

THE PORTSMOUTH CITY COUNCIL (MD ZONE EXTENSION) (RESIDENTS' PARKING PLACES AND WAITING RESTRICTIONS) (NO.124) ORDER 2022

The Portsmouth City Council (hereinafter referred to as "the Council"), in exercise of its powers under sections 1, 2, 45, 46 and 124 of the Road Traffic Regulation Act 1984 ("the Act"), as amended, the Traffic Management Act 2004 ("the 2004 Act"), and of all other enabling powers and after consulting the Chief Officer of Police for the County of Hampshire in accordance with Parts III and IV of Schedule 9 to the 1984 Act hereby makes the following Order:

PART I **GENERAL**

1. This Order may be cited as The Portsmouth City Council (MD Zone Extension) (Residents' Parking Places and Waiting Restrictions) (No.124) Order 2022 and shall come into operation on 31st May 2022.
2. Except where otherwise stated, any reference in this Order to an Article or Section or Part or Schedule is a reference to the Article or Section or Part or Schedule bearing that number or letter in this Order.
3. 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.
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. In this Order:

"Business" means a business which is registered for the purpose of paying non-domestic rates and is at a postal address that is in any road or part of a road or zone specified in Schedules 1 and 2 to this Order;

"Council" means Portsmouth City Council;

"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;

"Disabled Person's Badge" has the same meaning as in Section 2 of The Disabled Persons' (Badges for Motor Vehicles) (England) Regulations 2000;

"Disabled Person's Vehicle" means a vehicle lawfully displaying a Disabled Person's Badge;

"Electronic Payment" means the purchase of a period of parking through payment by debit or credit card facilitated on site or by remote verification through the use of a card reader, mobile phone text, telephone call or such other methods as are approved by the Council from time to time

"Motorcycle" has the same meaning as in Section 136(4) of the 1984 Act;

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

“Owner”, has the same meaning as Section 92 of the 2004 Act;

“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 Schedules 1 and 4 to be used as a place to park a vehicle;

“Parking Zone” means those Residents’ Parking Places named in Schedules 1 and 2;

“Penalty Charge” means an additional parking charge set by the Council under the provisions of Section 78 the 2004 Act;

“Penalty Charge Notice” means a notice issued by a Civil Enforcement Officer in accordance with the provisions of Section 78 of the 2004 Act;

“Permit” means a permit authorised and issued, in physical or electronic format, by the Council for use in the Parking Zone under the provisions of or relating to this Order;

“Permit Holder” means a person or organisation to whom or to which a Permit has been issued;

“Permitted hours” means the period of time during which a Parking Place is open or available for the leaving of vehicles in accordance with this Order;

“Relevant Position” means:

- (a) In the case of a vehicle fitted with a front windscreen, any parking ticket, Parking Disc, Permit, Disabled Person’s Badge or other parking device is:
 - (i) exhibited on the near-side of the vehicle on the inside of the front windscreen; or
 - (ii) in a prominent place on the near-side of the vehicle immediately behind the front windscreen;and
 - (iii) with all particulars legible from outside the front of the vehicle.
- (b) In the case of a vehicle not fitted with a front windscreen, that any parking ticket(s), Parking Disc, Permit, Disabled person’s badge or other parking device is/are:
 - (i) exhibited in a prominent and conspicuous place on the front, near-side of the vehicle;and
 - (ii) with all particulars legible from the front of the vehicle.

“Resident” means a person whose main place of residence is at a postal address that is in any road or part of a road or zone specified in Schedules 1 and 2 to this Order;

“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 2016 or any amendment or revision to that Order made in accordance with Section 134(2) of the Act of 1984 or Section 195(2) of the Road Traffic Act 1988.

