

NORTH SOMERSET DISTRICT COUNCIL
(VARIOUS ROADS, NORTH SOMERSET AREA)
(WAITING AND LOADING RESTRICTIONS AND PARKING PLACES)
(CONSOLIDATION) ORDER 2009
(VARIATION) (NO.##) ORDER 201#

The District Council of North Somerset (hereinafter referred to as "the Council") in exercise of its powers under sections 1(1), 2(1) to (3), 4(2), 19, 32, 35, 45, 46, 47 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended, (hereinafter referred to as "the Act of 1984") and of all other enabling powers, 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:

1. This Order shall come into operation on the **th ***** 201* and may be cited as the North Somerset District Council (Various Roads, North Somerset Area) (Waiting and Loading Restrictions and Parking Places) (Consolidation) Order 2009 (Variation) (NO.#) Order 201*.

2. (1) In this Order -

"authorised cab rank" means any area of carriageway which is comprised within and indicated by road markings complying with the Traffic Signs Regulations and General Directions 2016;

"bus waiting area" means any area of carriageway, intended for the waiting of buses, which is comprised within and indicated by road markings complying with the Traffic Signs Regulations and General Directions 2016;

"clearway" means the main carriageway of any of the sides or lengths of roads specified on the plans attached to this Order where stopping is prohibited during the restricted hours provided that the expression clearway shall not include any on-street parking place;

"disabled person's badge", "disabled person's vehicle" and "parking disc" have the same meanings as in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"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;

"goods" means goods or burden of any description and includes postal packets of any description;

"hackney carriage" means a vehicle licensed under Section 37 of the Town Police Causes Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976;

"loading bay" means any of the sides or lengths of roads specified on the plans attached to this Order where activities other than loading and unloading by all vehicles or permitted vehicles are prohibited;

"local service" has the same meaning as in Section 2 of the Transport Act 1985;

"money" includes a cheque, banknote, postal order or money order;

"motor-cycle" has the same meaning as that in Section 136 of the Act of 1984;

"no stopping hours" means in relation to any no stopping roads the hours during which stopping is restricted on the plans attached to this Order;

"no stopping road" means any of the roads or lengths of roads (including the main carriageway of clearways) specified on the plans attached to this Order where stopping is prohibited provided that the expression "no stopping road" shall not include any on-street parking place;

"on-street parking place" means an area of highway designated by this Order for the waiting of vehicles of specific classes;

"parking bay" means any area of the parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;

"pedal cycle" means a bicycle, tricycle or cycle having four or more wheels, not being in any case a motor vehicle;

"the plans" means those plans numbered AA104 to Y89 attached to this Order which indicate the sides or lengths of roads on which the provisions of this Order apply;

"prohibited road" means any of the sides or lengths of roads specified on the plans attached to this Order where waiting is prohibited provided that the expression "prohibited road" shall not include any on-street parking place;

"prohibited hours" means in relation to any prohibited road the hours during which waiting and/or loading is prohibited as specified on the plans attached to this Order;

"public service vehicle" has the same meaning as in Section 1(1)(a) of the Public Passenger Vehicles Act 1981;

"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;

- (i) in the case of a vehicle fitted with a front windscreen, that the badge or permit is exhibited thereon with the front facing forward on the nearside of and immediately behind the windscreen; or
 - (ii) in the case of a vehicle not fitted with a front windscreen, that the badge or permit is exhibited on the front or nearside of the vehicle;
- (b) a parking disc, means that side showing the time is facing forward or outward and immediately behind the windscreen or side window nearest the kerb;

"restricted hours" and "restricted months" means in relation to any restricted road the hours and/or months during which waiting and/or loading is restricted as specified on the plans attached to this Order;

"restricted road" means any of the sides or lengths of roads specified on the plans attached to this Order where waiting and/or loading is restricted or specific activities are restricted during the restricted hours;

"trailer" has the same meaning as in section 185 of the Road Traffic Act 1988;

"school bus" means a vehicle constructed or adapted to carry 12 or more passengers and being used to carry persons to or from school as defined by section 114(1) of the Education Act 1944;

"school keep clear area" means any area of carriageway, intended to be kept free of parked vehicles, which is comprised within and indicated by road markings complying with diagram 1027.1 and incorporating the words "School Keep Clear" or "Children Keep Clear" in the Traffic Signs Regulations and General Directions 2016 and an appropriate sign complying with the Traffic Signs Regulations and General Directions 2016;

- (2) 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 and any reference to the plans is a reference to the plans attached to this Order.
- (3) 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.

