

DATED

15<sup>th</sup> June

2011

**WREXHAM COUNTY BOROUGH COUNCIL  
(A5152 WREXHAM ROAD, RHOSTYLLLEN)  
(PROHIBITION OF WAITING) ORDER 2010**

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Ref: TS/10002983





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Chief Environment Officer  
Transport Depot, Abbey Road  
Wrexham Industrial Estate  
Wrexham, LL13 9PW

## A5152 WREXHAM ROAD RHOSTYLLEN PROHIBITION OF WAITING

 - Proposed Prohibition of Waiting

Scale 1:1250



**WREXHAM COUNTY BOROUGH COUNCIL**  
**(A5152 WREXHAM ROAD, RHOSTYLLLEN)**  
**(PROHIBITION OF WAITING) ORDER 2010**

Wrexham County Borough Council ("the Council") in exercise of their powers under Sections 1 (1) and 2 (1) and (2) of the Road Traffic Regulation Act 1984 ( "the Act ") and of all other enabling powers and after consultation with the Chief Officer for Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:

**SECTION 1 – PRELIMINARY**

**Citation and commencement**

1. This Order shall come into operation on 20 June 2011 and may be cited as The Wrexham County Borough Council (A5152 Wrexham Road, Rhostyllen) (Prohibition of Waiting) Order 2010.

**Interpretation**

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

**"Civil Enforcement Officer"** means a person authorised within the meaning of Section 76 Traffic Management Act 2004;

**"Council"** means Wrexham County Borough Council and includes any duly authorised member of staff, 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;

**"Disabled Person's Badge"** has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (Wales) 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 or no stopping area;

**"Goods"** means goods of any kind whether animate or inanimate and includes postal packets of any kind;

**"Hackney Carriage"** means a vehicle with a current and valid licence issued by a licensing authority and displaying a current and valid plate or other means of identification issued by that licensing authority as a Hackney Carriage within the meaning of the Town Police Clauses Act 1847 and Part II Local Government (Miscellaneous Provisions) Act 1976;

**"Motor Vehicle"** has the same meaning as in Section 136 (1) of the Act;

**"Parking Disc"** has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons)(Wales) Regulations 2000 which is



capable of showing the quarter hour period during which a period of waiting has begun;

**"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;

**"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) (Wales) Regulations 2000; and
- (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;

**"Telecommunication System"** has the same meaning as in the Telecommunications Act 1984;

**"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.

- 3. 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.
- 4. 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.
- 5. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked by this Order were Acts of Parliament thereby repealed.

## **SECTION 2 – PROHIBITION OF WAITING AND STOPPING**

### Prohibition of Waiting and Stopping

- 6. No person shall, except upon the direction or with the permission of a Civil Enforcement Officer or police officer in uniform, cause or permit any Motor Vehicle to stop or wait on the lengths of road indicated by sign or by markings on the surface of the road as specified in the Schedule to this Order and as indicated on the Plan annexed hereto.

### Emergencies

7. Nothing in Article 6 shall render it unlawful to cause or permit any vehicle to stop or 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

8. Nothing in Article 6 shall render it unlawful to cause or permit any vehicle to stop or 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) 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

9. Nothing in Article 6 shall render it unlawful to cause or permit any vehicle to stop or 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 Goods to be loaded to or unloaded from a vehicle (or Goods or merchandise to be delivered or collected).



#### Board and alight from a vehicle

10. Nothing in Article 6 shall render it unlawful to cause or permit any vehicle to stop or 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

11. Nothing in Article 6 shall render it unlawful to cause or permit any vehicle to stop or 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.

#### Stopping or waiting by vehicle displaying a Waiver Certificate

12. Nothing in Article 6 shall prevent any person from causing or permitting a vehicle to stop or 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 stopping or waiting in accordance with the terms and conditions of the said permit or certificate.

#### Stopping or waiting by disabled persons' vehicle

13. Nothing in Article 6 shall prevent any person from causing or permitting 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 stop or wait on the lengths of road described in the Schedules to this Order for a period not exceeding 3 hours provided that the vehicle immediately before or after the act of stopping or waiting 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).

#### Hackney Carriages

14. Nothing in Article 6 shall prevent any person from causing or permitting a Hackney Carriage to stop or wait for the purpose of plying for hire.

### **SECTION 3 - GENERAL**

#### Waiver Certificate

15. The Council may issue a Waiver Certificate on receipt of an application and may impose such terms and conditions as it deems appropriate.
16. 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

17. 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.

### General


18. 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 of 1984 or by or under any other enactment.

### **SECTION 5 - VALIDITY**

19. If a Court, the Department for Transport, the Welsh Assembly Government, the Adjudication Service or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable, such declaration shall not invalidate the remainder of the Order.

**GIVEN UNDER THE COMMON SEAL  
OF THE COUNTY BOROUGH OF WREXHAM**

this 15<sup>th</sup> day June 2011  
was hereunto affixed  
in the presence of:-

  
**Head of Corporate and Customer Services**



133/11(a)

**The Wrexham County Borough Council (A5152 Wrexham Road, Rhostyllen)  
(Prohibition of Waiting) Order 2010.**

**SCHEDULE**

**Prohibition of Waiting**

<b><u>Road Affected</u></b>	<b><u>Road Affected</u></b>	<b><u>Length Affected</u></b>
A5152 Wrexham Road, Rhostyllen	Southern Side	From its junction with Colliery Road in a south westerly direction to a point 20 metres southwest of its junction with the access road leading to Evans Halshaw Motor Vehicle Retailer.
Access Road leading to Evans Halshaw Motor Vehicle Retailer.	Both Sides	From its junction with A5152 Wrexham Road in a south easterly direction for a distance of 40 metres.





