

WARWICKSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE WARWICKSHIRE COUNTY COUNCIL
(BOROUGH OF NORTH WARWICKSHIRE)
(WAITING RESTRICTIONS AND ON-STREET PARKING PLACES)
(CONSOLIDATION) ORDER 2017

The Warwickshire County Council (hereinafter referred to as "the Council") in exercise of the powers conferred by sections 1(1), 2(1) to (3), 4(2), 32, and 35 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984, (hereinafter referred to as "the 1984 Act") 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 1984 Act, hereby make the following Order:-

PART I
CITATION AND INTERPRETATION

1. This Order shall come into operation on the _____ day of February Two thousand and seventeen and may be cited as "The Warwickshire County Council (Borough of North Warwickshire) (Waiting Restrictions and On-Street Parking Places) (Consolidation) Order 2017".

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

"Authorised Cab Rank" means any area of carriageway which is comprised within and indicated by a road marking complying with diagram 1028.2 of Schedule 6 to the 2002 Regulations or diagram 1028.2 (Schedule 7, Part 4, Item 5) of the 2016 Regulations.

"Bus" has the same meaning as in Schedule 1 of the 2016 Regulations;

"Bus Stop Area" means any area of carriageway intended for the waiting of buses which is comprised within and indicated by a road marking complying with either diagram 1025.1 (Schedule 7, Part 4, Item 9) of the 2016 Regulations or with diagrams 1025.1 or 1025.3 of the 2002 Regulations and incorporating the words "Bus Stop" ;

"Carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

"Delivering" and "Collecting" in relation to any Goods includes checking the Goods for the purpose of their delivery or collection;

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

"Disabled Person's Parking Place" means a road or length of road designated as a Parking Place by Article 10;

"Disabled Person's Vehicle" has the same meaning as in The Motor Vehicles (Approval) (Amendment) Regulations 2004;

"Driver" in relation to a vehicle waiting in a Disabled Person's Parking Place or on a road or length of road, means the person driving the vehicle at the time it was left in that Disabled Person's Parking Place or road or length of road;

“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;

“Footway” has the same meaning as in section 329 of the Highways Act 1980;

“Goods” means heavy or bulky goods or burden of any description and includes Postal Packets;

“Loading” means the loading or unloading of Goods to or from a vehicle;

“Parking Disc” means a disc issued by a local authority, 125 millimetres square and coloured blue, and capable of showing the quarter hour period during which a period of waiting begins;

“plans” means the plans attached to this Order and listed in Schedule 1;

“Postal Packets” has the same meaning as in the Postal Services Act 2000;

“Relevant Position” has the same meaning as in The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“the 2002 Regulations” means the Traffic Signs Regulations and General Directions 2002;

“the 2016 Regulations” means the Traffic Signs Regulations and General Directions 2016;

“Traffic Sign” means a sign of any size, colour and type prescribed or authorised pursuant to or having the effect as though prescribed or authorised pursuant to section 64 of the 1984 Act;

3. Except where otherwise stated, any reference in this Order to a numbered article or schedule is a reference to the article or schedule bearing that number in this Order;
4. The prohibitions and restrictions 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 1984 Act or by or under any other Enactment provided that:-
 - (a) in so far as any provision which imposes a restriction or prohibition on the waiting by vehicles other than a Bus in a Bus Stop Area or grants an exemption from such restriction or prohibition conflicts with a provision contained in this Order, the provisions of that Order shall prevail; but
 - (b) in so far as any other provision which imposes a restriction or prohibition on the waiting by vehicles or grants an exemption from such restriction or prohibition conflicts with a provision contained in this Order, the provisions of this Order shall prevail.

5. Save where the contrary is indicated, any reference in this Order to:-
 - (a) this Order or another Order shall be construed as such a reference to this Order or, as the case may be, such other Order, as the same may have been or may from time to time be amended, varied or supplemented;
 - (b) a Statute or Regulation shall be construed as reference to such Statute or Regulations as the same may have been, or may from time to time be amended or re-enacted.
6. The provisions of this Order shall not apply to an Authorised Cab Rank.
7. Except where otherwise stated, in this Order where a length of road is identified on the Plans as “no waiting” that restriction shall extend from the centre of the Carriageway to the back of any adjoining Footway and verge.

