

POWYS COUNTY COUNCIL

(PROHIBITION AND RESTRICTION OF WAITING AND LOADING AND PARKING PLACES)

(CIVIL ENFORCEMENT AND CONSOLIDATION)

ORDER 2011

Powys County Council in exercise of its powers under Sections 1, 2, 4, 5, 32, 35, 45, 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") as amended 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.

SECTION 1 – PRELIMINARY

Citation and commencement

1. This Order shall come into operation at 00:01hours on the 1st day of April 2011 and may be cited as the Powys County Council (Prohibition and Restriction of Waiting and Loading and Parking Places) (Civil Enforcement and Consolidation) Order 2011.
2. Powys County Council (Prohibition and Restriction of Waiting and Loading and Parking Places) (Civil Enforcement and Consolidation) Order 2011 Plans including the Key (the "Plans") are incorporated into this Order.

Interpretation

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

“Alternative Approved Method of Payment” means cashless payments, park and phone, payment by debit or credit card facilitated by on site or remote verification, by, for example, card reader or mobile phone text or phone call or decrementing card if so implemented by the Council;

“Civil Enforcement Officer” means a person employed in accordance with Section 76 of the Traffic Management Act 2004 to carry out the functions therein;

“Clearway” means the Main Carriageway of any of the sides or lengths of roads specified in the Plans where stopping is prohibited during the Restricted Hours provided that the expression Clearway shall not include any Lay-By or Parking Place;

“Council” means Powys County Council and includes any Parking services contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

“Daily Charge” means the charge imposed by the Council for Parking in a Parking Place on any one day and for a specified period of time as is identified in the scale of charges specified by notices on site;

“Disabled Persons’ Badge” means a badge issued by any Local Authority in accordance with the provisions of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Wales) Regulations 2000 or alternatively a badge having effect under those regulations as if it were a Disabled Persons’ Badge;

“Dispensation Certificate” means a certificate issued on or behalf of the Council under the provisions of this Order permitting a specified vehicle to Park in specified circumstances in a Parking Place, where the Parking of that vehicle would otherwise be restricted or prohibited;

“Driver” in relation to a vehicle Waiting or Parked in a restricted area or Parking Place respectively, means the person driving the vehicle at the time it was left or Parked in the Prohibited or Restricted Parking area or Parking Place;

“Enactment” means any enactment, whether public, general or local, and includes any order, byelaw rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“Event Times” means periods on any specific day when special events are taking place which require regular but temporary prohibition or restriction of Waiting and/or Parking. At event times, appropriate signs under the Traffic Signs and General Directions 2002 will be in place to indicate the required restrictions;

“Goods” means goods of any kind whether animate or inanimate and includes postal packets of any;

“Hackney Carriage” means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847;

“Household” means a house or flat which has its own postal address. In the case of sub-divided properties the establishment of an individual address is subject to any appropriate planning consent having been obtained for the sub-division of the property and the paying of separate Council Tax;

“Key” means the key attached to the Plans to be read in conjunction with the Plans;

“Lay-By” in relation to a Main Carriageway means any area of a highway at the side of the Main Carriageway but not part of it and marked in accordance with the Traffic Signs and General Directions 2002 intended for the Parking of vehicles, provided that no person shall cause or permit any vehicle to Park in any Lay-By for the purpose of selling Goods or services from that vehicle;

“Light Goods Vehicle” means a motor vehicle under 1500 kg in weight which is constructed or adapted for use for the carriage of Goods or burden of any description the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres and is not drawing a trailer;

“Loading Area” means any of the sides or lengths of roads specified on the Plans where activities other than loading are prohibited;

“Main Carriageway” means that part of a public highway used primarily for through traffic provided that the expression Main Carriageway shall not include any Lay-By;

“Motor-Cycle” has the same meaning as that in Section 136 of the Act;

“No Loading Hours” means in relation to any No Loading Road the hours during which loading and unloading is restricted on the Plans;

“No Loading Road” means any of the sides or lengths of roads specified on the Plans where loading is prohibited provided that the expression “No Loading Road” shall not include any Parking Place;

“No Stopping Hours” means in relation to any No Stopping Road the hours during which stopping is restricted on the Plans;

“No Stopping Road” means any of the sides or lengths of roads (including Clearways) specified on the Plans where stopping is prohibited provided that the expression “No Stopping Road” shall not include any Parking Place;

