

**THE BOROUGH COUNCIL OF DUDLEY
(PROHIBITION AND RESTRICTION OF WAITING AND LOADING
AND PARKING PLACES) (CONSOLIDATION)
(NUMBER 6 TYPE) (NORTH DUDLEY AREA)
ORDER 2008**

THE BOROUGH COUNCIL OF DUDLEY
(PROHIBITION AND RESTRICTION OF WAITING AND LOADING
AND PARKING PLACES) (CONSOLIDATION)
(NUMBER 6 TYPE) (NORTH DUDLEY AREA)
ORDER 2008

The Borough Council of Dudley (hereinafter referred to as “the Council”) in exercise of its powers under Sections 1, 2, 4, 5, 32, 35, 124 (1) (d) and part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the Act of 1984”) and of all other powers them enabling in that behalf, and with the consent of every authority and person responsible for the maintenance of the roads affected by this Order 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.

SECTION 1 – PRELIMINARY

Citation and commencement

1. This Order shall come into operation on the 7th day of July 2008 and may be cited as The Borough of Dudley (Prohibition and Restriction of Waiting and Loading and Parking Places) (Consolidation) (NUMBER 6 TYPE) (North Dudley Area) Order 2008.
2. The Borough Council of Dudley (Prohibition and Restriction of Waiting and Loading and Parking Places) (Consolidation) (NUMBER 6 TYPE) (North Dudley Area) Order 2008 Plans including the Key (the “Plans”) are incorporated into this Order.

Interpretation

3. In this Order, except where the context otherwise required, the following expressions have the meaning hereby respectively assigned to them:

“Council” means The Borough Council of Dudley and includes any parking services contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

“civil enforcement officer” means a person employed in accordance with section 63A of the Act of 1984 to carry out the functions therein within the district of The Borough Council of Dudley;

“clearway” means the main carriageway of any of the sides or lengths of roads specified in the Plans where stopping is prohibited during the restricted hours provided that the expression clearway shall not include any lay-by or parking place; DISCUSS - see 1999 order and bus stop clearways order 2003;

“disabled person’s badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“dispensation” means permission given by or on behalf of the Council for the purposes of this Order permitting a specified vehicle to wait in specified circumstances on a parking place without time limit where the waiting of that vehicle in that parking place would otherwise be restricted in time.

“doctor” means qualified medical practitioner;

“driver” in relation to a vehicle waiting in a restricted area, means the person driving the vehicle at the time it was left in the restricted waiting area or parking place;

“goods” means goods of any kind whether animate or inanimate and includes postal packets of any kind or description;

"hackney carriage" is as defined by the Town Police Clauses Act 1847, means a vehicle standing or plying for hire;

“highway” means a way over which there exists a public right of passage, that is to say a right for all of Her Majesty’s subjects at all seasons of the year freely and at their will to pass and repass without let or hindrance, the extents of which is the entire width of the highway, which comprises either a footway or footways, or a verge and a carriageway or a combination thereof, in which the highway authority may vary the relative widths thereof,

“highway boundary” means the entire width of the highway, which comprises either a footway or footways, or a verge and a carriageway or a combination thereof;

“Key” means the key attached to the Plans to be read in conjunction with the Plans;

“lay-by” in relation to a main carriageway means any area of a highway at the side of the main carriageway but not part of it and marked in accordance with the Traffic Signs and General Directions 2002 intended for the waiting of vehicles, provided that no person shall cause or permit any vehicle to wait in any lay-by for the purpose of selling goods or services from that vehicle;

“light goods vehicle” means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres and is not a drawing trailer;

“loading area” means any of the sides or lengths of roads specified on the Plans where activities other than loading are prohibited at the stated times;

“loading permit area” means any of the sides or lengths of roads specified on the Plans where activities other than continuous loading and unloading to and from vehicles are prohibited at the stated times. A permit for loading and unloading may be issued by the Council from time to time and must be displayed when issued;

