

WINCHESTER CITY COUNCIL

ROAD TRAFFIC REGULATION ACT, 1984

THE HAMPSHIRE (VARIOUS ROADS, WHITELEY)
(PARKING PLACES AND RESTRICTION OF WAITING) ORDER 2004

Winchester City Council acting as agents on behalf of Hampshire County Council in exercise of its powers under Sections 1, 2, 4, 32, 35, 45, 46, 49, 51 and 53 of the Road Traffic Regulation Act 1984 ("the Act"), as amended by the Road Traffic Regulation (Parking) Act 1986, Part IV of Schedule 9 to the Act, and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

PART I - GENERAL

1. In this Order

"the Council" means Hampshire County Council or, as the case may be, Winchester City Council acting as Hampshire County Council's agents;

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"disabled person's vehicle" means a motor vehicle being driven by a disabled person, or used for the carriage of a disabled person, which is displaying at the relevant time a disabled person's badge;

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

"goods" include postal packets of any description; and

"delivering" and "collecting" in relation to any goods include checking the goods for the purpose of their delivery or collection;

"goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, and is not drawing a trailer;

"motor cycle" means a mechanically propelled vehicle not being an invalid carriage with less than four wheels and the weight of which unladen does not exceed 410 kilograms;

"one-way street" means a highway in which vehicles are prohibited at all times from proceeding in any other than one direction;

"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 a Local Authority, 125 millimetres square, coloured orange or blue and capable of showing the quarter hour period during which a period of waiting begins;

"parking place" means any part of a road authorised by this Order to be used as a parking place;

"passenger vehicle" means a motor vehicle which is constructed or adapted solely for the carriage of not more than twelve passengers, exclusive of the driver, and their effects and is not drawing a trailer;

"relevant vehicle" means a passenger or goods vehicle with an unladen weight of 2 tonnes or less, provided that no such vehicle exceeds 6 metres in length;

"telecommunications apparatus" has the same meaning as in the Telecommunications Act 1984.

2. Regulation 4 of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 has effect for the purpose of defining the expression "relevant position" in this Order.
3. 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.
4. Save where specifically provided in this Order, no other traffic regulation orders are revoked by this Order.

PART II - AUTHORISATION AND USE OF PARKING PLACES

5. (1) Each of the parts of a road specified in Schedule I to this Order is authorised to be used subject to the following provisions of this Order as a parking place for such classes of vehicles, on such days and during such hours as are specified in relation to that part of the road in the said Schedule.
(2) Any person duly authorised by the Council or a police constable in uniform may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary provided that no such suspension effected solely by a police constable in uniform shall continue for a period greater than twenty-four hours.
6. Where in Schedule I to this Order a parking place is described as available for vehicles of a specified class, the driver of the vehicle shall not permit it to wait in that parking place:-
 - (a) unless it is of the specified class;
 - (b) unless it is a motorcycle; or
 - (c) unless it is a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority; and
 - (d) unless
 - (i) if the parking place is not in a one-way street, the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway;
 - (ii) if the parking place is in a one-way street the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway or that the right or off-side of the vehicle is adjacent to the right-hand edge of the carriageway, and

(iii) it is positioned within the parking areas defined by white lines on the surface of the road.

7. A driver of a vehicle shall not use a parking place:-
 - (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance;
 - (b) when the use of that parking place has been suspended in accordance with Article 5(2) of this Order.
8. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
9. No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services unless he does so from the vehicle itself and the period of waiting does not exceed 20 minutes.
10. A disabled person's vehicle which displays in the relevant position a disabled person's badge shall be exempt from any limitation on time specified in column 5 of Part 1 of Schedule I to this Order.
11. In column 5 of Part I of Schedule I to this Order references to the period of time within which the return of a vehicle is prohibited shall be deemed to prohibit that vehicle from subsequently waiting in any of the parking places referred to in any other parts of that Schedule, within that period of time.
12. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Article 5, Article 6 or Article 7 of this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place; provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 6(d) of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.
13. Any person removing a vehicle or altering its position by virtue of the last preceding Article of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position, as the case may be.
14. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 12 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
15. A police constable in uniform or a traffic warden may move or cause to be moved, in case of emergency, to any place he thinks fit, any vehicle left in a parking place.

