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CITY COUNCIL OF BRISTOL

(VARIOUS ROADS, VICTORIA PARK AREA, WINDMILL HILL WARD, CITY OF BRISTOL) (PROHIBITION AND RESTRICTION OF WAITING) (CAR CLUB PARKING PLACES) ORDER 202-

The City Council of Bristol (hereinafter referred to as "the Council") in exercise of its powers under sections 1(1), 2(1) to (3), 4, 45, 46, 49, and 53 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended (hereinafter referred to as "the Act of 1984") 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 of 1984, hereby makes the following order:-

PART I

COMMENCEMENT, CITATION AND INTERPRETATION

Commencement and Citation

1. This order shall come into operation on the ----- and may be cited as the City Council of Bristol (Various Roads, Victoria Park Area, Windmill Hill Ward, City of Bristol) (Prohibition and Restriction of Waiting) (Car Club Parking Places) Order 202-.

Interpretation

2. (1) In this order:-

“**authorised cab rank**” means any area of carriageway which is comprised within and indicated by road marking diagram 1028.2 as provided for at item 5 of the sign table in Part 4 of Schedule 7 to the Traffic Signs Regulations and General Directions 2016, as amended;

“**authorised parking place**” means any parking place on a road authorised or designated by an order made or having effect as if made under the Act of 1984;

“**authorised vehicle**” means any vehicle authorised by an order to use any authorised parking place authorised or designated by that order made or having effect as if made under the Act of 1984;

“**bus**” has the same meaning as in Schedule 1 to the Traffic Signs Regulations and General Directions 2016, as amended;

“**bus stop clearway**” in relation to a length or side of road means all that area of carriageway which is bounded by the outer line of road marking diagram 1025.1 as provided for at item 9 of the sign table in Part 4 of Schedule 7 to the Traffic Signs Regulations and General Directions 2016, as amended;

“**Car Club**” means a city car club or similar organisation (including any person or organisation acting on behalf of such club or organisation) approved in writing by the Council for the purposes of this order;

“**Car Club parking place**” means an area on a highway designated as a Car Club parking place by Article 7 of this order;

“**Car Club vehicle**” means a vehicle of a type approved by the Council and provided by a Car Club or by the Council for the use of persons who have paid any relevant membership or other Car Club fee and by means of a real-time or advance booking system may have use of the vehicle for a specified period and which displays the relevant identification issued and/or approved by the Council;

“**civil enforcement officer**” has the same meaning as in section 76 of the Traffic Management Act 2004;

“**disabled person**” means a disabled person of a description prescribed by the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, as amended);

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

“**disabled person’s vehicle**” means:

- (a) a vehicle which is lawfully displaying a disabled person’s badge in the relevant position and is a vehicle which, immediately before or after any period of waiting allowed by a provision of this order, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying one or more disabled persons as passengers; or
- (b) an invalid carriage as prescribed in Section 136 of the Act of 1984;

“**driver**” in relation to a vehicle waiting in a Car Club parking place, means the person in charge of the vehicle at the time it was left in such a Car Club parking place and, where a separate person acts as steersman of a vehicle, includes that person as well as any other person in charge of the vehicle, and “**drive**” shall be construed accordingly;

“**electronic communications apparatus**” means apparatus comprised in or to be comprised in an electronic communications network as defined in the Communications Act 2003;

“**enactment**” means any enactment whether public, general or local and includes any order, byelaw, regulation, scheme or any 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;

“**hackney carriage**” has the same meaning as in section 38 of the Town Police Clauses Act 1847 but complying with the requirements of the relevant licensing authority in respect of roof-top signs;

“immobilisation exempt vehicle” means:

- (a) a disabled person’s vehicle or an invalid carriage;
- (b) a vehicle which displays a local exemption parking permit which has been issued by the Council to a doctor, district nurse, midwife or other medically or otherwise professionally qualified person for use when engaged in emergency duties, and is subject to conditions or limitations imposed upon its use by the Council; or
- (c) a diplomatic registered vehicle in the execution of official duties;

“invalid carriage” has the same meaning as in Section 136 of the Act of 1984;

“local service” has the same meaning as in the Section 2 of the Transport Act 1985;

“motor vehicle” has the same meaning as it has in Section 136 of the Act of 1984;

“parking bay” means a space which is provided for the leaving of a Car Club vehicle in a Car Club parking place;

“parking disc” has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) (Regulations) 2000;

“passenger vehicle” means a motor vehicle constructed solely for the carriage of passengers and their effects;

“police community support office” has the same meaning as in section 38 of the Police Reform Act 2002;

“postal packet” has the same meaning as in the Postal Services Act 2000

“provision of a universal postal service” has the same meaning as in the Postal Services Act 2000;

“relevant identification” means a badge or other means of identification issued and/or approved by the Council indicating that a vehicle on which it is displayed is provided by or on behalf of a Car Club and may validly be left in a Car Club parking place;

“relevant position” has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) (Regulations) 2000;

“traffic sign” has the same meaning as in Section 64 of the Act of 1984;

“universal service provider” has the same meaning as in the Postal Services Act 2000; and

“vehicle” means a motor vehicle (whether or not it is in a fit state for use on a road, and includes any chassis or body, with or without wheels, appearing to

have formed part of such a vehicle, and any load carried by and anything attached to such a vehicle).

