

THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS) (RESTRICTIONS ON WAITING AND LOADING AND AMENDMENTS) (NO.85A) ORDER 2016

The Portsmouth City Council (hereinafter referred to as “the Council”), in exercise of its powers under sections 1 – 4, 32, 35, 36 and 45 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;

‘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 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 noticed 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 facia of the vehicle, or

- (ii) where the vehicle does not have a dashboard or facia, 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 7 and 8 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. Save as provided in Article 9, 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 or to be loaded or unloaded in the road, lengths of road, sides of road and sides of lengths of road specified in Schedule 3.
 5. Save as provided in Articles 7 and 8, no person shall cause or permit any vehicle to wait between the hours of 6am-6pm Monday to Saturday in the road, length of road, side of road and side of length of road specified in Schedule 4.
 6. Save as provided in Articles 7 and 8 of this Section, no person shall cause or permit any vehicle to stop or remain at rest in the sides of lengths of roads specified in Schedule 5 between the hours of 1am and 6pm.
 7. Nothing in Articles 3, 5 and 6 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).
 8. Nothing in Articles 3, 5 and 6 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.
9. Nothing in Article 4 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) 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, demolition or excavation 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.
 - b) A vehicle to be used by a registered Medical Practitioner in the course of his professional duties;
 - c) A vehicle to be used for fire and rescue, ambulance or police purposes
10. 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.
11. 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.
12. This Order may be cited as The Portsmouth City Council (Various Roads) (Restrictions on Waiting and Loading, and Amendments) (No.85a) Order 2016 and shall come into operation on the 1 February 2017.

SCHEDULE 1

(See Article 2)

AMENDMENTS TO EXISTING ORDERS

1. The Portsmouth City Council (Consolidated) (On–Street Parking and Restrictions on Waiting and Loading) (No.6) Order 2015

a) Amend Items 282 (d) (iii) and (iv) in Schedule 1 relating to Copnor Road to read:

(iii) from a point 57 metres north of its junction with Coniston Avenue to a point 6 metres south of its junction with Stapleton Road

(iv) from a point 37 metres north of its junction with Station Road to a point 7 metres south of that junction

b) Amend Item 418 (a) (i) in Schedule 1 relating to Fairfield Square to read:

from its western junction with Hythe Road in a southerly direction for a distance of 58 metres

c) Amend Item 861 (c) (ii), (d) (ii) and (e) (iv) in Schedule 1 relating to Northern Parade to read:

(c)(ii) from a point 29 metres south-west of the projected south side of Portswood Road in a south-westerly direction for a distance of 40 metres

(d)(ii) from a point 25 metres north-east of its junction with Portswood Road to a point 65 metres south-west of that junction

(e)(iv) from a point 38 metres south of its junction with Matapan Road to a point 11 metres north of its southern junction with Hilsea Crescent

(v) from a point 8 metres south of the projected south side of Oakwood Road in a northerly direction for a distance of 51 metres

d) Amend Item 1174 (a) (iii) in Schedule 1 relating to Tangier Road to read:

from its junction with Dover Road in an easterly direction for a distance of 10 metres

e) Amend Item 1261 (b) in Schedule 1 relating to Welch Road to read:

The east side from its junction with Gain's Road in a southerly direction for a distance of 14 metres

f) Amend Item 821 in Schedule 1 relating to Mulberry Avenue to read:

(a) The north side from its junction with Mulberry Lane in an easterly direction for a distance of 4 metres

(b) The south side from its junction with Mulberry Lane in an easterly direction for a distance of 9 metres

g) Delete Item 13 in Schedule 58 relating to Gunstore Road

h) Delete Item 16 in Schedule 58 relating to Limberline Road

i) Amend Item 27 (a) (ii) in Schedule 1 relating to Allaway Avenue to read:

from a point 8 metres west of its junction with Truro Road to a point 35 metres east of that junction

j) Amend Items 718 (c) (vi) and (vii) in Schedule 1 relating to London Road to read:

(vi) from a point 5 metres south of its junction with Inhurst Road to a point 14 metres north of that junction

(vii) from a point 9 metres south of its junction with Hewett Road to a point 5 metres north of that junction

k) Amend Item 25 (b) (i) in Schedule 75 relating to London Road to read:

from a point 14 metres north of its junction with Inhurst Road to a point 9 metres south of its junction with Hewett Road

l) Amend Item 867 (b) in Schedule 1 relating to Northwood Road to read:

The south side from its junction with London Road in a westerly direction for a distance of 12 metres

m) Amend Item 718 (a) (xvii) in Schedule 1 relating to London Road, Hilsea to read:

from a point 13 metres north of its junction with Magdalen Road to a point 8 metres south of that junction

n) Amend Item 42 (b) (ii) in Schedule 1 relating to Anglesea Road to read:

from its junction with St Michael's Road in a northerly direction for a distance of 73 metres

o) Amend Item 1053 (a) (iii) in Schedule 1 relating to St Michael's Road to read:

from its junction with Anglesea Road to a point 20 metres south of its junction with King Richard I Road

o) Amend Items 46 (b) and (c) in Schedule 88 relating to Upper Arundel Street to read:

