

THE COUNTY OF CUMBRIA (VARIOUS ROADS, WHITEHAVEN)
(CONSOLIDATION AND PROVISION OF TRAFFIC REGULATIONS) ORDER 2019

The County council of Cumbria (hereinafter referred to as "the Council" in exercise of its powers under Sections 1(1), 2(1) to (4), 19, 32, 35, 35A, 38, 45, 46, 47, 49, 51, 53 and 64 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act") and Part 6 of the Traffic Management Act 2004 and all other enabling powers after consultation with the Chief Constable of Cumbria in accordance with Part III of Schedule 9 to the Act hereby makes the following Order: -

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PART I

GENERAL

1. This Order shall come into operation on 15 April 2019 and may be cited as the County of Cumbria (Various Roads, Whitehaven) (Consolidation and Provision of Traffic Regulations) Order 2019
2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

“2000 Regulations” means the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (SI 2000 No. 683);

“ambulance” means a vehicle which—

 - (a) is constructed or adapted for, and used for no other purpose than, the carriage of sick, injured or disabled people to or from welfare centres or places where medical or dental treatment is given; and
 - (b) is readily identifiable as a vehicle used for the carriage of such people by being marked ‘Ambulance’ on both sides

"Borough Council" means Copeland Borough Council;

“bus” means a motor vehicle constructed or adapted to carry more than 8 passengers;

"carer" means a person who provides care to a person the usual place of abode of which is in a street specified in the Disc Zone where: -

 - (i) that person can produce evidence of receiving Disability Living Allowance or an Attendance Allowance or the person providing the care can produce evidence of receiving an Invalid Care Allowance; or

- (ii) where none of the benefits in (i) above are being claimed satisfactory evidence can be provided by a letter from the invalid's General Practitioner;

"Certificate of Exemption" (also referred to as "Permit A") means a certificate issued under the provisions of Article 21 of this Order and exempts a vehicle nominated by a qualifying resident, visitor or carer, (as defined) from the time limit in parking places specified in Schedules 10, 14, 15 and 16 of this Order;

"certificate holder" (also referred to as "Permit Holder A") means a person to whom a Certificate of Exemption has been issued under the provisions of Article 21 of this Order;

"civil enforcement officer" shall mean the person or persons duly authorised in writing in that behalf (from time to time) by the Council of the Borough of Copeland;

"coach" for the purposes of Article 37 and Schedule 31, means a vehicle adapted to carry more than 8 passengers, which is not a public service vehicle but is a private hire coach in the service of a private operator during trips to Whitehaven;

"Disc Zone" means the area of Whitehaven Town Centre as described in Schedule 1 to this Order;

"disabled person" means a person who holds a disabled persons' badge in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI 2000 No. 682) or any re-enactment thereto;

"disabled person's badge" means a badge issued in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended) (in particular Regulation 11 and the Schedule thereto) or under regulations having effect in Scotland and Wales under Section 21 of the Chronically Sick and Disabled Persons Act 1970 as referred to currently by the Local Authorities Traffic Orders (Exemptions for Disabled) (England) Regulations 2000 (No. 683) or any subsequent further re-enactments thereof;

"driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;

"goods" includes goods or burden of any description;

"goods vehicle" means for the purpose of this Order a motor vehicle which is constructed or adapted for the carriage of goods or burden of any description, the unladen weight of which does not exceed 1.524 tonnes;

"hackney carriage" means a vehicle licensed by to ply for hire in the Borough of Copeland and does not include private hire vehicles;

"hackney carriage stand" means an area of carriageway reserved for use by hackney carriages plying for hire;

"Harbour Area Restricted Parking Zone" means the entire lengths of roads specified in Schedule 52 to this Order;

"James Street Restricted Parking Zone" means the entire lengths of road specified in Schedule 50 to this Order;

"junction" means, unless otherwise indicated in this Order, the intersection of the general alignment of the highway boundaries of two roads;

"market" means the presence of market stalls as defined in Copeland Borough Council Market Rules and Regulations;

"Market Place Restricted Parking Zone" means the entire lengths of roads specified in Schedule 51 to this Order;

"off-street parking facility" means for the purpose of Article 21(3) of this Order a garage or area of land off the highway at or near the applicant's premises, which is suitable for parking a vehicle;

