27. No person shall cause or permit any vehicle to wait in a pay and display parking place during the permitted hours unless it is of the specified class and there is displayed on that vehicle in the relevant position a pay and display ticket valid for that time and for that parking place.

##### Classes of vehicles for which pay and display parking places are designated

28. Subject to the provisions of this Order, parking places may be used during the permitted hours for the leaving of passenger vehicles, goods vehicles, motor cycles, disabled persons' vehicles and invalid carriages.

### Maximum period of waiting

29. Save as provided in Articles 42 and 43, no person shall cause or permit any vehicle to remain in a pay and display parking place for longer than the maximum period specified for that parking place in Schedule 1.
30. Save as provided in Articles 42 and 43, no person shall cause or permit any vehicle which has been taken away from a parking place during the permitted hours, to be left again in a pay and display parking place if a period less than that specified in Schedule 1 as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same parking place during the permitted hours.

### Ticket machines to be installed at pay and display parking places

31. The Council will –
  - (a) install in such positions at or in the vicinity of a parking place as it may think fit such pay and display ticket machines as are required by this Order for the purposes of that parking place; and
  - (b) carry out such other work as is authorised by this Order or is reasonably required for the purposes of the satisfactory operation of a parking place.

### Payment

32. The driver of a vehicle using a parking place shall, upon leaving the vehicle in the pay and display parking place, and on payment of a charge, purchase a pay and display ticket at the level of charge and for the period required in accordance with the scale of charges specified in Schedule 1.

### Means of payment

33. The charge referred to in the preceding Article shall be payable by the insertion of an appropriate coin, coins or banknotes, together making up the amount of the

charge, into the pay and display ticket machine relative to the pay and display parking place in which the vehicle has been left or by another approved method of payment.

#### Display of ticket

34. The driver of the vehicle shall
- (i) display the pay and display ticket issued on payment of the charge in the relevant position on the vehicle in respect of which it was issued, and
  - (ii) ensure that a pay and display ticket is displayed during the entire period that the vehicle is parked in the parking place.

#### Validity of Pay and Display Tickets

35. A pay and display ticket is not transferable from one vehicle to another.
36. A pay and display ticket is valid only in the parking zone in respect of which it was issued. This is defined by the identification on the parking ticket machine located in respect of that parking zone and the information printed on the pay and display ticket.

#### Expiry of parking period

37. The expiry of the period for which the charge has been paid shall be when the time shown on the clock of the issuing ticket machine is later than the time exhibited on the pay and display ticket displayed on the vehicle.



#### No ticket displayed

38. If at any time while a vehicle is left in a parking place no pay and display ticket is displayed on that vehicle in the relevant position, it shall be judged that the charge has not been paid.

#### Ticket machine out of order

39. If at the time when a vehicle is left during the permitted hours in a parking place and the nearest ticket machine is out of order, then a pay and display ticket shall be obtained from another parking ticket machine relative to that parking zone (where provided).

#### Restriction on removal of tickets

40. Where a ticket has been attached to a vehicle in accordance with the provisions of Article 34 no person, not being the driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver.

#### Exemptions from payment

41. If at the time when a vehicle is left during the permitted hours in a pay and display parking place and all the ticket machines are out of order, the driver of that vehicle shall be exempt from payment of the charge provided that it is removed within the maximum period of waiting specified for that parking place on the Plans and on street.
42. The driver of any vehicle displaying in the relevant position a permit or visitor voucher valid for that pay and display parking place shall be exempt from payment of the parking charge and any time limit provided that the vehicle is being used in accordance with the conditions applying to the said permit or voucher.

43. The driver of any vehicle displaying in the relevant position a valid disabled persons badge or valid waiver certificate shall be exempt from payment of the parking charge and any time limit provided that the vehicle is being used in accordance with the conditions applying to the said badge or certificate.

### **Limited waiting parking places**

#### Designation of limited waiting parking places

44. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as limited waiting parking places/zones and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
45. No person shall cause or permit any vehicle to wait in a limited waiting parking place/zone during the permitted hours unless it is of the specified class.

#### Classes of vehicles for which limited waiting parking places are designated

46. Subject to the provisions of this Order, limited waiting parking places may be used during the permitted hours for the leaving of passenger vehicles, goods vehicles, motor cycles, disabled persons' vehicles and invalid carriages.