PART II **PARKING PLACES AND BAYS**

Section A – Parking Places and Permits

1. (a) Each of the parts of a road specified in Schedule 1 is authorised to be used as a Parking Place between the hours of 4.30pm-6.30pm subject to the following provisions:
 - (b) Where in Schedule 1 a Parking Place is specified, no person shall cause or permit a vehicle to wait in that Parking Place between the hours of 4.30pm-6.30pm unless it is:
 - (i) a Motorcycle; or
 - (ii) a Disabled Person’s Vehicle which displays a Disabled Person’s Badge in the Relevant Position; or
 - (iii) displaying in the Relevant Position a valid Permit issued in respect of that vehicle; or
 - (iv) authorised via an electronic permit.
 - (c) Any person leaving a vehicle in a Parking Place shall ensure that the whole of the vehicle is contained within the limits of an individual Parking Bay or length of Parking Place parallel to the kerb.
 - (d) No person shall cause or permit a vehicle to be used in a Parking Place described in Schedule 1 so as to unreasonably prevent access to any premises adjoining the road or the use of the road by other persons.
 - (e) No person shall use a Parking Place described in Schedule 1 if the use of that Parking Place has been suspended in accordance with Article 2 below.
 - (f) Where a Permit has been displayed on a vehicle in accordance with paragraph (b) (iii) of this Article, no person, other than the Driver of the vehicle shall remove the Permit from the vehicle unless authorised to do so by the Owner.
2. Suspension of Parking Places
 - (a) Any person authorised by the Council or a police constable in uniform may suspend the use of or any part of a Parking Place described in Schedule 1 whenever s/he considers such suspension reasonably necessary.
 - (b) Any person duly authorised by the Council may suspend the use of, or any part of, a Parking Place described in Schedule 1 for any civic event or similar occasion.

- (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 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.

3. Moving or Removal of Vehicles

- (a) 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 Parking Place as described in Schedule 1 or remove or arrange for the removal of a vehicle from a Parking Place.
- (b) 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.
- (c) 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.

4. Obtaining Resident, Visitor and Business Parking Permits

- (a) There are three classes of Permit although the Council may add to, alter or amend these:
 - (i) Resident Permit;
 - (ii) Business Permit;
 - (iii) Visitor Permit.
- (b) Any Resident and/or any person (including a partnership or body corporate) who manages and/or owns a business within the zone may apply to the Council for the issue of a Permit for the parking of a vehicle in Parking Places described in Schedule 1. The application shall be made on a form issued by the Council and shall include all the details required by the Council.
- (c) Any Resident may apply to the Council for the issue of a Visitor Permit, or apply online to authorise visitor parking via an electronic payment, for the parking of a vehicle which belongs to a person visiting that Resident and, subject to the other provisions of this Article, the Council shall issue a Visitor Permit to that Resident or parking shall be authorised electronically.
- (d) In the case of a physical permit, a Visitor Permit shall be valid on a particular day or days only if it has been validated and displayed in accordance with the instructions and conditions of use shown upon the Permit.
- (e) The Council may require any person applying for a Permit to produce to an Officer of the Council such evidence as it reasonably requires to verify and/or supplement any details provided by or on behalf of the person applying.
- (f) The Council may, if satisfied that all the relevant criteria are met;
 - (i) Issue one Permit for parking in a Parking Place to the Owner of a vehicle, or to any person using the vehicle with the consent of the Owner, at a fee specified by the Council in Column 3 of Schedule 3 of this Order corresponding to the type

