

**THE ROAD TRAFFIC REGULATION ACT 1984  
LANCASHIRE COUNTY COUNCIL  
(UNION ROAD, OSWALDTWISTLE, HYNDBURN BOROUGH)  
(REVOCATION, LIMITED WAITING PARKING PLACE AND PROHIBITION OF STOPPING  
ON SCHOOL KEEP CLEAR MARKINGS) ORDER 2017**

The County Council of Lancashire ("The Council") in exercise of its powers under Sections 1, 2 and 4 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, (hereinafter called 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.

**1. Definitions and Interpretations**

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

- a) **"Centreline"** means the centre line of a highway as shown on Ordnance Survey graphical information systems at the time that the Order was prepared.
- b) **"Civil Enforcement Officer"** means a person authorised by or on behalf of Lancashire County Council in accordance with Section 76 of the Traffic Management Act 2004.
- c) **"Disabled Person's Badge"** means a badge which was –
  - i) 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
  - ii) has not ceased to be in force.
- d) **"Disabled Person's Vehicle"** means a Vehicle displaying a disabled person's badge in the circumstances prescribed in Regulations 13, 14, 15 or 16 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.
- e) **"School Keep Clear Marking"** means part of a carriageway outside a School as described in the Schedule to this Order where Vehicles shall not stop or wait, and indicated by a road marking approved by the Department for Transport.
- f) **"Vehicle"** means a motor vehicle, a passenger vehicle, a dual-purpose vehicle, a goods vehicle, a motor cycle or an invalid carriage or any other vehicle of any description whether drawn or propelled along a road by animal or mechanical power.
- g) **"Penalty Charge Notice"** means a notice served by a Civil Enforcement Officer pursuant to the provisions of section 78 of the 2004 Act and supporting regulations.
- h) **"Parking Disc"** means a device which –

- i) is 125 millimetres square and coloured blue, if issued on or after 1<sup>st</sup> 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.
- i) **"Parking Place"** means any length of road subject to restriction in accordance with Article 3.
- j) A Vehicle displays a disabled person's badge in the **"Relevant Position"** if –
- i) the badge is exhibited on the dashboard or facia of the Vehicle, or
  - ii) where the Vehicle is not fitted with a dashboard or facia 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.
- k) A Vehicle displays a Parking Disc in the **"Relevant Position"** if –
- i) the disc is exhibited on the dashboard or facia of the Vehicle; or
  - ii) where the Vehicle does not have a dashboard or facia, 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. Revocation**

Those parts of the "Lancashire County Council (Union Road, Market Street, Oswaldtwistle, Hyndburn Borough)(Revocation and Prohibition of Waiting, Restriction Of Waiting, Limited Waiting Parking Place and Prohibition Of Stopping On School Keep Clear Markings) Order 2016", as set out in Schedule 1 to this Order, are hereby revoked.

## **3. Limited Waiting Parking Place**

Save as is hereinafter provided, no person shall, except upon direction or with the permission of a Police Constable in uniform or a Civil Enforcement Officer cause or permit any Vehicle to wait for a period exceeding 1 hour, With No Return Within 1 hour, from Monday to Saturday inclusively from 8am until 6pm in the lengths of road set out in Schedule 2 to this Order.

## **4. Prohibition of Stopping on School Keep Clear Markings**

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 Officer, cause or permit any Vehicle, to stop or wait between 8am and 6pm on each day, Monday to Friday inclusive, on the length of road set out in the Schedule 3 to this Order.

### **5. General Exemptions**

Nothing in Article 3 or 4 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road 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 in land adjacent to the said lengths 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;
- 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 fire brigade, ambulance or police purposes in pursuance of statutory powers or duties;

### **6. Exemptions specific to Article 3**

Nothing in Article 3 to this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths 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) A Royal Mail liveried Vehicle to be used for delivering or collecting postal packets in accordance with the statutory provisions as defined in the Postal Services Act 2000;
- d) 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.

### **7. Exemption for Disabled Person's Vehicle**

Nothing in Article 3 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of roads referred to therein if the Vehicle is a Vehicle which displays in the relevant position both a disabled person's badge and a parking disc marked to show the quarter hour period during which the period of waiting began.

### **8. Additional Exemptions**

Nothing in Article 3 or 4 of this order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road referred to therein when the person in control of the Vehicle:-

- a) Is required by law to stop;
- b) Is required to stop in order to avoid an accident; or
- c) Is prevented from proceeding along the road due to circumstances beyond his/her control.

### **9. Manner of standing in a Parking Place**

- a) The driver of a motor Vehicle using a Parking Place shall stop the engine as soon as the Vehicle is in a position in the Parking Place and shall not start the engine except when about to change the position of the Vehicle in or, or depart from, the Parking Place.
- b) Every Vehicle left in a Parking Place in accordance with the foregoing provisions of this Order shall be left so that every part of the Vehicle is within the limits of the Parking Place.
- c) A driver of a Vehicle shall not use a Parking Place so as unreasonably to prevent access to any premises adjoining a road or the use of a road by other persons or so as to be a nuisance.

