ROAD TRAFFIC REGULATION ACT 1984

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL
(HOLMER ROAD SERVICE ROAD, HEREFORD)
(PROHIBITION OF WAITING) ORDER 2017

The County of Herefordshire District Council (“the Council”) in exercise of its powers under sections 1, 2 and 32 of the Road Traffic Regulation Act 1984 (referred to as “the Act”), and part IV of Schedule 9 of the Act of 1984 and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act, hereby makes the following Order:

1. This Order shall come into operation on the day of 2017 and may be cited as The County of Herefordshire District Council (Holmer Road Service Road, Hereford) (Prohibition of Waiting) Order 2017.

2. (1). In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them:

“Disabled Permit Holders” means a person who has been issued with a valid Disabled Person Badge;

“Disabled Person’s Badge” has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) Regulations 2000;

“Disabled Person’s Vehicle” means a vehicle displaying a valid Disabled Persons Badge and Parking Disc.

“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.

“Light Goods Vehicle” means a motor vehicle, the maximum gross weight of which does not exceed 3.5 tonnes, 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” and “invalid carriage” have the same meaning respectively as in Section 136 of the 1984 Act.

“Owner”, in relation to a vehicle, means the person by whom such vehicle is kept and used.

“Civil Enforcement Officer” means a person appointed in accordance with the provisions of Section 76 Traffic Management Act 2004

“Parking Disc” has the same meaning as in the Disabled Persons (Exemptions for Disabled Persons) (England) Regulations 2000.

“Passenger Vehicle” means a motor vehicle (other than a Motor Cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and
adapted to carry not more than twelve passengers exclusive of the Driver, and not
drawing a trailer.

“Public Service Vehicle” means a motor vehicle, including a tramcar or trolley
vehicle, used for carrying passengers for hire or reward which either (1) is carrying
passengers at separate fares: or (2) is not carrying passengers for separate fares
but is adapted to carry eight or more passengers.

(2). For the purpose of this Order a vehicle shall be regarded as displaying
(a) a Disabled Person’s Badge in the relevant position, when:
   (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is
   exhibited thereon so that the front of the badge is legible from outside the vehicle;
   and
   (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the
   badge is exhibited in a conspicuous position on the vehicle so that the front of the
   badge is legible from outside the vehicle.
(b) a Parking Disc in the relevant position, when:
   (i) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is
   exhibited thereon so that the quarter-hour period during which the period of
   waiting began is legible from outside the vehicle; and
   (ii) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous
   position on the vehicle so that the front of the badge is legible from outside the
   vehicle.

3. Save as provided in Articles 12 and 13 of this Order no person shall, except upon
the direction or with the permission of a Police Officer or of a Civil Enforcement
Officer in uniform, cause or permit any vehicle to wait at Anytime in the lengths of
road specified in the Schedule to this Order for identification purposes only has
been shown on the attached plan.

Power to Suspend Prohibition of Parking and Restriction of Waiting and
Residents Parking

4. Nothing in Articles 3 of this Order:
   (a) shall restrict the power of the Council or the police for preventing obstruction of
   the streets, by order or otherwise on the occasion of any public procession,
   rejoicing or illumination, or where the streets are thronged or liable to be
   obstructed, to close any Parking Place; or
   (b) shall authorise the use of any part of the road so as unreasonably to prevent
   access to any premises adjoining the road, or the use of the road by any person
   entitled to the use of thereof, or so as to be a nuisance.

Use of a Parking Place

5. 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 entitled to do so, or so as to be a nuisance:
   (b) when for preventing obstruction of the streets the Council shall by order or
   otherwise made on the occasion of any public procession, rejoicing or illumination
or when the streets are thronged or liable to be obstructed have closed that Parking Place and exhibited notice of such closing on or near the Parking Place.

6. 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.

7. Unless the prior written consent of the Council is obtained 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.

8. A vehicle parked within a Parking Place must be parked wholly within the road markings (if any) for the Parking Place.

9. When a vehicle is left in a Parking Place in contravention of any of the provisions contained in paragraphs (a) or (b) of Article 5 of this Order a police constable in uniform or Civil Enforcement Officer in uniform or a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that Parking Place.

10. Any person moving a vehicle 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 as aforesaid.

11. When a police constable or a Civil Enforcement Officer in uniform, or a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a Parking Place by virtue of Article 9 above of this Order, they shall make such arrangements as may be reasonably necessary for the reasonable safe custody of that vehicle.

Exemptions

12. Where referred to in this Order nothing shall render it unlawful to cause or permit any vehicle to wait on the sides of those lengths of road referred to in the Schedule and Articles of this Order so long as may be necessary for:
   (a) a person to board or alight from the vehicle;
   (b) goods to be loaded onto and/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 building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the side of those lengths of road referred to, or the laying, erection, alteration or repair in or near the said sides of those lengths of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
   (d) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in pursuance of statutory powers or duties;
(e) the vehicle to be used for the purpose of delivering or collecting postal packets.
(f) the vehicle to be used for the purpose of removing furniture and effects from one office or dwellinghouse to another, or to such premises from a depository or from such premises to a depository, provided notice is given twenty-four hours in advance to the police, their consent is obtained and such reasonable conditions as they may impose are complied with;
(g) the vehicle to be used for fire brigade, police or ambulance purposes.

13. Nothing in Article 3 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 in the said sides of those lengths of road referred to in the Schedule to this Order 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 sides of length of road on the same day).

Miscellaneous

14. The restrictions, prohibitions and requirements imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption to the provisions of this Order is without prejudice to the provisions of any other enactment.

Revocations

15. The provisions of the following Orders hereby revoked;

*The County of Hereford and Worcester (Holmer Road Service Road, Hereford) (Prohibition of Waiting) Order 1981.

16. References to any statutory provision herein shall include reference to any statutory modification or re-enactment thereof.

Dated this xx Day of xxxxxxxx 2017

THE COMMON SEAL of the
COUNTY OF HEREFORDSHIRE
DISTRICT COUNCIL
was hereunto affixed BY ORDER

------------------------Authorised Officer
## SCHEDULE

### PROHIBITION OF WAITING RESTRICTIONS ON HOLMER ROAD SERVICE ROAD

<table>
<thead>
<tr>
<th>Road.</th>
<th>Side</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holmer Road Service Road</td>
<td>West</td>
<td>From a point in line with the northern kerbline of its junction with Holmer Road north westwards for a distance of approximately 863 metres to a point in line with the northern kerbline of its junction with Roman Road.</td>
</tr>
<tr>
<td>Holmer Road Service Road</td>
<td>East</td>
<td>From a point in line with the southern kerbline of its junction with Holmer Road north westwards for a distance of approximately 894m to a point in line with the southern kerbline of its junction with Roman Road.</td>
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