

BOROUGH OF EASTLEIGH

THE BOROUGH OF EASTLEIGH (CHANDLERS FORD AND HILTINGBURY) (PROHIBITION AND RESTRICTION OF WAITING) (CONTROLLED ZONE) ORDER 2016

The Council of the Borough of Eastleigh (hereinafter referred to as "the Council") pursuant to arrangements made under Section 19 of the Local Government Act 2000 with the Hampshire County Council in exercise of the powers of the said County Council under Sections 1, 2, and 4 of the Road Traffic Regulation Act 1984 ("the Act") and Part IV of Schedule 9 to the Act 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 hereby makes the following Order:-

PART 1- GENERAL

Commencement and Citation

1. This Order shall come into operation on 31 May 2016 and may be cited as the "Borough of Eastleigh (Chandlers Ford and Hiltingbury) (Prohibition and Restriction of Waiting) (Controlled Zone) Order 2016.

Interpretation

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

"civil enforcement officer" shall have the same meaning as in section 76 of the Traffic Management Act 2004;

"controlled zone" shall mean those roads and lengths of roads indicated by * in column 5 of the Second and Third Schedule to this Order;

"disabled parking disc" means a device which:-

- (a) is 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.

"disabled person's badge" means a badge which was-

- (a) issued, or has effect as if issued, to a disabled person or an institution under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or under regulations having effect in Scotland or Wales under section 21 of the Chronically Sick and Disabled Persons Act 1970; and
- (b) has not ceased to be in force;

as defined in The Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"disabled persons parking place" means each of the various areas of land specified in the Seventh Schedule to this Order;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled persons badge, as defined under Section 142 of the Act;

“driver”, in relation to a vehicle waiting in a parking place or street or part of a street specified in this Order, means the person in charge of the vehicle at the same time it was left in the parking place or street or part of a street aforesaid;

“goods” includes all chattels personal, other than things in action and money, including postal packets of any description and “delivery and collection”, in relation to any goods, includes checking the goods for the purpose of their delivery or collection;

“goods vehicle” means a vehicle not exceeding 3.5 tonnes max gross weight and which is constructed or adapted for use for the carriage of goods or burden of any description, and is not a drawing trailer;

“invalid carriage” means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such person as defined in Section 136 of the Act;

“motorcycle” means a mechanically propelled vehicle (not being an invalid carriage) with fewer than 4 wheels, of which the weight unladen does not exceed 410 kilograms as defined in Section 136 of the Act;

“owner”, in relation to a vehicle, means the person named in the vehicle registration document or the person by whom such vehicle is kept and used;

“passenger vehicle” means a vehicle (other than a motorcycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer;

“postal packet” means a letter, parcel, packet or other article transmissible by post as defined in Section 125 of the Postal Services Act 2000

“telecommunication apparatus” has the same meaning as in Section 4 of the Telecommunications Act 1984;

“vehicle” means a motor vehicle and “motor vehicle” has the same meaning as in section 136 of the Act;

(2) For the purpose of this Order a vehicle displays a disabled person's badge in the relevant position if it is displayed in accordance with The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(4) The conditions, provisions, prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any other such matter imposed by any Order or regulation made, or having effect as if made, under the Act of 1984, or by or under any other enactment.

(5) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART II – PROHIBITION AND RESTRICTION OF WAITING

3. Save as provided in Articles 4 and 5 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform or a Civil Enforcement Officer cause or permit any vehicle to wait-
 - (a) at any time in the roads, on the sides of roads, or in any lengths of roads specified in the First Schedule to this Order;
 - (b) between the hours of 10am and 11am and between the hours of 2pm and 3pm on any day other than a Saturday or Sunday or a bank holiday on the sides of roads or in the lengths of roads specified in the Second Schedule to this Order.
 - (c) between the hours of 2pm and 3pm on any day other than a Saturday or Sunday or a bank holiday on the sides of roads or in the lengths of roads specified in the Third Schedule to this Order.