### **10. Alteration of position of a Vehicle in a Parking Place**

Where any Vehicle is left standing in a Parking Place in contravention of the provisions of Article 9 of this Order, a police constable in uniform or a Civil Enforcement Officer may alter or cause to be altered the position of the Vehicle in order that its position shall comply with those provisions.

### **11. Removal of a Vehicle from a Parking Place**

Where a police constable in uniform or a Civil Enforcement Officer is of the opinion that any of the provisions contained in Article 9 of this Order have been contravened or not complied with in respect of a Vehicle left in a Parking Place, he/she may remove or cause to be removed the Vehicle from the said Parking Place, and where it is so removed, shall provide for the safe custody of the said Vehicle.

### **12. Movement of a Vehicle in a Parking Place in an Emergency**

- a) A police constable in uniform or a Civil Enforcement Officer may in case of emergency move or cause to be moved any Vehicle left in a Parking Place to any place he thinks fit and shall provide for the safe custody of the Vehicle.
- b) A person causing or permitting a Vehicle to wait in a Parking Place by virtue of the provisions of this Order shall take all such steps as are necessary to ensure that in the case of a Parking Place it shall stand in accordance with Article 9 so that every part of the Vehicle is within the limits of the Parking Place.

### **13. Power to suspend use of Parking Places**

- a) The Council's Duly Authorised Officer may suspend the use of a Parking Place or any part thereof whenever he/she considers such suspensions reasonably necessary and make such charge for the administration of this service, as may from time to time be determined by the Council.
- b) A police constable in uniform may suspend for not longer than 7 days the use of a Parking Place or any part thereof whenever he/she considers such suspension reasonably necessary for the purpose of mitigating congestion or obstruction of traffic or a danger to or from traffic in consequence of extraordinary circumstances.
- c) Any persons suspending the use of a Parking Place or any part thereof in accordance with the provisions of paragraph a) or b) of this Article shall thereupon place or cause to be placed in or adjacent to any part of that Parking Place the use of which is suspended, an authorised Traffic Sign or cone indicating that waiting by Vehicles is prohibited.
- d) No person shall cause or permit a Vehicle to be left in any part of a Parking Place during such period when an authorised Traffic Sign or cone is placed in or adjacent to that part of the Parking Place pursuant to paragraph c) of this Article provided that this paragraph shall not apply to a Vehicle:
  - i) being used by the respective Fire or Police Authority or Ambulance Health Trust to deal with an emergency; or
  - ii) being used for any purpose specified in Article 8; or
  - iii) left in such Parking Place with the permission of the person suspending the use of the Parking Place.

### **14. Restriction of use of a Vehicle in a Parking Place**

While any Vehicle is in the Parking Places referred to herein no person shall use the said 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 skills or services.

### **15. 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 any other enactment.

### **16. Effect of Contravention**

Failure by a person to comply with any prohibition or restriction contained within this order or any subsequent orders shall constitute a contravention of the same and shall result in the issue by the Council and/or its agents of a Penalty Charge Notice which shall be payable by such persons in accordance with the legislation.

**17. Commencement of Order**

This Order shall come into force on the 3<sup>rd</sup> day of July 2017 and may be cited as the "Lancashire County Council (Union Road, Oswaldtwistle, Hyndburn Borough) (Revocation, Limited Waiting Parking Place and Prohibition of Stopping on School Keep Clear Markings) Order 2017".

Dated this 28th day of June 2017.

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

Authorised Signatory



26267

**Schedule 1 – Revocation**

- a) The whole of Schedule 4 to that Order.
- b) The whole of Schedule 5 to that Order.