#### Restriction on waiting

47. No person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to wait during the restricted hours on any lengths of road specified on the Plans for a period longer than that specified.
48. No person shall, except upon the direction or with the permission of a police

constable in uniform, cause or permit any vehicle which has been taken away from a parking place or zone during the permitted hours, to be left again in a limited waiting parking place/zone if a period less than that specified as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle during the permitted hours.

### **Motor cycle parking places**

#### Designation of motor cycle parking places

49. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as motor cycle parking places and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
50. No person shall cause or permit any vehicle to wait in a motor cycle parking place during the permitted hours unless it is a motor cycle.

### **Disabled person's parking places**

#### Designation of disabled person's parking places

51. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as disabled person's parking places and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.

#### Display of disabled person's badge

52. No person shall cause or permit any vehicle to wait in a disabled person's parking place during the permitted hours unless there is displayed on that vehicle in the relevant position a valid disabled person's badge.

Provided that the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

Maximum period of waiting in a disabled person's parking place

53. Save as in an emergency, no person shall cause or permit any vehicle to remain in a disabled person's parking place for longer than the maximum period specified for that parking place in the Plans.
54. Where as indicated on the Plans there is a limit on the time of stay on a disabled person's parking place, the driver of a vehicle shall upon leaving the vehicle in the disabled person's parking place, display in the relevant position a disabled person's badge and a parking disc, on which has been marked the time at which the period of waiting began and shall remove that vehicle from the said parking place within the maximum time specified.
55. Where a period within which a vehicle must not be left again in the disabled person's parking place is specified in the Plans, no person shall permit or cause the vehicle to wait again in that parking place until the expiry of that specified period.

**Permit only parking places**

Designation of residents' permit holders only parking places

56. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as parking places for vehicles displaying a permit or voucher only and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
57. No person shall cause or permit any vehicle to wait in a parking place for vehicles displaying a permit or voucher during the periods specified in the Plans unless there

is on display in the relevant position on that vehicle a permit or voucher valid for that time and that parking place.

#### Classes of vehicles for which permits are applicable

58. Subject to the provisions of this Order, permits and visitors vouchers may be issued to classes of vehicles being passenger vehicles, goods vehicles, motor-cycles, and invalid carriages.

#### Permits to be displayed on vehicles

59. At all times during which a vehicle is left in a permit holders only parking place during the permitted hours, the driver thereof shall cause to be displayed in the relevant position a valid permit or voucher issued in respect of that vehicle relating to the parking place within which that vehicle is left.
60. Where a permit has been displayed on a vehicle in accordance with the preceding Article, no person other than the driver of the vehicle shall remove the permit or visitors voucher from the vehicle unless authorised to do so by the driver of the vehicle.

### **Other parking places**

#### Special classes of vehicles

61. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as parking places for specific classes of vehicles and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
62. Where parking places are provided for the leaving of specific classes of vehicle with or without charge or time limit, no person shall cause or permit any vehicle to

wait in that parking place during the periods specified in the Plans unless it is of the class specified.

#### Restricted Parking Zone

63. Road or parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as restricted parking zone and may be used subject to the provisions of this Order on such days during such hours in a manner as specified on the Plans.
64. Where manner of parking within such zone as specified on the Plans with or without charge or time limit, no person shall cause or permit any vehicle to park during the periods specified in the Plans unless it is parked in the manner specified.

#### **General conditions in respect of parking places**

##### Manner of standing in a parking place

65. Every vehicle left in a pay and display, disabled person's, limited waiting and permit parking place in accordance with the foregoing provisions of this Order shall stand:
  - (i) if the parking place is in a one-way street, so that the vehicle is facing according to the direction of the traffic flow and adjacent to the edge of the carriageway;
  - (ii) if the parking place is not in a one-way street, so that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway;
  - (iii) so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300mm;
  - (iv) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting; and
  - (v) so that every part of the vehicle is within the limits of the parking place as marked on the carriageway.

#### Alteration of position of a vehicle in a parking place

66. Where any vehicle is standing in a parking place in contravention of the provisions of the preceding Article, a Civil Enforcement Officer or police officer in uniform may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

#### Movement of a vehicle in a parking place in an emergency

67. A police officer in uniform may move or cause to be moved or remove or cause to be removed, in case of emergency, to any place he / she thinks fit, any vehicle left in a parking place and shall provide for the safe custody of the vehicle.

