

**ROAD TRAFFIC REGULATION ACT 1984**

**LANCASHIRE COUNTY COUNCIL  
(VARIOUS ROADS, HYNDBURN BOROUGH AREA)  
(REVOCAION AND INTRODUCTION OF PARKING PLACES) ORDER 201\***

The County Council of Lancashire ("the Council") in exercise of its powers under Sections 1, 2, 4, 45 and 46 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**

- a. In this Order where the context requires, the masculine includes the feminine and the neuter and vice versa, the singular includes the plural and vice versa.

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

- b. "**Centre Line**" means the centre line of a highway as shown on Ordnance Survey graphical information systems at the time that the Order was prepared.
- c. "**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;
- d. "**Council's Duly Authorised Officer**" means a person appointed by the Council or its local agent, or authority to administer the powers conferred on the said Council by the 1984 Act with respect to this and other Traffic Regulations.
- e. "**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.
- f. "**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.
- g. "**Doctor**" means a fully registered person within the meaning of the Medical Act 1983.
- h. "**Doctors Parking Permit**" means a Parking Permit issued by the Council or its local agent or authority for a Doctor, parking his Vehicle in a Doctors Parking Place.
- i. "**Doctors Parking Place**" means any area of highway described in Schedule 5 to this Order which is comprised within and indicated by a road marking approved by the Department for Transport.
- j. "**Issuing Authority**" means the County Council, District Council or authorised agent carrying out the administration of Parking Permits on behalf of the Council.

- k. **"Parking Disc"** means a device which -
- i) is 125 millimetres square and coloured blue, if issued on or after 1<sup>st</sup> 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.
- l. **"Parking Permit"** means a valid Parking Permit issued by the Issuing Authority. The terms for said Permit are published by the Issuing Authority and the charging structure for Parking Permits is as set out in the "Lancashire County Council (The Whole of Lancashire) (Revocation And Designation Of On Street Parking Charges) Order 201\*\*".
- m. **"Parking Place"** means the area of the highway authorised by this Order to be used as a Parking Place, bay or space.
- n. **"Penalty Charge Notice"** means a notice served by a Civil Enforcement Officer pursuant to the provisions of section 78 of the Traffic Management Act 2004 and supporting regulations.
- o. **"Permit Holder"** means a person to whom a valid Parking Permit has been issued in accordance with Article 5 and not withdrawn in accordance with Article 6.
- p. **"Place of Residence"** is as defined by the Issuing Authority.
- q. 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.
- r. **"Traffic Sign"** means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Road Traffic Regulation Act 1984.
- s. **"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. **Revocations**

Those Orders or parts of Orders as set out in Schedule 1 to this Order are hereby revoked.

## 3. **Parking Places**

- a. Save as provided in Article 4 of this Order, no person shall except upon 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, or during the hours specified, in the lengths of

road set out in Schedules 3 and 4 to this Order, unless they are a holder of a valid Parking Permit in respect of the Parking Place in which the Vehicle has been left and they display such a permit in accordance with Article 7.

- b. Save as provided in Article 4 of this Order, no person shall except upon direction or with the permission of a Police Constable in uniform or a Civil Enforcement Officer, cause or permit any Vehicle to wait in a Doctors Parking Place at any time or during the Permitted Hours as set out in Schedule 5 of this Order unless he:
  - i) Holds a valid Doctors Parking Permit which authorises him to park the Vehicle in the Doctors Parking Place in which the Vehicle is left; and
  - ii) Displays such permit on that Vehicle in accordance with Article 7 of this Order.

#### **4. General Exemptions**

Nothing in Article 3 to 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 from the Vehicle;
- b) 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:-
  - 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 roads;
  - iv. the laying, erection, alteration or repair in or in 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;
- c) 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;
- d) a Royal Mail liveried Vehicle to be used for delivering or collecting postal packets in accordance with the statutory provisions as defined in the Postal Services Act 2000;
- e) the Vehicle to be used for fire brigade, ambulance or police purposes in pursuance of statutory powers or duties.
- f) When the person in control of the Vehicle
  - i. is required by law to stop;
  - ii. is obliged to stop in order to avoid an accident; or
  - iii. is prevented from proceeding along the road due to circumstances beyond their control;