“One-Way Street” means a highway in which the driving of vehicles otherwise than in one direction is prohibited;

“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 or her employment and who is entitled to use such vehicle as though he or she were the registered keeper thereof;

“Park” and **“Parked”** 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 and a vehicle shall be deemed to be Parked for any period in the same Parking Place if any part of it is below the vehicle or the vehicle’s load (if any) whether or not the vehicle is moved during that period;

“Parking Device” has the meaning given by Sections 35(3)(b) and Section 51(4) of the Act;

“Parking Disc” has the same meaning as in the The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (Wales) Regulations 2000 which is capable of showing the quarter hour period during which a period of Parking has begun;

“Parking Place” means an area of a highway designated by this Order for the Parking of vehicles of specific classes;

“Passenger Vehicle” means a motor vehicle (other than a Motor-Cycle or invalid carriage) 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;

“Pay and Display Ticket Machine” means an apparatus of a type approved by the Secretary of State for issuing a ticket indicating the payment of a charge, the date on which the ticket is valid and the time by which the vehicle is required to leave the Parking Place;

“Pay and Display Ticket” means a ticket issued by a Pay and Display Ticket Machine relevant to the Parking Place in which a vehicle has been Parked;

“Penalty Charge” has the same meaning as in Section 72 of the Traffic Management Act 2004 or any subsequent legislation so enabling;

“Parking Permit” means any permit issued by the Council under the provisions of this Order which has printed on its face the registration mark of the vehicle to which it relates and the date it expires;

“Permit Holder” means a person to whom a Parking Permit has been issued under the provisions of this Order;

“Permitted Hours” means the periods specified for each Parking Place during which Parking by vehicles of a specific class is permitted as specified on the Plans;

“Plans” means collectively the plans, schematics, drawings, diagrams or any other graphical representation indicating the location of all highways subject to this Order as digitally recorded from time to time and retained by the Council and associated Key;

“Prohibited Road” means any of the sides or lengths of roads specified on the Plans where Waiting is prohibited provided that the expression “Prohibited Road” shall not include any Parking Place;

“Relevant Position” in respect of a vehicle displaying a valid Disabled Persons’ Badge, Pay and Display Ticket, Parking Permit, or Dispensation Certificate means :

- (a) in the case of a vehicle fitted with a dashboard or fascia panel, the Disabled Persons' Badge is exhibited thereon so that Part 1 (the front of the Disabled Persons' Badge) or the Dispensation Certificate is legible from the outside of the vehicle; or
- (b) in the case of a vehicle not fitted with a dashboard or fascia panel, the Disabled Persons' Badge is exhibited thereon so that Part 1 (the front of the Disabled Persons' Badge) or the Dispensation Certificate is exhibited in a conspicuous position on the vehicle so that Part 1 (the front of the Disabled Persons' Badge) or the Dispensation Certificate is legible from the outside of the vehicle

“Resident” means a person whose usual residence is at premises the Household of which is in any road or part of road encompassed within the Plans;

“Restricted Hours” means in relation to any restricted road the hours during which Waiting is restricted or specific activities are restricted as specified on the Plans;

“Restricted Road” means any of the sides or lengths of roads specified on the Plans where Waiting is restricted or specific activities are restricted during the Restricted Hours provided that the expression “Restricted Road” shall not include any Parking Place;

“Specific Parking Places” means any Parking Place as identified on the Plans to be used exclusively by the type of Driver as specified by notice at or close to that Parking Place;

“Taxi Rank” means an area of carriageway which is indicated by road markings complying with diagram 1028.2 in the Traffic Signs Regulations and General Directions 2002 for use by Hackney Carriages;

“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;

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 and any reference to the Plans is a reference to the Plans incorporated into 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 by this Order were Acts of Parliament thereby repealed.
7. 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 Act or by or under any other Enactment.
8. 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 2 – PROHIBITION AND RESTRICTION OF WAITING AND LOADING

Prohibition of Waiting

9. Save as provided in Articles 15 to 23 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to Wait or Park at any time on any Prohibited Road as specified on the Plans.

Restriction of Waiting

10. Save as provided in Articles 15 to 23 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle or a vehicle of a specific class to Wait on any Restricted Road during the Restricted Hours as specified on the Plans.