#### Suspension of use of a parking place

68. (1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary:
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
  - (b) for the purpose of any building operation, demolition or excavation adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration or repair in or adjacent to the parking place or any sewer or of any main, pipe, or apparatus for the supply of gas, water or electricity or of any telecommunications system or the placing, maintenance or removal of any traffic sign;

- (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depository, another office or dwelling-house;
  - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed: or
  - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.
  - (f) on any occasion in the interests of traffic or pedestrian movement and safety when a special event is taking place in the vicinity;
- (2) A police officer in uniform may suspend for not longer than twenty-four hours the use of a parking place or any part thereof whenever he / she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person or police officer suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof a traffic sign indicating that waiting by vehicles is prohibited.

#### No waiting in a suspended parking place

69. No person shall cause or permit a vehicle to wait in a parking place or any part thereof during which such period as the Council or a police officer has suspended that parking place or part thereof and exhibits notice of such suspension on or near that parking place.
70. Nothing in the preceding Article shall render it a contravention to cause or permit a vehicle to be left in a parking place which has been suspended, which displays in



the relevant position a valid waiver certificate issued by the Council, and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

#### Restrictions of the use of vehicles in a parking place

71. During the permitted hours no person shall use any parking place or any vehicle whilst it is in a parking place in connection with the sale or offering or exposing for sale any goods to any person in or near the parking place or in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity:

Providing that

- (i) nothing in this Article shall prevent the sale of goods from a vehicle if there is on display in the vehicle a certificate of Street Trading Consent issued by the Council and the vehicle is being operated in accordance with any conditions of the said certificate, and
- (ii) nothing in this Article shall prevent the sale of goods from a vehicle if the vehicle is a passenger vehicle, a goods vehicle, a motorcycle or an invalid carriage and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected and the vehicle does not wait for a period exceeding 20 minutes or such longer period as a Civil Enforcement Officer may approve.

#### Exemptions to restriction on waiting by a vehicle in a parking place

72. Notwithstanding for foregoing provisions of this Order any vehicle may wait during the permitted hours in any part of a parking place if the use of that part has not been suspended and if:
- (a) the vehicle is waiting for so long as may be necessary for the purpose of enabling any person to board or alight from a vehicle or load thereon or unload therefrom their personal luggage;

- (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident;
- (c) the vehicle is being used by a doctor or nurse visiting premises adjacent to the parking place;
- (d) the vehicle is being used for fire and rescue, ambulance or police purposes or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;
- (e) the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
- (f) the vehicle of the Royal Mail or other universal postal service provider (as defined in Section 4(3) and (4) of the Postal Services Act 2000) is waiting for the purpose of delivering and/or collecting mail;
- (g) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for a period exceeding 20 minutes or for such longer period as a Civil Enforcement Officer or police officer in uniform may approve; or
- (h) the vehicle is displaying in the relevant position a valid waiver certificate provided that the vehicle is being used in accordance with the conditions applying to the said certificate.

#### Placing of traffic signs etc.

73. The Council shall:

- (a) place and maintain traffic signs indicating the limits of each parking place,
- (b) place and maintain traffic signs of a design approved by the Secretary of State for the Department for Transport indicating that such parking places

may be used during the permitted hours for the leaving only of the vehicles of the specified classes, and

- (c) carry out such other work as it reasonably required for the purposes of the satisfactory operation of a parking place.

## **SECTION 4 - GENERAL**

### Waiver certificate

- 74. The Council may issue a waiver certificate on receipt of written application with at least 5 days working notice and may impose terms and conditions as appropriate.
- 75. A waiver certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid. Notification of such cancellation shall be in writing to the holder of the certificate at any address that the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council.

### Pedestrian crossings

- 76. Nothing in the provisions of this Order shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act of 1984.

## **SECTION 5 - CONDITIONS AS TO PERMITS**

### Classes of vehicles for which permits are applicable

- 77. Subject to the provisions of this Order, permits may be issued to classes of vehicles being passenger vehicles, goods vehicles, motor-cycles and invalid carriages.

### Application for residents' permits

78. Any resident who is the owner of a vehicle of the class specified may apply to the Council for the issue of a residents' permit in respect of that vehicle and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.

### Application for visitor vouchers

79. Any resident may apply to the Council for the issue of visitor vouchers for the leaving of a vehicle of the class specified and belonging to a person visiting the resident and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.
80. The maximum number of residents' permits and visitor vouchers per household is limited as specified in Schedule.

