

THE KENT COUNTY COUNCIL
(VARIOUS ROADS, BOROUGH OF TUNBRIDGE WELLS)
(PROVISION OF PARKING PLACES) ORDER 2004
ROAD TRAFFIC REGULATION ACT 1984

THE KENT COUNTY COUNCIL (hereinafter referred to as “the Council”) acting as the local traffic authority and in exercise of its powers under Sections 4, 32, 35 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (hereinafter referred to as 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 to the Act of 1984, hereby makes the following Order.

Interpretation

(1) In this Order:-

“disabled persons vehicle”	has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1991 or the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
“disabled persons badge”	has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1991 or the Disabled Persons (Badges for Motor Vehicles) Regulations 2000;
“driver”	in relation to a vehicle waiting in a street parking place, means the person driving the vehicle at the time it was left in the parking place;
“junction”	means the intersection point of the centrelines, or projected centrelines, of the roads specified
“motor car”	means any vehicle which is classified as private light goods for road fund licensing purposes
“owner” and “traffic sign”	have the same meanings as in Section 142 of the Act of 1984
“parking disc”	means a disc, issued by a Local Authority, 125mm in diameter coloured either blue or orange, and capable of showing the quarter hour period during which a period of waiting begins;
“parking exemption certificate”	a certificate or other means of identification which has been issued by the local traffic authority or its appointed agents on which is shown the index number of the vehicle to which it has been issued and <ol style="list-style-type: none">1) a commencement date and time2) an expiry date and time3) or both and4) may specify those roads or parts thereof in which the certificate is valid
“parking attendant”	means a parking attendant employed by Tunbridge Wells Borough Council in pursuance of powers granted by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (Borough of Tunbridge Wells) Order 1999;
“parking place”	means any area of land or length of road specified in column (1) of the Schedule to this Order provided by the Council under Section 32 of the Act of 1984 for use as a parking place;
“relevant position”	means; <ol style="list-style-type: none">1) in the case of a vehicle fitted with a dashboard or face panel, the disabled persons badge is exhibited thereon so that Part I of the badge is legible from outside the vehicle;2) in the case of a vehicle not fitted with a dashboard or face panel, the

disabled persons badge is exhibited in a conspicuous position on the vehicle so that Part I of the badge is legible from outside the vehicle;

- 3) in the case of a parking exemption certificate, in a conspicuous position inside the vehicle so as the certificate is visible in full and legible from outside the vehicle.

“specified road” means the road or roads specified in the Schedule to this Order.

“weekday” means any day of the week except Sunday

Street Parking Places

- (2) Each area of land or length of road specified in the Schedule to this Order is authorised for use as a parking place for such classes of vehicles as are specified in Article (3) (a) subject to being parked in the manner described in Article (3) (b).
- (3) Where in the Schedule to this Order a parking place is described, the driver of a vehicle shall not permit it to wait in that parking place unless it is:-
- (a) a motor car, invalid carriage or motorcycle; and
 - (b) wholly within the limits of the marked bay and, except for motorcycles, parked parallel to the kerbline.
- (4) Save as provided in Articles (5), (6) and (7) of this Order, the driver of a vehicle shall not,
- (a) permit it to wait for longer than thirty minutes in any parking place specified in the Schedule to this Order on any weekday between 8am and 6pm and;
 - (b) permit it to wait again upon that parking place within 1 hour after its leaving the said parking place.
- (5) Nothing in Articles (3) or (4) 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 those Articles 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 onto or unloaded from the vehicle;
 - (c) to enable the vehicle to be used as part of a funeral cortege or a wedding procession;
 - (d) to enable the vehicle, if it cannot conveniently be used for such a purpose in any other road, to be used in the service of any local authority or with the permission of any such authority in pursuance of statutory powers and duties;
 - (e) if the vehicle is prevented from proceeding by circumstances beyond the drivers control;
 - (f) 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 and 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
 - (g) to enable the vehicle to be used for police, ambulance or fire brigade purposes.
- (6) Nothing in Articles (4) of this Order shall render it unlawful to cause or permit a disabled persons vehicle which displays in the relevant position a disabled persons badge to exceed the maximum permitted period of stay specified in the said Articles of this Order.
- (7) Nothing in Articles (3) or (4) of this Order shall render it unlawful to cause or permit a vehicle which displays in the relevant position a parking exemption certificate to wait in any of the roads specified in the Schedule to the Order provided the certificate has been issued for the vehicle displaying it and is valid for the place where the vehicle is waiting and for both the day and time when the vehicle is waiting.

General Provisions relating to Street Parking Places

- (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) A driver of a vehicle shall not use a parking place so as unreasonably to prevent access to any premises adjoining the road or so as to be a nuisance.
- (10) 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.
- (11) Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions in Articles (3) or (4) of this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from the parking place provided that when a vehicle is waiting in a parking place in contravention of the provision of Article (3) (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.
- (12) Any person removing a vehicle by virtue of Article (11) 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.
- (13) When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a street parking place by virtue of Article (11) of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
- (14) In so far as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Road Traffic Regulation Act 1984, and existing at the time when this Order comes into operation, and which imposes a restriction or prohibition on waiting by vehicles or grants an exemption from such restriction or provision, the provisions of this Order shall prevail.
- (15) 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 Act of 1984, or by or under any other enactment.

Citation and Commencement

- (2) This Order may be cited as "The Kent County Council (Various Roads, Borough of Tunbridge Wells) (Provision Of Parking Places) Order 2004 and shall come into operation on the 30th August 2004.

GIVEN under the Common Seal of the Kent County Council this sixth day of August in the year two thousand and four.

THE COMMON SEAL OF THE
KENT COUNTY COUNCIL

was hereunto affixed
in the presence of:-

Authorised signatory

THE SCHEDULE

Thirty minute limited waiting Monday to Saturday 8am - 6pm, no return within one hour.

Badsell Road, (Five Oak Green) Chapel - South side from a point 5m east of its eastern junction with Whetsted Road to a point 10 metres west of that junction.

John Street, Tunbridge Wells - South side from a point 25 metres west of its junction with St John's Road to a point 41 metres west of that junction.