Loading Areas

11. Save as provided in Articles 15, 16 and 21 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to Wait during the Restricted Hours in any Loading Area specified on the Plans unless it is of the specified class and except for the loading or unloading of Goods in connection with nearby trade or business premises.
12. Where there is specified in the Plans a maximum period during the Restricted Hours for which Loading or Unloading is permitted, no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to Wait on any Loading Area,
 - (a) for longer than is necessary for Goods to be loaded onto or unloaded from the vehicle

- (b) for a period longer than specified on the Plans, or
- (c) if a period less than that specified on the Plans as being the period in which the vehicle shall not return has elapsed since a previous period of Waiting by the same vehicle on the same side of length of road.

Restriction on loading and unloading

- 13. Save as provided in Articles 15, 16 and 21 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle or a vehicle of a specific class to for the purpose of enabling Goods to be loaded to or unloaded from the vehicle on any No Loading Road during the No Loading Hours as specified on the Plans.

Restriction on stopping

- 14. Save as provided in Articles 15, 16 and 21 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to stop on any No Stopping Road or Clearway during the No Stopping Hours as specified on the Plans.

Event only prohibitions and restrictions

- 15. Save as provided in Articles 17, 21 and 23 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to Park in any Prohibited or Restricted Road at Event Times as indicated on the Plans when there are displayed on the Prohibited or Restricted Road signs as prescribed by the Traffic Signs Regulations and General Directions 2002 or signs specially authorised by the Department of Transport indicating prohibition or restriction of Parking.

16. At Event Times, the provisions for the normal prohibitions and restrictions of Parking as indicated on the Plans on roads affected by the Event Time restrictions are suspended.

Emergencies

17. Nothing in Articles 9 to 14 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 in an emergency for fire and rescue, ambulance or police purposes:

General exemptions

18. Nothing in Articles 9 to 14 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; or
 - (ii) The removal of any obstruction to traffic; or
 - (iii) The maintenance, improvement or reconstruction of the said lengths or sides of road; or
 - (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 by a statutory undertaker; or
 - (v) vehicles essential to filming operations; or
 - (vi) Other circumstances in which the Council may reasonably regard the requirement to be essential
 - (vii) Furniture removals

- (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

19. Nothing in Articles 9 to 12 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

20. Nothing in Articles 9 to 10 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

21. Nothing in Articles 9 to 10 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

22. Nothing in Articles 9 to 14 shall render it unlawful to cause or permit any vehicle to Park upon a designated Parking Place.

Waiting or Parking by Disabled Persons' vehicle

23. Nothing in Articles 9 to 10 shall render it unlawful to cause or permit a vehicle which displays in the Relevant Position a Disabled Persons' 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 or Parking began, to Wait or Park 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 that specified on the Plans from a previous period of Waiting or Parking 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 Waiting or 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).

Taxi Ranks

24. Nothing in Articles 9 and 10 and 14 shall prevent any person from causing or permitting a licensed Hackney Carriage to Park or Wait in any duly authorised Taxi Rank during the period of operation specified on the Plans.

25. No person shall cause or permit any vehicle other than a Hackney Carriage to Park or Wait on a Taxi Rank during the period of operation.
26. No person shall cause or permit a Hackney Carriage to Park or Wait on a Taxi Rank during the period of operation other than for the purpose of plying for hire.

General conditions of Waiting

27. No person shall cause or permit any vehicle to Wait unless all wheels are on the carriageway and, if conditions dictate that the vehicle should Wait parallel to the kerb, so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50cms.
28. 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.

SECTION 3 – PERMITTED PARKING PLACES

Limited Waiting Parking Places

Designation of limited Waiting Parking Places

29. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as limited Waiting or Parking Places and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
30. No person shall cause or permit any vehicle to Park in a limited Waiting or Parking Place during the Permitted Hours unless it is of the specified class.

Classes of vehicles for which limited Waiting or Parking Places are designated

31. Subject to the provisions of this Order, limited Waiting or Parking Places may be used during the Permitted Hours for the Parking of Passenger Vehicles, Light Goods Vehicles, Motor-Cycles and vehicles displaying a Disabled Persons' Badge.

Restriction on Parking

32. Save as in an emergency, no person shall cause or permit any vehicle to remain in a limited Waiting or Parking Place for longer than the maximum period specified for that Parking Place in the Plans.