### Dependant permits

81. Where the applicant is over 75 years of age or registered disabled, a permit may be issued in respect of the premises in which the applicant resides irrespective of whether or not the applicant is the owner of the vehicle to which the application relates provided that no residents' permit is currently valid at that address.
82. Where the applicant
- a. Is of state pensionable age,
  - b. Is not over 75,
  - c. Is not registered disabled, or
  - d. does not own or have regular use of the vehicle

and the Council is satisfied that such a resident is dependent on a visitor making frequent visits, a permit may be issued for the particular vehicle used by that visitor and to which the application relates.

#### Issue of permits and vouchers

83. The Council may at any time require an applicant for a residents' permit or visitor vouchers or a holder of a residents' or dependant permit or visitor vouchers to produce to an officer of the Council or authorised agent such evidence in respect of an application for a residents or dependents' permit or visitor vouchers made to them as they may reasonably require to verify any particulars or information given to them or in respect of any residents or dependents' permit or visitor vouchers issued by them as they may reasonably require for to verify that the residents' permit are valid.
84. Upon receipt of an application duly made under Articles 75 or 78, the Council upon being satisfied that the applicant meets the requirements and on payment of any fee may issue to the applicant a resident's permit or dependant permit respectively for the leaving during the permitted hours in a parking place of the vehicle to which such residents' or dependent permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward; providing that if a limit on the number of permits per resident or per household applies in accordance with Schedule 2 the limit is not exceeded.
85. Upon receipt of an application duly made under Article 76 the Council upon being satisfied that the applicant satisfies the requirements and on receipt of any fee may issue to the applicant visitor vouchers up to the maximum permitted as specified in Schedule 2 for the leaving during the permitted hours in a parking place of the vehicle to which a permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner (other than a person to whom such vehicle has been let for hire or reward).

- 86. Permits will be issued for a period of 12 months from the date of receipt of application.
- 87. A permit or voucher shall only be valid for use in a parking place on a road within an area identified on the permit and specified on the Plans.

#### Business permits

- 88. Any business user who is the owner of a vehicle of the following class, that is to say a motor vehicle, the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.0 metres and the overall weight of which does not exceed 1500kg or a motor cycle may apply to the Council for the issue of a business permit in respect of that vehicle for use in the lengths of roads specified in Schedule 3 and any such application shall be made on a form issued by and obtainable for the Council and shall include the particulars and information required by such form to be supplied.
- 89. The Council may at any time require an applicant for a business permit or a business permit holder to produce to an officer of the Council such evidence in respect of an application for a business permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any business permit issued by them may reasonably call for to verify that business permit is valid.
- 90. Upon receipt of an application duly made under the foregoing Articles and upon receipt of the fee specified in Schedule 3, the Council, upon being satisfied that the applicant is a business user and is the owner of a vehicle of the class specified, shall issue to the applicant therefore, a business permit for the leaving during the permitted hours in any parking place in any of the roads specified in Schedule 3 of the vehicle to which such business permit relates by the owner of such vehicle or by

any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward.

91. A business permit shall not be issued if as a result these would be at any time more than the maximum number specified in Schedule 3 in respect of the same non-residential premises.
92. Nothing in the foregoing Articles above shall allow a permit holder to cause or permit any vehicle to be used in the lengths of road specified as the Inner Zone in Schedule 3 for a longer period than four hours.

#### Community care permits

93. Specific categories of community care personnel, determined from time to time by the Council, may apply to the Council for the issue of a parking permit for the leaving of a vehicle of the class specified and belonging to a person visiting a resident whose usual place of abode is at premises the postal address of which is in any street or part of a street described in Schedule 2 in the course of community care duties and the Council shall issue a permit to such categories of community care personnel. Provided that permits will only be issued to community care personnel who can demonstrate to the satisfaction of the Council via their organisation that they have a genuine and frequent requirement for such a facility.
94. Upon receipt of an application duly made and any appropriate fee the Council upon being satisfied that the applicant is either the owner of a vehicle of the class specified or a person authorised by the owner of the vehicle of the said class, that issue to the applicant a permit for the leaving during the permitted hours in any parking place in any road or part of road specified in Schedule 2.

