

## BOROUGH OF EASTLEIGH

### THE BOROUGH OF EASTLEIGH (STATION ROAD, NETLEY) EXPERIMENTAL ORDER 2015

The Council of the Borough of Eastleigh (hereinafter referred to as "the Council") pursuant to arrangements made under Section 19 of the Local Government Act 2000 with the Hampshire County Council in exercise of the powers of the said County Council under Sections 9 and 10 of the Road Traffic Regulation Act 1984 ("the 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 Act hereby makes the following Order:-

#### PART I- GENERAL

##### Commencement, Citation and Reasons

1. This Order shall come into operation on 26 January 2015 and may be cited as the "Borough of Eastleigh (Station Road, Netley) Experimental Order 2015".
2. The reason for proceeding by way of an Experimental Order is to investigate options for improving congestion by providing a passing place on Station Road and to achieve a turnover of parking for businesses. It is considered desirable that an Experimental Traffic Order should be made for a trial period before consideration is given as to whether the provisions of the Order should be made permanent.

##### Interpretation

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

"civil enforcement officer" shall have the same meaning as in section 76 of the Traffic Management Act 2004;

"disabled parking disc" means a device which:-

- (a) has been issued by a local authority and has not ceased to be valid; and
- (b) is capable of showing the quarter hour period during which a period of waiting has begun.

"disabled person's badge" means a badge which was-

- (a) issued, or has effect as if issued, to a disabled person or an institution under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or under regulations having

effect in Scotland or Wales under section 21 of the Chronically Sick and Disabled Persons Act 1970; and

(b) has not ceased to be in force;

as defined in The Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled persons badge, as defined under Section 142 of the Act;

"dispensation certificate" means a certificate issued by or on behalf of the Council under the provisions of this Order permitting a specified vehicle to wait in specified circumstances on a length or lengths of road or in a parking place where the waiting of that vehicle would otherwise be restricted or prohibited;

"driver", in relation to a vehicle waiting in a parking place or street or part of a street specified in this Order, means the person in charge of the vehicle at the same time it was left in the parking place or street or part of a street aforesaid;

"goods" includes all heavy or large goods and "delivery and collection" or "loading and unloading", in relation to any goods, includes checking the goods for the purpose of their delivery or collection and does not include any period prior to purchasing goods but only for the collection of pre-paid items when they are large or heavy;

"goods vehicle" means a vehicle not exceeding 3.5 tonnes max gross weight and which is constructed or adapted for use for the carriage of goods or burden of any description, and is not a drawing trailer;

"owner", in relation to a vehicle, means the person named in the vehicle registration document or the person by whom such vehicle is kept and used;

"parking space" means a space in a parking place which is provided for the leaving of a vehicle;

"passenger vehicle" means a vehicle (other than a motorcycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer;

"permitted hours" means the periods specified for each parking place during which parking by vehicles of a specific class is permitted as specified in the Schedules;

"solo motorcycle" means a motor cycle without a side car and having two wheels;

“telecommunication apparatus” has the same meaning as in Section 4 of the Telecommunications Act 1984;

“vehicle” means a motor vehicle and “motor vehicle” has the same meaning as in section 136 of the Act;

“wait” and “waiting” refer to the stopping of a vehicle and it remaining at rest for some time whether or not the driver is still in the vehicle;

- (2) For the purpose of this Order a vehicle displays a disabled person's badge in the relevant position if it is displayed in accordance with The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.
- (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- (4) The conditions, provisions, prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any other such matter imposed by any Order or regulation made, or having effect as if made, under the Act of 1984, or by or under any other enactment.
- (5) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- (6) 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 the Plans is a reference to the Plans incorporated into this Order.
- (7) 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 un-enforceable, such declaration shall not invalidate the remainder of the Order.

## PART II- AUTHORISATION AND USE OF PARKING PLACES

- (1) Each of the parts of a road specified in this Order but excluding such parts as are designated as no waiting or limited waiting hereto is to be used subject to the following provisions of this Order as street parking for the parking during the permitted hours by such classes of vehicles specified in relation to that part of the road in the said Schedules.
- (2) Nothing in paragraph (1) of this Article shall restrict the power of the Council to close any parking place.

## Exemptions for disabled persons

4. (1) Notwithstanding the provisions of Article 4 of this Order a vehicle which bears on the windscreen thereof or, if the vehicle has no windscreen, in a conspicuous position thereon, a badge issued by any local authority in accordance with the provisions of The Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000 or a badge having effect under those regulations as if it were a disabled persons badge may be left during the permitted hours in a parking place.