- of Permit listed in Column 2 of Schedule 3 for the Parking Place listed in Column 1 of Schedule 3; or
- (ii) Issue a permit electronically whereby parking is authorised on receipt of an Electronic Payment
- (g) Permit Charges as described in Column 3 of Schedule 3 are subject to change, and may be varied in accordance with current procedures.
- (h) A Permit will not be issued for parking any vehicle with a gross vehicle weight in excess of 3500kg.
- (i) A Permit shall cease to be valid on the occurrence of any one or more of the following events;
- (i) the Permit holder ceasing to be a Resident;
 - (ii) the Permit holder or his agent misusing or allowing to be misused the Permit;
 - (iii) the issue of a duplicate Permit by the Council under the provisions of paragraphs (l) to (o) of this Article;
 - (iv) the expiry of the period for which the Permit was issued;
 - (v) the details on the Permit do not correspond with the vehicle in which it is displayed; or
 - (vi) the details on the Permit have ceased to be readily legible.
- (j) A Permit Holder shall surrender any Permit that has been issued to him/her to the Council immediately upon the occurrence of any of the events set out in paragraph (i) of this Article.
- (k) The Council may by notice in writing sent to the Permit Holder at the address given by that person on the application form for the Permit or at any other address believed to be the Permit Holder's residence withdraw a permit if it appears to the Council that any of the events set out in paragraph (i) of this Article have occurred, and the Permit Holder shall surrender the Permit to the Council within 48 hours of the said notice.
- (l) If a Permit is mutilated or defaced and the details on it have become illegible, the Permit Holder shall surrender the Permit to the Council and may then apply to the Council for the issue of a duplicate Permit, at a cost specified by the Council in Column 3 of Schedule 3.
- (m) If a Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue to him of a duplicate Permit, at a cost specified by the Council in Column 3 of Schedule 3.
- (n) The provisions of this Order shall also apply to the issue of a replacement Permit.
- (o) Any Permit issued by virtue of the provisions of paragraphs (l) or (m) of this Article shall be marked as a duplicate.
- (p) A Permit shall include the following details:
- (i) a serial number identifying the premises in respect of which the Permit has been issued;
 - (ii) the period during which, subject to the provisions of this Order, the Permit shall remain valid;
 - (iii) an authentication that the Permit has been issued by the Council;
 - (iv) the Parking Zone reference MD; and

- (v) vehicle registration mark, if appropriate.

Section B - Exceptions

1. Without prejudice to the other provisions of Part III of this Order any vehicle may wait during the hours of operation anywhere on the carriageway in a Parking Place, other than a Parking Place or part thereof the use of which has been suspended, to reasonably;
 - (a) allow a person to board or alight from the vehicle;
 - (b) allow goods to be loaded on or unloaded from the vehicle;
 - (c) allow the vehicle, if it cannot conveniently be used for such purpose in any other road or place, 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 or any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line;
 - (d) allow 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) enable a vehicle of (and bearing a livery used by) a universal service provider as defined 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 the Postal Services Act 2000;
 - (f) allow a vehicle to be used by a registered Medical Practitioner in the course of his or her professional duties;
 - (g) allow the vehicle to be used for fire and rescue, ambulance or police purposes.

Section C – Penalty Charge

1. 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.

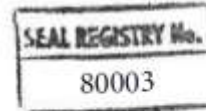
Given under the Common Seal
of the Portsmouth City Council this 13th day of May 2022.

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:-)

Amo Stamp

[Handwritten signature]

.....
Authorized Signatory



SCHEDULE 1

RESIDENTS' PARKING PLACES

MD PERMIT HOLDERS ONLY 4.30PM-6.30PM

Lengths of roads and sides of lengths of roads

AREA OF HIGHWAY DESIGNATED AS A PARKING PLACE
<p>1. ALLENS ROAD</p> <p>(a) The north side;</p> <p>(i) from a point 5 metres east of its junction with Waverley Road in an easterly direction for a distance of 18 metres</p> <p>(ii) from a point 28 metres east of its junction with Waverley Road to a point 2 metres west of its junction with Welch Road</p> <p>(b) The south side;</p> <p>(i) from a point 5 metres east of its junction with Waverley Road in an easterly direction for a distance of 20 metres</p> <p>(ii) from a point 40 metres east of its junction with Waverley Road to a point 3 metres west of its junction with Welch Road</p>
<p>2. GAINS ROAD</p> <p>(a) The north side;</p> <p>(i) from a point 3 metres east of its junction with Waverley Road in an easterly direction for a distance of 224 metres</p> <p>(ii) from a point 5 metres west of its junction with St Ronan's Road in a westerly direction for a distance of 14 metres</p> <p>(iii) from a point 29 metres west of its junction with St Ronan's Road in a westerly direction for a distance of 17 metres</p> <p>(iv) from a point 52 metres west of its junction with St Ronan's Road in a westerly direction for a distance of 10 metres</p> <p>(b) The south side;</p> <p>(i) from a point 5 metres west of its junction with St Ronan's Road in a westerly direction for a distance of 24 metres</p> <p>(ii) from a point 3 metres east of its junction with Welch Road in an easterly direction for a distance of 46 metres</p> <p>(iii) from a point 3 metres west of its junction with Welch Road in a westerly direction for a distance of 159 metres</p> <p>(iv) from a point 5 metres east of its junction with Waverley Road in an easterly direction for a distance of 19 metres</p>
<p>3. HERBERT ROAD</p> <p>(a) The north side;</p> <p>(i) from a point 5 metres east of its junction with Waverley Road in an easterly direction for a distance of 19 metres</p>

