

HART DISTRICT COUNCIL (CLEARWAY AND PROHIBITION OF WAITING AT ANY TIME) (HOOK ROAD AND STATION ROAD, HOOK) EXPERIMENTAL TRAFFIC REGULATION ORDER 2021

The Hart District Council pursuant to arrangements made under Section 101 of the Local Government Act 1972 with Hampshire County Council in exercise of its powers under sections 9 and 10 of the Road Traffic Regulation Act 1984 (the Act of 1984) as amended 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 1984, hereby makes the following Order.

SECTION 1 – PRELIMINARY

Citation and commencement

- 1) This Order may be cited as Hart District Council (Clearway and Prohibition of waiting at any time) (Hook Road and Station Road, Hook) Experimental Traffic Regulation Order 2021.

- 2) The reason for proceeding by way of Experimental Traffic Regulation Order is to assess the effects of the trial period before consideration is given to whether the provisions of the Experimental Traffic Regulation Order should be made permanent. Currently the parking of vehicles effects the forward visibility, impedes the free flow of traffic along the road, and is causing damage to the verge and highway drainage system.

The reason for this order is to prevent parking in the interests of highway safety, secure the condition of the public highway, maintain forward visibility, and allow the free passage for all vehicles, a traffic regulation order is considered desirable.

- 3) Whilst this order is in force the Council or any person authorised by it may modify or suspend this Order or any provisions in it if it appears essential to do so for any purpose specified under section 10(2) of the 1984 Act.

- 4) This Order shall come into operation on the 12 November 2021 and shall cease to be in force on 18 months from the 5 November 2021 or such earlier date as is decided by the Head of Technical and Environment Services.

Interpretation

- 5) In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

“clearway” means the area marked red on the drawing dated September 2021
Revision 1

“carriageway” has the same meaning as given in section 329 (1) of the Highways Act 1980

“motor vehicle” and other expressions relating to “vehicles” including part of a vehicle has the same meaning as s185 Road traffic Act 1988

“permitting” includes causing

“council” means Hampshire County Council or, as the case may be, Hart District Council acting as Hampshire County Council’s agents;

“civil enforcement officer” means a person employed in accordance with Section 76 of the Traffic Management Act 2004 to carry out the functions therein or a person employed as a Parking Attendant for the purposes of Section 63A of the Road Traffic Regulation Act 1984;

“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;

“footway” has the same meaning as given in section 329 (1) of the Highways Act 1980

“motor-cycle” has the same meaning as that in S136 of the 1984 Act;

“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;

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

“penalty charge” has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislations so enabling;

“penalty charge notice” has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislations so enabling;

“prohibited road” means any of the sides or lengths of roads specified in Schedule 1 where waiting is prohibited provided that the expression “prohibited road” shall not include any parking place;

“road” means the full width including the carriageway and any footway and or verge of any length of Highway or of any other road to which the public have access, and includes bridges over which a road passes

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

“verge” means any part of a road not being a carriageway and includes road margins and those areas laid for ornamental purposes maintained by Hart District Council or Hampshire County Council

- 6) 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.
- 7) 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.
- 8) The Interpretation Act 1978 shall apply to the interpretation to this Order as it applies for the interpretation of an Act of Parliament and as if for the purpose 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 – Clearway

Prohibition of Stopping

- 9) No person shall, except upon the direction or with the permission of a police officer in uniform or civil enforcement officer, cause or permit any vehicle to stop at any time on any prohibited road as specified in Schedule 1.

Emergency Services

- 10) Nothing in Articles 9 shall render it unlawful to cause or permit any vehicle to stop at any time 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 for fire and rescue, ambulance or police purposes.

General exemptions

11) Nothing in Articles 9 shall render it unlawful to cause or permit any vehicle to stop at any time 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) the removal of any obstruction to traffic;
 - ii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
 - iii) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of road or sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication system,
- 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; or
- 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 out of his/her control. The vehicle will need to be removed within 24 hours.
- e) To wait on the carriageway while a gate or other barrier at the entrance to the premises to which the vehicle requires access or from which it has emerged is opened or closed if it is not reasonably practicable for the vehicle to wait otherwise than on the carriageway

SECTION 3 – No waiting at any time

Prohibition of waiting

12) Save as provided in Articles 14 to 19 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

13) Save as provided in Articles 14 to 19 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

Emergency Services

14) Nothing in Articles 12 and 13 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 for fire and rescue, ambulance or police purposes:

General exemptions

15) Nothing in Articles 12 and 13 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; and

- iv) 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,
- 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; or
- 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

16) Nothing in Articles 12 and 13 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

17) Nothing in Articles 12 and 13 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 and weddings

18) Nothing in Articles 12 and 13 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 for funerals or weddings.

Waiting by disabled persons' vehicle

19) Nothing in Articles 12 and 13 shall render it unlawful to cause or permit a vehicle which displays in the relevant position a \ person's badge and 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).

SECTION 4 – VALIDITY

20) If a court, the Department for Transport, the Traffic Penalty 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.

THE COMMON SEAL of HART DISTRICT)
COUNCIL was hereunto affixed this)
day of *25th November* 2021 in the presence)
of:-)

Mr Bundy



SCHEDULE 1

SCHEDULE OF CLEARWAY AND NO WAITING AT ANY TIME

1. Clearway on the following length of road:

Hook Road – from the centre line of the give way line at its junction with A287 for a distance of 522 meters in a northerly direction to the centre line of the give way line at its junction with Station Road

2. No waiting at any time on the following lengths of road:

Junction of Station Road and Hook Road, Hook

Station Road – west side – from its junction with Hook Road for a distance of 10 meters in a northerly direction

Station Road – west side – from its junction with Hook Road for a distance of 10 meters in a southerly direction

Hook Road – along both northwest and southeast sides from its junction with Station Road for a distance of 10 meters in a southerly direction