(2) Without prejudice to the generality of this Article, a vehicle to which this Article applies shall stand in the parking place in accordance with the provisions of Article 16 of this Order and wholly within the limits of that place.

## PART III- PROHIBITION AND RESTRICTION OF WAITING

5. Save as provided in Articles 7, 8 and 9 of this Order no person shall except upon the direction or with the permission of a police constable in uniform or a civil enforcement officer cause or permit any vehicle to wait at any time in, on the sides of, or in any of the lengths of roads specified in the Schedule to this Order.

6. Nothing in Article 6 of this Order shall render it unlawful to cause or permit any vehicle to wait on the sides of roads or in the lengths of roads referred to therein for so long as is necessary to enable-

(a) a person to board or alight from a vehicle;

(b) goods to be loaded on or unloaded 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 operation;
- ii. the removal of any obstruction by traffic;
- iii. the maintenance, improvement or reconstruction of the said sides of road or length of road;
- iv. the laying, erection, alteration or repair in, or in land adjacent to the said sides of roads or lengths of roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus;

(d) the vehicle, if it cannot be conveniently be used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;

(e) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125 of the Postal Services Act 2000; or

- (f) the vehicle to be used for Fire Brigades, Ambulance or Police purposes.
7. Nothing in Article 6 of this Order shall render it unlawful to cause or permit a disabled persons vehicle which displays in the relevant position a disabled persons badge and a disabled 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) issued by any local authority to wait on the sides of roads referred to in that Article 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.
8. Nothing in Article 6 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 dispensation certificate issued by or on behalf of the Council and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

#### Dispensation certificate

9. The Council may issue a dispensation certificate on receipt of application and may impose charges, terms and conditions as appropriate.
10. 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.

#### Contravention

11. If a vehicle is waiting in a prohibited or restricted road or parking place respectively without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable.

#### Restriction on removal of notices

12. Where a notice has been attached to a vehicle in accordance with the provisions of this Order 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 owner of the vehicle.

#### Removal of vehicle

13. Where a civil enforcement officer has removed or caused to be removed a vehicle in accordance with the provisions of this Order;
- (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.

14. Nothing in respect of immobilisation or removal of a vehicle shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.

#### Manner of Standing in Parking Places

15. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand, in the case of any parking place:-

(a) That except where the limits of the parking place are marked out otherwise the left or nearside of the vehicle is adjacent to the left-hand edge of the carriageway and that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres;  
that every part of the vehicle is within the limits of the parking place

#### Position for Waiting

16. Where a vehicle is waiting in accordance with Articles 7, 8 or 9 of this Order no person shall cause or permit any vehicle to wait unless all wheels are on the carriageway.

17. Where a vehicle is waiting in accordance with Articles 7, 8 or 9 of this Order no person shall cause or permit any vehicle to wait so that any part of the vehicle obstructs any dropped kerb or any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting.

#### Movement of a vehicle in an emergency

18. 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 and shall provide for the safe custody of the vehicle.

### PART IV- DISABLED PERSONS PARKING PLACES

19. Each of the parts of roads specified in the Third Schedule to this Order is hereby designated as, and is authorised to be used, subject to the provisions of this Order, as a street disabled persons parking place for disabled persons vehicles in such positions and on such days and during such hours as are specified in relation to that part of the road in the said Schedule.

20. Nothing in Article 20 of this Order shall restrict the power of the Council, for preventing obstruction of the streets, by Order on the occasion of any public procession, rejoicing or illumination, or when the streets are thronged or liable to be obstructed, to close any disabled persons parking place.
21. Articles 4 (1) of this Order (“the Excluded Article”) shall not apply to the disabled persons parking places designated by this Order and set out in the Third Schedule hereto but all other Articles of the Order (“the Applicable Articles”) shall apply to them as if where the words “parking place” and “Schedule” are used those phrases were substituted by “disabled persons parking place” and “Third Schedule” respectively but as if there were deleted from the Applicable Articles any reference to the Excluded Articles.
22. At all times which a vehicle is left in a disabled persons parking place during the permitted hours there shall be displayed in the relevant position a valid disabled persons badge.
23. Where a disabled persons badge has been displayed on the vehicle in accordance with the provisions of Article 3 of this Order, no person, not being the driver of the vehicle, shall remove the badge from the vehicle unless authorised to do so by the driver of the vehicle.



DATED

2015

BOROUGH OF EASTLEIGH  
THE BOROUGH OF EASTLEIGH  
(STATION ROAD, NETLEY)  
EXPERIMENTAL ORDER 2015

A R Ward  
Head of Legal & Democratic Services  
Eastleigh Borough Council  
Eastleigh House  
Upper Market Street  
Eastleigh  
Hants  
SO50 9YN