

THE PORTSMOUTH CITY COUNCIL (FRATTON WAY) (BUSES AND TAXIS AMENDMENTS) (NO.125) ORDER 2018

The Portsmouth City Council (hereinafter referred to as “the Council”), in exercise of its powers under sections 1 – 4 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 Parts III and IV of Schedule 9 to the 1984 Act, hereby makes the following Order:

1. (1) In this Order:

‘bus’ has the same meaning as in Schedule 1 of Regulation 2 of the Traffic Signs Regulations and General Directions 2016 “the 2016 Regulations”;

‘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;

‘driver’, in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in a parking place;

‘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;

“universal service provider”, “provision of a universal postal service” and “postal packet” have the same meanings as in the Postal Services Act 2000.

(2) 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.

2. The Orders specified in Schedule 1 shall have effect subject to the amendments specified below the said Orders of the said Schedule.

3. Save as provided in Article 4 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 stop or wait in the lengths of road, and sides of lengths of road specified in Schedule 2, except if that vehicle is a bus or taxi.
4. Nothing in Article 3 shall render it unlawful to cause or permit any vehicle to stop in the roads and sides of lengths of roads referred to therein for so long as may be necessary to enable:
 - a) a vehicle which is stationary in order that it may be used for one or more of the purposes specified below and which cannot be used for such a purpose without stopping on the marking:
 - (i) any operation involving building, demolition or excavation;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of a road;
 - (iv) constructing, improving, maintaining or cleaning any street furniture;
 - (v) the laying, erection, alteration, repair or cleaning of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications apparatus kept installed for the purposes of an electronic communications code system or of any other electronic communications apparatus lawfully kept installed in any position.
 - b) 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;
 - c) To enable a marked vehicle which, whilst used by a universal service provider (within the meaning ascribed by the Postal Services Act 2000) in the course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for postal packets to be collected;
 - d) A vehicle to be used by a registered Medical Practitioner in the course of his professional duties;
 - e) A vehicle to be used for at least one of the following purposes:
 - (i) fire and rescue authority;
 - (ii) Scottish Fire and Rescue Service;
 - (iii) traffic officer;
 - (iv) ambulance;
 - (v) providing a response to an emergency at the request of an NHS ambulance service;
 - (vi) bomb or explosive disposal;
 - (vii) special forces;
 - (viii) police; and
 - (ix) National Crime Agency.
 - f) A vehicle which is prevented from proceeding by circumstances beyond the driver's control or which has to be stopped in order to avoid injury or damage to persons or property
5. 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.

6. 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.
7. This Order may be cited as The Portsmouth City Council (Fratton Way) (Buses and Taxis Amendments) (No.125) Order 2018 and shall come into operation on the 25 February 2019.

SCHEDULE 1
(See Article 2)

AMENDMENT TO EXISTING ORDER

1. The Portsmouth City Council (Fratton Way) (Taxi Ranks) (No.59) Order 2018

(a) Delete the whole order

SCHEDULE 2

(See Article 3)

NO STOPPING AT ANY TIME EXCEPT BUSES AND TAXIS

Lengths of Road and Sides of Lengths of Road

1. FRATTON WAY

- (a) The west side from a point 99 metres north of its junction with Goldsmith Avenue in a northerly direction for a distance of 37 metres
- (b) The east side from a point 93 metres north of its junction with Goldsmith Avenue in a northerly direction for a distance of 32 metres


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 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).
- To amend traffic restrictions to accommodate changing local needs and to ensure the most effective and appropriate use of the public highway

Given under the Common Seal
of the Portsmouth City Council this 12th day of February 2019.

THE COMMON SEAL of THE 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