

ROAD TRAFFIC REGULATION ACT 1984

LANCASHIRE COUNTY COUNCIL (GARRICK STREET, NELSON, PENDLE BOROUGH) (DISABLED PARKING PLACE) ORDER 2009

The County Council of Lancashire ("the Council") in exercise of its powers under Sections 1(1), 2(1) and (2), 4(1), (2) and (3) of the Road Traffic Regulation Act 1984, as amended ("the Act") 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, and pursuant to Section 43 and Schedules 3 and 6 to the Road Traffic Act 1991 ("the 1991 Act") hereby make the following Order:-

1. Definitions and Interpretation

For all the purposes of this Order the terms described in this Article shall have the meanings specified:

- a) **"disabled parking place"** means an area comprised within the carriageway of a road, the boundary of which is:-
 - i) marked in accordance with Diagram 1028.3 of the Traffic Signs Regulations and General Directions 2002 ("the regulations") and accompanied by a sign in accordance with Diagram 661A of the Regulations indicating the restrictions on the use of the parking place; and
 - ii) for which the restrictions on use are described in Articles 3 and 4 of this Order
- b) **"disabled person's vehicle"** means a vehicle lawfully displaying a disabled person's badge and which is a vehicle which, immediately before or after any period of waiting allowed by virtue of Article 3 of this Order, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying disabled persons as passengers.
- c) **"disabled person's badge"** means the form and size of badge shown in Part 1 of Schedule 2 of the Disabled Persons (Badges for Motor Vehicles) Regulations 1982, as amended by the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1991;
- d) **"parking disc"** means a device which:-
 - i) is 125 millimetres square and coloured blue, if issued on or after 1st April, 2000 or orange if issued before that date;
 - ii) has been issued by a local authority and has not ceased to be valid; and
 - iii) is capable of showing the quarter hour period during which a period of waiting has begun.

- e) A vehicle displays a disabled person's badge in the relevant position if -
 - i) the badge is exhibited on the dashboard or fascia of the vehicle, or
 - ii) where the vehicle is not fitted with a dashboard or fascia the badge is exhibited in a conspicuous position on the vehicle, so that the front of the badge is clearly legible from the outside of the vehicle.
- f) A vehicle displays a parking disc in the relevant position if -
 - i) the disc is exhibited on the dashboard or fascia of the vehicle; or
 - ii) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle so that when marked to show the quarter hour period during which a period of waiting began that period is clearly legible from the outside of the vehicle.

2. Prohibition of Waiting

Save as is hereinafter provided no person shall, except upon the direction or with the permission of a police constable in uniform, or a civil enforcement, cause or permit any vehicle to wait, at any time, on any day, in the disabled parking place specified in the Schedule to this Order.

3. Exemption for disabled persons vehicle

Nothing in Article 2 of this Order shall render it unlawful to cause or permit any disabled person's vehicle, which displays in the relevant position a disabled person's badge (or a badge having effect under the provisions of the Disabled Person's (Badges for Motor Vehicles) (Amendment) Regulations 1991, as if it were a disabled person's badge) to wait, at any time, on any day in the length of road referred to therein.

4. Exemption to Prohibition of Waiting other than disabled persons

Nothing in Article 2 of this Order shall render it unlawful to cause or permit any vehicle to wait in the length of road referred to therein for so long as may be necessary to enable:-

- a) a person to board or alight from the vehicle;
- b) goods to be loaded on to 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:-
 - i) building, industrial or demolition operations;
 - ii) the removal of any obstruction to traffic;
 - iii) the maintenance, improvement or reconstruction of the said length of road;

- iv) the laying, erection, alteration or repair in, or in land adjacent to, the said length of road of any sewer or of any main, pipe or apparatus or the exercise of any other statutory power or duty for the maintenance and supply of gas, water or electricity or of any telecommunications system as defined in Section 4 of the Telecommunications Act 1984;
- d) the vehicle to be used for the purposes of a local authority in pursuance of statutory powers or duties if it cannot conveniently be used for such purpose in any other road;
- e) the vehicle to be used for delivering or collecting postal packets as defined in the Postal Services Act 2000;
- f) the vehicle to be used for fire brigade, ambulance or police purposes in pursuance of statutory powers or duties.
- g) the vehicle to wait at or near to any premises situated on or adjacent to the said length of road for so long as such waiting by the vehicle is reasonably necessary in connection with any wedding or funeral.

5. Manner of standing in a disabled parking place

Every disabled person's vehicle left in a parking place in accordance with the provisions of Article 3 of this Order shall be left so that every part of the vehicle is within the limits of the parking place.