4. Nothing in Article 3 of this Order shall render it unlawful to cause or permit any vehicle to wait on the sides of roads or in the lengths of roads referred to therein for so long as is necessary to enable-
 - (a) a person to board or alight from a vehicle;
 - (b) goods to be loaded on or unloaded from the vehicle;
 - (c) 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, industrial or demolition operation;
 - ii. the removal of any obstruction by traffic;
 - iii. the maintenance, improvement or reconstruction of the said sides of road or length of road;
 - iv. the laying, erection, alteration or repair in, or in land adjacent to the said sides of roads or lengths of roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus;
 - (d) the vehicle, if it cannot be conveniently be used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;
 - (e) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125 of the Postal Services Act 2000; or
 - (f) the vehicle to be used for Fire and Rescue Service, Ambulance or Police purposes.

5. Nothing in Article 3 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 and a disabled 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) issued by any local authority to wait on the sides of roads referred to in that Article for a period not exceeding three hours not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road.

FIRST SCHEDULE
No Waiting at Any Time

Item	Road	Side	Description
5	Conway Close	South-West	From its junction with Montgomery Way in a south-eastern direction for a distance of 26 metres.
6	Conway Close	North-East	From its junction with Montgomery Way in a south-eastern direction for a distance of 10 metres.
7	Donnington Drive	Both	From its junction with Montgomery Way in a north-west direction for a distance of 14 metres.
8	Montgomery Way	Both	From a point 16 metres west of its junction with Odiham Close in a north-eastern direction to a point 10 metres north of its junction with Donnington Drive.
9	Odiham Close	west	From its junction with Montgomery Way in a southern direction for a distance of 10 metres.
10	Odiham Close	east	From its junction with Montgomery Way in a southern direction for a distance of 6 metres.

SECOND SCHEDULE

No waiting Monday to Friday 10am-11am and 2pm-3pm (excluding Bank Holidays)

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Road	Side	Description	Controlled Zone
1	Castle Lane	South	From a point 106 metres west of its junction with Bournemouth Road in an western direction to the Test Valley / Eastleigh Borough boundary.	
2	Castle Lane	North	From a point 70 metres west of its junction with Bournemouth Road in a western direction to the Test Valley / Eastleigh Borough boundary.	
3	Conway Close	both	On the south-west side from a point 26 metres south-east of its junction with Montgomery Way for the entire length of the close on both sides to a point on the north-east side 10 metres south-east of its junction with Montgomery Way.	*
4	Donnington Drive	Both	From a point 14 metres north west of its junction with Montgomery Way in a north-western direction to the Test Valley / Eastleigh Borough boundary.	*
5	Guildford Drive	Both	For its entire length.	*
6	Montgomery Way	Both	From a point 16 metres west of its junction with Odiham Close in a western direction to the Test Valley/Eastleigh borough boundary.	*
7	Montgomery Way	Both	From a point 10 metres north of its junction with Donnington Drive in a north-eastern direction to its northern junctions with Guildford Drive.	*
8	Netley Close	East	For its entire length.	*
9	Odiham Close	Both	On the west side from a point 10 metres south of its junction with Montgomery Way for the entire length of the close to a point on its east side 6 metres south of its	*

junction with Montgomery Way.

THIRD SCHEDULE

No Waiting Monday to Friday 2pm-3pm (excluding Bank Holidays)

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Road	Side	Description	Controlled Zone *
1	Velmore Road	Both	From a point 10 metres west of its junction with Bournemouth Road in a western direction for its entire length.	

Dated this day of 2016

THE COMMON SEAL of EASTLEIGH)
BOROUGH COUNCIL was hereunto)
affixed in the presence of:-)

Head of Legal & Democratic Services

DATED 26 May 2016

BOROUGH OF EASTLEIGH

THE BOROUGH OF EASTLEIGH
(CHANDLERS FORD AND
HILTINGBURY)
(PROHIBITION AND RESTRICTION
OF WAITING) (CONTROLLED
ZONE) ORDER 2016

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