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1996/11

**THE LANCASHIRE COUNTY COUNCIL  
(KIRKGATE AND VARIOUS STREETS, KIRKHAM, FYLDE BOROUGH)  
(PROHIBITION AND RESTRICTION OF WAITING, BUS STOP CLEARWAY AND DISABLED  
PARKING PLACES) ORDER, 1996**

The County Council of Lancashire ("the Council") in exercise of its powers under Sections 1(1), 2(1) and (2), 4(2) and (3), 32 and 35 of the Road Traffic Regulation Act, 1984, as amended ("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:-

1. For the purposes of this Order

- (a) "Parking place" - means an area comprised within the carriageway of a road the boundary of which is:-
- i) marked in accordance with Diagram 1033 of the Traffic Signs Regulations and General Directions, 1994, accompanied by a sign to Diagram 661 of those Regulations indicating the restriction on the use of the parking place; and
  - ii) for which the restriction on use is described in Article 5 of this Order.
- (b) "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 (as defined in Section 329 of the Highways Act, 1980);
- (c) "bus" means any public service vehicle as defined in Section 1 of the Public Passengers Vehicle Act, 1981, which is:-
- i) operating as a local service (within the meaning of Section 2 of the Transport Act, 1985);
  - ii) operating any service for the carriage of passengers for hire or reward at separate fares and which is neither a local service nor a service provided by a vehicle to which sub paragraph (2) of Paragraph 16 of Schedule 1 of the Transport Act, 1985, applies; or
  - iii) a school bus; or
  - iv) a works bus
- (d) "bus stop area" means an area comprised within the carriageway of a road the boundary of which is marked in accordance with Diagram 1025.1 of the Traffic Signs Regulations and General Directions, 1994, accompanied by a sign to Diagram 974 of those Regulations indicating the restriction on the use of the bus stop area.
- (e) "disabled person's vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations, 1986;



- (f) "disabled person's badge" means that form and size of badge shown in Schedules 1 and 2 of the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations, 1991;
  - (g) "parking disc" means a disc issued by a local authority 125 millimetres square coloured orange and capable of showing the quarter hour period during which a period of waiting begins;
  - (h) A disabled persons vehicle shall be regarded as displaying a disabled persons badge in the relevant position when:-
    - i) in the case of a vehicle fitted with a dashboard or facia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside the vehicle; or
    - ii) in the case of a vehicle not fitted with a dashboard or facia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle.
  - (i) a disabled persons vehicle shall be regarded as displaying a parking disc in the relevant position if:
    - i) in the case of a vehicle fitted with a dashboard or facia panel, the disc is exhibited thereon so that the quarter hour period during which the period of waiting began is legible from outside the vehicle; or
    - ii) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the quarter hour period during which the period of waiting began is legible from outside the vehicle.
2. Save as is hereinafter provided no person shall, except upon the direction or with the permission of a police constable in uniform, or a traffic warden, cause or permit any vehicle, to wait at any time, on any day, in the lengths of roads specified in Schedule 1 to this Order.
  3. Save as is hereinafter provided no person shall, except upon the direction or with the permission of a police constable in uniform, or a traffic warden, cause or permit any vehicle, to wait between the hours of 8.00am-6.00pm, Monday to Friday in the lengths of road specified in Schedule 2 to this Order.
  4. Save as is hereinafter provided no person shall, except upon the direction or with the permission of a police constable in uniform, or a traffic warden, cause or permit any vehicle, except for buses, to wait between the hours of 7.00am-7.00pm, on any day in any bus stop area on the carriageway comprised in the length of road specified in Schedule 3 to this Order.



5. Save as is hereinafter provided no person shall, except upon the direction or with the permission of a police constable in uniform, or a traffic warden cause or permit any vehicle to wait between the hours of 8.00am-6.00pm, on any day, in the parking places along the length of Kirkgate specified in Schedule 4 to this Order, except a disabled person's vehicle, which displays in the relevant position a disabled persons badge, which may wait at any time in the said length of road.
6. Nothing in Articles 2 and 3 of this Order shall render it unlawful to cause or permit any vehicle to wait during the prohibited hours in the lengths of roads 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 onto or unloaded from the vehicle;
7. Nothing in Articles 2, 3, 4 and 5 of this Order shall render it unlawful to cause or permit any vehicle to wait during the prohibited hours in the lengths of roads referred to 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:-
    - 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 roads;
    - iv) the laying, erection, alteration, or repair in, or near land adjacent to the said lengths of roads 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 apparatus as defined in Schedule 2 to the Telecommunications Act, 1984;
  - (b) 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;
  - (c) the vehicle to be used for delivering or collecting postal packets as defined in Section 87 of the Post Office Act, 1953;
  - (d) the vehicle to be used for fire brigade, ambulance or police purposes in pursuance of statutory powers or duties.
8. Nothing in Article 4 of this Order shall apply so as to prevent a vehicle from waiting in a bus stop area on the carriageway comprised in the length of road referred to in Schedule 3 to this Order when the person in control of the vehicle
  - i) is required by law to stop