## **General Conditions as to permits**

### Surrender of permits

95. A permit holder may surrender such permit to the Council or authorised agent at any time and shall surrender such permit to the Council or authorised agent on the occurrence of any one of the events set out in Article 94.

### Withdrawal of permit

96. The Council or authorised agent may, by notice in writing served on the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's residence or place of business, withdraw a permit if it appears to the Council or authorised agent that any one of the events set out in Article 94 has occurred and the permit holder shall surrender the permit to the Council or authorised agent within 48 hours of the receipt of the aforementioned notice.
97. The events referred to in Articles 92 and 93 are:-
- (i) the permit holder ceasing to be a resident, business user or community care practitioner;
  - (ii) the permit holder ceasing to be the owner of the vehicle in respect of which the resident's, business or community care permit was issued;
  - (iii) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified for each respective permit;
  - (iv) the issue of a duplicate permit by the Council under the provisions of Article 99; or
  - (v) the permit being defaced, mutilated or altered.



98. A permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any of the events set out in the preceding Article, whichever is the earlier.
99. Where a permit or voucher is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit or voucher shall cease to be of any effect and the council shall by notice in writing served on the person to whom such permit or voucher was issued by sending the same by recorded delivery to the permit holder at the address shown by that person on the application for the permit, or at any other address believed to be that person's place of abode, require that person to surrender the permit or voucher to the Council within 48 hours of receipt of the aforementioned notice.

#### Duplicate permits

100. If a permit is accidentally mutilated or defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and apply to the Council for the issue of a replacement permit.
101. If a permit or visitor voucher is lost or destroyed, the permit or voucher holder may apply to the Council for the issue of a duplicate permit or voucher.
102. On application under the preceding Articles, the Council, being satisfied as to the circumstances as indicated, and on payment of any fee as the Council may from time to time determine, shall issue a replacement or duplicate permit or voucher so marked and upon such issue the original permit or voucher shall become invalid.
103. All the provisions of this Order shall apply to a replacement or duplicate permit to the same extent as they applied to the original permit.

## **Form of permit**

104. A permit shall be in writing and shall include the following particulars:-

- (i) the registration mark of the vehicle in respect of which the permit has been issued.

Provided that in exceptional circumstances at the absolute discretion of the Council a number of vehicle registration marks may be included or the vehicle registration mark may be omitted;

- (ii) the period during which, subject to the provisions of Article 94, the permit shall remain valid;
- (iii) an indication that the permit has been issued by the Council; and
- (iv) a code or identification indicating the parking area for which the permit is valid.

## **SECTION 6 - CONTRAVENTION OF ORDER**

### **Contravention**

105. If a vehicle is left in any road or length of road or a parking place during the permitted hours in contravention of, or without complying with, the requirements of this Order a contravention shall have occurred and a penalty charge shall be payable and/or the vehicle may be removed from that location.

### **Penalty charge notice**

106. In the case of vehicles in respect of which a penalty charge may have been incurred, it shall be the duty of the Civil Enforcement Officer to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:

- (a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;

- (b) the grounds on which the Civil Enforcement Officer believes that a penalty charge is payable in respect of that vehicle;
- (c) the amount of penalty charge required to be paid;
- (d) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion or amount;
- (e) that if the penalty charge is not paid before the end of the 28 day period a notice to owner may be served by the Council on the person appearing to be the owner of the vehicle; and
- (f) the address to which payment of the penalty charge must be sent.

#### Manner of payment of penalty charge

107. The penalty charge shall be paid to the Council within 28 days of the issue of the penalty charge notice either;

- (a) by cheque, bankers' draft, money order or postal order delivered or sent by post as indicated on the penalty charge notice, or
- (b) by cheque, postal order, in cash, by credit card or debit card in person at any Royal Borough of Windsor and Maidenhead office which accepts such payments, or
- (c) by credit card or debit card over the phone using the number specified on the penalty charge notice;
- (d) by credit card or debit card over the Council's web site.

Provided that, if the said twenty eight day falls upon a day on which the said office is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.30 on the next full day on which the said office is open.

108. If the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion.
109. If the owner fails to pay the penalty charge by the end of the 28 day period, a notice of owner may be served; and if the charge is not paid within a further 28 days it may be increased by 50% on the issue of a charge certificate in accordance with the provisions of section 77 of The Traffic Management Act 2004;
110. Continuing failure to pay the penalty charge may result in a judgement in the County Court against the owner to enable the Council to recover the payments due.

