

**WIGAN BOROUGH COUNCIL**

**THE WIGAN BOROUGH (TOWN HALL SQUARE, LEIGH)**  
**(TRAFFIC REGULATION) ORDER 2013**

**Part 1**

The Wigan Borough Council, in exercise of its powers under Section 1 of the Road Traffic Act 1984 ("the 1984 Act") and of all other powers enabling it in that behalf hereby makes the following Order:-

1. This Order may be cited as The Wigan Borough (Town Hall Square, Leigh) (Traffic Regulation) Order 2013 and shall come into operation on 28<sup>th</sup> March 2014.

2. In this Order:

"disabled person's badge" means either

- (i) a badge in the form prescribed by Regulation 11 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000; or
- (ii) a replacement badge issued in accordance with Regulation 7 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

"hackney carriage" has the same meaning as in Section 38 of the Town Police Clauses Act 1847;

"mayoral car" means a vehicle used to transport the Mayor of Wigan Borough Council or the Deputy Mayor of Wigan Borough Council in exercise of their mayoral duties.

"parking attendant" means a person authorised by or on behalf of the Wigan Borough Council to supervise parking on any road or in any parking place.

"parking disc" means a device which

- (a) is 125 millimetres square and coloured blue;
- (b) has been issued by a Local Authority and has not ceased to be valid; and
- (c) is capable of showing the quarter-hour period during which a period of waiting has begun;

"penalty charge" and "reduced penalty charge" means a charge set by the Council under the provisions of Section 66 of the 1991 Act which is to be paid to the Council within 28 days beginning with the date of the penalty charge notice, or 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice;

“penalty charge notice” means a notice issued or served by a parking attendant pursuant to the provisions of Section 66 of the 1991 Act containing the particulars therein required;

“relevant position” means

(i) A vehicle displays a disabled person’s badge in the relevant position if:-

(a) the badge is exhibited on the dashboard or fascia of the vehicle;  
or

(b) where the vehicle is not fitted with a dashboard or fascia the badge is exhibited in a conspicuous position on the vehicle,

so that the front of the badge is clearly legible from the outside of the vehicle.

(ii) A vehicle displays a parking disc in the relevant position if:-

(a) the disc is exhibited on the dashboard or fascia of the vehicle; or

(b) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle;

so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle

(2) A reference in this Order to a number Article is a reference to the Article having that number in this Order

(3) The interpretation Act 1978 applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

## **Part 2 – Prohibition of Waiting**

3. Save as provided in Article 4, no person shall except upon the direction or with the permission of a police constable in uniform or of a parking attendant cause or permit a vehicle to wait at any time on the side and length of road specified in Schedule One to this Order.

4. (1) It is not unlawful to cause or permit a vehicle to wait on the sides and lengths of road specified in Schedule One to this Order, for so long as may be necessary to enable:-

(a) a person to board or alight from the vehicle;

- (b) the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in or in connection with any of the following operations, namely:-
  - (i) building, engineering or demolition operations;
  - (ii) the removal of any obstruction to traffic;
  - (iii) the maintenance, improvement or reconstruction of such length of road; or
  - (iv) the laying, erection, alteration or repair in, or in land adjacent to, such length of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined in the Telecommunications Act 1984
- (c) 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 Company in pursuance of statutory powers or duties;
- (d) the vehicle to be used for fire services, ambulance or police purposes or in connection with a funeral provided always that the vehicle being used for fire service, ambulance or police purposes is a liveried vehicle;
- (e) the vehicle to be used in the delivery or collection of postal packets as defined in Section 87 of the Post Office Act 1953;
- (f) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to such length of road;
- (g) the vehicle to be used in the delivery or collection of goods or to be loaded or unloaded; or
- (h) the avoidance of an accident.

(2) It is not unlawful to cause or permit a vehicle to wait on the sides and lengths of road specified in Schedule One to this Order, for a period not exceeding three hours if:-

- (a) the vehicle displays a disabled person's badge and a parking disc in the relevant position;
- (b) the quarter-hour period during which the period of waiting commenced is marked on the parking disc; and
- (c) a period of at least one hour separated the commencement of the period of waiting from any previous period of waiting on the same length of road by the same vehicle on the same day.

- (3) It is not unlawful to cause or permit the mayoral car to wait on the side and length of road specified in Schedule One to this Order.
- (4) It is not unlawful to cause or permit a vehicle to wait on the side and length of road specified in Schedule One to this Order to enable it to be used in connection with events approved by the Council and held at Leigh Town Hall Square.
- (5) It is not unlawful to cause or permit a vehicle to wait on the side and length of road specified in Schedule One to this Order if it is a vehicle authorised by the Council to be used in connection with weddings at the Town Hall.

### **Part 3 – Prohibition of Loading/Unloading**

- 5.
  - (1) No person shall except upon the direction or with the permission of a police constable in uniform or of a parking attendant cause or permit any vehicle to be used for the delivery or collection of goods or to be loaded or unloaded on the sides and lengths of road specified in columns 1 to 4 of Schedule Two to this Order during the period of operation specified in column 5 of Schedule Two to this Order.
  - (2) It is unlawful to cause or permit a disabled persons vehicle to wait on the sides and lengths of road specified in columns 1 to 4 of Schedule Two to this Order during the period of operation specified in column 5 of Schedule Two to this order.
  - (3) It is not unlawful to cause or permit the mayoral car to load or unload on the side and length of road specified in Schedule Two to this Order.
  - (4) It is not unlawful to cause or permit a vehicle to load or unload on the side and length of road specified in Schedule Two to this Order to enable it to be used in connection with events approved by the Council and held at Leigh Town Hall Square.
  - (5) It is not unlawful to cause or permit a vehicle to load or unload on the side and length of road specified in Schedule Two to this Order if it is a vehicle authorised by the Council to be used in connection with weddings at the Town Hall.

