

TM 04

ROAD TRAFFIC REGULATION ACT 1984 - SECTIONS 1, 2 AND 124

THE KENT COUNTY COUNCIL (VARIOUS ROAD, WEST MALLING)
(DISABLED PERSONS PARKING PLACE AND
PROHIBITION OF WAITING) (VARIATION NO 1) ORDER 1992

The Kent County Council in exercise of its powers under Sections 1, 2 and 124 and of Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 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 said Act of 1984, hereby makes the following Order:-

1. "The Kent County Council (Various Roads, West Malling) (Disabled Persons Parking Place and Prohibition of Waiting) Order 1992" is hereby revoked in so far as it relates to the lengths of road specified in Paragraph 4 in the First Schedule and Paragraph 3 of the Third Schedule thereto as specified in Schedule I to this Order.

2. Save as provided in Articles 3 and 4 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a traffic warden, cause or permit any vehicle to wait:-

- (a) at anytime in any of the lengths of road specified in the Second Schedule to this Order;
- (b) between the hours of 8.30 a.m. and 6.30 p.m. on Mondays to Saturdays inclusive in any of the lengths of road specified in the Third Schedule to this Order:-
 - (i) for a longer period than 1 hour; or
 - (ii) if a period of less than 1 hour has elapsed since the termination during the said hours of the last period of waiting (if any) of that vehicle in that length of road.

3. Nothing in Article 2 of this Order shall prevent any person from causing or permitting a vehicle to wait in any of the lengths 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 goods to be loaded on to or unloaded from the vehicle;
- (c) to enable the vehicle, if it cannot conveniently be used for such purpose elsewhere, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the carrying out of any roadworks or the laying, erection, alteration or repair of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraph or telephone wires, cables, posts or supports; or
- (d) to enable the vehicle to wait at or near to any premises situated on or adjacent to the length of road for so long as such waiting is reasonably necessary in connection with any wedding or funeral; or
- (e) to enable the vehicle to be used for fire brigade, ambulance or police purposes.

4. (1) Nothing in Article 2 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 to wait in any of the lengths of road specified in the Second or Third Schedules to this Order.

(2) Nothing in Article 2 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 any of the lengths or road referred to in the First Schedule to this Order for a period not exceeding 2 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same length of road).

5. The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the said Act of 1984, or by or under any other enactment.

6. In this Order:-

"disabled person's vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986;

"disabled persons's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982;

"parking disc" means a disc issued by a local authority, complying with the requirements of the British Standard Specifications for Parking Discs (BS No.4631:1970), coloured orange, and capable of showing the quarter hour period during which a period of waiting begins; and

"relevant position" means:-

- (i) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the obverse side facing on the near side of and immediately behind the windscreen; and
- (ii) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the front or near side of the vehicle.

7. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"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;

"owner" and "traffic sign" have the same meaning as in Section 142 of the Act of 1984; and

8. This Order shall come into operation on 5 October 1992 and may be cited as The Kent County Council (Various Road, West Malling) (Disabled Persons Parking Place and Prohibition of Waiting) (Variation No.1) Order 1992.

GIVEN under the Seal of The Kent County Council this
in the year One Thousand Nine Hundred and Ninety Two.

First

day of October

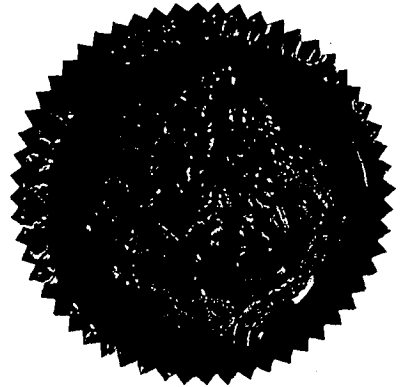
THE COMMON SEAL OF THE
KENT COUNTY COUNCIL

was hereunto affixed in the presence of



Authorised Signatory

Principal Solicitor



Schedule I

(A) Lengths of Road to be omitted from Paragraph 4 of the First Schedule to the Order of 1992

- (a) from a point in line with the east wall of the West Malling Baptist Church in an easterly direction to a point 12 metres east of the centre of the junction with Lavender Road;
- (b) on the north side from its junction with High Street (A228) in an easterly direction to a point opposite the western boundary of the "Swan Hotel";
- (c) on the north side between points 22 metres east and 15 metres west of the centre of its junction with Police Station Road;
- (d) on the south side from its junction with High Street in an easterly direction to a point 12 metres east of the west side of its junction with Police Station Road;
- (e) including the entrance between The Swan Hotel and Abbey Gate House.