“loading zone area” means any of the sides or lengths of roads specified on the Plans where activities other than loading are prohibited at the stated times;

“main carriageway” means that part of a public highway used primarily for through traffic provided that the expression main carriageway shall not include any lay-by;

“motor-cycle” has the same meaning as that defined by section 136(4) of the Road Traffic Regulation Act 1984;

“motor vehicle” has the same meaning as that defined by section 136 of the Road Traffic Regulation Act 1984

“no loading hours” means in relation to any no loading road the hours specified on the Plans during which loading and unloading is restricted;

“no loading road” means any of the sides or lengths of roads specified on the Plans where loading is prohibited provided that the expression “no loading road” shall not include any parking place;

“no stopping hours” means in relation to any no stopping road the hours of which are specified in the Plans during which stopping is restricted;

“no stopping road” means any of the sides or lengths of roads (including clearways) specified on the Plans where stopping is prohibited provided that the expression “no stopping road” shall not include any parking place;

“one-way street” means a highway in which the driving of vehicles otherwise than in a specified direction is prohibited;

“Order” means The Borough Council of Dudley (Prohibition and Restriction of Waiting and Loading and Parking Places) (Consolidation) (NUMBER 6 TYPE) (North Dudley Area) Order 2008;

“owner” in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was the owner at any time it shall be presumed that the

owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his / her employment and who is entitled to use such vehicle as though he / she were the registered keeper thereof;

“parking disc” has the same meaning as in the Local Authorities Orders (Exemptions for Disabled Persons)(England) Regulations 2000 and being a parking disc which is capable of showing the quarter hour period during which a period of waiting has begun;

“parking place” means an area of a highway designated by this Order for the waiting of vehicles of specific classes and indicated on a carriageway by markings in accordance with the Traffic Signs Regulations and General Directions 2002;

“passenger vehicle” means a motor vehicle (other than a motor-cycle or invalid carriage) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver);

“Penalty Charge” means a charge imposed by legislation in respect of parking contraventions that are subject to civil enforcement and which has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Penalty Charge Notice” has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“permit” means any valid permit issued by the Council under the provisions of this order or any other orders made under the Act of 1984 and includes duplicate permits issued by the Council under the provisions of this Order;

“permit holder” means a person, business or organisation to whom a valid permit has been issued under the provisions of this order or any other orders made under the Act of 1984;

“permitted hours” means the periods specified on the Plans for each parking place during which waiting by vehicles of a specific class is permitted;

“Plans” means those plans as listed in the Schedule to this Order, including any Amendment Orders;

“prohibited hours” means in relation to any prohibited road the hours specified on the Plans during which waiting or loading is prohibited;

“prohibited road” means any of the sides or lengths of roads specified on the Plans where waiting is prohibited provided that the expression “prohibited road” shall not include any parking place;

“qualified medical practitioner” means a fully registered person within the medical Act 1983;

“relevant position” means:

- (i) In respect of a disabled badge-
 - (a) in the case of a vehicle fitted with a front windscreen, the badge is exhibited on the dashboard or fascia of the vehicle, or
 - (b) in the case of vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the vehicle,
so that the front of the badge is clearly legible from outside the vehicle,

- (ii) In respect of a pay and display ticket or season ticket-
 - (a) in the case of a two-wheeled motor cycle having a sidecar attached thereto, in a conspicuous position on the vehicle in front of the driving seat; and in the case of all other vehicles:-

- (b) (i) where the vehicle is fitted with a front glass windscreen inside the windscreen or in a conspicuous position facing forwards; or
 - (ii) where the vehicle is not fitted with a front glass windscreen, in a conspicuous position on the vehicle,
- so that the amount paid and the date and time of expiry of the ticket on the front of the said ticket or tickets is clearly visible;

“restricted hours” means in relation to any restricted road the hours specified on the Plans during which waiting is restricted;

“restricted road” means any of the sides or lengths of roads specified on the Plans where waiting is restricted or specific activities are restricted during the restricted hours provided that the expression “restricted road” shall not include any parking place;

“taxi rank” means an area of carriageway designated for the waiting of hackney carriages and which is indicated by road markings complying with the Traffic Signs Regulations and General Directions 2002;

“telecommunication system” has the same meaning as in the Telecommunications Act 1984;

“waiver certificate” means a certificate issued by or on behalf of the Council for the purposes of this Order permitting a specified vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be restricted or prohibited.

4. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order and any reference to a Plan is a reference to a Plan incorporated into this Order.

5. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
6. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked were Acts of Parliament thereby repealed.

SECTION 2 – PROHIBITION AND RESTRICTION OF WAITING AND LOADING

Prohibition of Waiting

7. Save as provided in Articles 13 to 21 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait at any time on any prohibited road as specified on the Plans.

Restriction of waiting

8. Save as provided in Articles 13 to 21 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle or a vehicle of a specific class to wait on any restricted road during the restricted hours as specified on the Plans.

Loading zone areas

9. Save as provided in Articles 13 to 15 and 20 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait during the restricted hours in any loading area specified on the Plans

unless it is of the specified class and except for the loading or unloading of goods in connection with nearby trade, commercial or business premises.

10. Where there is specified in the Plans a maximum period during the restricted hours for which loading or unloading is permitted, no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait in any loading zone area,
 - (a) for longer than is necessary for goods to be loaded onto or unloaded from the vehicle
 - (b) for a period longer than specified on the Plans, or
 - (c) if a period less than that specified on the Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same side of length of road.

Restriction on loading and unloading

11. Save as provided in Articles 13 to 14 and 20 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle or a vehicle of a specific class to wait for the purpose of enabling goods to be loaded to or unloaded from the vehicle on any no loading road during the no loading hours as specified on the Plans.

Restriction on stopping

12. Save as provided in Articles 13 to 14 and 20 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to stop on any no stopping road or clearway during the no stopping hours as specified on the Plans.

Emergencies

13. Nothing in Articles 7 to 12 shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable the vehicle to be used in an emergency for fire and rescue, ambulance or police purposes:

General exemptions

14. Nothing in Articles 7 to 12 shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable:
- (a) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
 - (i) building, shop fitting, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system ; and
 - (iv) the removal of snow, ice or traffic debris, by Council maintenance vehicles,
 - (b) the vehicle, not being a passenger vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or its contractors in pursuance of that authority's statutory powers or duties;
 - (c) the vehicle of the Royal Mail or other universal service provider (as defined in section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;
 - (d) in any case where the person in control of the vehicle,
 - (i) is required by law to stop;
 - (ii) is obliged to stop so as to prevent an accident, or

- (iii) is prevented from proceeding by circumstances outside his/her control;

Loading and unloading

- 15. Nothing in Articles 7 to 10 shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable goods to be loaded to or unloaded from a vehicle (or goods or merchandise to be delivered or collected).

Board and alight from a vehicle

- 16. Nothing in Articles 7 to 8 shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road specified therein for so long as may be necessary to enable a person to board or alight from the vehicle.

Funerals, weddings and other civic duties

- 17. Nothing in Articles 7 to 8 shall render it unlawful to cause or permit any vehicle to wait, if it cannot safely and conveniently do so elsewhere, in any of the roads, lengths of road or on the sides of road specified therein if it is an official vehicle being used in connection with any funerals or weddings or official civic duties;

Council Highway Maintenance Vehicles

- 18. Nothing in Articles 7 to 12 shall prevent Council-controlled highway maintenance vehicles from operating where necessary.

Parking places

19. Nothing in Articles 7 to 12 shall render it unlawful to cause or permit any vehicle to wait in a designated parking place.