16. (1) Nothing in this Order shall make it unlawful to cause or permit any vehicle to wait at any time in a parking place other than a parking place or part of a parking place the use of which has been suspended, if:-
- (a) the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle;
 - (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
 - (c) the vehicle is a vehicle being used for fire and rescue service purposes, an ambulance, a vehicle under the control of a Doctor on Duty for so long as may be necessary for him to visit a patient, a vehicle in the service of a Local Authority or Health Authority or a vehicle in the service of a Police force in either case being used in pursuance of statutory powers or duties or a vehicle being used by a minister of religion for so long as may be necessary in the course of his duties;
 - (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - (e) the vehicle is in the service of or employed by the Postmaster General or any company authorised by the Postmaster General to act on his behalf and is waiting while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle, or, having been unloaded therefrom, are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting, or is in use in connection with the servicing of telephone kiosks adjacent to the parking place;
 - (f) the vehicle not being a passenger vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus or traffic sign;
 - (g) the vehicle is waiting only for so long as is necessary to enable goods to be loaded onto or unloaded from the vehicle;
 - (h) the vehicle is waiting to enable a pupil attending any school to be picked up or set down in connection with the attendance of that pupil at that school, provided no such period of waiting shall exceed 20 minutes;
 - (i) the vehicle is waiting to take in petrol, oil, water or air from any garage situated on or adjacent to the said parking place; or
 - (j) the vehicle is waiting at or near to any premises situated on or adjacent to the said parking place for so long as is reasonably necessary in connection with any wedding or funeral.

- (2) Nothing in this Order shall render it unlawful to cause or permit any vehicle being used for fire and rescue service, ambulance or police purposes or any vehicle being used for any purpose specified in paragraph (1)(b), (d) or (e) of this Article to be left in the parking place or part of a parking place the use of which has been suspended, or for any other vehicle to be so left if that vehicle is left with the permission of the person suspending the use of the parking place or the part thereof in pursuance of paragraph (2) of Article 5.
17. A person causing or permitting a vehicle to wait in a parking place by virtue of the provisions of sub-paragraph (e), (f) or (g) of paragraph (1) of Article 16 of this Order shall take all such steps as are necessary to ensure that the vehicle waits in accordance with the requirements of Article 7 of this Order.

PART III - RESTRICTION OF WAITING

18. Save as provided in Articles 19, 20, 21, 22 and 23 of this Order, no person shall cause or permit any vehicle to wait:-
- (i) at any time on any of the sides of road specified in Schedules II and III to this Order;
 - (ii) on any of the sides of road and between the hours and on the days specified in any other Schedules to this Order.
19. Nothing in Article 18 of this Order shall render it unlawful to cause or permit any vehicle to wait on any of the sides of road referred to in that Article upon the direction or with the permission of a police constable in uniform or traffic warden, or with the permission of the Chief Officer of Police given by means of an exemption certificate displayed on or adjacent to the nearside of the front windscreen of the vehicle, provided that no condition imposed on the use of that certificate at the time of issue has been breached.
20. Nothing in Article 18 of this Order shall render it unlawful to cause or permit any vehicle to wait on any of the sides of road referred to in that Article for so long as may be necessary:-
- (a) to enable a person to board or alight from the vehicle;
 - (b) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with the following operations namely:-
 - (i) building or demolition;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said sides of road;
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to, the said sides of road, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or telecommunications;
 - (c) to enable 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;

- (d) to enable the vehicle to be used in the service of the Post Office for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000;
 - (e) to enable the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said sides of road;
 - (f) to enable the vehicle to wait at or near to any premises situated on or adjacent to the said sides of road for so long as is reasonably necessary in connection with any wedding or funeral;
 - (g) to enable the vehicle to be used for fire and rescue services, ambulance or police purposes; or
 - (h) to enable the vehicle to wait owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident.
21. Nothing in Article 18 of this Order shall render it unlawful to cause or permit any vehicle to wait on any of the sides of road specified in Schedule II and any other Schedule of this Order relating to restrictions on loading, for so long as may be necessary to enable goods to be loaded onto or unloaded from the vehicle (except during any hours specified in such Schedules during which times loading is stated to be prohibited).
22. Nothing in Article 18 of this Order 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 on any of the sides of road specified in Schedules II, and any other Schedule to this Order (other than Schedule III) for a period not exceeding three 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 of road on the same day).

