

THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS) (TAXI RESTRICTION AMENDMENTS) (NO. 31B) ORDER 2021

The Portsmouth City Council (hereinafter referred to as “the council”), in exercise of the 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 2004 Act”), the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (“the 2007 Regulations”), of all other enabling powers, and in accordance with Parts III and IV of Schedule 9 to the 1984 Act, hereby makes the following Order:

Citation

1. This Order may be cited as The Portsmouth City Council (Various Roads) (Taxi Restriction Amendments) (No.31B) Order 2021, and shall come into operation on the 26 July 2021.

General

2. 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;

‘Motor Vehicle’ has the same meaning as in Section 136(1) of the 1984 Act;

‘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;

‘Taxi’ has the same meaning as “Hackney Carriage” as defined in Section 37 of the Town Police Clauses Act 1847;

‘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.

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. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

5. The Order specified in Schedule 1 to this Order is hereby varied as specified in that Schedule.
6. No person shall cause or permit any vehicle to wait in the lengths of roads specified in Schedule 2 except if that vehicle is a Taxi licensed by Portsmouth City Council.
7. Nothing in Article 6 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.
8. Nothing in Article 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.

Penalty Charge

9. 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.
10. 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

AMENDMENTS TO EXISTING ORDER

1. The Portsmouth City Council (Consolidation) (On–Street Parking Places and Restrictions on Waiting and Loading) (No.1) Order 2019

- a)** Delete Item 1 in Schedule 36 relating to a single yellow line for taxi waiting in Albert Road, Southsea
- b)** Delete Item 1(d) in Schedule 70 relating to limited waiting in Albert Road, Southsea

SCHEDULE 2

NO WAITING WAITING AT ANY TIME EXCEPT TAXIS

Length of Road and Side of Length of Road

1. ALBERT ROAD, SOUTHSEA

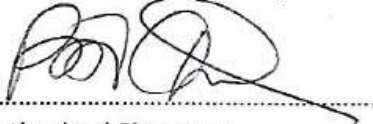
The southwest side, from a point 12 metres south-east of its junction with Exmouth Road in a south-easterly direction for a distance of 20 metres

STATEMENT OF REASONS FOR ORDER

- To facilitate amendments and revocations of taxi rank provisions across the city, as approved by the Licensing Committee;
- This Order enables the relevant highway changes to be made;
- For preserving or improving the amenities of the area through which the road runs;
- To avoid confusion caused by different restrictions occupying the same length of road, ensuring the taxi rank outside the Kings Theatre is available for use when needed.

Given under the Common Seal
of the City of Portsmouth this 15th day of July 2021.

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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Authorised Signatory



PORTSMOUTH No.
79180