

THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS) (ELECTRIC VEHICLE RECHARGING PARKING PLACES) (NO.137) ORDER 2021

The Portsmouth City Council (hereinafter referred to as “the Council”), in exercise of its powers under section 45 of the Road Traffic Regulation Act 1984 (“the Act”), as amended, 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 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 (Various Roads) (Electric Vehicle Recharging Parking Places) (No.137) Order 2021 and shall come into operation on **DATE**.

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;

‘Electric Vehicle’ means a motor vehicle partly or wholly propelled by electricity, which requires recharging via connection to an external electricity supply;

‘Electricity Supply Unit’ means any apparatus procured or permitted by the Council for the recharging of Electric Vehicles by members of the public;

‘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 parking of an Electric Vehicle and which is indicated by traffic signs;

‘Parking Place’ means any part of the highway designated by this Order to be used as a place to park an Electric Vehicle;

‘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;

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. 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 a Parking

Bay within a Parking Place specified in the Schedule, unless that vehicle is an Electric Vehicle that is connected to an Electricity Supply Unit.

6. Nothing in Article 5 shall render it unlawful to cause or permit any vehicle to wait in a Parking Bay within a Parking Place 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.
- 7.
- a) Any person authorised by the Council or a police constable in uniform may suspend the use of or any part of a Parking Bay described in the Schedule for any civic event or similar occasion or whenever s/he considers such suspension reasonably necessary;
 - b) On the suspension of the use of a parking place 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 Parking Bay or that part thereof as the case may be a traffic sign or traffic signs indicating that the waiting of vehicles is prohibited;
 - c) 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 Bay 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 Bay.
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 notice may be issued that shall be payable by the owner.
9. 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.

SCHEDULE

PARKING PLACES FOR ELECTRIC VEHICLES

PARKING PLACE	PARKING BAY
1. HIGHLAND STREET	West side, opposite No.23
2. WAVERLEY GROVE	North side, opposite No.2

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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 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)
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- Continuing to work to deliver part of the government's "Road to Zero" strategy, which includes offering grants for plug-in cars, vans, taxis and motorcycles for a defined period;
 - The Office for Low Emission Vehicles (OLEV) On-street Residential Chargepoint Scheme (ORCS) provided funding towards capital costs of electric vehicle chargepoint infrastructure for residential areas which do not benefit from off-street parking;
 - This traffic order facilities respective phases of the electric vehicle recharging point and parking bays project.

Given under the Common Seal of the Portsmouth City Council this _____ day of _____ 2021.

THE COMMON SEAL of THE PORTSMOUTH)
CITY COUNCIL was hereunto affixed in the presence of: _____)

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Authorised Signatory