"owner" in relation to a vehicle means the person by whom such vehicle is kept and used;

"parking place" means any part of a road authorised by this Order to be used as a parking place;

"post office" and any reference to "post office vehicle" or "postal packets" shall be construed in the context of the Postal Services Act 2000 and the Consequential Amendments Order 2001 (No. 2001/648);

"premises" means for the purpose of this Order a postal address within the Disc Zone as specified in Schedule 1 and the James Street Restricted Parking Zone specified in Schedule 50 and the Market Place Restricted Parking Zone specified in Schedule 51 and the Harbour Area Restricted Parking Zone specified in Schedule 52, but excluding public buildings and those which have off-street parking facilities;

"public building" means a building which provides a Local or District Authority function, service or amenity to the public, including, but not restricted to Libraries, Town Halls, Civic Halls, Local or District Authority Offices for Education, Social Services, Heritage Services, Housing Payments of rents, taxes or fines, Health or Welfare;

"prescribed hours" means those hours and on those days during which there are limitations on parking, waiting, loading and unloading as specified in the Schedules hereto

"relevant position" means exhibited on the dashboard or fascia of the vehicle, or, where the vehicle is not fitted with a dashboard or fascia, exhibited in a conspicuous position on the vehicle, so that the front is clearly legible from the outside of the vehicle

"resident" means for the purpose of Article 21(1) of this Order, a person legally registered by way of occupancy at a premises within the Disc Zone as specified in Schedule 1 and those living within the Restricted Parking Zone;

"road" means any length of highway or of any other road to which the public has access, and includes any bridge over which a road passes;

"traffic sign" means a sign or marking of any size colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act;

"trailer" shall have the meaning assigned to it by Section 138(3) of the 1984 Act;

"vehicle" means a mechanically propelled vehicle.

"visitor" means for the purpose of this Order a person who is staying temporarily with a resident as a non-paying guest;

"year" means the period which commences on 1st April in each year and terminates on 31st March in each successive year;

"the 2016" Regulations means the Traffic Signs and General Directions 2016.

- (2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent amendment.
- (3) The Interpretation Act 1978 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament and as if for the purpose of Section 38 of that Act this Order were an Act of Parliament and the Orders and Bye Laws

revoked/amended by Article 67 of this Order were Acts of Parliament thereby revoked/amended.

3. The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any Regulations made or having effect as if made under the Act, or by or under any other enactment.

PART II

AUTHORISATION AND USE OF PARKING PLACES

USE OF PARKING PLACE

4. Each of the parts of a road specified in Schedules 9 to 21 inclusive of this Order is authorised to be used subject to the following provisions of this Order as a parking place during the prescribed hours for such vehicles as are passenger vehicles, goods vehicles, motor cycles with side cars attached thereto and disabled persons' vehicles.
5. The driver of a vehicle shall not permit it to wait in a parking place specified in Schedules 9 to 20 inclusive of this Order during the prescribed hours unless the vehicle is:-
 - (a) of a class specified in Article 4 of this Order, and
 - (b) wholly within the limits of the parking place as marked on the carriageway by broken white lines conforming to diagram 1028.4 in Schedule 7 of the 2016 Regulations or delineated by contrasting paving materials in restricted parking areas and is parked parallel to the kerb with the nearside of the vehicle adjacent to the edge of the carriageway except that vehicles:-
 - (i) waiting in the George Street cul-de-sac are required to wait wholly within the limits of the parking place as marked on the carriageway by broken white lines conforming to diagram 1033 in Schedule 7 to the 2016 Regulations with the rear of the vehicle adjacent to the wall;
 - (ii) waiting in Queen Street (between Coates Lane and Roper Street) are required to wait wholly within the limits of the parking places as marked on the carriageway by broken white lines conforming to diagram 1033 in Schedule 7 of the 2016 Regulations with the front of the vehicle facing the kerb.
6. The driver of a vehicle shall not use a parking place
 - (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance;
 - (b) when closed under the provisions of Article 9 of this Order.
7. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
8. No person shall use a vehicle while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.
9. Nothing in Article 5 of this order shall restrict the power of the Council or of the Borough Council for preventing obstruction of the streets by order on the occasion of any public procession rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place.

