

SOUTH GLOUCESTERSHIRE COUNCIL

(BORKLEY STREET, CHARLTON HAYES) (PROTECTION OF SCHOOL ENTRANCES - NO STOPPING) ORDER 202(-)

The South Gloucestershire District Council (hereinafter referred to as "the Council") in exercise of its powers under sections 1(1), 2(1) to (3), 4(1) and 4(2) of the Road Traffic Regulation Act 1984 as amended (hereinafter referred to as "the Act of 1984") 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 of 1984, hereby makes the following order:-

1. This order shall come into operation on the _____ and may be cited as the South Gloucestershire Council (Borkley Street, Charlton Hayes) (Protection of School Entrances - No Stopping) Order 202(-).

2. (1) In this order:-

"civil enforcement officer" means a person authorised by the Council to act as a "civil enforcement officer" as defined in section 76 of the Traffic Management Act 2004;

"electronic communications apparatus" means apparatus comprised in or to be comprised in an electronic communications network as defined in the Communications Act 2003;

"parking attendant" means a person duly authorised by or on behalf of the Council to supervise any parking place in accordance with provisions contained in section 63A of the Act of 1984;

"plans" means the drawings which are annexed hereto as specified in the Schedule to this order;

"police community support officer" has the same meaning as in section 38 of the Police Reform Act 2002;

"restricted area" means any area of carriageway identified as **School Keep Clear / No stopping** in the plans which is comprised within and indicated by a road marking complying with diagram 1027.1 in Part 4 of Schedule 7 to the Traffic Signs Regulations and General Directions 2016;

"restricted hours" means the period indicated on a traffic sign complying with item 10 in Part 4 of Schedule 7 to the Traffic Signs Regulations and General Directions 2016;

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, section 64 of the Act of 1984.

"traffic warden" means a traffic warden employed by a police authority in pursuance of sections 95 and 96 of the Act of 1984 and any powers or functions given to a traffic warden in this order may also be exercised by a police officer in uniform; and

"vehicle" includes part of a vehicle.

- (2) 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.
3. Save as provided in Article 4 of this order no person shall, except upon the direction or with the permission of a civil enforcement officer or of a police community support officer or of a police constable in uniform or of a traffic warden or of a parking attendant, cause or permit any vehicle to stop or remain at rest during the restricted hours in a restricted area.
4. Nothing in Article 3 this order shall render it unlawful to cause or permit any vehicle to stop or remain at rest in any of the lengths of road or on any of the sides 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 and if it cannot conveniently be used outside of the restricted hours, to be used in connection with any of the following operations, namely –
 - (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 road or sides of road;
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to, the said lengths of road 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 electronic communication apparatus or traffic sign;
 - (b) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority, the Environment Agency, a water undertaker or sewerage undertaker in pursuance of statutory powers or duties;
 - (c) the vehicle to be used for fire brigade, ambulance or police purposes.
5. Except in so far as express provision to the contrary may be made in any order, in so far as any provision of this order conflicts with a provision which is contained in an order made or having effect as if made under the Act of 1984 and existing at the time when this order comes into operation and, which imposes a restriction or prohibition on waiting by vehicles or grants an exemption from such restriction or prohibition, that provision of this order shall prevail.

Given under the Common Seal of South Gloucestershire District Council .

THE COMMON SEAL of
SOUTH GLOUCESTERSHIRE
DISTRICT COUNCIL was hereunto
affixed in the presence of:-

SCHEDULE
Plans

T423-429-03