- ii) is obliged to stop in order to avoid an accident; or
- iii) is prevented from proceeding by circumstances outside his/her control.

9. Nothing in Articles 2 and 3 of this Order shall render it unlawful to cause or permit any vehicle to wait in the lengths of roads referred to therein 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 on the same day) if the vehicle is a disabled person's vehicle which displays in the relevant positions 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) 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).

10. Manner of standing in parking places

Every vehicle shall be left in a parking place so that every part of the vehicle is within the limits of a parking place.

11. Alteration of position of vehicles in parking places

Where any vehicle is standing in a parking place in contravention of the provisions of Article 10 of this Order a police constable in uniform or a traffic warden may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

12. Removal of vehicles from parking places

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

13. Movement of vehicles in parking places in emergencies

A police constable in uniform or a traffic warden may in the case of an emergency move or cause to be moved any vehicle left in a parking place to any place he thinks fit.

14. Power to suspend use of parking places

(a) Any authorised officer of the Council may suspend the use of a 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 parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any 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 by reason of some special attraction that the War Memorial Access Road, Carnforth will be thronged or obstructed.
- (b) Any officer of the Council suspending the use of a 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 parking place or the 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 a vehicle to be left in any parking place or part of a parking place during such period as there is in or adjacent to that parking place or part of a 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 or any vehicle being used for any purpose specified in Article 7 of this Order to be left in the parking place or part of a parking place in respect of which a traffic sign has been placed in pursuance of paragraph (b) of this Article or to any other vehicle so left 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, of a police constable in uniform or a traffic warden.

15. **Restriction of use of vehicles at parking places**

While any vehicle is in a parking place no person shall use the vehicle in connection with the sale of any article to any person in or near the parking place or in connection with the selling of or offering for sale of his/her skill or services;

16. 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.
17. This Order shall come into operation on the 28th October, 1996 and may be cited as "The Lancashire County Council (Kirkgate and Various Streets, Kirkham, Fylde Borough) (Prohibition and Restriction of Waiting, Bus Stop Clearway and Disabled Parking Places) Order, 1996".



THE COMMON SEAL of the Lancashire County Council was hereunto affixed in pursuance of a Resolution passed at a meeting of the Highways and Transportation Committee duly convened and held on the 22nd May, 1996.

*R. M. Barber*

Assistant Clerk of the County Council



10522

**SCHEDULE 1 Prohibition of waiting at any time on the following lengths of roads in Kirkham:-**

1. Kirkgate, east side, from the highway boundary of Marsden Street for a distance of 54 metres in a southerly direction.
2. Kirkgate, west side, from the highway boundary of Marsden Street for a distance of 8 metres in a southerly direction.
3. Kirkgate, west side, from a point 8 metres north of the centre line of Poplar Avenue to a point 8 metres south of the centre line of Poplar Avenue.
4. Poplar Avenue, north side, from the highway boundary of Kirkgate for 8 metres in a westerly direction.
5. Poplar Avenue, south side, from the highway boundary of Kirkgate for 10 metres in a westerly direction.
6. Marsden Street, north side, from the centre line of Kirkgate for a distance of 15 metres in a westerly direction.
7. Marsden Street, south side, from the centre line of Kirkgate for a distance of 10 metres in a westerly direction.
8. Marsden Street, west side, from a point 8 metres north of the centre line of the unnamed road opposite No 1 Balshaw Terrace to a point 8 metres south of the centre line of the unnamed road opposite No 1 Balshaw Terrace.
9. Unnamed road opposite No 1 Balshaw Terrace, north side, from the highway boundary of Marsden Street for a distance of 30 metres in a westerly direction.
10. Church Street, east side, from the centre line of School Lane for a distance of 10 metres in a southerly direction.
11. School Lane, south side, from the centre line of Church Street to the centre line of Ancenis Court, a distance of 21 metres.
12. Ancenis Court, west side, from the highway boundary of School Lane for a distance of 4 metres in a southerly direction.