PART II PROHIBITION AND RESTRICTION OF WAITING

8. Save as provided within Article 9 no person shall, except upon the direction or with the permission of a police constable in uniform or a traffic warden, cause or permit a vehicle to wait in those lengths of road identified on the Plans as “No Waiting” during the periods of time identified on the Plans in relation to that length of road.
9. (1) Nothing in Article 8 shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of roads or on the sides of road specified therein for so long as may be necessary to enable:
 - (a) a person to board or alight from the vehicle;
 - (b) the Driver to actively engage in the activity of loading or unloading Goods to or from the vehicle;
 - (c) 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, 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 in 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 apparatus as defined in the Telecommunications Act 1984;
 - (d) the vehicle, if it cannot be conveniently be used for such purposes in any other road, to be used in the service of a local authority, water undertaker or a sewerage undertaker of the Environment Agency 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 purposes of delivering and/or collecting Postal Packets;
 - (f) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths or sides of road;
 - (g) the vehicle to wait at or near to any premises situated on or adjacent to the said lengths or sides of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral; or
 - (h) to enable the vehicle to be used for fire brigade, ambulance or police purposes.
- (2) Nothing in Article 8 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 identified on the Plans as "No Waiting", for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour 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)

PART III
AUTHORISATION AND USE OF PARKING PLACES
FOR DISABLED PERSONS' VEHICLES

10. Subject to the following provisions of Articles 11 to 14 inclusive, those lengths of road identified on the Plans as "Disabled Person's Parking Places" are authorised to be used as Disabled Person's Parking Places for vehicles displaying in the Relevant Position a Disabled Person's Badge during the periods of time specified on the Plans in relation to that Disabled Person's Parking Place.
11. Save as provided in Article 10 the driver of a vehicle shall not permit it to wait in a Disabled Person's Parking Place unless it is a Disabled Person's Vehicle which displays in the relevant position a Disabled Person's Badge.
12. (1) The driver of a vehicle using a Disabled Person's Parking Place shall stop the engine as soon as the vehicle is in position and shall not start the engine except when about to change position of the vehicle or depart.
- (2) Every vehicle left in a Disabled Person's Parking Place in accordance with this Order shall stand so that every part of the vehicle is wholly within the limits of a parking space or, in the case of a Disabled Persons' Parking Place in which there is no marked parking space, so that the distance between the edge of the Carriageway and the nearest wheel of the vehicle shall not be greater than 300 millimetres.
13. No person shall use a vehicle while it is in a Disabled Person's Parking Place in connection with the sale of any article to persons in or near the Disabled Person's Parking Place or in connection with the selling or offering for hire of his skills or services.
14. Without prejudice to the provisions of Articles 10 and 11, any vehicle may wait anywhere on the Carriageway in a Disabled Person's Parking Place for so long as may be necessary for any of the reasons described in Article 9.