DISPLAY OF CERTIFICATES OF EXEMPTION OR PARKING DISCS

10. (1) Subject to the provision of Article 16 of this Order the driver of a vehicle shall on the arrival of the vehicle at a parking place specified in Schedules 9, 10, 11, 12, 13, 14, 15, 16 and 17 of this Order, during the period of waiting within the prescribed hours exhibit on the vehicle in accordance with the following provisions of this Article a parking disc or a certificate of exemption.
 - (2) The parking disc or certificate of exemption shall be exhibited on the vehicle
 - (a) in the case of two-wheeled motor cycle having a side car attached thereto, or an invalid carriage, in a conspicuous position on the nearside of the vehicle in front of the driving seat, and
 - (b) in the case of all other vehicles, in a relevant position.
 - (3) A parking disc while exhibited on the vehicle shall be so placed that the time of arrival shown on the front of the said disc is clearly visible to a person standing on the nearside of the vehicle.
11. When a certificate of exemption or parking disc has been displayed in a vehicle in accordance with the provisions of Article 10 of this Order, no person shall remove the certificate of exemption or parking disc from the vehicle unless authorised to do so by the driver of the vehicle.
12. The driver of a vehicle shall on exhibiting the parking disc on the vehicle in accordance with the provisions of Article 10 set the disc so that it indicates the quarter of an hour period during which the vehicle arrived at the parking place.
13. Where a vehicle having been left on a side of a road remains there at the beginning of the prescribed hour then the vehicle shall be treated as if it had arrived in the parking place at the beginning of those hours.
14. (1) Subject to the provisions of Article 16 of this Order the driver of a vehicle shall not permit it to wait continuously in a parking place specified in Schedules 9, 10, 11, 12, 13, 14, 15, and 17 to this Order for a longer period than 1 hour, such period of one hour being calculated as commencing from the later time indicated on the parking disc set in accordance with the provisions of the last preceding Article.
 - (2) When a parking disc exhibited in pursuance of Article 10 of this Order on a vehicle waiting in a parking place is showing a quarter of an hour period, the later time indicated by the disc showing the end of that period shall be treated as evidence that the vehicle has been waiting in that parking place since the later time in any proceedings for an offence under paragraph (1) of this Article.
15. (1) When a vehicle has left a parking place specified in Schedules 9, 10, 11, 12, 13, 14 and 17 of this Order after waiting thereon the driver thereof shall not within one hour after its leaving permit it to wait again upon that parking place.
 - (2) Nothing in paragraph (1) of this Article shall apply to a resident, visitor or carer in possession of a Certificate of Exemption and complying with the provisions set out in Article 10 of this Order.
 - (3) In any proceedings for a contravention under paragraph 1 of this Article, it shall be assumed unless the contrary is shown, that the parking disc mentioned in that paragraph is an approved device.
16. (1) The driver of a two wheeled motor cycle not having a side car attached thereto shall be exempt from the provisions of Article 10 and 17 of this Order.
 - (2) A resident's, visitor's or carer's vehicle which displays in the relevant position a certificate of exemption or disabled person's vehicle which displays in the relevant position a disabled person's badge shall be exempt during the prescribed hours from compliance with any limitation of time during which a vehicle may be left in a parking place specified in the foregoing provisions of this Order.

17. No person shall:
- (a) after the parking disc exhibited on the vehicle has been set in accordance with Article 12 of this Order, alter the indications given by that parking disc whilst the said vehicle remains in the parking place; or
 - (b) knowingly exhibit on any vehicle any parking disc which has been altered, defaced, mutilated or added to or upon which the figures or particulars have become illegible.
18. (1) Subject to the proviso hereto, where a Civil Enforcement Officer in uniform is of the opinion that any of the provisions contained in Articles 5, 10, 12, 14, 15 or 17 of this Order have been contravened or not complied with in respect of a vehicle left in a parking place, he may remove or cause to be removed the vehicle from the parking place and, where it is so removed he shall make such arrangements as may be necessary for the safe custody of the vehicle.
- (2) Provided that when a vehicle is waiting in a parking place in contravention of the provisions of Article 5(b) of this Order, a person authorised in that behalf by the Borough Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.
19. Any person removing the vehicle or altering its position by virtue of the last preceding Article 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 he think necessary to enable him to remove it or alter its position as the case may be.