**SCHEDULE 2 Prohibition of waiting between the hours of 8am-6pm, Monday to Friday inclusive on the following lengths of road in Kirkham:-**

1. Sunny Bank, north side, from a point 11 metres west of the centre line of Back Wellington Street to a point 8 metres east of the centre line of Back Wellington Street.
2. Sunny Bank, south side, from a point 7 metres west of the centre line of Back Wellington Street to a point 6 metres east of the centre line of Back Wellington Street.

**SCHEDULE 3 Bus Stop Clearway, No Stopping between the hours of 7am-7pm, (where marked for buses) along the following lengths of road in Kirkham:-**

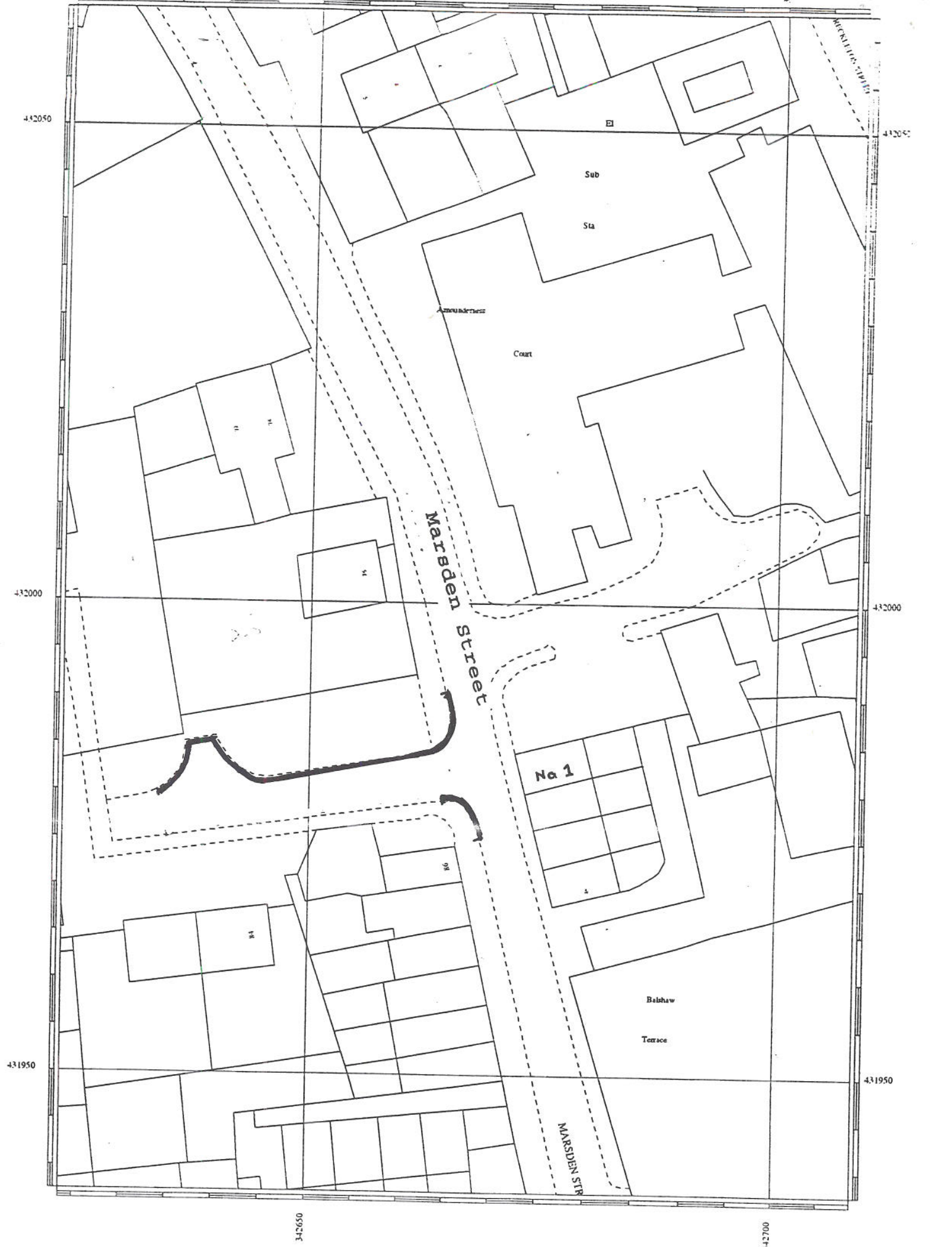
Poulton Street, both sides, from its junction with Church Street to its junction with Station Road, a distance of 360 metres.