No return

33. Where a period within which a vehicle must not be Parked again in the limited Waiting or Parking Place is specified in the Plans, no person shall permit or cause the vehicle to Park or Wait again in that Parking Place until the expiry of that specified period.

Verge and footway Parking

34. Where Parking partially on the verge or footway is specified on the Plans, nothing shall render it unlawful for any person to cause or permit a vehicle of the class specified to Park in a limited Waiting or Parking Place partially on the verge or footway.

Payment Parking Places

Designation of pay and display Parking Places

35. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as Pay and Display Parking Places and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
36. No person shall cause or permit any vehicle to be Parked in a Pay and Display Parking Place during the Permitted Hours unless it is of the specified class and there is displayed on that vehicle in the Relevant Position a Pay and Display Ticket valid for that time and for that Parking Place.

Classes of vehicles for which Pay and Display Parking Places are designated

37. Subject to the provisions of this Order, Parking Places may be used during the Permitted Hours for the Parking of Passenger Vehicles, Light Goods Vehicles, Motor-Cycles and vehicles displaying a Disabled Persons' Badge.

Pay and Display Ticket Machines to be installed at Pay and Display Parking Places

38. The Council will –
- (a) install in such positions at or in the vicinity of a payment Parking Place as it may think fit such Pay and Display Ticket Machines as are required by this Order for the purposes of that Parking Place; and
 - (b) carry out such other work as is authorised by this Order or is reasonably required for the purposes of the satisfactory operation of a Parking Place.

Maximum period of Parking

39. Subject to the provisions of this Order, no person shall cause or permit any vehicle to be Parked in a Pay and Display Parking Place
- (a) beyond the time of expiry of the period for which the Daily Charge has been paid, or
 - (b) for longer than the maximum period specified for that Parking Place by notice at or close to the Parking Place.

No return

40. Subject to the provisions of this Order, where a period within which a vehicle must not be Parked again in the Pay and Display Parking Place is specified by notice at or close to the Parking Place, no person shall permit or cause the vehicle to Park again in that Parking Place until the expiry of that specified period.

Payment

41. No person shall cause or permit any vehicle to be Parked in a Pay and Display Parking Place without arranging for the appropriate Daily Charge (if any) to be paid in accordance with the scale of current charges as specified by notice at or close to the Parking Place.

Means of payment

42. The Daily Charge referred to in the preceding Article shall be payable in the manner as specified by notice at or close to the Parking Place.
43. The person in charge of a vehicle, upon Parking the vehicle in a Pay and Display Parking Place, shall immediately
 - (a) purchase a Pay and Display Ticket from a ticket machine situated close to that Parking Place at the level of charge and for the period required in accordance with the scale of Daily Charges as specified by notice at or close to that Parking Place, or
 - (b) alternatively make arrangements to pay the appropriate fee through an Alternative Approved Method of Payment at the level of Daily Charge and for the period required in accordance with the scale of Daily Charges as specified by notice or close to at that Parking Place.

Display of ticket

44. Where on payment of the Daily Charge a Pay and Display Ticket has been obtained, the person in charge of the vehicle shall
- (a) display the Pay and Display Ticket issued in the Relevant Position on the vehicle in respect of which it was issued, and
 - (b) ensure that the Pay and Display Ticket is displayed during the entire period that the vehicle is Parked in the Parking Place.

Validity of Pay and Display Tickets

45. A Pay and Display Ticket is not transferable from one vehicle to another.
46. A Pay and Display Ticket is valid only until the expiry of the period for which a Daily Charge has been paid.
47. A Pay and Display Ticket is valid only in the Parking Place in respect of which it was issued. This is defined by the identification on the Parking ticket machine located in respect of that Parking Place and the information printed on the Pay and Display Ticket.

Expiry of Parking Period

48. The expiry of the period for which the Daily Charge has been paid shall be when the time shown on the clock of the issuing ticket machine is later than the time exhibited on the Pay and Display Ticket displayed on the vehicle.

49. For the avoidance of doubt, the limit of Waiting time applicable to a Parking Place shall take precedence over the times shown on a Pay and Display Ticket in determining whether or not a contravention has taken place.

No ticket displayed

50. If at any time while a vehicle is Parked in a Parking Place no Pay and Display Ticket is displayed on that vehicle in the Relevant Position and where arrangements to pay the Daily Charge through an Alternative Approved Method of Payment have not been made, it shall be judged that the Daily Charge has not been paid.

