

THE PORTSMOUTH CITY COUNCIL (CAMBRIDGE ROAD AND MUSEUM ROAD) (WAITING AND LOADING RESTRICTIONS, AND AMENDMENTS TO PARKING PLACES) (NO. 42) ORDER 2021

The Portsmouth City Council (hereinafter referred to as “the council”), in exercise of the powers under Sections 1, 2, 4, 32, 35, 36, 45 and 46 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 (Cambridge Road and Museum Road) (Waiting and Loading Restrictions, and Amendments to Parking Places) (No.42) Order 2021 and shall come into operation on the 12 July 2021.

General

2. 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 in a Parking Place means the person driving the vehicle at the time it was driven into and/or left in the Parking Place and for the purposes of the Order and any legal proceedings taken thereunder if on the date a vehicle is driven into and/or left in a Parking Place a person is the Owner of the vehicle that person shall be deemed to have been the driver of the vehicle in absence of proof that the Driver was another person;

'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;

'Parking Bay' means any area of a Parking Place which is provided for the leaving of a vehicle and which is indicated by markings on the surface of the Parking Place;

'Parking Disc' means a disc issued by the Council, approximately 125 millimetres in diameter or square, coloured blue, and capable of showing the quarter hour period during which a period of waiting begins or other parking device issued by the Council;

'Parking Place' means that part of the highway designated by this Order in Schedule 4 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

- i) 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
- ii) A vehicle displays a parking permit in the relevant position if –
 - a) the disc is exhibited on the dashboard or fascia of the vehicle; or
 - b) 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.

'Road' means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes;

'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 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.
6. The Order specified in Schedule 1 to this Order is hereby varied as specified in that Schedule.

Waiting restrictions

7. 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.
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 on any day in the length of road, and side of length of road specified in Schedule 3, except for the purposes of loading and unloading.

Suspensions

9. Any person authorised by the Council or a police constable in uniform may suspend the use of or any part of a loading bay described in Schedule 3 whenever s/he considers such suspension reasonably necessary.
10. Any person duly authorised by the Council may suspend the use of, or any part of, a loading bay described in Schedule 3 for any civic event or similar occasion.
11. Nothing in this Article shall render it unlawful to cause or permit a vehicle being used for Police, Fire and Rescue or Ambulance purposes or any vehicle so left in a Parking Place subject to a suspension if that vehicle is left with the permission of the person suspending the use of the or part of the Parking Place.

Moving or Removal of Vehicles

12. In an emergency, a Civil Enforcement Officer or other person authorised by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a loading bay as described in Schedule 3 or remove or arrange for the removal of a vehicle from a Parking Place.
13. Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (a) of this Article or removing or causing the removal of a vehicle by virtue of paragraph (a) of this Article may do so by towing or driving the vehicle or in such other manner as is reasonable to alter the position of the vehicle or to remove the vehicle.
14. Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (a) or (b) of this Article shall make such arrangements as are reasonable for the safety of the vehicle in the place to which it is removed.

Exceptions

15. Nothing in Article 7 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).

16. Nothing in Articles 7 and 8 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

17. 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.

SCHEDULE 1

AMENDMENTS TO EXISTING ORDERS

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

a) Amend Item 8 (a) in Schedule 95 relating to Pay & Display in Cambridge Road to read:

- (a) The east side;
- (i) from a point 55 metres north of its junction with Museum Road in a northerly direction for a distance of 6 metres
- (ii) from a point 78 metres north of its junction with Museum Road in a northerly direction for a distance of 68 metres

b) Amend Items 840 (b) (ii) and (iii) in Schedule 1 relating to double yellow lines in Museum Road to read:

- (ii) from a point 166 metres south-east of its junction with Cambridge Road in a south-easterly direction for a distance of 48 metres
- (iii) from a point 11 metres north-west of the junction with the new University access road to a point 26 metres south-east of that junction

c) Amend Items 1 (a) and (b) in Schedule 103 relating to Pay & Display in Museum Road to read:

The northwest side;

- (a) from a point 35 metres south-east of its junction with Cambridge Road in a south-easterly direction for a distance of 32 metres
- (b) from a point 128 metres south-east of its junction with Cambridge Road in a south-easterly direction for a distance of 38 metres

SCHEDULE 2

PROHIBITION OF WAITING AT ANY TIME

Lengths of Roads and Sides of Lengths of Roads

1. CAMBRIDGE ROAD

The east side from a point 61 metres north of its junction with Museum Road in a northerly direction for a distance of 17 metres

SCHEDULE 3

LOADING ONLY

Length of Road and Side of Length of Road

1. MUSEUM ROAD

The northeast side from a point 68 metres south-east of its junction with Cambridge Road in a south-easterly direction for a distance of 14 metres

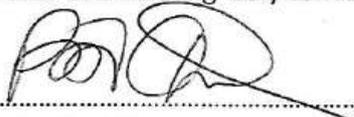
STATEMENT OF REASONS FOR ORDER

- To facilitate the amendments to parking restrictions required under the S278 agreement in conjunction with highway changes and new access roads associated with the adjacent University of Portsmouth sports centre 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 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);
- 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 1st 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