**SCHEDULE 4 Prohibition of Waiting between the hours of 8am-6pm (except for Disabled Badge Holders) on the following length of road in Kirkham:-**

Kirkgate, east side, from a point 5 metres south of the highway boundary of Poulton Street for a distance of 17 metres in a southerly direction.







Lancashire  
County  
Council

COUNTY SURVEYORS  
DEPARTMENT

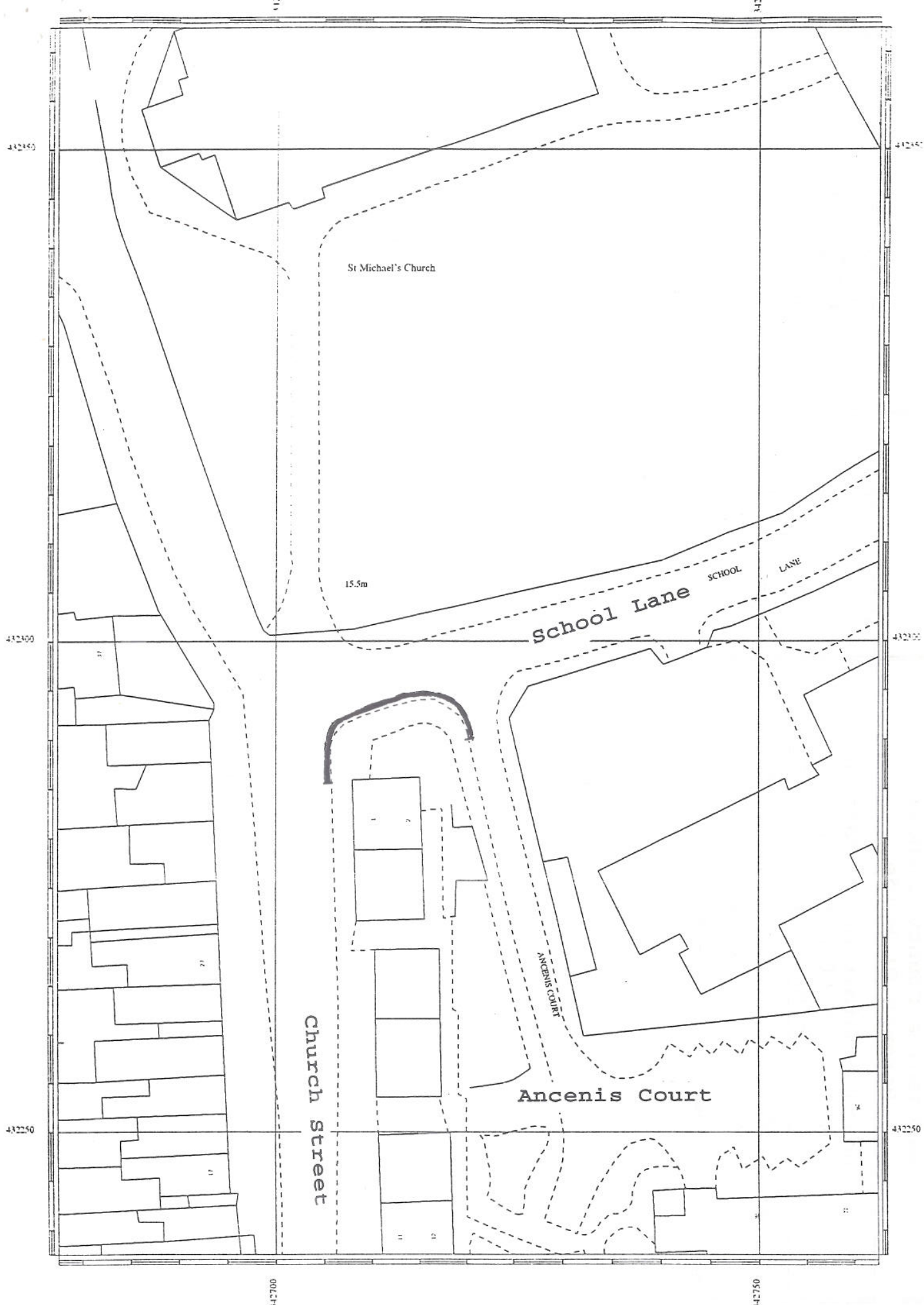
Carlson Harding BEING CEING MOOR FIFTY MIDDLET  
COUNTY SURVEYOR AND BRUCEMASTER