AREA OF HIGHWAY DESIGNATED AS A PARKING PLACE

HERBERT ROAD continued

- (ii) from a point 30 metres east of its junction with Waverley Road in an easterly direction for a distance of 86 metres
- (b) The south side;
 - (i) from a point 5 metres east of its junction with Waverley Road in an easterly direction for a distance of 5 metres
 - (ii) from a point 16 metres east of its junction with Waverley Road in an easterly direction for a distance of 9 metres
 - (iii) from a point 36 metres east of its junction with Waverley Road in an easterly direction for a distance of 16 metres
 - (iv) from a point 61 metres east of its junction with Waverley Road in an easterly direction for a distance of 9 metres
 - (v) from a point 75 metres east of its junction with Waverley Road in an easterly direction for a distance of 7 metres
 - (vi) from a point 91 metres east of its junction with Waverley Road in an easterly direction for a distance of 5 metres
- (c) The east side from a point 3 metres north of its junction with St Ronan's Road in a northerly direction for a distance of 23 metres

4. ST RONAN'S AVENUE

- (a) The north side;
 - (i) from a point 2 metres west of its junction with St Ronan's Road in a westerly direction for a distance of 17 metres
 - (ii) from a point 40 metres west of its junction with St Ronan's Road in a westerly direction for a distance of 4 metres
 - (iii) from a point 95 metres west of its junction with St Ronan's Road in a westerly direction for a distance of 5 metres
- (b) The south side;
 - (i) from a point 2 metres west of its junction with St Ronan's Road in a westerly direction for a distance of 22 metres
 - (ii) from a point 28 metres west of its junction with St Ronan's Road in a westerly direction for a distance of 5 metres

5. ST RONAN'S ROAD

- (a) The west side;
 - (i) from a point 6 metres south of its junction with Albert Road in a southerly direction for a distance of 8 metres
 - (ii) from a point 33 metres south of its junction with Albert Road in a southerly direction for a distance of 4 metres
 - (iii) from a point 46 metres south of its junction with Albert Road in a southerly direction for a distance of 37 metres
 - (vi) from a point 5 metres south of its junction with St Ronan's Avenue in a southerly direction for a distance of 21 metres
 - (v) from a point 7 metres north of its junction with Gains Road in a northerly direction for a distance of 19 metres

AREA OF HIGHWAY DESIGNATED AS A PARKING PLACE

ST RONAN'S ROAD continued

(b) The northwest side;

- (i) from a point 9 metres south-west of its junction with Gains Road in a south-westerly direction for a distance of 8 metres
- (ii) from a point 41 metres south-west of its junction with Gains Road in a south-westerly direction for a distance of 6 metres
- (iii) from a point 56 metres south-west of its junction with Gains Road in a south-westerly direction for a distance of 6 metres
- (iv) from a point 73 metres south-west of its junction with Gains Road in a south-westerly direction for a distance of 6 metres
- (v) from a point 85 metres south-west of its junction with Gains Road in a south-westerly direction for a distance of 81 metres
- (vi) from a point 28 metres north-east of its junction with Herbert Road in a north-easterly direction for a distance of 14 metres
- (vii) from a point 5 metres north-east of its junction with Herbert Road in a north-easterly direction for a distance of 20 metres
- (viii) from a point 3 metres south-west of its junction with Herbert Road in a south-westerly direction for a distance of 12 metres

(c) The southeast side; ('m' = metres)