(B) Lengths of Road to be Omitted from Paragraph 3 of the Third Schedule to the Order of 1992

- (a) on the north side from a point opposite the western boundary of the "Swan Hotel" in an easterly direction to a point 15 metres west of its junction with Police Station Road: excluding the entrance to the "Swan Hotel and Abbey Gate House".
- (b) on the north side from a point 22 metres east of the centre of the junction with Police Station Road in an easterly direction to a point in line with the east wall of the West Malling Baptist Church.

Schedule 2

Lengths of Road to be included in the First Schedule to the Order of 1992

Road

Swan Street

Length of Road

- North Side -
- (a) from the junction with the High Street for a distance of 66 metres east.
 - (b) between points 79 metres and 87 metres east of the junction with the High Street.
 - (c) for a distance of 8 metres west and 22 metres east of the junction with Police Station Road.

Road

Length of Road

Swan Street continued

Both Sides - from a point 67 metres east of Police Station Road to the centre of the junction with Lavender Road.

South Side - for a distance of 148 metres from the junction with the High Street.

Schedule 3

Lengths of Road to be included in the Third Schedule to the Order of 1992

Road

Length of Road

Swan Street

North Side - (a) between points 66 metres and 79 metres east of the junction with the High Street.

(b) between points 8 metres and 34 metres west of the junction with Police Station Road.

(c) between points 22 metres and 67 metres east of the junction with Police Station Road.

South Side - between points 148 metres and 186 metres east of the junction with the High Street.

REASON FOR ORDER

The Order is required to facilitate an Environmental Enhancement Scheme for the Area.

ROAD TRAFFIC REGULATION ACT 1984 - SECTIONS 1, 2, 32, 35 AND 124THE KENT COUNTY COUNCIL (VARIOUS ROADS, WEST MALLING)
(DISABLED PERSONS PARKING PLACE AND
PROHIBITION OF WAITING) ORDER 1992

The Kent County Council in exercise of its powers under Sections 1, 2 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 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 said Act of 1984, hereby makes the following Order:-

1. "The Kent County Council (Various Roads, West Malling) (Prohibition of Waiting Order 1990" is hereby revoked.
2. Save as provided in Articles 3 and 4 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a traffic warden, cause or permit any vehicle to wait:-
 - (a) in any of the lengths of road specified in the First Schedule to this Order;
 - (b) between the hours of 8.30 a.m. and 6.30 p.m. on Mondays to Saturdays inclusive in any of the lengths of road specified in the Second Schedule to this Order;
 - (c) between the hours of 8.30 a.m. and 6.30 p.m. on Mondays to Saturdays inclusive in any of the lengths of road specified in the Third Schedule to this Order:-
 - (i) for a longer period than 1 hour; or
 - (ii) if a period of less than 1 hour has elapsed since the termination during the said hours of the last period of waiting (if any) of that vehicle in that length of road.
3. Nothing in Article 2 of this Order shall prevent any person from causing or permitting a vehicle to wait in any of the lengths 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 goods to be loaded on to or unloaded from the vehicle;
 - (c) to enable the vehicle, if it cannot conveniently be used for such purpose elsewhere, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the carrying out of any roadworks or the laying, erection, alteration or repair of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraph or telephone wires, cables, posts or supports; or
 - (d) to enable the vehicle to wait at or near to any premises situated on or adjacent to the length of road for so long as such waiting is reasonably necessary in connection with any wedding or funeral; or
 - (e) to enable the vehicle to be used for fire brigade, ambulance or police purposes.

4. (1) Nothing in Article 2 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 to wait in any of the lengths of road specified in the Second or Third Schedules to this Order.

(2) Nothing in Article 2 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 any of the lengths of road referred to in the First Schedule to this Order for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same length of road).

5. The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the said Act of 1984, or by or under any other enactment.

6. In this Order:-

"disabled person's vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) (Amendment) Regulations 1991;

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles)(Amendment) Regulations 1991;

"parking disc" means a disc, issued by a local authority, 125mm square, coloured orange, and capable of showing the quarter hour period during which a period of waiting begins; and

"relevant position" means:-

- (i) in the case of a vehicle fitted with a dashboard or facia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside the vehicle, or
- (ii) in the case of a vehicle not fitted with a dashboard or facia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle.

7. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"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;

"owner" and "traffic sign" have the same meaning as in Section 142 of the Act of 1984; and

"parking place" means any area of land specified in column 1 of the Fourth Schedule to this Order provided by the Council under Section 32 of the Act of 1984 for use as a parking place.

