

## **THE PORTSMOUTH CITY COUNCIL (LION TERRACE) (AMENDMENTS TO WAITING RESTRICTIONS) (NO.42) ORDER 2016**

The Portsmouth City Council (hereinafter referred to as “the Council”), in exercise of its powers under Sections 1 - 4, 32, 35, 36, 51, 52 and 53 of the Road Traffic Regulation Act 1984 (‘the Act’), as amended by the Road Traffic Act 1991 (“the 1991 Act”), the Traffic Management Act 2004 (“the 2004 Act”), the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (“the 2007 Regulations”), and of all other enabling powers, and after consultation with the Chief Officer of Police for the County of Hampshire in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following Order:

1. (1) In this Order:

‘badges regulations’ means the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

‘bus’ has the same meaning as in Schedule 1 of Regulation 2 of the Traffic Signs Regulations and General Directions 2016 “the 2016 Regulations”;

‘civil enforcement officer’ means any person authorised by or on behalf of the council to supervise and control parking in the City of Portsmouth and to carry out such other functions as may be conferred by or under any enactment;

‘council’ means Portsmouth City Council;

‘disabled person’s badge’ has the same meaning as in Section 2 of the Disabled Person’s (Badges for Motor Vehicles) (England) Regulations 2000;

‘disabled person’s vehicle’ means a vehicle lawfully displaying a disabled person’s badge;

‘driver’, in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in a parking place;

‘motorcycle’ means a mechanically propelled vehicle not being an invalid carriage with less than four wheels and the unladen weight of which does not exceed 410 kilograms;

‘owner’ for the purpose of this order means, in relation to a vehicle, the person who is the registered keeper of the vehicle or who is authorised by the registered keeper to keep and use the vehicle;

“parking meter” has the same meaning as in Section 46(2) of the 1984 Act, which includes ticket machines;

‘parking place’ means any part of the highway designated by this Order to be used as a place to park a vehicle;

‘penalty charge’ means an additional parking charge set by the council under the provisions of Section 78 of 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;

'relevant position' means

- (a) a disabled person's badge displayed in the manner prescribed by regulation 12 of the Badges Regulations;
  - (i) the disc is exhibited on the dashboard or fascia of the vehicle, or
  - (ii) where the vehicle does not have a dashboard or fascia, 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;

'traffic sign' means a sign prescribed or authorised under the Traffic Signs Regulations and General Directions Order 2016 or any amendment or revision to that Order made in accordance with Section 134(2) of the Act or Section 195(2) of the Road Traffic Act 1988;

- (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. Save as provided in Articles 4 and 5 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 wait in the lengths of roads, and sides of lengths of roads specified in Schedule 2.
- 4. Nothing in Article 3 shall render it unlawful to cause or permit a Disabled Person's Vehicle which displays in the relevant position a Disabled Person's 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 began) to wait in any of the roads, lengths of roads, sides of roads or sides of lengths of roads referred to in the said Articles for a period not exceeding 3 hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle on the same side or length of road).
- 5. Nothing in Article 3 shall render it unlawful to cause or permit any vehicle to wait in the roads and sides of lengths of roads 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 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 side or length of road;

- iv) The laying, erection, alteration or repair in, or in land adjacent to, the said side or length of road of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line.
  - 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 or a water authority in pursuance of statutory powers or duties;
  - e) To enable 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
  - f) A vehicle to be used by a registered Medical Practitioner in the course of his professional duties;
  - g) A vehicle to be used for fire and rescue, ambulance or police purposes.
6. A failure by any person to comply with any requirement of this Order shall be a contravention of this Order and a penalty charge shall be payable by the owner.
7. 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.
8. This Order may be cited as The Portsmouth City Council (Lion Terrace) (Waiting Restrictions and Amendments) (No.42) Order 2016 and shall come into operation on the 29 August 2016.

## **SCHEDULE 1**

(See Article 2)

### **AMENDMENTS TO EXISTING ORDERS**

#### **1. The Portsmouth City Council (Various Roads) (Residents' Parking Places) (No.9) Consolidation Order 2016**

**a)** Amend Item 14 (b) of 2.JA PORTSEA in Schedule 2 relating to Lion Terrace to read:

**(b)** The east side;

**(i)** from a point 15 metres south of its junction with Queen Street in a southerly direction for a distance of 33.5 metres

**(ii)** from its southern end in a northerly direction for a distance of 4 metres

**SCHEDULE 2**  
(See Article 3)

**PROHIBITION OF WAITING AT ANY TIME**

Lengths of Roads and Sides of Lengths of Roads

**1. LION TERRACE**

The east side from a point 4 metres north of its southern end in a northerly direction for a distance of 8 metres

**CITY COUNCIL'S REASONS FOR THE ORDER**

- To accommodate emergency vehicles' access to the revised entrance to the Navy site (HMS Nelson).
- For avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of such danger arising.
- For preventing damage to the road or to any building on or near the road.
- For facilitating the passage on the road or any other road of any class of traffic (including pedestrians).

Given under the Common Seal of the Portsmouth City Council this 15<sup>h</sup> day of August 2016.

**THE COMMON SEAL** of **THE PORTSMOUTH** )  
**CITY COUNCIL** was hereunto affixed in )  
the presence of )



Authorised Signatory

IAN CLARK

SEAL REGISTRY No.  
75429