(b) from a point 38 metres north-west of its junction with Bridport Street to a point 6 metres south-east of its junction with East Surrey Street

(c) from its junction with Arundel Street to a point 6 metres north of its junction with East Surrey Street

p) Amend Item 982 (b) (iv) in Schedule 1 relating to Queen Street to read:

From a point 9 metres east of its junction with Hanover Street to a point 5 metres south-west of its junction with Wickham Street

p) Amend Item 43 (c) in Schedule 1 relating to April Square to read:

The inner side around the central island, with the exception of the north side in front of the parking bays

q) Delete Items 855 (b) and (c) in Schedule 1 relating to Northharbour Road.

r) Amend Item 861 (c) (iv) in Schedule 1 relating to Northern Parade to read:

from opposite the northeast side of Nelson Avenue in a north-easterly direction for a distance of 125 metres

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

a) Amend Item 8 (ii) of 4.GA FRATTON in Schedule 3 relating to Clarkes Road to read:

(ii) from a point 5 metres north of its junction with Cuthbert Road in a northerly direction for a distance of 18 metres

(iii) from a point 27 metres north of its junction with Cuthbert Road in a northerly direction for a distance of 22 metres

b) Amend Item 8 (b) of 5.KD CASTLE ROAD in Schedule 3 relating to Pelham Road to read:

from a point from a point 52 metres south of its junction with Elm Grove in a southerly direction for a distance of 45 metres

SCHEDULE 2

(See Article 3)

PROHIBITION OF WAITING AT ANY TIME

Lengths of Roads and Sides of Lengths of Roads

1. ELMTREE ROAD

- (a) The west side from its junction with Old Rectory Road in a southerly direction for a distance of 4 metres
- (b) The east side from its junction with Old Rectory Road in a southerly direction for a distance of 6 metres

2. HENDERSON ROAD

The south side from a point 50 metres west of its junction with Halliday Crescent in a westerly direction for a distance of 8 metres

3. MULBERRY LANE

The south side from its junction with Salisbury Road in an easterly direction for a distance of 6 metres

4. OLD RECTORY ROAD

The south side from a point 4 metres west of its junction with Elmtree Road to a point 4 metres east of that junction

5. QUEEN STREET

The southeast side from its junction with The Hard in a north-easterly direction for a distance of 21 metres

6. TAMWORTH ROAD

The north side from its junction with Sunningdale Road in an easterly direction for a distance of 5 metres

7. WIMPOLE STREET

- (a) The west side;
 - (i) from a point 29 metres north of its southern end in a northerly direction for a distance of 12 metres
 - (ii) from its northern end in a southerly direction for a distance of 3 metres
- (b) The north side from its west side in an easterly direction for a distance of 7 metres

SCHEDULE 3

(See Article 4)

NO WAITING AND NO LOADING AT ANY TIME

Lengths of Road and Sides of Lengths of Road

1. ASHBY PLACE

The north-eastern corner, a 43 metre length at the rear of No.92 Osborne Road and Nos.70-76 Palmerston Road

SCHEDULE 4

(See Article 5)

NO WAITING MONDAY TO SATURDAY 6AM - 6PM

Lengths of Roads and Sides of Lengths of Roads

1. GUNSTORE ROAD

Both sides from a point 9 metres north of its junction with Norway Road to a point 18 metres south of its junction with Limberline Road

2. LIMBERLINE ROAD

- (a) The north side;
 - (i) from a point 42 metres west of its junction with Limberline Spur to its western end
 - (ii) from a point opposite a point 12 metres east of its junction with Gunstore Road to its eastern end

- (b) The south side;
 - (i) from a point 12 metres east of its junction with Gunstore Road in an easterly direction for a distance of 117 metres
 - (ii) from a point opposite the west side of its junction with Limberline Spur to its western end

SCHEDULE 5

(See Article 6)

NO WAITING 1AM - 6PM

Length of Road and Side of Length of Road

1. DOROTHY DYMOND STREET

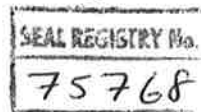
The southwest side from a point 18 metres north-west of its junction with Alec Rose Lane in a north-westerly direction for a distance of 24 metres

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CITY COUNCIL'S REASONS FOR THE ORDER

- For avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of such danger arising, or
- For preventing damage to the road or to any building on or near the road, or
- For facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- For preserving or improving the amenities of the area through which the road runs, or
- For any of the purposes specified in s.87(1)(a-c) of the Environment Act 1995 (air quality).

Given under the Common Seal of the Portsmouth City Council this *18th* day of *January* 2017.



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:)

C. Moles.....
Authorised Signatory