PART IV – HACKNEY CARRIAGES

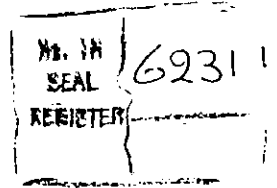
23. Nothing in this Order shall:
- a) render it unlawful to cause or permit any vehicle to wait on any side of road if that vehicle is a hackney carriage waiting at an authorised hackney carriage stand;
 - b) be deemed to authorise or permit any vehicle which is not a hackney carriage to wait at an authorised hackney carriage stand;
- during any period that that stand is so authorised.
24. This Order shall come into operation on 8th November 2004 and may be cited as "The Hampshire (Various Roads, Whiteley) (Parking Places and Restriction of Waiting) Order, 2004."

GIVEN this 20th day of October 2004

THE COMMON SEAL of WINCHESTER)
CITY COUNCIL was hereunto)
affixed in the presence of:-)



City Secretary and Solicitor



SCHEDULE I

Roads in the Parish of Whiteley

Parking Places

PART I

1	2	3	4	5
Situation of parking place	Class of vehicles	Days of operation of parking place	Hours of operation of parking place	Maximum period for which vehicles may wait

-----NONE-----

SCHEDULE II

Roads in the Parish of Whiteley

No Waiting at Any Time

<u>NAME OF ROAD</u>	<u>SIDE</u>	<u>DESCRIPTION</u>
Parkway	Western	From a point 150 metres south of the roundabout junction of Whiteley Way to a point 38 metres south thereof.
Parkway	Eastern	From a point 115 metres south of the roundabout junction of Whiteley Way to a point 49 metres south thereof.
Parkway	Both	From a point 30 metres north of the junction of Leafy Lane to a point 30 metres south-west thereof.
Leafy Lane	Both	From the junction of Parkway to a point 150 metres south- west thereof.
Mollison Rise	Both	From the junction of Leafy Lane to a point 25 metres west thereof.
Parkway	Northern	From a point 122 metres north-east of the junction of Leafy Lane to a point 50 metres north-east thereof.
Parkway	Southern	From a point 96 metres north-east of the junction of Leafy Lane to a point 128 metres north-east thereof.
Parkway	Northern	From a point 244 metres north-east of the junction of Leafy Lane to a point 50 metres north-east thereof.
Parkway	Southern	From a point 53 metres west of Whiteley Lane (footpath) to a point 95 metres west thereof.
Parkway	Northern	From the intersection of Whiteley Lane (footpath) and Parkway to a point 68 metres west thereof.
Parkway (Southern Roundabout)	All Sides	For a distance of 30 metres on all corner radii
Parkway	Western	From the junction of Whiteley Pastures/Lee Ground Coppice to a point 52 metres south thereof

Parkway (Northern Roundabout)	All Sides	For a distance of 30 metres on all corner radii
Parkway	Southern	From a point 225 metres east of the 'T' junction of Whiteley Way to a point 65 metres east thereof.
Parkway	Northern	From a point 95 metres east of the 'T' junction of Whiteley Way to a point 105 metres east thereof.