Ticket machine out of order

51. If at the time when a vehicle is Parked during the Permitted Hours in a Parking Place and the nearest ticket machine is out of order, then a Pay and Display Ticket shall be obtained from another Parking ticket machine relative to that Parking Place (where provided).

Restriction on removal of tickets

52. Where a ticket has been attached to a vehicle in accordance with the provisions of this Order no person, not being the Driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the Driver.

Exemptions

Payment by phone

53. Where arrangements to pay the Daily Charge have been made through an Alternative Approved Method of Payment and no Pay and Display Ticket is produced by following the process, the Driver of a vehicle shall be exempt from the requirement to display such a ticket.

Pay and display machines out of order

54. If at the time when a vehicle is Parked during the Permitted Hours in a Pay and Display Parking Place and all the ticket machines are out of order, the Driver of that vehicle shall be exempt from payment of the Daily Charge and Display of Ticket, **PROVIDED THAT** the maximum period of Parking specified for that Parking Place by notice at or close to the Parking Place still applies.

Display of Permits, Dispensation Certificates & Disabled Persons' Badge

55. The Driver of any vehicle displaying in the Relevant Position a Parking Permit, Dispensation Certificate valid for that Pay and Display Parking Place shall, along with any Driver displaying in the Relevant Position a valid Disabled Persons' Badge, be exempt from payment of the Daily Charge and the Display of Ticket provisions aforementioned and any time limit provided that the vehicle is being used in accordance with the conditions applying to the said Parking Permit, Dispensation Certificate or Disabled Persons' Badge.

Designation of Specific Parking Places

56. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as Parking Places exclusively to be used by the Driver meeting the corresponding description by notice at or close to the Parking Place and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
57. No person shall cause or permit any vehicle to Park in a Specific Parking Place during the Permitted Hours unless it is displaying in the Relevant Position a valid Parking Permit or a valid Disabled Persons' Badge for that vehicle, that time and applicable to that Parking Place.

58. A Parking Permit for Specific Parking Places will be issued by the Council in such form and subject to such conditions as may be agreed from time to time by the Council.

Display of Parking Permit or Disabled Persons' Badge for Specific Parking Places

59. No person shall cause or permit any vehicle to Park in a Specific Parking Place during the Permitted Hours unless there is displayed on that vehicle in the Relevant Position a valid Disabled Persons' Badge or Parking Permit **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 or Parking Permit or in the case of a vehicle to which a Disabled Persons' Badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

Maximum period of Parking in a Specific Parking Place

60. Save as in an emergency, no person shall cause or permit any vehicle to remain in a Specific Parking Place for longer than the maximum period specified for that Parking Place on the Plans.
61. Where as indicated on the Plans there is a maximum period specified for that Specific Parking Place, the Driver of a vehicle shall upon leaving the vehicle in the Parking Place, display in the Relevant Position a Parking Permit relating to the Specific Parking Place or Disabled Persons' Badge and a Parking Disc, on which has been marked the time at which the period of Parking began and shall remove that vehicle from the said Parking Place within the maximum time specified.
62. Where a period within which a vehicle must not be Parked again in the Specific Parking Place is specified in the Plans, no person shall permit or cause the vehicle to Park again in that Specific Parking Place until the expiry of that specified period.

Classes of vehicles for which permits are applicable

63. Subject to the provisions of this Order, Parking Permits may be issued in respect of, though not limited to, classes of vehicles being Passenger Vehicles, Light Goods Vehicles, Motor-Cycles and Disabled Persons' vehicles.
64. Where a Parking Permit has been displayed on a vehicle in accordance with the preceding Article, no person other than the Driver of the vehicle shall remove the Parking Permit from the vehicle unless authorised to do so by the Driver of the vehicle.

General conditions in respect of Parking Places

Manner of standing in a Parking Place

65. Unless indicated otherwise by markings on the carriageway, each vehicle Parked in a limited Waiting, Pay and Display, Disabled Person's and Parking Permit Parking Place in accordance with the foregoing provisions of this Order shall stand:
 - (a) if the Parking Place is in a One-Way Street, so that the vehicle is facing according to the direction of the traffic flow and adjacent to the edge of the Carriageway;
 - (b) if the Parking Place is not in a One-Way Street, so that the left or near side of the vehicle is adjacent to the left-hand edge of the Carriageway;
 - (c) so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50cms;
 - (d) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is Parked; and
 - (e) so that every part of the vehicle is within the limits of the Parking Place as marked on the Carriageway.

