

THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS) (DISABLED PERSONS' PARKING PLACES AND AMENDMENTS) (NO. 131) ORDER 2019

The Portsmouth City Council (hereinafter referred to as "the council"), in exercise of the powers under Sections 32, 35, and 36 of the Road Traffic Regulation Act 1984 ("the Act"), as amended, the Traffic Management Act 2004 ("the 2004 Act"), the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 ("the 2007 Regulations"), and in accordance with Parts III and IV of Schedule 9 to the 1984 Act, hereby makes the following Order:

1. (1) In this Order:

"Disabled Person's Vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000

"Badges Regulations" means the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

"Disabled Person's Badge" has the same meaning as in section 2 of the Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000;

"Parking Permit" means a permit, issued by the Local Authority which allows the permit holder to park in one specific bay / parking place.

"Parking Place" and "Parking Bay" have the same meaning: the area for parking of disabled person's vehicles and indicated by markings on the surface of the road in accordance with "The Traffic Signs Regulations and General Directions 2016"

"Penalty Charge" means an additional parking charge set by the Council under the provisions of Section 78 the 2004 Act and has the same meaning as Section 2 of Part 1 of the 2007 Regulations;

"Penalty Charge Notice" means a notice issued by a Civil Enforcement Officer in accordance with the provisions of Section 78 of the 2004 Act and Section 2 of Part 1 of the 2007 Regulations;

"Permitted Hours" means at any time and without time limit

"Relevant Position" means

- (a) A vehicle displays a disabled person's badge in the relevant position if it is displayed in the manner prescribed by regulation 12 of the Badges Regulations
- (b) A vehicle displays a parking permit in the relevant position if –
 - (i) the parking permit is exhibited on the dashboard or facia of the vehicle; or
 - (ii) where the vehicle does not have a dashboard or facia, the parking permit is exhibited in a conspicuous position of the vehicle.

(2) Except where otherwise stated, any reference in this Order to a numbered Article or schedule is a reference to the Article or Schedule bearing that number in this Order.

2. The Orders specified in Schedule 1 shall have effect subject to the amendments specified below the said Orders of the said Schedule.
3. No person shall, except upon the direction or with the permission of a police constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle other than a disabled person's vehicle which displays in the relevant position a Disabled Person's Badge or relevant parking permit to wait in the parking place as described in Schedule 2.
4. In relation to the parking places described in Schedule 2;
 - (1) The class of vehicles permitted to use the authorised parking places are disabled persons vehicles which display in the relevant position a disabled persons badge or the relevant parking permit;
 - (2) The position in which vehicles may wait shall be parallel or angled to the kerb within the marked parking bays;
 - (3) The parking bay or place shall be a minimum of 5 metres in length.
5.
 - (1) Any person authorised by the Council or a police constable in uniform may suspend the use of a Parking Place or any part thereof whenever he/she considers such suspension reasonably necessary:
 - (a) for the purpose of facilitating the movement of traffic or promoting its safety,
 - (b) for the purpose of;
 - (i) any building operation, demolition, or excavation adjacent to the Parking Place,
 - (ii) the maintenance, improvement, or reconstruction of the highway or the cleansing of gullies in or adjacent to the Parking Place,
 - (iii) the laying, erection, alteration, 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 telecommunication system, or
 - (iv) the placing, maintenance, or removal of any traffic sign,
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-place adjacent to the parking place from or to a depository or another office or dwelling-place,
 - (d) on any occasion on which it is likely by reason of some special attraction that any road 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.
 - (2) On the suspension of the use of a parking place or any part thereof in accordance with the provisions of this Article the person authorising or causing such suspension shall place or cause to be placed in or adjacent to that Parking Place or that part thereof as the case may be a traffic sign or traffic signs indicating that the waiting of vehicles is prohibited.
6. Nothing in Article 3 shall render it unlawful to cause or permit any vehicle to wait in the road, lengths of road and sides of lengths of road referred to therein for so long as may be reasonably 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) A vehicle of (and bearing a livery used by) a universal service provider within the meaning ascribed by the Postal Services Act 2000 to be used for the purpose of delivering or collecting postal packets in the course of the provision of a universal postal service as defined in that Act;
 - (d) A vehicle to be used by a registered Medical Practitioner in the course of his professional duties;
 - (e) The vehicle to be used for Fire and Rescue, Ambulance or Police purposes.
7. If a vehicle is left without complying with any of the requirements of this Order then a contravention will have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice may then be issued by a Civil Enforcement Officer, in accordance with the requirements of the 2004 Act.
8. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act, or by or under any other enactment.
9. This Order may be cited as The Portsmouth City Council (Various Roads) (Disabled Persons' Parking Places and Amendments) (No.131) Order 2019 and shall come into operation on the 16 December 2019.

SCHEDULE 1

(See Article 2)

AMENDMENTS TO EXISTING ORDERS

1. The Portsmouth City Council (Various Roads) (Disabled Persons' Parking Places) (No.46) Consolidation Order 2018

- a)** Delete Items 34, 57, 120, 163, 172, 382, 389, 396, 446, 457, 499, 560, 561, 563, 574, 647, 650, 648, 677, 715, 721, 747, 770, 928, 974, 985, 1004, 1041, 1043, 1131, 1138, 1148, 1231, 1237, 1247, 1260, 1325, 1344, 1365, 1467, 1591, 1606, 1645, 1683, 1695, 1697, 1764 and 1809 in the Schedule.

2. The Portsmouth City Council (Various Roads) (Disabled Persons' Parking Places and Amendments) (No.93) Order 2018

- a)** Delete Items 2, 19, 25 and 29 in Schedule 2.

3. The Portsmouth City Council (Various Roads) (Disabled Persons' Parking Places and Amendments) (No.62) Order 2019

- a)** Delete Item 6 in Schedule 2

4. The Portsmouth City Council (Various Roads) (Disabled Persons' Parking Places and Amendments) (No.118) Order 2018

- a)** Delete Item 23 in Schedule 2

SCHEDULE 2

(See Article 3)

DISABLED PERSONS' PARKING PLACES

Lengths of Roads and Sides of Lengths of Roads

Parking places are provided for use by the authorised class of vehicle in the correct position.
Parts of the road to be used as parking places during permitted hours -

	<u>Road name</u>	<u>Location of parking place</u>
1	Battenburg Avenue	Outside no. 27
2	Clacton Road	Outside no.35
3	Courtmount Grove	Outside no. 59
4	Haslemere Road	Outside no. 43
5	Northover Road	Outside no. 19
6	Stamshaw Road	Outside no. 108
7	Stride Avenue	Alongside no. 151 Eastern Road
8	Thurbern Road	Outside no.75

STATEMENT OF REASONS FOR THE ORDER

- For preserving or improving the amenities of the area through which the roads run
- To improve the amenities of the area by providing disabled bays for qualifying residents and organisations, enforceable by the City Council, which enables the parking bays to be used by local Blue Badge holders as intended and to minimise potential use by non-authorized drivers
- To remove redundant disabled bays where residents no longer need them.

Given under the Common Seal
of the Portsmouth City Council this

5th day of *December*

2019.

THE COMMON SEAL of THE PORTSMOUTH)
CITY COUNCIL was hereunto affixed in)
pursuance of a resolution of the Council)
passed at a meeting duly convened and held:)

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Authorised Signatory
IAN CLARK

