

SOUTH GLOUCESTERSHIRE COUNCIL

(BADMINTON ROAD, YATE) (PROHIBITION OF WAITING) 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) and 4(2) of and Part IV of Schedule 9 to 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 (Badminton Road, Yate) (Prohibition of Waiting) Order 202(-).

2. (1) In this order :-

"authorised cab rank" means any area of carriageway which is comprised within and indicated by a road marking complying with diagram 1028.2 in Part 4 of Schedule 7 to the Traffic Signs Regulations and General Directions 2016;

"authorised parking place" means any parking place on a road authorised or designated by an order made or having effect as if made under the Act of 1984;

"authorised vehicle" means any vehicle authorised by an order to use any authorised parking place authorised or designated by that order made or having effect as if made under the Act of 1984;

"bus" has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016;

"bus waiting area" in relation to a length or side of a road means all that area of carriageway which is bounded by the outer line of a road marking shown in diagram 1025.1 in Part 4 of Schedule 7 to the Traffic Signs Regulations and General Directions 2016;

"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;

"civil enforcement officer" has the same meaning as in section 76 of the Traffic Management Act 2004;

"disabled person's badge" has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2000;

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

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

"hackney carriage" has the same meaning as in section 38 of the Town Police Clauses Act 1847 but complying with the requirements of the relevant licensing authority in respect of roof-top signs;

"local service" has the same meaning as in the Transport Act 1985;

"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;

"parking disc" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) (Regulations) 2000;

“plans” means the drawings which are annexed hereto as specified in the Schedule 1 to this order;

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

“postal packet” has the same meaning as in the Postal Services Act 2000;

“provision of a universal postal service” has the same meaning as in the Postal Services Act 2000;

"relevant position" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000, and

“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;

“universal service provider” has the same meaning as in the Postal Services Act 2000; and

"vehicle" means any vehicle, whether or not it is in a fit state for use on a road, and includes chassis or body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by and anything attached to such a vehicle.

- (2) For the purposes of this order the prohibitions and restrictions contained in the Articles of this order shall apply to the full extent of the highway, with the exception of clearways which apply to the extent of the carriageway.
- (3) 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 and Article 5 of this order no person shall, except upon the direction or with the permission of a police constable in uniform or of a police community support officer or of a civil enforcement officer or of a traffic warden or of a parking attendant, cause or permit any vehicle to wait in any of the lengths of road or on any of the sides of road identified as **No waiting at any time** in the plans.
4. (1) Nothing in Article 3 of this order shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of road or on any of the sides of road referred to in that Article 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 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 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 communications apparatus as defined in the Communications Act 2003;
 - (v) the construction, installation, improvement, maintenance, repair or cleaning of any traffic sign, bus stop infrastructure or other street furniture or other object lawfully placed or to be placed on, in or over the said lengths of roads or sides of roads;
 - (d) 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;

- (e) the vehicle to be used by a universal service provider for the purpose of delivering or collecting postal packets as defined in section 125 of the Postal Services Act 2000 in the course of the provision of a universal postal service;
 - (f) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths of road or sides of road;
 - (g) the vehicle to wait at or near to any premises situated on or adjacent to the said lengths of road or sides of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral; or
 - (h) the vehicle to be used for fire brigade, ambulance or police purposes.
- (2) Nothing in Article 3 of this order shall render it unlawful to cause or permit any vehicle -
- (a) being an authorised vehicle, to wait upon an authorised parking place;
 - (b) being a hackney carriage, to wait upon an authorised cab rank; or
 - (c) being a bus used in the provision of a local service, to wait in any bus waiting area for the purposes set out in Paragraph 1 of Part 6 to Schedule 7 to the Traffic Signs and Regulations and General Directions 2016.
5. Nothing in Article 3 of this order shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled person's badge and 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) to wait in any of the lengths of road or on any of the sides of road referred to in that Article 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 or on the same side of road on the same day).
6. The provisions of this order shall be in addition to and not in derogation from the provisions of any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.
7. The South Gloucestershire Council (Yate Trading Estates) (Prohibition and Restriction of Waiting) Order 2020 is hereby varied and shall have effect as though:-
- a) there were substituted for the Schedule thereto the Schedule as set out in Schedule 2 to this order; and
 - b) there were substituted for plan **T434-307-09 A** annexed thereto the plan **T438-720-002** annexed to this order.

Given under the Common Seal of South Gloucestershire District Council the day of .

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

SCHEDULE 1

Plans

T438-729-001

SCHEDULE 2

“SCHEDULE

Plans

T438-729-002
T434-307-10A
T434-307-11B”