Alteration of position of a vehicle in a Parking Place

66. Where any vehicle is standing in a Parking Place in contravention of the provisions of the preceding Article, a Civil Enforcement Officer or police officer in uniform may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Movement of a vehicle in a Parking Place in an emergency

67. 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 or she thinks fit, any vehicle Parked in a Parking Place and shall provide for the safe custody of the vehicle.

Suspension of use of a Parking Place

68. Any person duly authorised by the Council may suspend the use of a Parking Place or any part thereof whenever they consider such suspension reasonably necessary:
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
or
 - (b) for the purpose of any building operation, demolition or excavation adjacent to the Parking Place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the Parking Place, the laying, erection, alteration or repair in or adjacent to the Parking Place or any sewer or of any main, pipe , or apparatus for the supply of gas, water or electricity or of any telecommunications system or the placing, maintenance or removal of any traffic sign; or
 - (c) for the convenience or occupiers of premises adjacent to the Parking Place on any occasion of the removal of furniture to or from one office or dwelling-

house adjacent to the Parking Place from or to a depository, another office or dwelling-house; or

- (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
- (e) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals, or on other special occasions; or
- (f) on any occasion in the interests of traffic or pedestrian movement and safety when a special event is taking place in the vicinity;

69. A police officer in uniform may suspend for not longer than 7 days the use of a Parking Place or any part thereof whenever he or she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

70. Any person or police officer suspending the use of a Parking Place or any part thereof in accordance with the provisions of this Order shall thereupon place or cause to be placed in or adjacent to that Parking Place or part thereof a traffic sign indicating that Parking by vehicles is prohibited.

No Parking in a suspended Parking Place

71. No person shall cause or permit a vehicle to Park in a Parking Place or any part thereof during which such period as the Council or a police officer has suspended that Parking Place or part thereof and exhibits notice of such suspension on or near that Parking Place.

72. Nothing in the preceding Article shall render it a contravention to cause or permit a vehicle to be Parked in a Parking Place which has been suspended, which displays in the Relevant Position a valid Dispensation Certificate issued by the Council, and the vehicle is Parking in accordance with the terms and conditions of the said Dispensation Certificate.

Restrictions on the use of vehicles in a Parking Place

73. During the Permitted Hours no person shall use any Parking Place or any vehicle whilst it is in a Parking Place

(a) to carry out any trade,

(b) in connection with the sale or offering or exposing for sale any Goods to any person in or near the Parking Place, or

(c) in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity:

PROVIDED THAT

- (i) nothing in this Article shall prevent the sale of Goods from a vehicle if there is on display in the vehicle a certificate of Street Trading Consent issued by the Council and the vehicle is being operated in accordance with any conditions of the said certificate, and
- (ii) nothing in this Article shall prevent the sale of Goods from a vehicle if the vehicle is a Passenger Vehicle, a Goods Vehicle, a Motor-Cycle or an invalid carriage and the Goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected and the vehicle does not Park for a period exceeding 20 minutes or such

longer period as a Civil Enforcement Officer or person duly authorised by the Council may approve.

Exemptions to restriction on Parking by a vehicle in a Parking Place

74. Notwithstanding the foregoing provisions of this Order any vehicle may be Parked during the Permitted Hours in any part of a Parking Place if the use of that part has not been suspended and if:
- (a) the vehicle is Parked for so long as may be necessary for the purpose of enabling any person to board or alight from a vehicle or load thereon or unload therefrom their personal luggage;
 - (b) the vehicle is Parked owing to the Driver being prevented from proceeding by circumstances beyond their control or to such Parking being necessary in order to avoid an accident;
 - (c) the vehicle is being used by a doctor or nurse visiting premises adjacent to the Parking Place whilst undertaking their professional duties;
 - (d) the vehicle is being used for fire and rescue, ambulance or police purposes or, not being a Passenger Vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to Park in the place in which it is Parked;
 - (e) the vehicle is Parked for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;

- (f) the vehicle of the Royal Mail or other universal postal service provider (as defined in Section 4(3) and (4) of the Postal Services Act 2000) is Parked for the purpose of delivering and/or collecting mail; or
- (g) in any other case the vehicle is Parked for the purpose of delivering or collecting Goods or loading or unloading the vehicle at premises adjacent to the Parking Place in which the vehicle is Parked and the vehicle does not Park for a period exceeding 20 minutes or for such longer period as a Civil Enforcement Officer or other person duly authorised by the Council may approve.