- (2) 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.

PART II **WAITING OF VEHICLES**

Prohibition and Restriction of Waiting of Vehicles

3. Save as provided in Article 6 and Article 7 of this order no person shall, except upon the direction or with the permission of a civil enforcement officer, a police community support officer or of a police constable in uniform, cause or permit any vehicle to wait at any time in the any of the lengths of road or on any of the sides of road identified as **No waiting at any time** in plan **E19070-TRO-301-B** annexed hereto.
4. Save as provided in Article 6 and Article 7 of this order no person shall, except upon the direction or with the permission of a civil enforcement officer, a police community support officer or of a police constable in uniform, cause or permit any vehicle to wait between the hours of 7.00 a.m. and 6.30 p.m. on any day other than Sunday in the any of the lengths of road or on any of the sides of road identified as **No waiting Mon – Sat 7.00 am – 6.30 pm** in plan **E19070-TRO-301-B** annexed hereto
5. Save as provided in Article 6 and Article 7 of this order no person shall, except upon the direction or with the permission of a civil enforcement officer, a police community support officer or of a police constable in uniform, cause or permit any vehicle to wait between the hours of 8.00 a.m. and 6.00 p.m. on any day other than Sunday in any of the lengths of road or on any of the sides of road identified as **Limited waiting Mon – Sat 8 am – 6pm Max stay 2 hours No return within 2 hours** in plan **E19070-TRO-301-B** annexed hereto:-
 - (i) for a longer period than two hours; or
 - (ii) if a period of less than 2 hours has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle in the same length of road or on the same side of road.

Exemptions

6. (1) Nothing in Article 3 or Article 4 or Article 5 of this order shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of road or on any of the sides of road referred to in those Articles 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 operations, namely –
 - (i) building, industrial, demolition or excavation operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths of road or sides of road;
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to, the said lengths of road 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 electronic communications apparatus as defined in the Communications Act 2003; or
 - (v) the construction, installation, improvement, maintenance, repair or cleaning of any traffic sign, bus stop infrastructure or other street furniture or other object lawfully placed or to be placed on, in or over the said lengths of roads or sides of roads;
- (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, the Environment Agency, a water undertaker or sewerage undertaker in pursuance of statutory powers or duties;
- (d) the vehicle to be used by a universal service provider for the purpose of delivering or collecting postal packets in the course of the provision of a universal postal service;
- (e) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths of road or sides of road;
- (f) the vehicle to wait at or near to any premises situated on or adjacent to the said lengths of roads or sides of roads for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral; or
- (g) the vehicle to be used for fire and rescue authority, ambulance or police purposes.

Provided that the exemptions conferred by this paragraph in relation to the uses specified in sub-paragraphs (e) and (f) hereof shall not apply so as to exempt any vehicle from the prohibitions contained in the said Articles in so far as those prohibitions apply to any of the lengths of road or any of the sides of road identified as **No loading Mon - Fri 7 - 10 am 4.00 – 6.30 pm** in plan **E19070-TRO-301-B** annexed hereto between the hours of 7.00 a.m. and 10.00 a.m. or between the hours of 4.00 p.m. and 6.30 p.m. on any day not being a Saturday or Sunday.

- (2) Nothing in Article 3 or Article 4 or Article 5 of this order shall render it unlawful to cause or permit any vehicle to wait for so long as may be necessary for the purpose of enabling goods to be loaded on or unloaded from the vehicle:-

Provided that this paragraph shall not apply so as to exempt any vehicle from the prohibitions contained in the said Articles in so far as those prohibitions apply to any of the lengths of road or any of the sides of road identified as **No loading Mon - Fri 7 - 10 am 4.00 – 6.30 pm** in plan **E19070-TRO-301-B** annexed hereto and in so far as any time necessary for the purpose before mentioned in this paragraph falls between the hours of 7.00 a.m. and 10.00 a.m. or between the hours of 4.00 p.m. and 6.30 p.m. on any day not being a Saturday or Sunday unless the vehicle is in the service of or employed by a universal service provider in the course of the provision of a universal postal service and is in actual use in any of the lengths of road or sides of road specified in the said lengths of road or sides of road for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000.