8. Each area of land specified in Column 1 of the Fourth Schedule to this Order may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such positions and on such days and during such hours as are specified in relation to that area in the said Schedule.

9. Where in the Fourth Schedule to this Order a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place:-

- (a) unless it is of the specified class; or
- (b) in a position other than that specified.

10. (1) The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in the Fourth Schedule to this Order in relation to that parking place.

(2) When a vehicle has left a parking place after waiting therein the driver thereof shall not within one hour after its leaving permit it to wait again in that parking place.

11. A driver of a vehicle shall not obstruct the entrance to the parking places specified in Column 1 of the Fourth Schedule to this Order so as unreasonably to prevent access to the said parking places by other vehicles desiring to use the same, or so as to be a nuisance.

12. 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.

13. 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.

14. Subject to the proviso hereto, when a vehicle is left in a parking place or in the entrance to a parking place in contravention of any of the provisions of Articles 9, 10, 11 or 15 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 provisions of Article 9(b) 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.

15. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle displays a current vehicle licence relating to that vehicle and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirement of Part VI of the Road Traffic Act 1972.

16. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.

17. No person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

18. The driver of a vehicle shall not use a parking place as a means of passage proceeding from one road to another road.

19. Where in a parking place signs are erected or surface markings are laid for the purpose of:-

- (a) indicating the entrance to or exit from the parking place;
- (b) indicating that a vehicle using the parking place shall proceed in a specified direction with the parking place; or
- (c) indicating that vehicles of a specified class or classes shall use only certain areas of the parking place

no person shall drive or cause or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by exit, so indicated, or (ii) in a direction other than that specified, or (iii) so as to cause or permit it to wait in an area of the parking place other than that indicated for that class of vehicle as the case may be.

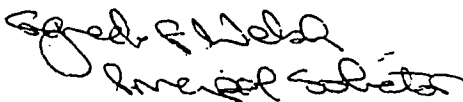
20. Any person removing or altering the position of a vehicle by virtue of Article 15 of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position, as the case may be.

21. 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 15 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

22. This Order shall come into operation on the Eighteenth day of April 1992 and may be cited as "The Kent County Council (Various Roads, West Malling) (Disabled Persons Parking Place and Prohibition of Waiting) Order 1992."

GIVEN under the Seal of The Kent County Council this Thirteenth day of April in the year One Thousand Nine Hundred and Ninety Two.

THE COMMON SEAL OF THE
KENT COUNTY COUNCIL
was hereunto affixed in the present of



Authorised Signatory

FIRST SCHEDULE
(waiting prohibited at all times)

Lengths of Road in the Parish of West Malling

1. High Street (A228) -

- (a) on the east side between points 42 metres north and 10 metres south of the centre of its junction with Swan Street;
- (b) on the east side from a point 40 metres south of the southern boundary wall of No.81 High Street (A228) to a point opposite the southern boundary wall of No. 128 High Street (A228).
- (c) on the west side from a point 54 metres north of a point opposite the centre of its junction with West Street for a distance of 166 metres in a northerly direction;
- (d) on the west and north sides from its junction with the north side of King Street in a easterly and thence northerly direction for a total distance of 25 metres;
- (e) on the west side from the centre of its junction with West Street for a distance of 37 metres in a southerly direction; except the parking bay situated immediately south of its junction with West Street;
- (f) on the west side from a point 2 metres north of the southern boundary of No. 112 High Street (A228) to a point in line with the northern boundary of No. 116 High Street (A228).
- (g) including the entrance to the car park of The Five Pointed Star Public House, the entrance between Saddlers Restaurant and Citizens Advice Bureau, the northern entrance to Abingdon House, the entrance to the Post Office and the entrance between Scott House and Southern Warmth.

2. King Street -

- (a) on the east side from the centre of its junction with West Street in a northerly direction for a distance of 50.5 metres;
- (b) on the east side from a point 2 metres south of the south wall of No. 20 King Street, in a northerly then easterly direction to a point opposite the northern boundary of Ryarsh Lane.
- (c) on the west side from the centre of its junction with West Street in a northerly direction to a point in line with the party wall of Nos. 8 and 10 King Street.

3. Police Station Road -

- (a) on the east side from the centre of its junction with Swan Street for a distance of 101 metres in a northerly direction;
- (b) on the west side from the centre of its junction with Swan Street for a distance of 155 metres in a northerly direction.

