

**BASINGSTOKE AND DEANE BOROUGH COUNCIL (PROHIBITION OF WAITING
AND NO STOPPING) (PARK PREWETT ROAD AND AREA, ROOKSDOWN) TRAFFIC
ORDER 2018**

Basingstoke and Deane Borough Council pursuant to arrangements made under section 101 of the Local Government Act 1972 with Hampshire County Council in exercise of the powers of the said County Council and in exercise of the powers under Sections 1(1), 2(1) to (3), 4, 5, 9 and 10 of the Road Traffic Regulation Act 1984 ("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 makes the following order:-

SECTION 1 – PRELIMINARY

Citation, commencement and reasons

1. This Order shall come into operation on 15 September 2018 and may be cited as Basingstoke and Deane Borough Council (Prohibition of Waiting and No Stopping) (Park Prewett Road and Area, Rooksdown) Traffic Order 2018
2. The effect of this Order is to make permanent the Basingstoke and Deane Borough Council (Prohibition of Waiting and No Stopping)(Park Prewett Road and area, Rooksdown) Experimental Traffic Order 2017

Interpretation

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

“Council” means Hampshire County Council or, as the case may be, Basingstoke and Deane Borough Council acting as Hampshire County Council’s agents;

“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 Regulation Act 1984;

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

“dispensation 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;

“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;

“goods” means goods of any kind whether animate or inanimate and includes postal packets of any description and “delivering” and “collecting” in relation to any goods includes checking the goods for the purpose of their delivery or collection;

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

“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;

“parking disc” has the same meaning as in the Local Authorities’ Traffic 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 and indicated on a carriageway by markings in accordance with the Traffic Signs Regulations and General Directions 2016;

“passenger vehicle” means a motor vehicle (other than a motor-cycle) 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;

“penalty charge” has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;

“penalty charge notice” has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;

“prohibited hours” means in relation to any prohibited road the hours during which stopping is prohibited as specified in Schedule 2;

“prohibited road” means any of the sides or lengths of roads specified in Schedules 1 and 2 where waiting or stopping 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; and
- (b) a permit means exhibited behind the windscreen, on the 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;

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.
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.
6. 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 were Acts of Parliament thereby repealed.

SECTION 2 – PROHIBITION OF WAITING AND NO STOPPING

Prohibition of Waiting and No Stopping during prohibited hours

7. Save as provided in Articles 9 to 16 no person shall, except upon the direction or with the permission of a police officer in uniform or civil enforcement officer, cause or permit any vehicle to wait at any time on any prohibited road as specified in Schedule 1.
8. Save as provided in Article 9 no person shall, except upon the direction or with the permission of a police officer in uniform or civil enforcement officer, cause or permit any vehicle to stop during the prohibited hours on any prohibited road as specified in Schedule 2.

Emergency Services

9. Nothing in Articles 7 and 8 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 for fire and rescue, ambulance or police purposes

General exemptions

10. Nothing in Article 7 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; or
 - (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

11. Nothing in Article 7 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 a vehicle

12. Nothing in Article 7 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

13. Nothing in Article 7 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

14. Nothing in Article 7 shall render it unlawful to cause or permit any vehicle to wait upon a designated parking place.

Waiting by vehicle displaying a dispensation certificate

15. Nothing in Article 7 shall render it unlawful to cause or permit a vehicle to wait in any prohibited or restricted road if it is displaying in the relevant position a valid dispensation certificate issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

Waiting by disabled persons' vehicle

16. Nothing in Article 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 two hours 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).

SECTION 3 - GENERAL

Dispensation certificate

17. The Council may issue a dispensation certificate on receipt of an application and may impose such terms and conditions as it deems appropriate.
18. A dispensation 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.

SECTION 4 - CONTRAVENTION OF ORDER

Contravention

19. If a vehicle is left in a prohibited or restricted road or parking place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable.
20. Nothing in Articles 7 or 19 shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.
21. 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 1984 Act or by or under any other enactment.

SECTION 5 - VALIDITY

- 22. If a court, the Department for Transport, the Traffic Penalty Tribunal 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.

SECTION 6 – REVOCATIONS

- 23. The Basingstoke and Deane Borough Council (Prohibition of Waiting and No Stopping)(Park Prewett Road and area, Rooksdown) Experimental Traffic Order 2017

THE COMMON SEAL of BASINGSTOKE)
AND DEANE BOROUGH COUNCIL was)
hereunto affixed this 11th day)
of September 2018 in the)
presence of:-)

E. Bethen



30003

**SCHEDULE 1
NO WAITING AT ANY TIME**

Those areas of road as shown on Drawing Number: CDR-009-003-RKD-01

**SCHEDULE 2
NO STOPPING MON - FRI 8am – 5pm**

Those areas of road as shown on Drawing Number: CDR-009-003-RKD-02