6. Alteration of position of a disabled person's vehicle in a disabled person's parking place

Where any disabled person's vehicle is left standing in a parking place in contravention of the provisions of Article 5 of this Order a police constable in uniform or a civil enforcement may alter or cause to be altered the position of the disabled person's vehicle in order that its position shall comply with those provisions.

7. Removal of a disabled person's vehicle from a disabled parking place

Where a police constable in uniform or a civil enforcement is of the opinion that any of the provisions contained in Article 5 of this Order have been contravened or not complied with in respect of a disabled person's vehicle left in a disabled parking place, he/she may remove or cause to be removed the disabled person's vehicle from the parking place, and where it is so removed, shall provide for the safe custody of the disabled person's vehicle.

8. Movement of disabled person's vehicle in disabled parking place in an emergency.

A police constable in uniform or a civil enforcement may in the case of an emergency move or cause to be moved any disabled person's vehicle left in a parking place to any place he/she thinks fit.

9. Power to suspend use of disabled parking place

- a) Any authorised officer of the Council may suspend the use of a disabled parking place or any part thereof whenever he/she considers such suspension reasonably necessary and for whatever period he/she may deem necessary.
- i) for the purpose of facilitating the movement of traffic or promoting its safety;
 - ii) for the purpose of any building operation, demolition or excavation in or adjacent to the disabled parking place or the maintenance, improvement or reconstruction of the carriageway within which the disabled parking place is situated or the laying, erection, alteration, removal or repair in or adjacent to the disabled parking place of any sewer, main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus or traffic sign; or
 - iii) on any occasion on which it is likely that by reason of some special attraction the said length of road within which the disabled parking space is situated will be thronged or obstructed.
- b) Any officer of the Council suspending the use of the disabled parking place or any part thereof in accordance with the provisions of paragraph (a) of this Article shall thereupon place or cause to be placed in or adjacent to that disabled parking place or the relevant part thereof the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.
- c) No person shall cause or permit any vehicle to be left in a disabled parking place or any part thereof during such period as there is in or adjacent to that disabled parking place a traffic sign placed in pursuance of paragraph (b) of this Article.

Provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes in pursuance of statutory powers or duties to wait for so long as may be necessary in such a disabled parking place or any part thereof or to cause or permit any vehicle being used for any purpose specified in Article 4 of this Order to be left in such a disabled parking place or any part thereof if that vehicle is left with the permission of the person suspending the use of the parking place or the part thereof in pursuance of paragraph (b) of this Article, or of a police constable in uniform or a traffic warden.

10. Restriction of use of a disabled person's vehicle in a disabled parking place

While any disabled person's vehicle is in a disabled parking place no person shall use the said vehicle in connection with the sale of any article to any person in or near the disabled parking place or in connection with the selling of or offering for sale of his/her skills or services.

11. Miscellaneous

The prohibitions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any regulations made, or having effect as if made, under the Act or by or under any other enactment.

12. Commencement of Order

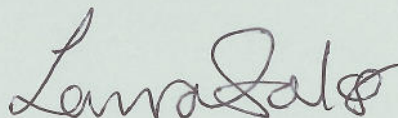
This Order shall come into force on the 16th February 2009 and may be cited as the "Lancashire County Council (Garrick Street, Nelson, Pendle Borough) (Disabled Parking Bay) Order 2009".

SCHEDULE – Disabled Parking Place

In Garrick Street, situated 10 metres from its junction with Leeds Road, on the Gable end of 350 Leeds Road, Nelson.

Dated this 11th day of February 2009.

THE COMMON SEAL of the Lancashire County Council was hereunto affixed pursuant to the Scheme of Delegation to Chief Officers.



Authorised Signatory



**PROPOSED LOCATION FOR
DISABLED PARKING BAY**



Lancashire County Council
Environment Directorate
Highways District Office (Pendle),
Unit 4
Linden Business Centre
Linden Road
Colne
Lancs
BB8 9BA



DRAWING NO

SERVICE
HEM

PROJECT

PROPOSED LOCATION OF DISABLED PARKING BAY
WOULD BE ON GABLE END OF GARRICK STREET,
NELSON.

DESCRIPTION

APPLICANT LIVES AT 360 LEED ROAD,
NELSON.

SCALE
N.T.S.

DRAWN BY
CJH

DATE
10TH DEC 2007

"The data in this map is derived from the Ordnance Survey MasterMap dataset, and is used here under Ordnance Survey Licence No. 100023320."