- (3) Nothing in Article 3 or Article 4 or Article 5 of this order shall render it unlawful to cause or permit any vehicle –
- (a) being an authorised vehicle, to wait upon an authorised parking place;
 - (b) being a hackney carriage, to wait upon an authorised cab rank; or
 - (c) being a bus used in the provision of a local service to wait in any bus stop clearway for the purposes set out in Part 6 of Schedule 7 to the Traffic Signs and Regulations and General Directions 2016, as amended.

7. (1) Nothing in Article 3 or Article 4 of this order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge and 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 any of the lengths of road or on any of the sides of road referred to therein 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 or on the same side of road on the same day).
- (2) Nothing in Article 5 of this order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge to wait in any of the lengths of roads or on any of the sides of roads referred to therein.

Provided that paragraph 1 and paragraph 2 of this Article shall not apply so as to exempt any disabled person's vehicle from the prohibitions contained in the said Article in so far as those prohibitions apply to any of the lengths of road or any of the sides of road identified as **No loading Mon - Fri 7 - 10 am 4.00 – 6.30 pm** in plan **E19070-TRO-301-B** annexed hereto between the hours of 7.00 a.m. and 10.00 a.m. or between the hours of 4.00 p.m. and 6.30 p.m. on any day not being a Saturday or Sunday.

PART III
CAR CLUB PARKING PLACES

Designation and Use of Car Club Parking Places

8. Each area of carriageway which is identified as **Car club permit holders only** in plan **E19070-TRO-301-B** annexed hereto, and unless otherwise so specified on the said plans, bounded on one side of that length by the edge of the carriageway is hereby designated to be used, subject to the following provisions of this order, as a car club parking place for Car Club vehicles.

Number and Situation of Car Club Parking Bays

9. The number and situation of parking bays in each Car Club parking place shall be as determined by the Council.
10. The limits of each Car Club parking place and of each Car Club parking bay shall be indicated on the carriageway by appropriate traffic signs.

Manner of Standing in Car Club Parking Places

11. The driver of a Car Club vehicle waiting in a Car Club parking place shall cause it so to stand:-

(a) if special provisions

in the case of a Car Club parking place in relation to which special provisions as to the manner of standing of a vehicle in that place are indicated on the carriageway by appropriate traffic signs, as to be in accordance with those provisions;

(b) if no special provisions

on a road in a single line parallel to the edge of the carriageway and so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than three hundred millimetres; and

so that every part of the vehicle is wholly within the limits of a single Car Club parking bay.

Restriction of Use of Vehicles at Car Club Parking Places

12. The driver of a vehicle using a Car Club parking place shall stop the engine as soon as the vehicle is in position in the Car Club parking place and shall not start the engine except when about to change the position of the vehicle in, or to depart from, the Car Club parking place.

13. The driver of a vehicle using a Car Club parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in, or to depart from, the Car Club parking place.
14. No person shall use any vehicle whilst it is in a Car Club parking place in connection with the sale of or the attempted sale of any article to any person in or near the Car Club parking place or in connection with the selling or offering for hire his skill or his services in any other capacity.
15. No person shall use any vehicle whilst it is in a Car Club parking place to carry out or permit the carrying out of any work of maintenance or repair or the washing down of any vehicle except such maintenance or repair as may be necessary to enable the vehicle to be moved from the Car Club parking place.

Restriction of Waiting in Car Club Parking Places

16. Save as provided in Article 17 of this order no person shall leave a vehicle in a Car Club parking place:-
 - (a) unless it is a Car Club vehicle; and
 - (b) in a position other than that specified in Article 11 of this order.

Restriction of Waiting of Vehicles other than Car Club Vehicles in Car Club Parking Places

17. (1) Without prejudice to the foregoing provisions of this order with respect to vehicles which are left in a Car Club parking place in accordance with those provisions, a vehicle not being a Car Club vehicle may wait anywhere on the carriageway within a Car Club parking place (other than a Car Club parking place or part thereof the use of which has been suspended), if:-
 - (a) the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle;
 - (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary to avoid an accident;
 - (c) the vehicle is being used for fire brigade, ambulance or police purposes or is a vehicle (other than a passenger vehicle) in the service of a local authority being used in pursuance of statutory powers or duties;
 - (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - (e) the vehicle is to be used by a universal service provider in the course of the provision of a universal postal service for the purpose of delivering or collecting postal packets to or from premises adjacent to the Car Club parking place or for the purpose of delivering to or collecting from posting boxes adjacent to that Car Club parking place; or

- (f) the vehicle is waiting only so long as may be reasonably necessary to enable it to be used for the purpose of maintenance, installation or removal in or adjacent to the Car Club parking place of any traffic sign, bus stop infrastructure or other street furniture.
- (2) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under section 25 of the Act of 1984.