3. Save as provided in Article 4, Article 7, Article 8, Article 9 and Article 10 of this Order 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 of the lengths of road or on any of the sides of road during the restricted hours or restricted months as specified (or, in the case of a road or side of road where limited waiting is permitted, otherwise than during the period identified) on the plans attached to this Order.
4. Nothing in Article 3 of this Order shall render it unlawful to cause or permit any vehicle to wait so long as it may be necessary for the purposes of enabling goods to be loaded on or unloaded from the vehicle on the roads identified and for the periods identified on the plans attached to this Order.
5. Save as provided in Article 7 of this Order 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 or clearway during the no stopping hours as specified on the plans attached to this Order.
6. Save as provided in Article 7 of this Order 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 of the school keep clear areas during the operating hours as specified on the plans attached to this Order.
7. Nothing in Article 3 or Article 5 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of road or on any of the sides of road referred to in those Articles for so long as may be necessary to enable
 - (1)
 - (a) a person to board or alight from the vehicle;
 - (b) 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 of road or sides of road;
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to, the said lengths of road 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 telecommunication apparatus;
 - (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority, the Environment Agency, a water undertaker or sewerage undertaker in pursuance of statutory powers or duties;
 - (d) 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;
 - (e) the vehicle to take in petrol, oil, water or air from any garage situated

on or adjacent to the said lengths of road or sides of road;

- (f) the vehicle to be used for fire brigade, ambulance or police purposes in an emergency;
- (g) the vehicle to wait at or near to any premises situated on or adjacent to the said lengths of road or sides of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral;
- (h) 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; or
- (i) any security company armoured vehicle to be used for the purpose of delivering or collecting money.

8. Nothing in Article 3 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 a prohibited road or a restricted road 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 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).

9. Nothing in Article 3 shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge to wait on the sides of roads where waiting is permitted -

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).

10. Nothing in Article 3 shall prevent any person from causing or permitting a licensed hackney carriage to wait in any duly authorised cab rank during the period of operation specified on the plans attached to this Order.

11. No person shall cause or permit a licensed hackney carriage to wait in any duly authorised cab rank during the period of operation specified on the plans attached to this Order other than for the purpose of plying for hire.

12. No person shall cause or permit any vehicle to wait in any duly authorised cab rank outside the period of operation of the authorised cab rank as specified on the plans to this Order.
13. The parts of roads identified as such on the plans attached to this Order 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 attached to this Order.
14. No person shall cause or permit any vehicle to wait in a motor cycle parking place during the period of operation as specified on the plans attached to this Order unless it is a motor cycle.
15. The North Somerset District Council (Various Roads, North Somerset Area) (Waiting and Loading Restrictions and Parking Places) (Consolidation) Order 2009 (as varied) is hereby varied further by -
 - (i) removing the plans listed in Schedule 1 to this Order.
 - (ii) inserting the plans listed in Schedule 2 to this Order.

Given under the Common Seal of the District Council of North Somerset the ** day of ***** 201*.

The COMMON SEAL of)
 the DISTRICT COUNCIL)
 of NORTH SOMERSET)
 was hereunto affixed in)
 the presence of :-)

Head of Legal and Democratic Services

SCHEDULE 1
(Plans to be removed)

The proposed changes are shown on the draft plan NSC_2017_ALFRED ST RT_TRO'S attached to this draft Order. The formal plans will be amended and referenced in this schedule before such time as the Order is sealed.

SCHEDULE 2
(Plans to be inserted)

The proposed changes are shown on the draft plan NSC_2017_ALFRED ST RT_TRO'S attached to this draft Order. The formal plans will be amended and referenced in this schedule before such time as the Order is sealed.

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