Waiting by vehicle displaying a waiver certificate

20. Nothing in Articles 7 to 12 shall prevent any person from causing or permitting a vehicle to wait in any prohibited or restricted road if it is displaying in the relevant position a valid waiver certificate issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said permit or certificate.

Waiting by disabled persons' vehicle

21. Nothing in Articles 7 to 8 shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled person's badge and the accompanying 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 a prohibited road or a restricted road for a period not exceeding 3 hours (not being a period separated by an interval of less than that specified on the Plans from a previous period of waiting by the same vehicle in the same length of road or on the same side of road on the same day):

Provided that the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

22. Nothing in Articles 7 and 8 and 12 shall prevent any person from causing or permitting a licensed hackney carriage to wait in any duly authorised taxi rank during the period of operation specified on the Plans.
23. No person shall cause or permit any vehicle other than a hackney carriage to wait on a taxi rank during the period of operation.

24. No person shall cause or permit a hackney carriage to wait on a taxi rank during the period of operation other than for the purpose of plying for hire.
25. No person shall cause or permit any vehicle to wait on a taxi rank outside the period of operation of the taxi rank as specified on the Plans.

SECTION 3 – PARKING PLACES

Limited waiting parking places

Designation of limited waiting parking places

26. The parts of roads identified as limited waiting places on the Plans are hereby designated to be used subject to the following provisions of this Order as limited waiting parking places and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
27. No person shall cause or permit any vehicle to wait in a limited waiting parking place during the permitted hours unless it is of the specified class.

Classes of vehicles for which limited waiting parking places are designated

28. Subject to the provisions of this Order, limited waiting parking places may be used during the permitted hours for the leaving of passenger vehicles, light goods vehicles, motor cycles, and vehicles displaying a disabled persons' badge;

Restriction on waiting

29. No person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait during the permitted hours on any limited waiting parking place specified on the Plans,

- a. for a period longer than that specified, or
- b. if a period of less than that specified as being a period during which the vehicle must not be left again in that parking place has elapsed since the termination during the permitted hours of the last period of waiting (if any) of the vehicle.

Doctor's parking places

Designation of doctor's parking places

30. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as doctor's parking places and may be used subject to the provisions of this Order as are specified on the Plans.
31. No person shall cause or permit any vehicle to wait in a doctor's parking place during the permitted hours unless it is displaying in the relevant position a doctor's permit valid for that vehicle, that time and that parking place.
32. A doctor's parking permit may be issued by the Council in such form and subject to such conditions as may be agreed from time to time by the Council.

Designation of disabled person's parking places

33. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as parking places for vehicles displaying a valid disabled person's badge and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.

Display of disabled person's badge

34. No person shall cause or permit any vehicle to wait in a disabled person's parking place during the permitted hours unless there is displayed on that vehicle in the

relevant position a valid disabled person's badge, provided that the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

Maximum period of waiting in a disabled person's parking place

35. Save as in an emergency, no person shall cause or permit any vehicle to remain in a disabled person's parking place for longer than the maximum period specified for that parking place in the Plans.
36. Where as indicated on the Plans there is a limit on the time of stay on a disabled person's parking place, the driver of a vehicle shall upon leaving the vehicle in the disabled person's parking place, display in the relevant position a disabled person's badge and an accompanying parking disc, on which has been marked the time at which the period of waiting began and shall remove that vehicle from the said parking place within the maximum time specified.
37. Where a period within which a vehicle must not be left again in the disabled person's parking place is specified in the Plans, no person shall permit or cause the vehicle to wait again in that parking place until the expiry of that specified period.

General conditions in respect of parking places

Manner of standing in a parking place

38. Every passenger vehicle and light goods vehicle left in a disabled person's and permit parking place in accordance with the foregoing provisions of this Order shall stand:

- (i) if the parking place is not in a one-way street, so that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway;
- (ii) so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300mm;
- (iii) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting; and
- (iv) so that every part of the vehicle is within the limits of the parking place as marked on the carriageway.

