

THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS) (PARKING PLACES, WAITING RESTRICTIONS AND AMENDMENTS) (NO. 39B) 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) (Parking Places, Waiting Restrictions and Amendments) (No.39B) Order 2021 and shall come into operation on the 27 September 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;

'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 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;

'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 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;
- (b) A vehicle displays a parking permit in the relevant position if –
 - (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.

'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 Orders specified in Schedule 1 to this Order are hereby varied as specified in that Schedule.
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. 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).

9. Nothing in Articles 7, 8, 9 and 10 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
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 Notice may then be issued by a Civil Enforcement Officer, in accordance with the requirements of the 2004 Act. The 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 2021
 - a) Amend Item 1360 in Schedule 1 relating to double yellow lines in Woolner Avenue to read:
 - (a) The west side from its junction with Havant Road in a southerly direction for a distance of 4 metres
 - (b) The east side from its junction with Havant Road in a southerly direction for a distance of 9 metres

SCHEDULE 2

PROHIBITION OF WAITING AT ANY TIME

Lengths of Roads and Sides of Lengths of Roads

1. CHESLYN ROAD

The south side from a point 27 metres north-east of the junction with Walsall Road in an easterly direction for a distance of 9 metres

2. LIMBERLINE SPUR

The west side from a point 27 metres north of its junction with Limberline Road in a northerly direction for a distance of 64 metres

3. MAGDALA ROAD

The north side from a point 70 metres east of the projected east side of Dorking Crescent in an easterly direction for a distance of 11 metres

4. PERONNE ROAD

The west side from its junction with Bapaume Road in a northerly direction for a distance of 30 metres

STATEMENT OF REASONS FOR 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), or
- To address parking/traffic issues in various roads citywide, in response to concerns and/or requests from residents, ward councillors, public services, businesses, etc. Reasons include:
 - to improve road safety, pedestrian safety, visibility and management of traffic, ensure access for the emergency services, delivery vehicles, public services (particularly refuse collection vehicles and bus services);
 - to amend/remove/reduce parking restrictions to accommodate changing local needs and to ensure the most appropriate use of the public highway;
 - to manage parking congestion.

Given under the Common Seal
of the City of Portsmouth this 16th day of September 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



LEA REGISTRY No.
79414