Exemptions for vehicles displaying a valid Disabled Persons' Badge

75. Notwithstanding for foregoing provisions of this Order any vehicle displaying in the Relevant Position a valid Disabled Persons' Badge may be Parked without payment of a Daily Charge or time limit during the Permitted Hours in any part of a Parking Place if the use of that part has not been suspended provided that the vehicle is Parked in accordance with the terms and conditions of the said badge.

Exemptions for vehicles displaying a valid Dispensation Certificate

76. Notwithstanding for foregoing provisions of this Order any vehicle displaying in the Relevant Position a valid Dispensation Certificate issued by the Council may be Parked:
- (a) without payment of a Daily Charge or time limit during the Permitted Hours in any part of a Parking Place if the use of that part has not been suspended, or
 - (b) in any part of a Parking Place the use of which has been suspended;

PROVIDED THAT the vehicle is Parked in accordance with the terms and conditions of the said Dispensation Certificate.

Placing of traffic signs etc.

77. The Council shall:

- (a) place and maintain traffic signs indicating the limits of each Parking Place,
- (b) place and maintain traffic signs of a design approved by the Secretary of State for the Department for Transport indicating that such Parking Places may be used during the Permitted Hours for the leaving only of the vehicles of the specified classes, and
- (c) carry out such other work as it reasonably required for the purposes of the satisfactory operation of a Parking Place.

SECTION 4 - CONDITIONS AS TO PERMITS AND CERTIFICATES

Classes of vehicles for which permits are applicable

78. Subject to the provisions of this Order, permits may be issued to classes of vehicles being Passenger Vehicles, Light Goods Vehicles, Motor-Cycles and Disabled Persons' vehicles.

Use of Parking Permits and Dispensation Certificates

79. A Parking Permit or Dispensation Certificate shall only be valid for use in a Parking Place on a road as identified on the Parking Permit and specified on the Plans.

Entitlement to and application for Parking Permits

80. Any Resident who is the Owner of a vehicle of the class specified may apply to the Council for the issue of a Parking Permit in respect of that vehicle and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.

Evidence in respect of application

81. The Council may at any time require an applicant for a Parking Permit to produce to an officer of the Council or authorised agent such evidence in respect of an application for a permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any permit issued by them as they may reasonably require for to verify that the permit is valid.

Issue of permits

Residents permits

82. Upon receipt of an application duly made under the provisions of this Order, the Council upon being satisfied that the applicant is a Resident who is the Owner of a vehicle of the class specified and on payment of the relevant fee may issue to the applicant a Parking Permit for the Waiting or Parking during the Permitted Hours in a Parking Place of the vehicle to which such Residents permit relates.

Surrender of Parking Permits

83. A Permit Holder may surrender such Parking Permit to the Council or authorised agent at any time and shall surrender such Parking Permit to the Council or authorised agent on the occurrence of any one of the surrender events.

Withdrawal of permit

84. The Council or authorised agent may, by notice in writing served on the Permit Holder at the address shown by that person on the application for the permit or at any other address believed to be that person's residence or place of business, withdraw a permit if it appears to the Council or authorised agent that any one of the surrender events has occurred and the Permit Holder shall surrender the permit to the Council or authorised agent within 48 hours of the receipt of the aforementioned notice.

Surrender events

85. Each of the following is a surrender event:

- (a) the Permit Holder ceasing to be a Resident;
- (b) the Permit Holder ceasing to be the Owner of the vehicle in respect of which the Parking Permit was issued;
- (c) the vehicle in respect of which such Parking Permit was issued being adapted or used in such a manner that it is no longer a vehicle of the class specified;
- (d) the issue of a duplicate Parking Permit by the Council under the provisions of this Order; or
- (e) the Parking Permit being defaced, mutilated or altered.

Validity of Parking Permit

86. A Parking Permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any of the surrender events, whichever is the earlier.

87. Where a Parking Permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit or voucher shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such permit or voucher was issued by sending the same to the Permit Holder at the address shown by that person on the application for the Parking Permit, or at any other address believed to be that person's place of abode, require that person to surrender the Parking Permit to the Council within 48 hours of receipt of the aforementioned notice.

