TRAFFIC REGULATION ACT 1984
LANCASHIRE COUNTY COUNCIL
(VARIOUS LOCATIONS, BURNLEY BOROUGH) (REVOCATION AND VARIOUS PARKING RESTRICTIONS (26-27 NO2G)) ORDER 202*

The County Council of Lancashire ("the Council") in exercise of its powers under Sections 1, 2 and 4 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended ("the Act") and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order: -

1. Definitions and Interpretation

For all the purposes of this Order the terms described in this Article shall have the meanings specified:

a) **"Centreline"** means the centre line of a highway as shown on Ordnance Survey graphical information systems at the time that the Order was prepared;

b) **"Civil Enforcement Officer"** means a person authorised by or on behalf of Lancashire County Council in accordance with Section 76 of the Traffic Management Act 2004;

c) **"Disabled Person's Vehicle"** means a Vehicle displaying a Disabled Person's Badge in the circumstances prescribed in Regulations 13, 14, 15 or 16 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

d) **"Disabled Person's Badge"** means a badge which was -

i) issued, or has effect as if issued, to a disabled person or an institution under The Disabled Persons (Badges for Motor Vehicles) (England) Regulations or under regulations having effect in Scotland or Wales under Section 21 of the Chronically Sick and Disabled Persons Act 1970; and
ii) has not ceased to be in force.

e) **"Parking Disc"** means a device which -

i) is 125 millimetres square and coloured blue, if issued on or after 1st April, 2000 or orange if issued before that date;
ii) has been issued by a local authority and has not ceased to be valid; and
iii) is capable of showing the quarter hour period during which a period of waiting has begun.

f) **"Penalty Charge Notice"** means a notice served by a Civil Enforcement Officer pursuant to the provisions of section 78 of the 2004 Act and supporting regulations;

g) A Vehicle displays a Disabled Person's Badge or Parking Disc in the **"Relevant Position"** if –

i) the badge/disc is exhibited on the dashboard or fascia of the Vehicle; or

ii) where the Vehicle is not fitted with a dashboard or fascia the badge/disc is exhibited in a conspicuous position on the Vehicle, so that the front of the badge/disc is clearly legible from the outside of the Vehicle.

h) **"Vehicle"** means a motor vehicle, a passenger vehicle, a dual-purpose vehicle, a goods vehicle, a motorcycle or an invalid carriage or any other vehicle of any description whether drawn or propelled along a road by animal or mechanical power.

2. Revocation

a) Those parts of the "Lancashire County Council (Burnley Borough Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009", as set out in Schedule 1a to this Order, are hereby revoked.

b) Those parts of the "Lancashire County Council (Pendle Borough Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009", as set out in Schedule 1b to this Order, are hereby revoked.

3. Prohibition of Waiting

Save as is hereinafter provided, 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 at any time, on any day, in the lengths of road set out in Schedule 2 to this Order.

4. Restriction of Waiting 8am – 6pm

Save as is hereinafter provided, 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 on any day, between 8am and 6pm, in the length of road set out in Schedule 3 to this Order.

5. Exception to Prohibition of Waiting

Nothing in Articles 3 or 4 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road referred to therein for so long as may be necessary to enable :-

a) a person to board or alight the Vehicle;

b) goods to be loaded onto or unloaded from the Vehicle;

c) if it cannot conveniently be used for such purpose in any other road to be used in connection with any of the following:-

   i) building, industrial or demolition operations;

   ii) the removal of any obstruction to traffic;

   iii) the maintenance, improvement or reconstruction of the said lengths of road;

   iv) the laying, erection, alteration or repair in or near land adjacent to the said lengths of road of any sewer or of any main, pipe or apparatus or the exercise of any other statutory power or duty for the maintenance and supply of gas, water or electricity or of any telecommunications system as defined in Section 4 of the Telecommunications Act 1984.

d) the Vehicle to be used for the purposes of a local authority in pursuance of statutory powers or duties if it cannot conveniently be used for such purpose in any other road;

e) a Royal Mail liveried Vehicle engaged in the collection and/or delivery of letters in accordance with the statutory provisions as defined in the Postal Services Act 2000;

f) the Vehicle to be used for fire brigade, ambulance or police purposes in pursuance of statutory powers or duties;

g) the Vehicle to wait at or near to any premises situated on or adjacent to the said lengths of road for so long as such waiting by the Vehicle is reasonably necessary in connection with any wedding or funeral.

6. Exemption for Disabled Person's Vehicle

Nothing in Articles 3 or 4 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road referred to therein 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 in the same length of road on the same day) if the Vehicle is a Disabled Person's Vehicle which displays in the Relevant Position both a Disabled Person's Badge and a Parking Disc marked to show the quarter hour period during which the period of waiting began.

7. Emergency Exemptions

Nothing in Articles 3 or 4 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road referred to therein when the person in control of the Vehicle:

a) is required by law to stop;

b) is obliged to stop in order to avoid an accident; or

c) is prevented from proceeding along the road due to circumstances beyond his/her control.

8. Miscellaneous

The prohibition imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any regulations made, or having effect as if made, under the Act or by or under any other enactment.

9. Effect of Contravention

Failure by a person to comply with any prohibition or restriction contained within this order or any subsequent orders shall constitute a contravention of the same and shall result in the issue by Lancashire County Council and/or its agents of a Penalty Charge Notice which shall be payable by such persons in accordance with the legislation.

10. Commencement of Order

This Order shall come into force on the ******** and may be cited as the "Lancashire County Council (Various Locations, Burnley Borough) (Revocation And Various Parking Restrictions (26-27 No2g)) Order 202*''.

Dated this ** day of ***.

THE COMMON SEAL of the Lancashire County Council was hereunto affixed pursuant to the Scheme of Delegation to Officers OR following a decision made on **/**/**** by The Cabinet

Authorised Signatory

Schedule 1a – Revocation

Items (316)a)(i) and (316)a)(iii) of Schedule 10.01.

Schedule 1b - Revocation

Item (146) of Schedule 10.01.

Schedule 2 – Prohibition of Waiting

a) Whalley Road, Padiham, the north side, from a point 19 metres west of its junction with the Centreline of Arbory Drive for a distance of 37.5 metres in an easterly direction.
b) Granville Street, Briercliffe, the north east side, from its junction with the Centreline of Burnley Road to its junction with the Centreline of Rear 118 to 142 Burnley Road.
c) Granville Street, Briercliffe, the south west side, from its junction with the Centreline of Burnley Road for a distance of 15 metres in a south easterly direction.

Schedule 3 – Restriction of Waiting 8am – 6pm

Burnley Road, Briercliffe, the south east side, from its junction with the Centreline of Granville Street for a distance of 20.5 metres in a north easterly direction.