Maps  
Technical Services

TITLE: KIRK 2  
SCALE: 1 : 500  
DATE: 08-DEC-1995  
USER: TRBMCCABE

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Council

COUNTY SURVEYORS  
DEPARTMENT  
*Crabtree Harding EBBW COYR MICE PHIT MDAlet*  
COUNTY SURVEYOR AND BRICKMASTER

*Maps* ↑  
Technical Services

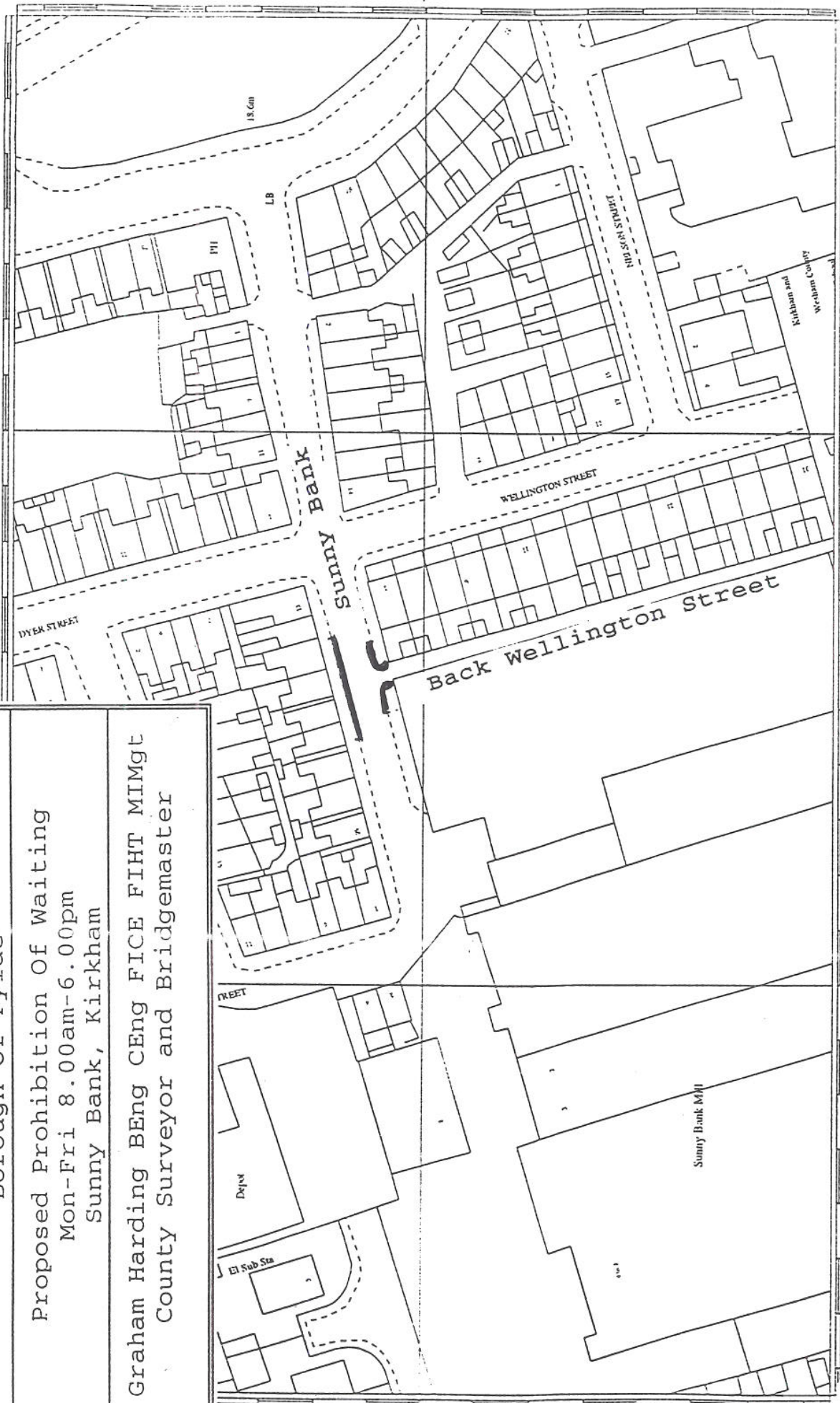
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Borough of Fylde

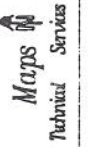
Proposed Prohibition Of Waiting  
Mon-Fri 8.00am-6.00pm  
Sunny Bank, Kirkham