#### **5. Application For and Issue of Permits**

- a) Any resident whose Place of Residence is set out in Schedule 2 of this order may apply to the Issuing Authority for the issue of a Parking Permit to leave a Vehicle wholly within Parking Places situated in the corresponding area/zone. Any such application shall be made on a form issued by and obtainable from the Issuing Authority and shall include the particulars and information required by such a form to be supplied and shall be accompanied by a remittance for the appropriate charge in respect of the Parking Permit for which application is being made.
- b) Any Doctor whose place of work is set out in Schedule 2 of this order may apply to the Issuing Authority for the issue of a Doctors Parking Permit to leave a Vehicle wholly within Parking Places situated in the corresponding area/zone. Any such application shall be made on a form issued by and obtainable from the Issuing Authority and shall include the particulars and information required by such a form to be supplied and shall be accompanied by a remittance for the appropriate charge in respect of the Doctors Parking Permit for which application is being made.
- c) The Issuing Authority may at any time require an applicant for a Parking Permit or a Permit Holder to produce to their Duly Authorised Officer such evidence in respect of an application for a Parking Permit made to them as they may reasonably require to verify any particulars or information in respect of any Parking Permit issued as they may reasonably require to verify that the Parking Permit is valid.
- d) On receipt of an application made under the forgoing provisions of this Article, and of the appropriate fee, the Issuing Authority, upon being satisfied that the applicant is a resident within the area specified in paragraph a) of this Article, shall issue to the applicant Parking Permits for the leaving of Vehicles during the permitted period in a Parking Place to which such Parking Permit relates, by the owner of such Vehicles, or by any person using such Vehicles with the consent of the owner other than a person to whom such Vehicles has been let for hire or reward.
- e) On receipt of an application made under the forgoing provisions of this Article, and of the appropriate fee, the Issuing Authority, upon being satisfied that the applicant is a Doctor within the area specified in paragraph b) of this Article, shall issue to the applicant a Doctors Parking Permit for the leaving of a Vehicle during the permitted period in a Parking Place to which such Parking Permit relates.
- f) Any resident applying for a Parking Permit who holds a valid Disabled Person's Badge shall be exempt from the fee referred to in the foregoing provisions of this Article.

**6. Surrender, Withdrawal and Validity of Permits**

- a) A Permit Holder may surrender a Parking Permit to the Issuing Authority at any time and shall surrender a Parking Permit to the said Issuing Authority on the occurrence of any of the events set out in paragraph 'c' of this Article.
- b) The Issuing Authority may, by notice in writing served on the Permit Holder at the address shown by that person on the application for the Parking Permit or at any other address believed to be that person's Place of Residence, withdraw a Parking Permit if it appears to the Issuing Authority that any of the events set out in paragraph c i, ii, or iii, of this Article has occurred and the Permit Holder shall surrender the permit to the said Issuing Authority with 48 hours of the receipt of the aforementioned notice.
- c) The events referred to in the foregoing provisions of this Article are:
  - i. The Permit Holder ceasing to be eligible

- ii. The withdrawal of such a permit by the Issuing Authority under provisions of paragraph 'b' of this Article
  - iii. The Vehicle in respect of which such a Parking Permit was issued is used for any unlawful purpose;
  - iv. The issue of a duplicate Parking Permit by the Issuing Authority;
  - v. The Parking Permit ceasing to be valid pursuant to the provisions of paragraph 'd' of this Article
- d) Without prejudice to the foregoing provisions of this Article, a permit shall cease to be valid at the expiration of the period specified thereon(which period shall be that in respect of which payment has been made) or on occurrence of any one of the events set out in paragraph c) i, ii, iii, or iv, whichever is earlier.
- e) Where a permit is issued to any person upon receipt of a payment and the payment is subsequently dishonoured, the permit shall cease to be of any effect and the Issuing Authority shall by notice in writing served on the person to whom such a permit was issued by sending the same to the Permit Holder at the address shown by that person on the application for the permit or at any other address believed to be that person's abode, require that person to surrender the permit to the Issuing Authority with 48 hours of receipt of the aforementioned notice.

#### **7. Display of Parking Permit**

A Parking Permit issued under the provisions of this Order shall be displayed in the Vehicle in respect of which the Parking Permit has been issued in a conspicuous position so that all details are clearly visible to a person standing at the front or kerbside of such Vehicle for the whole of the time during which the Vehicle is left.

#### **8. Manner of standing in a Parking Place**

- a) The driver of a motor Vehicle using a Parking Place shall stop the engine as soon as the Vehicle is in a position in the Parking Place and shall not start the engine except when about to change the position of the Vehicle in or, or depart from, the Parking Place.
- b) Every Vehicle left in a Parking Place in accordance with the foregoing provisions of this Order shall be left so that every part of the Vehicle is within the limits of the Parking Place.
- c) A driver of a Vehicle shall not use a Parking Place so as unreasonably to prevent access to any premises adjoining a road or the use of a road by other persons or so as to be a nuisance.
- d) While any Vehicle is in a Parking Place no person shall use the said Vehicle in connection with the sale of any Article to any person in or near the Parking Place or in connection with the selling of or offering for sale of his/her skills or services.