88. A Parking Permit shall cease to be valid if:

- (a) the details have been altered or defaced;
- (b) any additional details required as a condition of the Parking Permit are not exhibited; or
- (c) the details cannot be easily read from outside the vehicle.

Duplicate permits

89. If a Parking Permit is accidentally mutilated or defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the Permit Holder shall surrender it to the Council and apply to the Council for the issue of a replacement Parking Permit.

90. If a Parking Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue of a duplicate Parking Permit

91. On application under the provisions of this Order, the Council, being satisfied as to the circumstances as indicated, and on payment of any fee as the Council may from time to time determine, shall issue a replacement or duplicate Parking Permit so marked and upon such issue the original Parking Permit shall become invalid.

92. All the provisions of this Order shall apply to a replacement or duplicate Parking Permit to the same extent as they applied to the original Parking Permit.

Form of Parking Permit

93. A Parking Permit shall be in writing and shall include the following particulars:-

- (a) the registration mark of the vehicle in respect of which the Parking Permit has been issued.(Save for in exceptional circumstances and at the absolute discretion of the Council the vehicle registration mark may be omitted);
- (b) the period during which, subject to the provisions pertaining to surrender or withdrawal, the Parking Permit shall remain valid;
- (c) an indication that the Parking Permit has been issued by the Council; and
- (d) a code or identification indicating the Parking area for which the Parking Permit is valid.

Refund of charge paid for Parking Permit

94. A Permit Holder who surrenders a Parking Permit to the Council before the Parking Permit becomes valid or after the Parking Permit becomes valid may be entitled to a refund of a sum determined by reference to a policy agreed from time to time by the Council.

Dispensation Certificate

95. The Council may issue a Dispensation Certificate on receipt of application and may impose charges, terms and conditions as appropriate.

96. 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 5 - GENERAL

General conditions of Waiting or Parking in unregulated situations

97. In any road or lengths of road within the Civil Enforcement Area without any specific regulation, no person shall cause or permit any vehicle to be Parked unless all wheels are on the carriageway and, if conditions dictate that the vehicle should be Parked parallel to the kerb, so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50cms.
98. In any road or lengths of road within the Civil Enforcement Area without any specific regulation, no person shall cause or permit any vehicle to be Parked 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 Parked.

Pedestrian crossings

99. Nothing in the provisions of this Order shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act.

SECTION 6 - CONTRAVENTION AND PENALTY CHARGE

Contravention

100. If a vehicle is Waiting or Parked 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.

Indications as evidence

101. The particulars given in any notice served on a vehicle in contravention of any provision of this Order shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

Restriction on removal of notices

102. 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 keeper of the vehicle.

Immobilisation

103. If a vehicle is left or Parked after a Penalty Charge has been incurred, a Civil Enforcement Officer or other person duly authorised by the Council may attach to the vehicle an immobilisation device and a notice in accordance with the provisions of the Traffic Management Act 2004 or any subsequent legislation so enabling and that vehicle shall only be released from the device on payment of the Penalty Charge along with such release fee as may be required by the Council.

Removal of vehicle

104. Where a Civil Enforcement Officer or other person duly authorised by the Council has removed or caused to be removed a vehicle in accordance with the provisions of this Order,
- (a) he or she shall provide for the safe custody of the vehicle;
 - (b) the Council shall be entitled to recover from the Driver 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 as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council.
105. 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 Persons' Badge.
106. 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 Act or by or under any other Enactment.

SECTION 7 - REVOCATIONS

107. All the traffic regulation orders or parts of traffic regulation orders imposing the following restrictions:

- (a) Prohibition and restrictions of Parking and loading and unloading;
- (b) Prohibition of Stopping,
- (c) Loading Areas,
- (d) Restrictions on Parking Places,
- (e) Restrictions on Specific Parking Places, and
- (f) Restrictions on Motor-Cycle Parking Places

as they relate to roads in the Powys County Council area as defined in the Orders or Schedules or Plans made prior to this Order are hereby revoked.

The common seal of **POWYS COUNTY**)
COUNCIL was hereunto affixed in the)
presence of:)

James Kealey
Authorised Signatory



NO. IN SEAL REGISTER 8318

Dated this *1st* day of *APRIL* 2011