- (i) from a point 157 metres south-west of the projected south side of Waverley Grove in a north-easterly direction for a distance of 5m
- (ii) from a point 134 metres south-west of the projected south side of Waverley Grove in a north-easterly direction for a distance of 16m
- (iii) from a point 105 metres south-west of the projected south side of Waverley Grove in a north-easterly direction for a distance of 14m
- (iv) from a point 72 metres south-west of the projected south side of Waverley Grove in a north-easterly direction for a distance of 52m
- (v) from a point 13 metres south-west of the projected south side of Waverley Grove in a north-easterly direction for a distance of 5m
- (vi) from a point 5 metres north-east of the projected south side of Waverley Grove in a north-easterly direction for a distance of 23m
- (vii) from a point 34 metres north-east of the projected south side of Waverley Grove in a north-easterly direction for a distance of 11m
- (viii) from a point 52 metres north-east of the projected south side of Waverley Grove in a north-easterly direction for a distance of 8m
- (ix) from a point 68 metres north-east of the projected south side of Waverley Grove in a north-easterly direction for a distance of 4m
- (x) from a point 80 metres north-east of the projected south side of Waverley Grove in a north-easterly direction for a distance of 5m
- (xi) from a point 104 metres north-east of the projected south side of Waverley Grove in a north-easterly direction for a distance of 8m
- (xii) from a point 11 metres north-east of its junction with Old Bridge Road in a north-easterly direction for a distance of 13 metres
- (xiii) from a point 37 metres north-east of its junction with Old Bridge Road in a north-easterly direction for a distance of 4 metres
- (xiv) from a point 48 metres north-east of its junction with Old Bridge Road in a north-easterly direction for a distance of 16 metres
- (xv) from a point 70 metres north-east of its junction with Old Bridge Road in a north-easterly direction for a distance of 7 metres
- (xvi) from a point 86 metres north-east of its junction with Old Bridge Road in a north-easterly direction for a distance of 14 metres
- (xvii) from a point 107 metres north-east of its junction with Old Bridge Road in a north-easterly direction for a distance of 7 metres
- (xviii) from a point 125 metres north-east of its junction with Old Bridge Road in a north-easterly direction for a distance of 9 metres

AREA OF HIGHWAY DESIGNATED AS A PARKING PLACE

ST RONAN'S ROAD continued

- (d) The east side;
- (i) from a point 9 metres north of the projected north side of Gains Road in a northerly direction for a distance of 12 metres
- (ii) from a point 28 metres north of the projected north side of Gains Road in a northerly direction for a distance of 66 metres

6. WAVERLEY GROVE

- (a) The north side from a point 5 metres east of its junction with Waverley Road to a point 4 metres west of its junction with St Ronan's Rd
- (b) The south side;
- (i) from a point 7 metres east of its junction with Waverley Road in an easterly direction for a distance of 7 metres
- (ii) from a point 26 metres east of its junction with Waverley Road in an easterly direction for a distance of 26 metres
- (iii) from a point 64 metres east of its junction with Waverley Road in an easterly direction for a distance of 34 metres

7. WAVERLEY ROAD

The west side;

- (a) from a point 9 metres north of its junction with Wimbledon Park Road to a point 9 metres south of its junction with Lowcay Road
- (b) from a point 7 metres north of its junction with Lowcay Road in a northerly direction for a distance of 31 metres
- (c) from a point 9 metres south of its junction with Wisborough Road in a southerly direction for a distance of 5 metres
- (d) from a point 7 metres north of its junction with Wisborough Road in a northerly direction for a distance of 5 metres
- (e) from a point 81 metres south of its junction with Albert Road in a southerly direction for a distance of 29 metres

8. WELCH ROAD

- (a) The northwest side;
- (i) from a point 5 metres south of its junction with Gains Road in a south-westerly direction for a distance of 25 metres
- (ii) from a point 1 metre north-east of its junction with Allens Rd in a north-easterly direction for a distance of 41 metres
- (iii) from a point 2 metres south-west of its junction with Allens Road in a south-westerly direction for a distance of 4 metres
- (iv) from a point 12 metres south-west of its junction with Allens Road in a south-westerly direction for a distance of 22 metres
- (iv) from a point 2 metres north-west of its junction with Herbert Road in a north-westerly direction for a distance of 27 metres