Manner of Standing by Exempted Vehicles in Car Club Parking Places

18. A person causing or permitting a vehicle to wait in a Car Club parking place by virtue of the provisions of sub-paragraph (e) or (f) of the last preceding Article shall ensure -
- (a) in the case of a Car Club parking place in relation to which special provisions as to the manner of standing of vehicles in that place are indicated on the carriageway by appropriate traffic signs so that the vehicle shall so stand -
 - (i) unless the length of the vehicle precludes compliance with this sub-paragraph, in accordance with those provisions and so that every part of the vehicle is within the limits of the Car Club parking place, or
 - (ii) if the length of the vehicle does preclude compliance with the last preceding sub-paragraph that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than three hundred millimetres; and
 - (b) in the case of any other Car Club parking place so that every part of the vehicle is within the limits of a parking bay and the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and nearest wheel of the vehicle is not more than three hundred millimetres.

Power to Suspend Use of Car Club Parking Places

19. (1) Any person generally or specially authorised by the Council may suspend the use of a Car Club parking place, or any part thereof, whenever that person considers 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, industrial, demolition or excavation operations in or adjacent to the Car Club parking place;
 - (c) for the purpose of the maintenance, improvement or reconstruction of the Car Club parking place;

- (d) for the purpose of the laying, erection, alteration, removal or repair in or adjacent to the Car Club parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications apparatus;
 - (e) for the purpose of the maintenance, installation or removal in or adjacent to the Car Club parking place of any traffic sign, bus stop infrastructure or other street furniture;
 - (f) for the convenience of occupiers of premises adjacent to the Car Club parking place on any occasion of the removal of furniture or household effects to or from premises adjacent to the Car Club parking place;
 - (g) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (h) for the convenience of occupiers of premises adjacent to the Car Club parking place at times of weddings or funerals, or on other special occasions.
- (2) A police constable in uniform or a police community support officer may suspend for not longer than 7 days the use of a Car Club parking place or any part thereof whenever that police constable or police community support officer considers such suspension reasonably necessary for the purpose of preventing or mitigating congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances.
- (3) Any person suspending the use of a Car Club 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 Car Club parking place or any part thereof the use of which is suspended, a traffic sign indicating that the waiting by vehicle is prohibited.
- (4) Exemptions during Car Club parking place suspension

No person shall cause or permit a vehicle to be left in any part of a Car Club parking place during such period as there is in or adjacent to that part of the Car Club parking place a traffic sign (indicating that the use of that Car Club parking place is suspended) placed in pursuance of paragraph (3) of this Article -

Provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for:-

- (a) fire brigade, ambulance or police purposes;
- (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary to avoid an accident;

- (c) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic -

or if that vehicle is left with the permission of the person suspending the use of the Car Club parking place or the part thereof in pursuance of paragraph (1) of this Article or a person duly authorised by him.

Alteration of Position of Vehicle in Car Club Parking Place

20. Where any vehicle is standing in a Car Club parking place in contravention of the provisions of Article 11 or Article 18 of this order a civil enforcement officer, a police constable in uniform or a police community support officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of Vehicle from Car Club Parking Place and Safe Custody of Vehicle

21. When a vehicle, other than an immobilisation exempt vehicle, is left in a Car Club parking place in contravention of any of the provisions of Part III of this order a civil enforcement officer, a police constable in uniform or a police community support officer may remove or arrange for the removal of the vehicle from that Car Club parking place and, where it is so removed shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

Method of Removal of Vehicles from Car Club Parking Places

22. Any person removing or altering the position of a vehicle by virtue of Article 20 or Article 21 of this order may do so by towing or driving the vehicle, or in such other manner as he may think necessary, and may take such measures in relation to the vehicle as may be thought necessary to enable the removal as aforesaid.

Movement of Vehicles in Car Club Parking Place in an Emergency

23. Any person generally or specially authorised by the Council, a civil enforcement officer, a police constable in uniform or a police community support officer may cause to be moved, in case of emergency, to any place he thinks fit, any vehicle left in a Car Club parking place.

PART IV **REVOCATION OF ORDER**

24. The City Council of Bristol (Various Roads, Victoria Park Area, Windmill Hill, City of Bristol) (South Eastern Zone) (Prohibition and Restriction of Waiting) (Car Club Parking Places) Order 2014 is hereby revoked.
25. The provisions of this order shall be in addition to and not in derogation from the provisions of any regulations made or having effect as if made under the Act of 1984 or by any other enactment.

Given under the Common Seal of the City Council of Bristol the -- day of ----- 202-.

The COMMON SEAL of the
CITY COUNCIL OF BRISTOL
was hereunto affixed
in the presence of:-

Director of Legal and Democratic Services