#### Indications as evidence

111. The particulars given in the penalty charge notice attached to a vehicle in accordance with Article 103 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

#### Restriction on removal of notices

112. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 103 no person, not being the driver of the vehicle, a police officer in uniform, a Civil Enforcement Officer or some other person duly authorised by the Council shall remove the notice from the vehicle unless authorised to do so by the keeper of the vehicle.

#### Immobilisation

113. If a vehicle is left after a penalty charge has been incurred, a Civil Enforcement Officer in uniform or a person acting under his/her direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements

of section 79 of the Traffic Management Act of 2004 and that vehicle shall only be released from the device on payment of the penalty charge, or as the case may be reduced penalty charge, along with such release fee as may be required by the Council

#### Removal of vehicle

114. Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Articles 64 or 102,
- (a) he / she shall provide for the safe custody of the vehicle;
  - (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
  - (c) the provisions of the Act of 1984 as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.
115. Nothing in Articles 64, 102, or 110 shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.
116. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

### **SECTION 7 - REVOCATIONS**

117. All the traffic regulation orders or parts of traffic regulation orders imposing the following restrictions:
- (a) Prohibition and restrictions of waiting and loading and unloading;
  - (b) Prohibition of stopping,
  - (c) Loading areas,

- (d) Restrictions on parking places,
- (d) Restrictions on disabled parking places, and
- (e) Restrictions on motor cycle parking places

as they relate to roads in The Royal Borough of Windsor and Maidenhead,  
Maidenhead Rural area as defined in the Plans made prior to this Order are hereby  
revoked.

THE COMMON SEAL of the ROYAL )  
BOROUGH OF WINDSOR AND )  
MAIDENHEAD was hereunto affixed )  
This        day of        2008 )  
in the presence of:- )

**M. McGaughrin**  
**Managing Director**

**MAIDENHEAD RURAL**  
**SCHEDULE 1**  
**PAY AND DISPLAY PARKING PLACES**

There are no pay and display parking places in the Maidenhead Rural Area

**MAIDENHEAD RURAL**  
**SCHEDULE 2**  
**RESIDENTS PERMIT SCHEMES**

**BRAY – Zone N**

**List of streets where residents are eligible for residents' permits**  
**(all properties unless otherwise indicated)**

Church Lane  
Ferry End  
Old Mill Lane  
The Terrace  
High Street – Rickham House only

**COOKHAM HIGH STREET – Zone Q**

High Street

**Maximum number of resident's permits available**

One per household, reduced by the number of private off-street parking spaces at the property

Residents over 75 years of age and registered disabled residents may apply for a permit irrespective of whether or not they own the vehicle

Residents of state pensionable age, less than 75 years of age, not registered disabled and who do not own or have the regular use of a car may apply for a permit for a regular visitor



### **Maximum number of visitor vouchers available**

Maximum of 50 24hr vouchers, 50 6hr vouchers and 25 2hr vouchers per household per year commencing on the date of receipt of application

### **Maximum number of dependant permits available**

Two per resident, reduced by the number of private off-street parking spaces at the property and no other resident permit is held

### **Charges for permits and vouchers**

#### **(Charges may be varied from time to time by the Council)**

Resident's permit	1 <sup>st</sup> permit - £20.00 2 <sup>nd</sup> permit - not available Over state pensionable age - FREE
Visitor vouchers	£2.00 per 24hr voucher up to the maximum allowance £1.00 per 6hr voucher up to the maximum allowance Free 2hr voucher up to the maximum allowance
Residents over 60 years of age can apply for the vouchers at a cost of 50p per voucher up to the maximum allowance	
Dependant permits	Free to eligible applicants
Replacement / duplicate permit or voucher	Cost to be determined from time to time by the Council.
Administration charge for refunds	Cost to be determined from time to time by the Council.

**MAIDENHEAD RURAL  
SCHEDULE 3  
BUSINESS PERMITS SCHEMES**

There are no Business Permit Schemes in the Maidenhead Rural area

**MAIDENHEAD RURAL  
SCHEDULE 4  
COMMUNITY CARE PERMITS**

**Maximum number of community care permits available**

No maximum but at the Council's absolute discretion

**Charges for permits and vouchers**

**(Charges may be varied from time to time by the Council)**

No charge at present