

**Medway Council**  
**TRAFFIC REGULATION ORDER**  
**2003 No. 68**

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**The Medway (Waiting and Loading Restriction)**  
**(No. 2) Traffic Regulation Order 2003**

Made 12<sup>th</sup> November 2003

Coming into force 17<sup>th</sup> November 2003

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## **SCHEDULES**

1. Restricted streets referred to in Article 4(1)
2. Streets referred to in Article 4(2)(a)
3. Prescribed/restricted hours

Medway Council, having consulted the Chief Officer of Police, in exercise of the powers conferred by sections 1(1), 2(1) to (3) and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984(a) as amended by section 8 of and Part I of Schedule 5 to the Local Government Act 1985(b) and of all other powers thereunto enabling, hereby make the following Order:-

### **PART I**

#### **Commencement and Citation**

1. This Order shall come into force on 17<sup>th</sup> November 2003 and may be cited as the Medway (Waiting and Loading Restriction) (No. 2) Traffic Regulation Order 2003.

#### **Interpretation**

2. (1) In this Order, except where the context otherwise requires:  
  
"authorised agent" means the parking services contractor appointed by and acting on behalf of the Council for the purposes of the supervision and enforcement of the provisions of this Order;  
  
"disabled person's badge" and "disabled person's vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000(c) as amended;  
  
"Council" means Medway Council;  
  
"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;  
  
"goods" means goods of any kind whether animate or inanimate and includes postal packets of any description; and "delivering" and "collecting", in relation to any goods, include checking the goods for the purpose of their delivering or collection;

"licensed taxi", "Local bus service" have the same meanings as in the Transport Act 1985(a);

"parking attendant" means a person authorised and employed by the Council or its authorised agent to enforce the restrictions imposed by this Order;

"prescribed hours", in relation to a restricted street, means the time specified in column 2 of Schedule 3 in relation to the letter set out in column 1 of that Schedule and which letter is the letter set out in column 3 of Schedule 1 in relation to that street:

"public service vehicle" has the same meaning as in the Public Passenger Vehicles Act 1981(b);

"restricted hours", in relation to any street specified in Schedule 2 means the time specified in column 2 of Schedule 3 in relation to the number set out in column 3 of Schedule 3 and which number is the number set out in column 3 of Schedule 2 in relation to that street;

"restricted street" means any street within Medway specified in Schedule 1 (hereinafter referred to as a "scheduled street");

Provided that the expression "restricted street" shall not for the purpose of this Order include any other parking place;

"parking place" means any area on a highway or any place within Medway for the time being designated or described as a parking place by an Order made under section 1(1), 2(1) to (3) or section 45 of the Road Traffic Regulation Act 1984;

"Schedule" means a Schedule to this Order;

"street" includes any part of a street;

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(a) 1985 c.67

(b) 1981 c.14

"telecommunication system" has the same meaning in the Telecommunications Act 1984(a).

- (2) For the purposes of this Order a vehicle shall be deemed to wait:-
  - (a) in a restricted street if any point in that street is below the vehicle or its load (if any) and the vehicle is stationary: or
  - (b) for more than a specified period in the same place in a restricted street if any one point in that street is below the vehicle or its load (if any) throughout a period exceeding the specified period whether or not the vehicle is moved during that period.
- (3) 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.
- (4) Any reference in this Order to a length of street shall, unless otherwise specified, be construed as a reference to the whole width of that length of street.
- (5) For the purposes of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when it is so regarded for the purposes of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.
- (6) The restrictions, prohibitions and requirements imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption from the provisions of this Order is without prejudice to the provisions of any other enactment.

### **Application of Order**

- 3. The restrictions imposed by Part II of this Order are subject to the exceptions and exemptions set out in Part III of this Order, and any such exceptions or exemptions are subject to the provisions of Part IV of this Order.

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(a) 1984 c.12

## **PART II**

### **RESTRICTIONS**

#### **Restrictions applicable to streets specified in Schedule 1 or Schedule 2**

4. (1) No person shall cause or permit any vehicle to wait during the prescribed hours in any restricted street except, subject to the provisions of the next paragraph, for so long as may be necessary for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the street.

(2) No person shall cause or permit any vehicle to wait for the purpose of delivering or collecting goods or loading or unloading the vehicle in any of the streets specified in Schedule 2 (which consist of restricted streets or parts thereof) during the restricted hours.

## **PART III**

### **EXCEPTIONS AND EXEMPTIONS FROM RESTRICTIONS**

#### **Persons boarding or alighting from vehicles**

5. Nothing in Article 4 of this Order shall render it unlawful to cause or permit a vehicle to wait in any restricted street for so long as may be necessary for the purpose of enabling any person to board or alight from the vehicle or to load thereon or unload therefrom his personal luggage.

#### **Disabled Persons Vehicles**

6. The restrictions imposed by Article 4(1) of this Order shall not apply in relation to a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority:

Provided that, where the prescribed hours are of a period of more than three hours duration, that vehicle may wait for a period of no more than three hours (being a period not separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same street on the same day.