**PART IX
REVOCATION OF ORDERS**

15. The following Orders are hereby revoked:-

- The Warwickshire County Council (Coleshill Road, Ansley Common) (Prohibition of Waiting) Order, 1991
- The Warwickshire County Council (Various Streets, Atherstone) (Prohibition and Restriction of Waiting) Order, 1995
- The Warwickshire County Council (Maypole Lane, Atherstone) (Prohibition and Restriction of Waiting) Order 2015
- The Warwickshire County Council (Packington Lane & Hawkeswell Lane, Coleshill) (Prohibition and Restriction of Waiting) Order, 2007
- The Warwickshire County Council (Sumner Road, Coleshill) (Disabled Persons' Parking Places) Order, 2006
- The Warwickshire County Council (Gorse Lane/Station Road, Coleshill) (Prohibition of Waiting) Order, 2002
- The Warwickshire County Council (Rose Road, Coleshill) (Prohibition of Waiting) Order, 2000
- The Warwickshire County Council (High Street, Coleshill) (Disabled Persons' Parking Place) Order 1985
- The Warwickshire County Council (Various Streets, Coleshill) (Prohibition and Restriction of Waiting) Order, 1995
- The Warwickshire County Council (Temple Way and Station Road, Coleshill) (Prohibition and Restriction of Waiting) Order 2014
- The Warwickshire County Council (Church Hill, Coleshill) (Prohibition and Restriction of Waiting) Order 2015
- The Warwickshire County Council (Various Streets, Dordon) (Prohibition and Restriction of Waiting) Order, 1993
- The Warwickshire County Council (Various Roads, Hartshill and Nuneaton) (Prohibition of Waiting) Order, 1996
- The Warwickshire County Council (Various Roads, Hartshill and Nuneaton) (Prohibition of Waiting) (Variation) Order, 1999
- The Warwickshire County Council (Oldbury Road, Hartshill) (Prohibition of Waiting) Order, 1979
- The Warwickshire County Council (Various Roads, Kingsbury) (Prohibition and Restriction of Waiting) Order, 1996
- The Warwickshire County Council (Bodmoor Heath Road, Kingsbury) (Prohibition and Restriction of Waiting) Order, 2010
- The Warwickshire County Council (Tamworth Road and Wood Street, Wood End, Kingsbury) (Prohibition of Waiting) Order, 1988
- The Warwickshire County Council (Various Streets, Polesworth) (Prohibition and Restriction of Waiting) Order, 1993
- The Warwickshire County Council (Shuttington Hill, Shuttington) (Prohibition of Waiting) Order, 1986

- County of Warwick (Birmingham Road and Minworth Road, Water Orton) (Prohibition of Waiting) Order 1966
- The Warwickshire County Council (Holly Lane, Abeles Way & Brindley Close, Atherstone) (Prohibition and Restriction of Waiting) Order 2016
- The Warwickshire County Council (Various Roads, Hams Hall, Coleshill) (Prohibition of Waiting) Order 2016

**SCHEDULE 1
PLANS ATTACHED TO THIS ORDER**

Plan Title	Revision No.	Plan Title	Revision No.
Street Index	Revision No. 0		
V47	Revision No. 0	BQ61	Revision No. 0
W47	Revision No. 0	BQ62	Revision No. 0
AG49	Revision No. 0	BR61	Revision No. 0
AH49	Revision No. 0	BR62	Revision No. 0
AI48	Revision No. 0	BW35	Revision No. 0
AI49	Revision No. 0	BW36	Revision No. 0
AN49	Revision No. 0	BW37	Revision No. 0
AO49	Revision No. 0	BX35	Revision No. 0
AP48	Revision No. 0	BX36	Revision No. 0
AP49	Revision No. 0	BX37	Revision No. 0
AQ49	Revision No. 0	BY36	Revision No. 0
AW57	Revision No. 0	BY37	Revision No. 0
AX45	Revision No. 0	BY38	Revision No. 0
AX51	Revision No. 0	BZ37	Revision No. 0
AX57	Revision No. 0	CA32	Revision No. 0
AY58	Revision No. 0	CB36	Revision No. 0
AY59	Revision No. 0	CC36	Revision No. 0
AZ57	Revision No. 0	CD36	Revision No. 0
AZ58	Revision No. 0	CF36	Revision No. 0
AZ59	Revision No. 0	CH36	Revision No. 0
BA58	Revision No. 0	CI36	Revision No. 0
BA59	Revision No. 0	CI37	Revision No. 0
BB58	Revision No. 0	CJ36	Revision No. 0
BE40	Revision No. 0	CJ37	Revision No. 0
BF40	Revision No. 0	CK36	Revision No. 0
BH37	Revision No. 0	CK37	Revision No. 0
BN60	Revision No. 0	CN37	Revision No. 0
BO60	Revision No. 0	CO37	Revision No. 0
BP62	Revision No. 0	CP37	Revision No. 0
BQ59	Revision No. 0		

GIVEN under the seal of the Warwickshire County Council the

The COMMON SEAL of the)
 Warwickshire County Council)
 was hereunto affixed in the)
 presence of:-)

Designated Officer

DATED

2017

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PLACES) (CONSOLIDATION) ORDER 2017