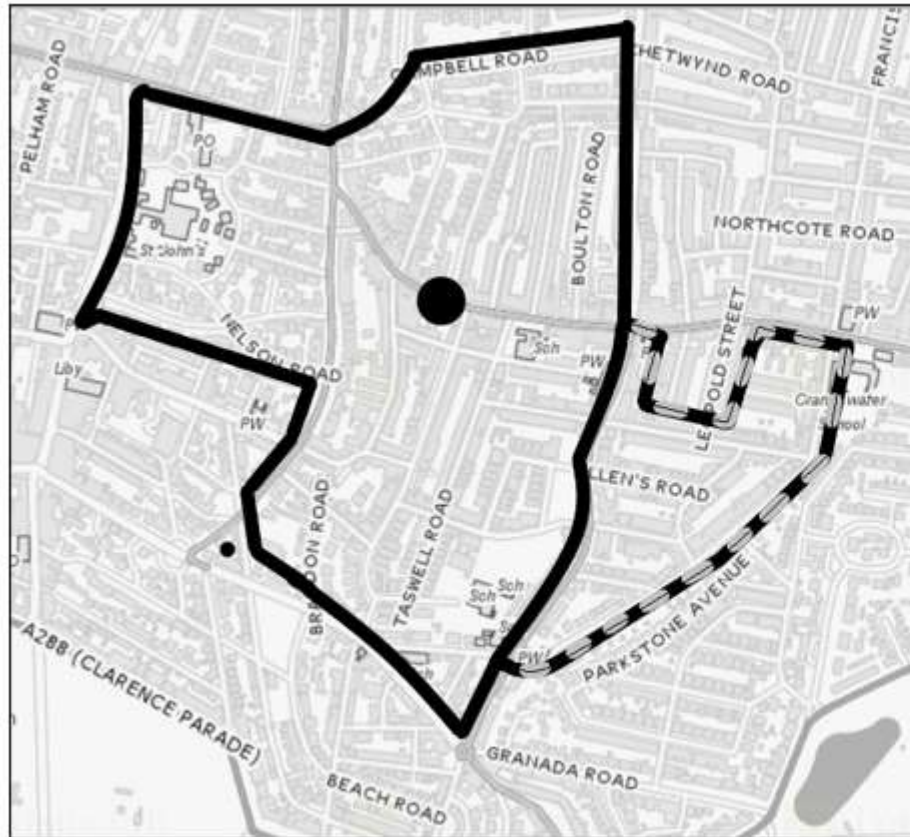
AREA OF HIGHWAY DESIGNATED AS A PARKING PLACE

WELCH ROAD continued

- (b) The southeast side from a point 30 metres south-west of its junction with Gains Road in a south-westerly direction for a distance of 95 metres
- (c) The east side from a point 37 metres south of the projected south side of Allens Road in a southerly direction for a distance of 32 metres

SCHEDULE 2

MD KINGS AREA ZONE AND EXTENSION BOUNDARY



KEY:

- Indicates Albert Road, Southsea; point of reference
- No.115 Victoria Road South has MD zone permit entitlement
- ▬ Extension boundary

© Crown Copyright and database right (2019). Ordnance Survey Licence number 100019671.

SCHEDULE 3

PERMIT CHARGES

Permit charges are subject to change.

Parking Zone	Type of Permit	Charges
1	2	3
Parking Places as described in Schedule 1 to this Order	Resident permit: 1 st Resident permit: 2 nd Subsequent Resident permits Business permit: 1 st Business permit: 2 nd Subsequent Business permit Visitor permit: 12 hours Visitor permit: 24 hours Duplicate or Replacement Permit	£30.00 per annum £120.00 per annum £300.00 per annum £150.00 per annum £300.00 per annum £630.00 per annum £1.15 £2.20 £10.00