### Excepted vehicles

7. The restrictions imposed by Part II of this Order shall not apply in relation to the following vehicles, that is to say:
- (a) public service vehicles being used to provide a local bus service under a local service license or to provide a bus service, whilst waiting at an authorised stopping place or at a terminal or turning point; or
  - (b) vehicles when used for fire brigade, ambulance or police purposes; or
  - (c) vehicles when 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 in the performance of such duties for the vehicle to wait in the place in which it is waiting; or
  - (d) licensed taxis whilst waiting upon any duly authorised cab rank; or
  - (e) vehicles whilst waiting in any restricted street for so long as may be necessary in connection with the taking in of petrol, oil, water or air, if such taking in cannot be affected unless the vehicle waits in the place where it is waiting.

### Furniture removals and other exceptional loading or unloading

8. (1) Nothing in Article 4 of this Order shall apply so as to restrict the loading or unloading of any vehicle while the vehicle is in actual use in any restricted street in connection with the removal of furniture to or from an office, dwelling-house or depository:

Provided that this paragraph shall not apply to a vehicle waiting in any restricted street to which the provisions of Article 4(2)(a) of this Order apply unless notice is give twenty-four hours in advance to the Council or authorised agent, their consent is obtained and such reasonable conditions as they may impose are complied with.

- (2) Without prejudice to the provisions of the last foregoing paragraph, nothing in Article 4 of this Order shall apply so as to restrict the loading or unloading of any vehicle while the vehicle is in actual use in any restricted street in connection with the collection or delivery of goods from or to premises in or adjacent to that street if those goods cannot reasonably be loaded or unloaded outside the prescribed house or within the time (if any)

allowed in relation to that street, as the case may be, if notice is given twenty-four hours in advance to the Council or the authorised agent, their consent is obtained, and such reasonable conditions as they may impose are complied with.

#### **PART IV**

#### **ADDITIONAL PROVISIONS**

##### **Restrictions on methods of loading or unloading vehicles**

9. (1) No person shall cause any goods to be loaded on to or unloaded from any vehicle in any street in Medway otherwise than in accordance with the following conditions, that is to say:

- (a) no such goods shall be deposited on any carriageway or footway except on the carriageway immediately at the rear of the vehicle and no goods shall remain on any carriageway before the arrival of or after the departure of the vehicle;
- (b) no part of any rope, chain, wire, apparatus or machinery used in connection with such loading or unloading, and no load suspended therefrom, shall be less than 4.88 metres above a carriageway, except when over any vehicle being loaded or unloaded, or less than 2.74 metres above the footway;
- (c) no such goods shall be passed from hand to hand across any part of any carriageway or footway;

Provided that nothing in this Article shall apply in relation to:

- (i) any vehicle specified in Article 8(b) or (c) of this Order or any vehicle while it is being used as mentioned in Article 10(1)(c) of this Order; or
  - (ii) anything done with the permission or at the direction of a parking attendant or a police constable in uniform.
- (2) Nothing in sub-paragraph (b) of paragraph (1) of this Article shall apply to any pipe, apparatus or machinery being used in connection with the loading or unloading of any petrol, water, oil or liquid fuel on to or from any vehicle in any street or from any



premises adjacent to any street provided that all necessary means are taken to give adequate warning of any possible obstruction.

**Restriction on street trading**

10. No person shall, on any day other than a Sunday, sell, offer, or expose for sale goods from a vehicle which is in any restricted street unless:
- (a) that person is licensed by the Council to sell goods from a stationary vehicle on a pitch in that street and sells goods from that pitch; or
  - (b) the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected.

**Restriction on advertising**

11. No person shall, in any restricted street or in any street specified in Schedule 1, either wholly or mainly for the purposes of advertisement, ride, drive, conduct, use or employ or cause to be ridden, driven, conducted, used or employed any animal or vehicle of any kind, or wear or cause to be worn any fancy dress or other costume.

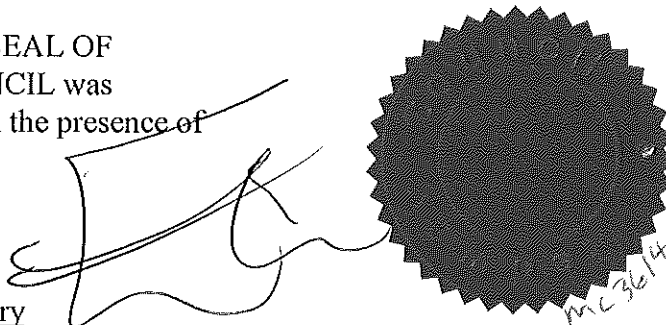
**Revocation**

12. Without prejudice to any liability incurred in respect of any act or omission before the coming into force of this Order, the Medway (Prohibition and Restriction of Waiting) Order 2000 is hereby revoked.

Given under the Common Seal of the Council this 12<sup>th</sup> day of November 2003.

THE COMMON SEAL OF  
MEDWAY COUNCIL was  
hereunto affixed in the presence of

Authorised signatory

A handwritten signature in black ink is written over a large, dark, circular embossed seal. The seal has a serrated, sunburst-like edge. To the right of the seal, the handwritten text 'mc 36/4' is visible.

**Dr. Richard Simmons**  
**Director of Development and Environment**