#### **9. Alteration of position of a Vehicle in a Parking Place**

Where any Vehicle is left standing in a Parking Place in contravention of the provisions of Article 8 of this Order, a police constable in uniform or a Civil Enforcement Officer may alter or cause to be altered the position of the Vehicle in order that its position shall comply with those provisions.

**10. Removal of a Vehicle from a Parking Place**

Where a police constable in uniform or a Civil Enforcement Officer is of the opinion that any of the provisions contained in Article 8 of this Order have been contravened or not complied with in respect of a Vehicle left in a Parking Place, he/she may remove or cause to be removed the Vehicle from the said Parking Place, and where it is so removed, shall provide for the safe custody of the said Vehicle.

**11. Movement of a Vehicle in a Parking Place in an Emergency**

- a) A police constable in uniform or a Civil Enforcement Officer may in case of emergency move or cause to be moved any Vehicle left in a Parking Place to any place they think fit and shall provide for the safe custody of the Vehicle.
- b) A person causing or permitting a Vehicle to wait in a Parking Place by virtue of the provisions of this Order shall take all such steps as are necessary to ensure that in the case of a Parking Place it shall stand in accordance with Article 8 so that every part of the Vehicle is within the limits of the Parking Place.

**12. Power to suspend use of Parking Places**

- a) The Council's Duly Authorised Officer may suspend the use of a Parking Place or any part thereof whenever he/she considers such suspensions reasonably necessary and make such charge for the administration of this service, as may from time to time be determined by the Council.
- b) A police constable in uniform may suspend for not longer than 7 days the use of a Parking Place or any part thereof whenever he/she considers such suspension reasonably necessary for the purpose of mitigating congestion or obstruction of traffic or a danger to or from traffic in consequence of extraordinary circumstances.
- c) Any persons suspending the use of a Parking Place or any part thereof in accordance with the provisions of paragraph a) or b) of this Article shall thereupon place or cause to be placed in or adjacent to any part of that Parking Place the use of which is suspended, an authorised Traffic Sign or cone indicating that waiting by Vehicles is prohibited.
- d) No person shall cause or permit a Vehicle to be left in any part of a Parking Place during such period when an authorised Traffic Sign or cone is placed in or adjacent to that part of the Parking Place pursuant to paragraph c) of this Article provided that this paragraph shall not apply to a Vehicle:
  - i) being used by the respective Fire or Police Authority or Ambulance Health Trust to deal with an emergency; or
  - ii) being used for any purpose specified in Article 4(f); or
  - iii) left in such Parking Place with the permission of the person suspending the use of the Parking Place.

**13. 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 the Council and/or its Agents of a Penalty Charge Notice which shall be payable by such persons in accordance with the legislation.

**14. Miscellaneous**

The prohibitions 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.

**15. Commencement of Order**

This Order shall come into force on the \*\*\* and may be cited as the "Lancashire County Council, (Various Roads, Hyndburn Borough Area) (Revocation And Introduction Of Parking Places) Order 201\*\*".

Dated this \*\* day of \*\*\*.

THE COMMON SEAL of the Lancashire County Council was hereunto affixed pursuant to the Scheme of Delegation to Chief Officers **OR** following a decision made on \*\*/\*\*/\*\*\*\* by the Cabinet Member for Highways and Transport

Authorised Signatory

**List of Schedules:****Schedule 1**

Items to be revoked from:

**LANCASHIRE COUNTY COUNCIL (GARDEN STREET, OSWALDTWISTLE, HYDBURN BOROUGH) (RESIDENTS PERMIT HOLDERS PARKING PLACES) ORDER 2012****Residents Parking**

- (i) Garden Street, the north-west side, from a point 6 metres south-west of the centre line of Harvey Street for its entire length.
- (ii) Garden Street, the south-east side, from a point 54 metres south-west of the centre line of Harvey Street for its entire length.

**Schedule 2**

<b>ZONE</b>	<b>NAME OF STREET</b>	<b>ELIGIBLE PROPERTIES</b>
<b>ZONE A</b>	Garden Street	2-38 evens
	Harvey Street	7

**Schedule 3 Permit Holders Only**

<b>Item No</b>	<b>Zone</b>	<b>Street name</b>	<b>Side of road</b>	<b>Location Details</b>
(1)	A	<b>Garden Street, Oswaldtwistle</b>	a) the north-west side	from a point 6 metres south-west of the centre line of Harvey Street for its entire length.
	A	<b>Garden Street, Oswaldtwistle</b>	b) the south-east side	from a point 54 metres south-west of the centre line of Harvey Street for its entire length.

**Schedule 4**

Not in use.

**Schedule 5**

Not in use.