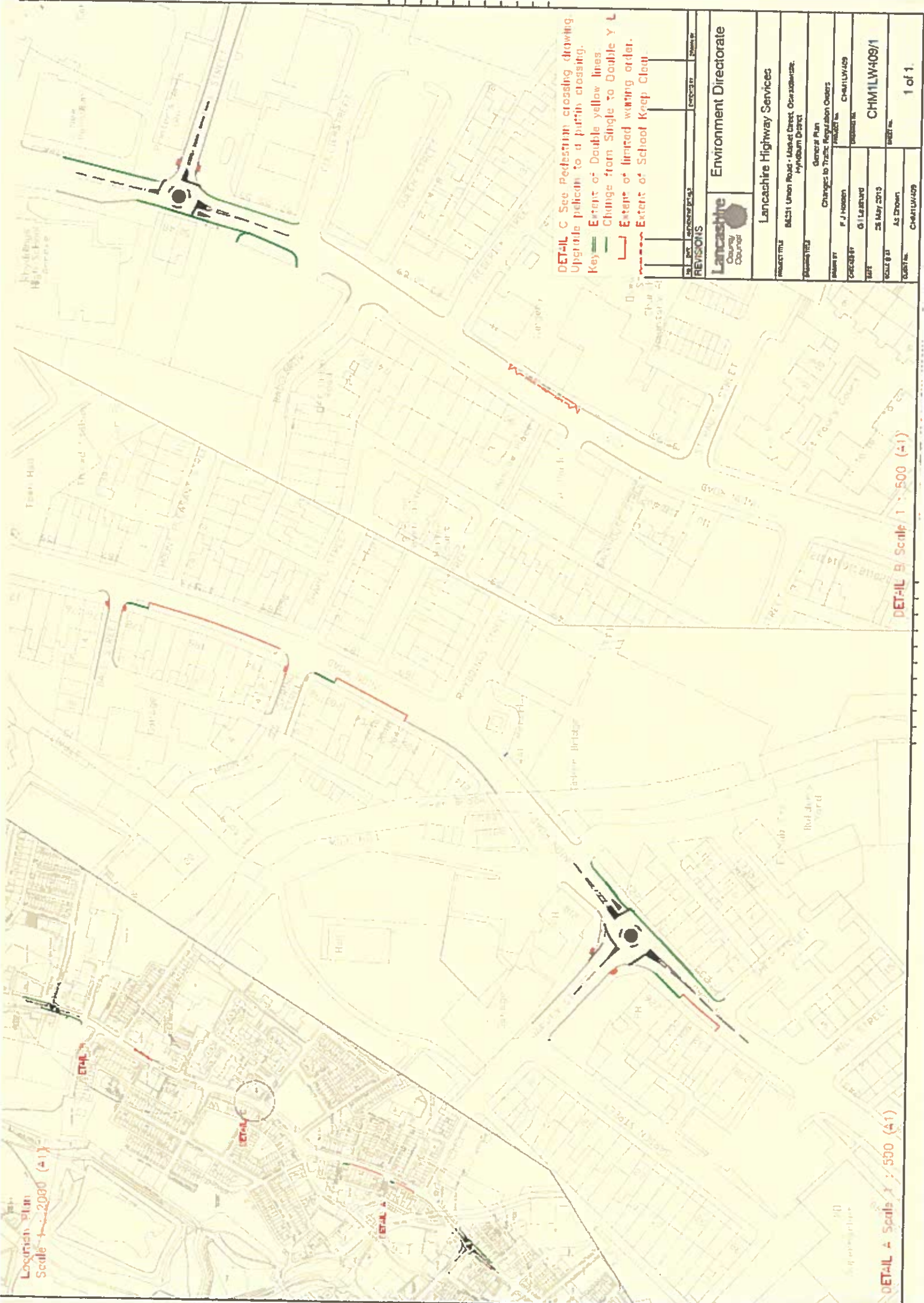
**Schedule 2 – Limited Waiting Parking Place 1 Hour, No Return Within 1 Hour Monday to Saturday 8am to 6pm**





- (a) Union Road, Oswaldtwistle, the north side, from a point 6.5 metres north east of its junction with the centreline of Simpson Street in an easterly direction for a distance of 37 metres.
- (b) Union Road, Oswaldtwistle, the northwest side, from a point 6 metres north east of its junction with the centreline of Bent Street in a north easterly direction to a point 11.5 metres south west of its junction with the centreline of Simpson Street for a distance of 32 metres.
- (c) Union Road, Oswaldtwistle, the north west side, from a point 7.5 metres north east of its junction with the centreline of Thomas Street in a north easterly direction to a point 39 metres south west of its junction with the centreline of Bent Street for a distance of 28 metres.
- (d) Union Road, Oswaldtwistle, the north west side, from 37 metres south west of the centreline of Spring Street to a point 11.4 metres south west of the centreline of Spring Street.
- (e) Union Road, Oswaldtwistle, the north west side from 24 metres south west of the centreline of Harvey Street for a distance of 16 metres in a south westerly direction.
- (f) Union Road, Oswaldtwistle, the north west side, from a point 10 metres south west of the centreline of Dale Street running in a south westerly direction to 7.5 metres north east of the centreline of Spring Street.


**Schedule 3 – Prohibition of Stopping on School Keep Clear Markings Monday to Friday, 8am to 6pm**

Union Road, Oswaldtwistle, the south east side, from a point 40 metres north east of the centreline of St Paul's Street for a distance of 25.6 metres in a north-easterly direction.

Location Plan  
Scale 1 : 2000 (A1)



**DETAIL C** See Pedestrian crossing drawing.  
Upgrade pelican to a partial crossing.  
Key  
 Extent of Double Yellow Lines  
 Change from Single to Double Y L  
 Extent of limited waiting order.  
 Extent of School Keep Clasp.

NO.	DATE	REVISIONS	BY	FOR
 <b>Lancashire</b> County Council <b>Environment Directorate</b>				
<b>Lancashire Highway Services</b>				
PROJECT TITLE: BCS1 Union Road - Market Street, Overborough, Heyburn District				
DRAWING TITLE: General Plan				
DRAWING NO: CHM1LW409				
DRAWING DATE: 28 May 2013				
SCALE: 1:500				
DRAWN BY: A2 Brown				
CHECKED BY: CHM1LW409				
PROJECT NO: CHM1LW409/1				SHEET NO: 1 of 1

**DETAIL A** Scale 1 : 500 (A1)

**DETAIL B** Scale 1 : 500 (A1)