

THE PORTSMOUTH CITY COUNCIL (STANHOPE ROAD) (LOADING ONLY) (NO. 37) ORDER 2020

The Portsmouth City Council in exercise of its powers under sections 1, 2 and 4 of the Road Traffic Regulation Act 1984 ('the 1984 Act'), as amended, the Traffic Management Act 2004, the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 ('the 2007 Regulations'), and of all other enabling powers, and in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following Order:

1. This Order may be cited as The Portsmouth City Council (Stanhope Road) (Loading Only) (No.37) Order 2020 and shall come into operation on the 16 December 2020.
2. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. 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.
4. In this Order:

'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;

'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;

'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;

'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;

'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;

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 on any day including public holidays, in the length of road and side of length of road specified in Schedule 1, except for the purpose of loading and unloading.
6. Nothing in Article 5 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
7. (1) Nothing in Article 5 shall restrict the power of any person duly authorised by the Council or a police constable in uniform to suspend the use of a loading bay referred to in the said Article or any part thereof whenever s/he considers such suspension reasonably necessary or for any civic event or similar occasion.
- (2) On the suspension of the use of a loading bay 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 loading bay or that part thereof as the case may be a traffic sign or traffic signs indicating that the waiting of vehicles is prohibited.
8. 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.
9. The requirements, prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any requirement, prohibition or restriction imposed by any regulations made or having effect as if made under the 1984 Act, or by any other enactment.

SCHEDULE 1

LOADING ONLY

Length of Road and Side of Length of Road

1. STANHOPE ROAD

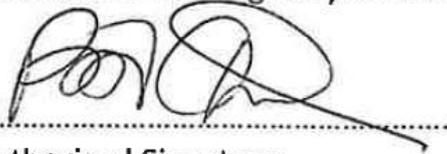
The west side from a point 13 metres south of its junction with Bishop Crispian Way in a southerly direction for a distance of 26 metres, within the layby.

CITY COUNCIL'S REASONS FOR THE ORDER

- To designate loading provisions for deliveries in conjunction with a new hotel development;
- 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 facilitating the passage on the road or any other road of any class of traffic (including pedestrians);
- For preserving or improving the amenities of the area through which the road runs;
- 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 10th day of December
2020.

THE COMMON SEAL OF 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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Authorized Signatory

REGISTRY No.
78673