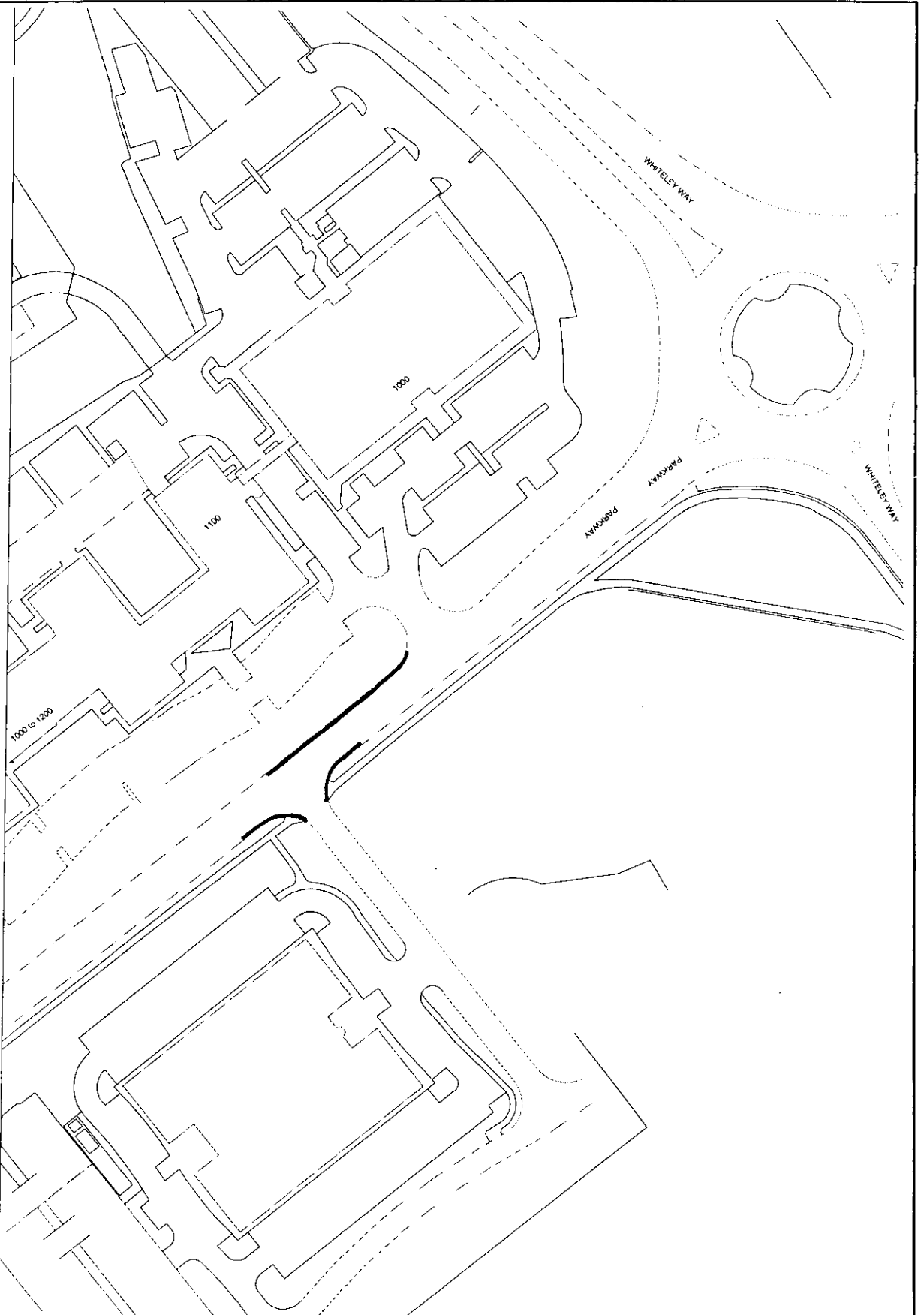
SCHEDULE III

Roads in the Parish of Whiteley

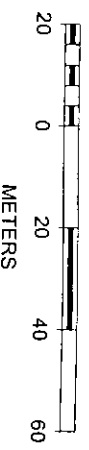
No Waiting at Any Time & No Loading at Any Time

Road Name	Side	Description
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-----NONE-----



SCALE 1 : 1,500



*Proposed Double
Yellow Line* =

Plan 2 of 6

Drawn	Checked	Date



Winchester
City Council

DEVELOPMENT SERVICES
ENGINEERING
City Offices
Calebrook Street
Winchester
SO23 9LJ

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Project:
**PARKWAY
WHITELEY**

Title:
**PROPOSED
DOUBLE YELLOW
LINES**

Scale 1:1500 Date **OCT 04**

Drawn Checked

DRG No **WX0405/90**



Proposed Double
Yellow Line

Plan 3 of 6

No.	Description	Date	Drawn



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Project:

**PARKWAY
WHITELEY**

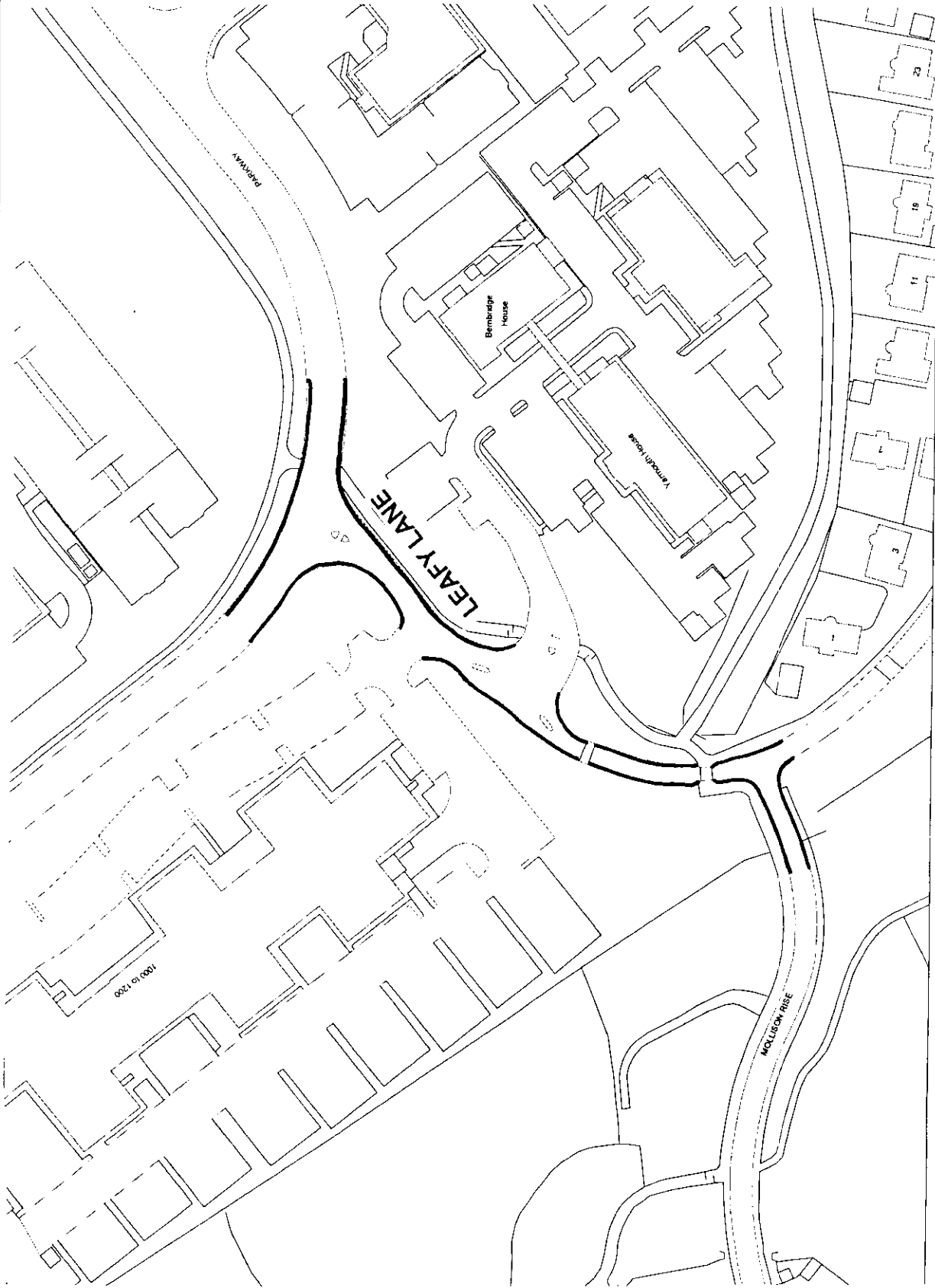
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**PROPOSED
DOUBLE YELLOW
LINES**

Scale: **NTS** Date: **03/04**

Drawn: **-** Checked: **-**

DRG No: **WX0405190**



SCALE 1 : 1,500



METERS



PROPOSED DOUBLE
YELLOW LINES

Plan 4 of 6

No.	Description	Date	Drawn



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Project:

**PARKWAY
WHITELEY**

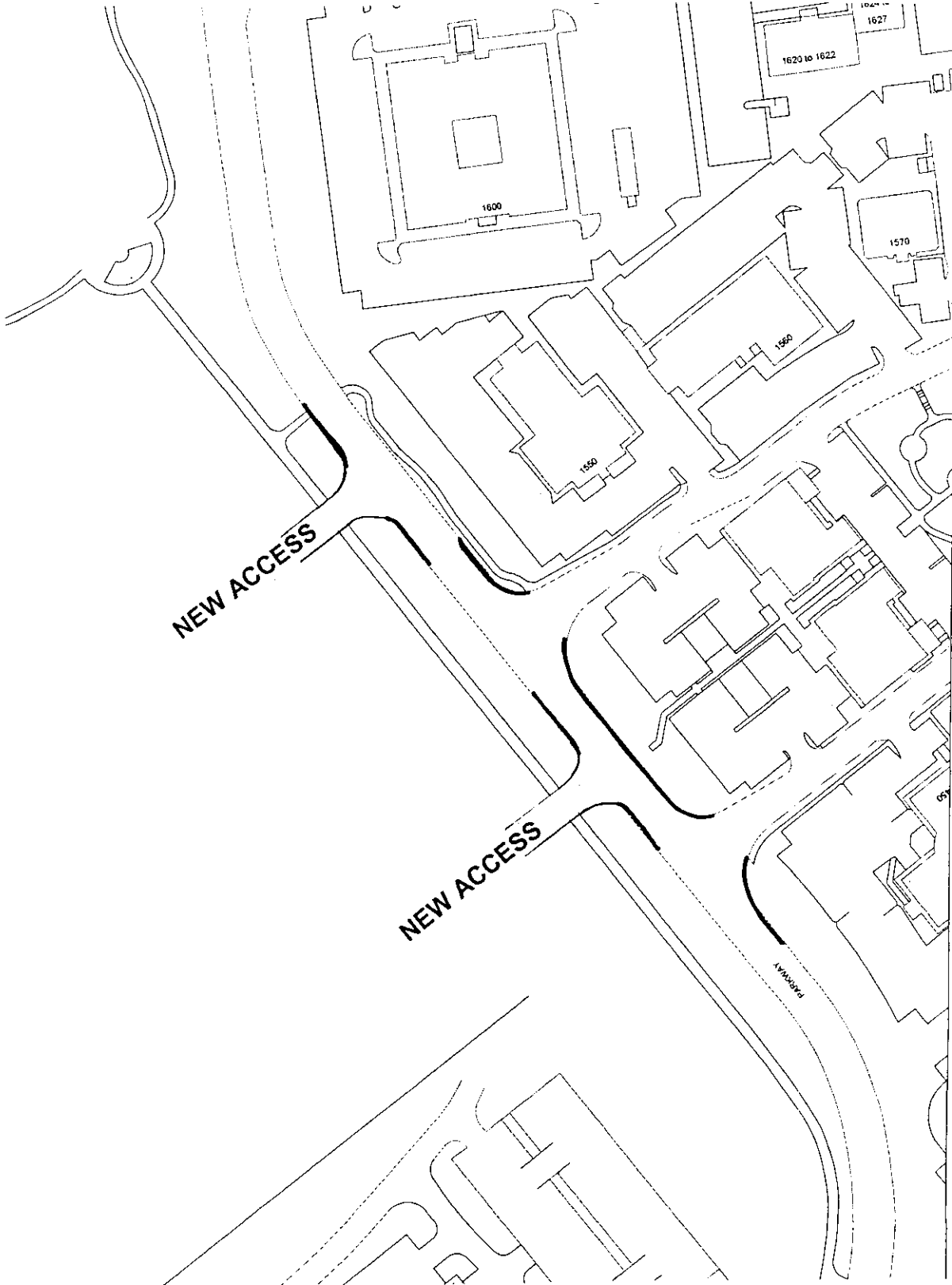
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DOUBLE YELLOW
LINES**

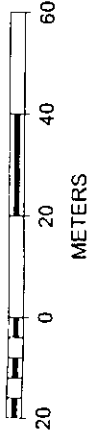
Scale 1:1500 Date 03/04

Drawn — Checked —

DRG No WX0405/90



SCALE 1 : 1,500





Proposed Double
Yellow Lines

Plan 5 of 6

No.	Description	Date	By



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Project:

**PARKWAY
WHITELEY**

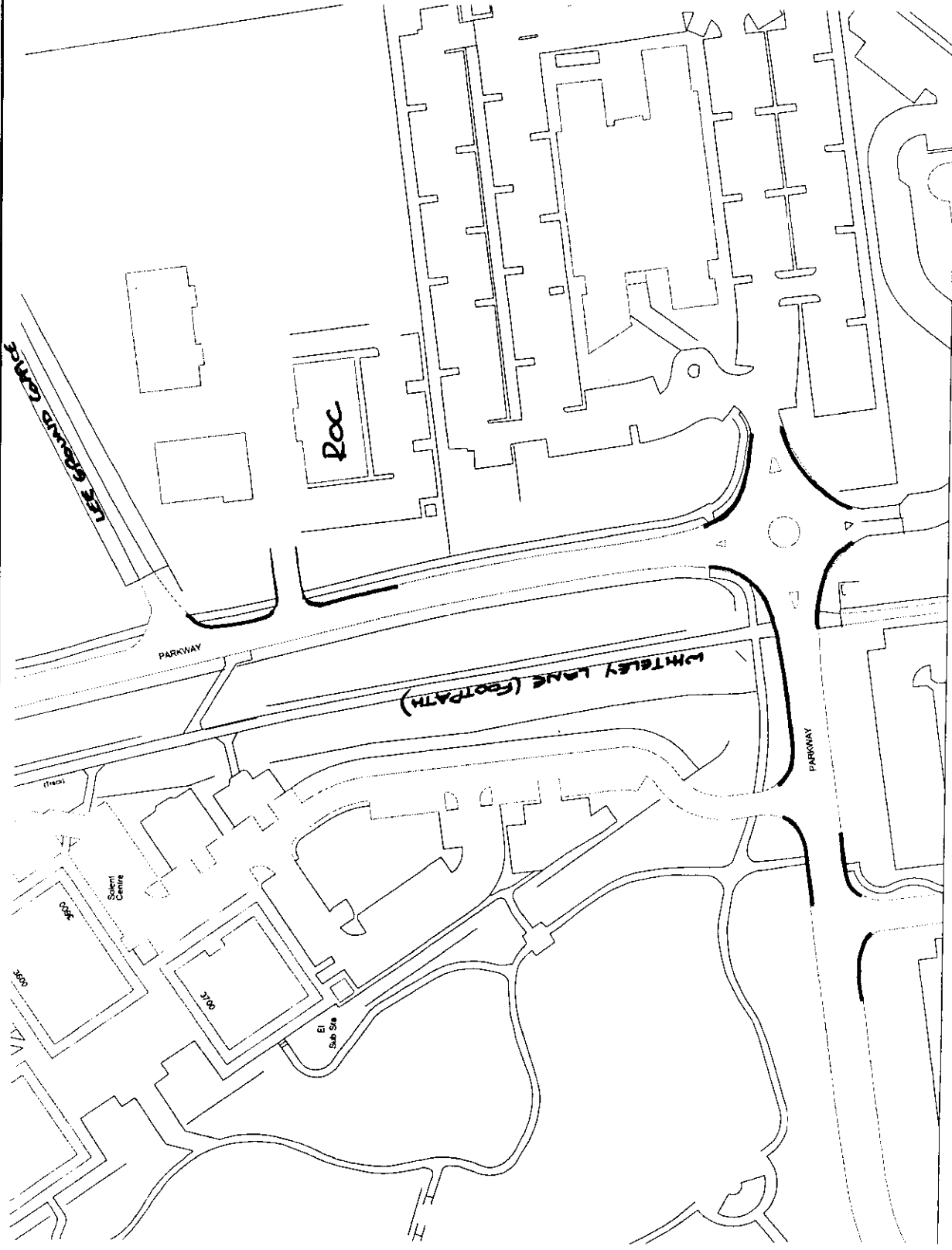
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**PROPOSED
DOUBLE YELLOW
LINES**

Scale 1:1500 Date 02/04

Drawn Checked

DRC No WX0405/90



SCALE 1 : 1,500



METERS



PROPOSED DOUBLE
YELLOW LINES

Plan 6 of 6

City	Description	Date	Drawn



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Project: **PARKWAY
WHITELEY**

Title:

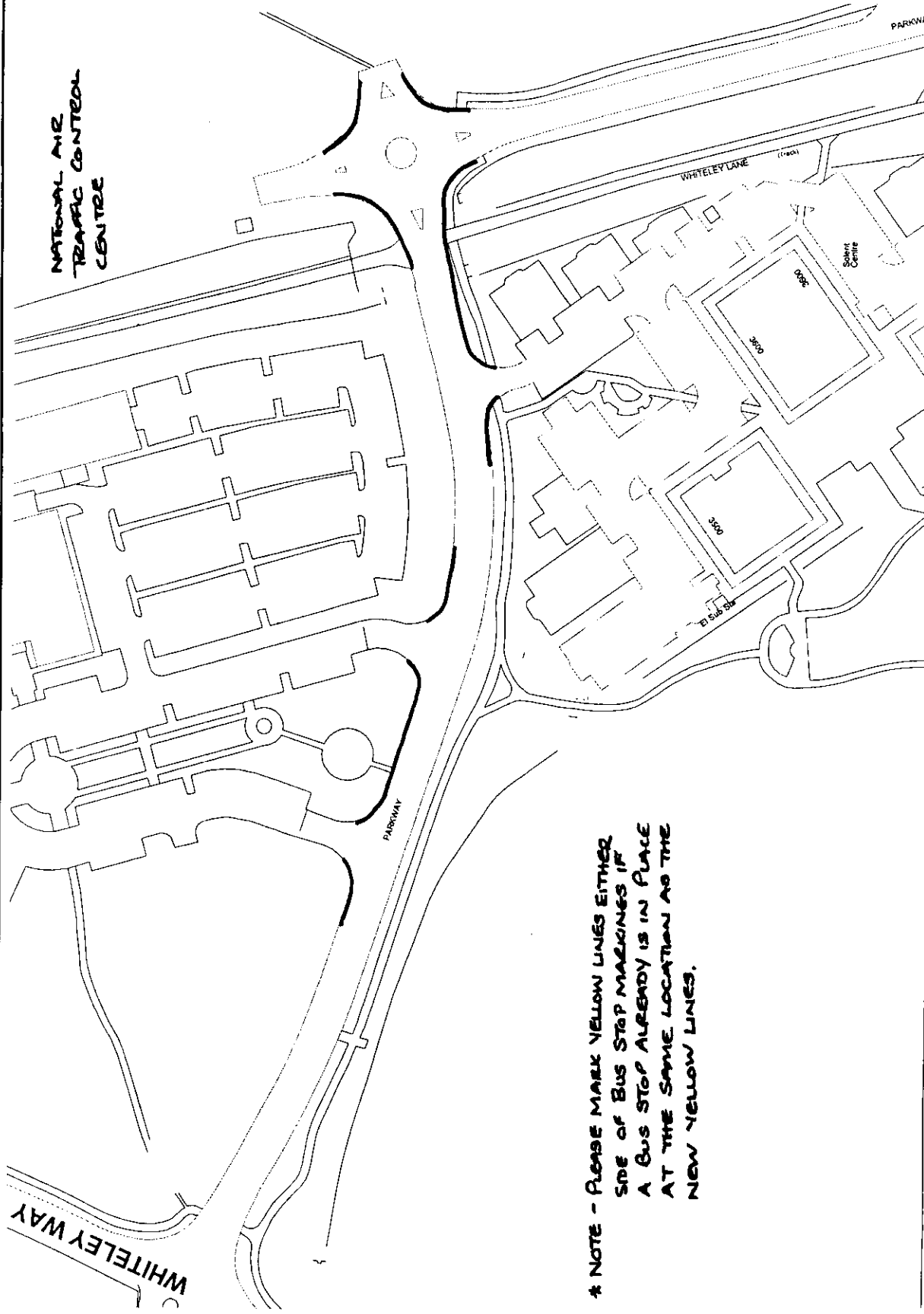
**PROPOSED
DOUBLE YELLOW
LINES**

Scale: 1:1500 Date: OCT 04

Drawn: — Checked: —

DRG No: W20405/90

NATIONAL AIRE
TRAFFIC CONTROL
CENTRE



* NOTE - PLEASE MARK YELLOW LINES EITHER
SIDE OF BUS STOP MARKINGS IF
A BUS STOP ALREADY IS IN PLACE
AT THE SAME LOCATION AS THE
NEW YELLOW LINES.

SCALE 1 : 1,500