Alteration of position of a vehicle in a parking place

39. Where any vehicle is standing in a parking place in contravention of the provisions of the preceding Article, a person authorised in that respect by the Council or police officer in uniform, may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Movement of a vehicle in a parking place in an emergency

40. A police officer in uniform may move or cause to be moved or remove or cause to be removed, in case of emergency, to any place he / she thinks fit, any vehicle left in a parking place and shall provide for the safe custody of the vehicle. In the event of a vehicle being removed within the provisions of this Article the Council will not be responsible for any damaged so caused.

Suspension of use of a parking place

41. (1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary:

- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration or repair in or adjacent to the parking place or any sewer or of any main, pipe , or apparatus for the supply of gas, water or electricity or of any telecommunications system or the placing, maintenance or removal of any traffic sign;
 - (c) for the convenience or occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depositary, another office or dwelling-house;
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed;
 - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or civic duties or on other special occasions;
 - (f) on any occasion in the interests of traffic or pedestrian movement and safety when a special event is taking place in the vicinity;
- (2) A police officer in uniform may suspend for not longer than twenty-four hours the used of a parking place or any part thereof whenever he / she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person or police officer in uniform suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof a traffic sign indicating that waiting by vehicles is prohibited.

No waiting in a suspended parking place

42. No person shall cause or permit a vehicle to wait in a parking place or any part thereof during which such period as the Council or a police officer in uniform has suspended that parking place or part thereof and exhibits notice of such suspension on or near that parking place.
43. Nothing in the preceding Article shall render it a contravention to cause or permit a vehicle to be left in a parking place which has been suspended, which displays in the relevant position a valid waiver certificate issued by the Council, and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

Restrictions on the use of vehicles in a parking place

44. During the permitted hours no person shall use any parking place or any vehicle whilst it is in a parking place in connection with the sale or offering or exposing for sale any goods to any person in or near the parking place or in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity:
Providing that
 - (i) nothing in this Article shall prevent the sale of goods from a vehicle if there is on display in the vehicle a certificate of Street Trading Consent issued by the Council and the vehicle is being operated in accordance with any conditions of the said certificate, and
 - (ii) nothing in this Article shall prevent the delivery of goods from a vehicle if the vehicle is a passenger vehicle, a lights goods vehicle, or a motorcycle and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the delivery is effected and the vehicle does not wait for a period exceeding 20 minutes or such longer period as a civil enforcement officer may approve.

Exemptions to restriction on waiting by a vehicle in a parking place

45. Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours in any part of a parking place if the use of that part has not been suspended and if;
- (a) the vehicle is waiting for so long as may be necessary for the purpose of enabling any person to board or alight from a vehicle or load thereon or unload therefrom their personal luggage;
 - (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident;
 - (c) the vehicle is being used by a doctor, or nurse visiting premises adjacent to the parking place in the course of their official duties;
 - (d) the vehicle being liveried is being used for fire and rescue, ambulance or police purposes or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;
 - (e) the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - (f) the vehicle of the Royal Mail or other universal postal service provider (as defined in Section 4(3) and (4) of the Postal Services Act 2000) is waiting for the purpose of delivering and/or collecting mail;
 - (g) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for a period exceeding 20 minutes or for such longer period as a civil enforcement officer or police officer in uniform may approve; or

- (h) the vehicle is displaying in the relevant position a valid disabled persons badge or waiver certificate provided that the vehicle is being used in accordance with the conditions applying to the said badge or certificate.

Placing of traffic signs etc.

46. The Council shall:
- (a) place and maintain traffic signs and markings indicating the limits of each parking place,
 - (b) place and maintain traffic signs of a design approved by the Secretary of State for the Department for Transport indicating that such parking places may be used during the permitted hours for the leaving only of the vehicles of the specified classes, and
 - (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

SECTION 4 - GENERAL

Waiver certificate

47. The Council may issue a waiver certificate on receipt of application and may impose terms and conditions as appropriate.
48. A waiver certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid. Notification of such cancellation shall be in writing to the holder of the certificate at any address that the Council believes to be that person's address or last known address and the certificate shall forthwith be surrendered to the Council.