### **6. Penalty Charges**

- (1) If a vehicle is left on any road or length of road in contravention of any provision of this Order, a penalty charge shall be payable and/or the vehicle may be removed from that location.

- (2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by Section 66(3) of the Road Traffic Act 1991 may then be issued by a parking attendant in uniform in accordance with Section 66(1) of the said Act
- (3) If a vehicle is left after a penalty charge has been incurred, a parking attendant in uniform or a person acting under his direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of Section 69(1) and (2) of the Road Traffic Act 1991 and that vehicle shall only be released from the device on payment of a penalty charge, or as the case may be a reduced penalty charge, along with such release fee as may be required by the Council.
- (4) Where a parking attendant has removed or caused to be removed a vehicle in accordance with Paragraph (1) of this Article:-
  - (a) he shall provide for the safe custody of the vehicle;
  - (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
  - (c) the provisions of the Road Traffic Regulation Act 1984 as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.

Nothing in paragraphs (3) and (4) of this Article shall apply in respect of a vehicle displaying in the relevant position a valid disabled person's badge issued by any local authority.

## **7. Manner of Payment of Penalty Charge and Reduced Penalty Charge**

- (1) A Penalty Charge can be discharged by the driver of a vehicle in respect of which a Penalty Charge has been incurred paying a Reduced Penalty Charge to the Council in the amount and manner prescribed on the Penalty Charge Notice (or the rear thereof) so as to reach the Council within the period ending at 4.00 p.m. on the 14<sup>th</sup> day following the day on which the Penalty Charge was incurred.
- (2) If the Penalty Charge is not discharged in accordance with Article 12(1) above then the Penalty Charge shall be discharged by the driver of a vehicle in respect of which a Penalty Charge has been incurred paying the full amount of the Penalty Charge in the amount and manner prescribed on the Penalty Charge Notice (or the rear thereof) so as to reach the Council within the period ending at 4.00 p.m. on the 28<sup>th</sup> day following the day on which the Penalty Charge was incurred.

## **8. Derogation**

The restrictions 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 of 1984 or by or under any other enactment.


Dated this 11<sup>th</sup> day of February 2014

EXECUTED as a DEED by affixing THE  
COMMON SEAL of WIGAN BOROUGH  
COUNCIL in the presence of:

)  
)  
)



77/14

  
Assistant Director – Legal

**SCHEDULE ONE**

Road	Side	From	To
The area of land adjacent to Leigh Town Hall (Town Hall Square)	Both	Its southern boundary with the Town Hall building and its western boundary with the Library building	Its northern boundary with St Mary's Way and its eastern boundary with Market Street and Market Place

**SCHEDULE TWO**

Road	Side	From	To	Period of Operation
The area of land adjacent to Leigh Town Hall (Town Hall Square)	Both	Its southern boundary with the Town Hall building and its western boundary with the Library building	Its northern boundary with St Mary's Way and its eastern boundary with Market Street and Market Place	At any time



**WIGAN BOROUGH COUNCIL**

**WIGAN BOROUGH (TOWN HALL SQUARE, LEIGH)**  
**(PROHIBITION OF DRIVING) ORDER 2013**

Wigan Borough Council, in exercise of its powers under Section 1 of the Road Traffic Regulation Act 1984, hereby makes the following Order -

1. This Order may be cited as the Wigan Borough (Town Hall Square, Leigh) (Prohibition of Driving) Order 2013 and shall come into operation on 28<sup>th</sup> March 2014.
2. (1) In this Order -

“emergency vehicle” means a vehicle being used for fire service, ambulance or police purposes provided always that the vehicle is a liveried vehicle.

“pedal cycle” has the same meaning as in regulation 4 of the Traffic Signs Regulations and General Directions 2002.

“mayoral car” means a vehicle used to transport the Mayor of Wigan Borough Council or the Deputy Mayor of Wigan Borough Council in exercise of their mayoral duties.


  - (2) A reference in this Order to a numbered Article is a reference to the Article having that number in this Order.
  - (3) The Interpretation Act 1978 applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- 3.(1) No person shall except upon the direction or with the permission of a police constable in uniform or of a Police Community Support Officer cause or permit a vehicle other than a pedal cycle to enter, proceed or wait in the area defined in schedule 1 of this order (Town Hall Square, Leigh).
- (2) It shall not be unlawful to drive a motor vehicle, or cause or permit a motor vehicle to be driven in the area defined in schedule 1 of this order (Town Hall Square, Leigh).so as to enable the vehicle -
  - (a) if it cannot conveniently be used for such purpose in any other such road, to be used in or in connection with building, engineering or demolition operations, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the specified lengths of road, or the laying, erection, alteration or repair in, or in land adjacent to, such lengths of the specified roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any telegraphic line as defined in the Telecommunications Act 1984

- (b) to be used for fire service, ambulance or police purposes
- (c) to be used in connection with events approved by the Council and held in the area defined in schedule 1 of this order (Town Hall Square, Leigh).
- (d) to be used in connection with weddings at the Town Hall if the vehicle has been authorised for that purpose by the Council
- (e) to be used in connection with mayoral or civic duties if the vehicle is a mayoral car

Dated this 11<sup>th</sup> day of February 2014

EXECUTED as a DEED by affixing THE  
COMMON SEAL of WIGAN BOROUGH  
COUNCIL in the presence of:

)  
)  
)

  
Assistant Director – Legal



76/14

#### Schedule 1

Road	From	To
The area of land adjacent to Leigh Town Hall (Town Hall Square)	Its southern boundary with the Town Hall building and its western boundary with the Library building	Its northern boundary with St Mary's Way and its eastern boundary with Market Street and Market Place