4. Swan Street (B2014) -
 - (a) from a point in line with the east wall of the West Malling Baptist Church in an easterly direction to a point 12 metres east of the centre of the junction with Lavender Road;
 - (b) on the north side from its junction with High Street (A228) in an easterly direction to a point opposite the western boundary of the "Swan Hotel";
 - (c) on the north side between points 22 metres east and 15 metres west of the centre of its junction with Police Station Road;
 - (d) on the south side from its junction with High Street in an easterly direction to a point 12 metres east of the west side of its junction with Police Station Road;
 - (e) including the entrance between The Swan Hotel and Abbey Gate House.
5. Water Lane both sides, from its junction with the east side of High Street (A228) for a distance of 99 metres in an easterly direction.
6. West Street -
 - (a) both sides from the centre of its junction with King Street for a distance of 44 metres in a westerly direction;
 - (b) on the north side from its western boundary of County Grove for a distance of 44 metres in a westerly direction;
 - (c) on the south side from a point opposite the western boundary of County Grove to the centre of its junction with Norman Road.
7. Norman Road on the south side from the centre of its junction with West Street to the eastern boundary of No. 7 Norman Road.
8. Offham Road -
 - (a) on the west side from its junction with West Street to the boundary wall of Nos. 14/16 Offham Road.
 - (b) on the east side, from its junction with West Street to a point opposite the boundary wall of Nos. 14/16 Offham Road.
9. Town Hill on the east side, from a point 35 metres south of the centre of its junction with Nevill Court for a distance of 65 metres in a northerly direction.
10. Nevill Court, both sides, from its junction with Town Hill for a distance of 15 metres in an easterly direction.

SECOND SCHEDULE

(No waiting 8.30 a.m. to 6.30 p.m. on Mondays to Saturdays)

Lengths of road in the Parish of West Malling

1. High Street (A228), on the east side from a point 1 metre north of the north wall of No. 69 High Street (A228) in a southerly direction to a point 43 metres south of the southern boundary wall of No. 81 High Street (A228).

THIRD SCHEDULE
(waiting prohibited for longer than 1 hour in any 2 hours
between 8.30 a.m. and 6.30 p.m. on Mondays to Saturdays)

Lengths of Road in the Parish of West Malling

1. High Street (A228) -

- (a) on the east side from a point opposite the southern boundary of "The Bull" Public House in a southerly direction to a point 42 metres north of the centre of its junction with Swan Street; excluding the entrance between "Sadlers Restaurant" and the Citizens Advice Bureau, the northern entrance to Abingdon House, the entrance to the Post Office and the entrance between Scott House and Southern Warmth;
- (b) on the east side from a point 10 metres south of the entrance of its junction with Swan Street in a southerly direction to a point 1 metre north of the north wall of No. 69 High Street (A228);
- (c) on the east side from a point opposite the southern boundary of No. 81 High Street (A228) for a distance of 40 metres in a southerly direction;
- (d) on the east side from a point 43 metres south of the southern boundary wall of No. 81 High Street (A228) for a distance of 5 metres in a southerly direction.
- (e) on the west side between points 54 metres and 19 metres north of a point opposite the centre of its junction with West Street;
- (f) on the west side, the parking bay situated immediately south of its junction with West Street;
- (g) on the west side from a point 37 metres south of the centre of its junction with West Street in a southerly direction to a point 2 metres north of the southern boundary of No. 112 High Street, excluding the entrance to the car park of the "Five Pointed Star Public House".
- (h) on the west side between points opposite the northern and southern boundaries of No. 116 High Street (A228);
- (i) on the west side from the southern boundary of the property known as "Fosters" to the southern boundary of "Old Vicarage".

2. Police Station Road on the east side from a point 101 metres north of the centre of its junction with Swan Street for a distance of 28 metres in a northerly direction.

3. Swan Street (B2014) -

- (a) on the north side from a point opposite the western boundary of the "Swan Hotel" in an easterly direction to a point 15 metres west of its junction with Police Station Road; excluding the entrance to the "Swan Hotel and Abbey Gate House".
- (b) on the north side from a point 22 metres east of the centre of the junction with Police Station Road in an easterly direction to a point in line with the east wall of the West Malling Baptist Church.

F O U R T H S C H E D U L E

Name of Parking Place (1)	Position in which vehicles may wait (2)	Classes of vehicles (3)	Days of operation of parking place (4)	Hours of operation of parking place (5)	Maximum period for which vehicles may wait (6)	Scale of Charges (7)
Police Station Road, West Malling on the east side from the boundary of Nos. 54/ 56 Police Station Road for a distance of 6 metres southwards.	Within the bays marked by white lines.	Disabled persons vehicles	All days	All hours	-	No charge