Pedestrian crossings and bus stops

49. Nothing in the provisions of this Order shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Sections 23 and 25 of the Act of 1984.
50. Insofar as any provision of this Order conflicts with a provision which is contained in an order made or having effect as if it were made under the Act of 1984, and existing at the time when this Order comes into operation, and which imposes a restriction or prohibition on waiting by vehicles other than public service vehicles being used to operate a local service in a bus stop area or grants an exemption from such restriction or prohibition, the provisions of that order will prevail.

SECTION 5 - CONTRAVENTION OF ORDER

Contravention

If a Vehicle is left in a prohibited or restricted road or parking place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable. A penalty charge notice conforming to the relevant statutory requirements may then be served and / or the vehicle may be removed from the location.

Indications as evidence

51. The particulars given in the penalty charge notice served in accordance with this Order shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

Restriction on removal of notices

52. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of this Order no person, not being the driver of the vehicle, a police officer in uniform, a civil enforcement officer or some other person duly authorised

by the Council shall remove the notice from the vehicle unless authorised to do so by the driver of the vehicle.

Immobilisation

53. If a vehicle is left after a penalty charge has been incurred, a civil enforcement officer or a person acting under his/her direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of section 69(1) of the Act of 1991 and that vehicle shall only be released from the device on payment of the penalty charge along with such release fee as may be required by the Council.

Removal of vehicle

54. Where a civil enforcement officer has removed or caused to be removed a vehicle in accordance with this Order
- (a) he / she 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 Act of 1984 as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.
55. No vehicles shall be immobilised or removed in accordance with the provisions of this Order where that vehicles is displaying in a relevant position a valid disabled person's badge.
56. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction 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.

SECTION 6 - VALIDITY

57. If a court, the Department for Transport, the Traffic Penalties Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable, such declaration shall not invalidate the remainder of the Order.

SECTION 7 - REVOCATIONS

58. All the traffic regulation orders or parts of traffic regulation orders imposing the following restrictions:
- (a) Prohibition and restrictions of waiting and loading and unloading;
 - (b) Prohibition of stopping,
 - (c) Loading areas,
 - (d) Restrictions on parking places,
 - (d) Restrictions on disabled parking places, and
 - (e) Restrictions on motor cycle parking places
- as they relate to roads in The Borough Council of Dudley area as defined in the previous schedules made prior to this Order are hereby revoked.

Schedule

- so9091se (M4)
- so9092se (N4)
- so9092sw (N4)
- so9094se (P4)
- so9190nw (L5)
- so9191ne (M5)
- so9191nw (M5)
- so9191se (M5)
- so9191sw (M5)
- so9192nw (N5)
- so9193ne (O5)
- so9193se (O5)
- so9193sw (O5)
- so9194nw (P5)
- so9194sw (P5)
- so9291nw (M6)
- so9292ne (N6)
- so9292nw (N6)
- so9292se (N6)
- so9292sw (N6)
- so9293nw (O6)
- so9293sw (O6)
- so9294se (P6)
- so9392ne (N7)
- so9392nw (N7)
- so9393ne (O7)
- so9393se (O7)
- so9393sw (O7)
- so9394se (P7)
- so9394sw (P7)
- so9492ne (N8)
- so9492nw (N8)
- so9493ne (O8)
- so9493nw (O8)
- so9493sw (O8)
- so9494ne (P8)
- so9494nw (P8)
- so9494se (P8)
- so9494sw (P8)
- so9593nw (O9)

THE COMMON SEAL of THE BOROUGH)
COUNCIL OF DUDLEY was hereunto affixed)
This 19th day of June 2008)
in the presence of:-)

M. W. M.

PRINCIPAL LAWYER

25