Graham Harding BEng CEng FICE FIHT MIMgt  
County Surveyor and Bridgemaster



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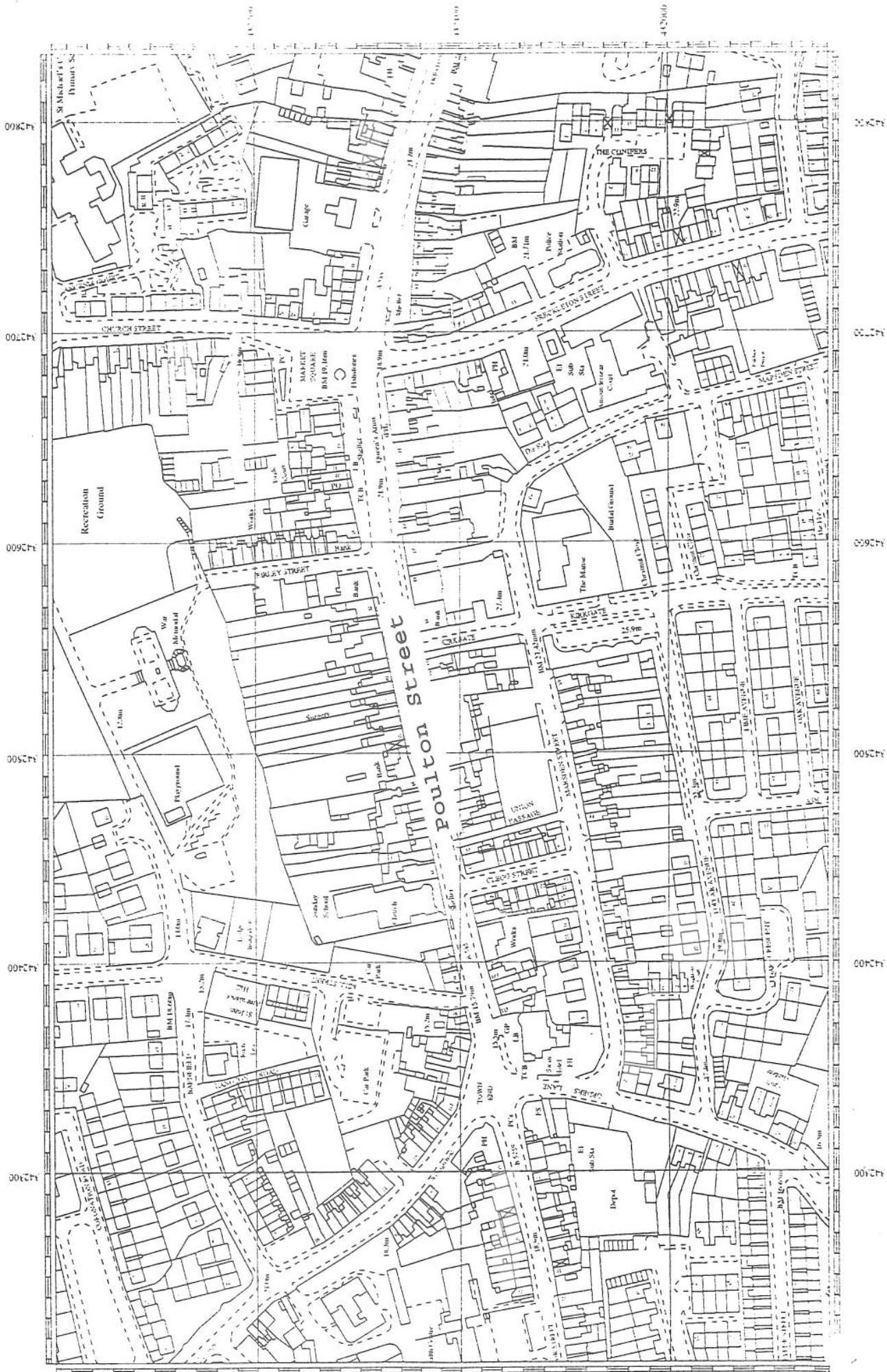
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COUNTY SURVEYORS  
DEPARTMENT  
Graham Harding BEng CEng FIHT MIMgt  
COUNTY SURVEYOR AND BRIDGEMASTER



BUS STOP CLEARWAY.



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COUNTY SURVEYORS  
 DEPARTMENT  
 Graham Harding BSc CEng MIEE FIRM MInstC  
 COUNTY SURVEYOR AND ENGINEER/SR