RESTRICTION OF WAITING OF VEHICLES

20. (1) Nothing in the foregoing provisions of this part of the Order shall apply to a vehicle waiting during the prescribed hours in a parking place specified in Schedules 9 to 17 inclusive of this Order if the vehicle is
- (a) waiting only so long as is necessary to enable a person to board or alight from the vehicle or to enable goods or merchandise to be loaded onto or unloaded from the vehicle;
 - (b) waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid accidents;
 - (c) a vehicle used for police, fire brigade or ambulance purposes, or a vehicle (other than a passenger vehicle) in the service of a local authority or water authority which is being used in pursuance of statutory powers or duties;
 - (d) waiting to enable it to be used in connection with the removal of any obstruction to traffic;
 - (e) in the service of or employed by the post office and is waiting while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle, or, having been unloaded therefrom, or are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting, or, is in use in connection with the servicing of posting boxes adjacent to the parking place in which the vehicle is waiting;
 - (f) being used in connection with any building operation or demolition, the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration or repair in or near the said parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or

electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act, 1984;

- (g) in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (h) in actual use in connection with the removal of a coffin containing the remains of a deceased person to or from premises situated on or adjacent to that parking place.
- (2) Nothing in the foregoing provisions of this Order shall render it unlawful to cause or permit any licensed hackney carriage to wait during the prescribed hours in any parking place or part thereof specified in the foregoing provisions of this Order which has been designated or authorised by the Borough Council as a Hackney Carriage Stand.

APPLICATION FOR CERTIFICATES OF EXEMPTION

21. (1) Any resident who is the owner of a vehicle not exceeding 72" (1830mm) in height, being either a passenger vehicle, a goods vehicle, motor cycle, motor cycle with sidecar attached thereto, or a disabled person's vehicle may apply to the County Council for the issue of a maximum of two Certificates of Exemption (Permit A) for the leaving of their vehicle in a parking place specified in Schedules 10, 14, 16 and 17 of this Order, any such application shall be made on a form issued by the County Council and obtainable from the County Council office at Lillyhall Industrial Estate, Joseph Noble Road, Workington, Cumbria, CA14 4JH, and shall include the particulars and information required by such form.
- (2) The County Council may require an applicant for Certificates of Exemption to produce to an Officer of the County Council such evidence in respect of the application as they may reasonably require to verify any particulars or information given to them.
- (3) The County Council, upon being satisfied that an applicant is a person whose normal residence is at premises within the Disc Zone, the Market Area Restricted Parking Zone or the Harbour Area Restricted Zone, and such premises do not have the benefit of an off-street parking facility, and is the owner of a vehicle of a class specified in paragraph (1) of this Article may apply to the County Council for the issue of:-
- (i) a maximum of two Certificates of Exemption exempting from the time limit in a parking places specified in Schedules 10, 14, 16 and 17 to this Order, a vehicle to which such a Certificate of Exemption relates subject to them satisfying the conditions specified in the preceding paragraphs of this Article;
 - (ii) a visitors Certificate of Exemption for use in accordance with the foregoing provisions of this Order exempting the vehicle displaying them, providing it is a vehicle of the type specified in paragraph (1) of this Article, from the time limits in parking places specified in Schedules 10, 14, 16 and 17 of this Order subject to them satisfying the conditions specified in the preceding paragraphs of this Article and providing each visitors Certificate of Exemption is displayed in accordance with the requirements of Article 10 to this Order and lapses after a period of one day when it must be removed from the vehicle;
- (4) Nothing in paragraph (3) of this Article shall apply so as to prevent any person whose normal residence is at premises within the Disc Zone or the Market Area Restricted Parking Zone or the Harbour Area Restricted Parking Zone or at High Road, Whitehaven or at Hamilton Terrace, Inkerman Terrace, Cross Street, James Pit Road, Mill Street or Richmond Terrace, Whitehaven, and who has the benefit of an off-street

parking facility from applying to the County Council for a visitors Certificate of Exemption provided the conditions specified in paragraph (3)(ii) above are complied with.

- (5) Nothing in paragraph (3) of this Article shall apply so as to prevent any person whose normal residence is at premises the postal address of which is 1-48 High Road, Hamilton Terrace, Inkerman Terrace, Cross Street, James Pit Road, Mill Street or Richmond Terrace, Whitehaven, from applying to the County Council for the issue of a maximum of two Certificates of Exemption (Permit A), providing that such premises do not have the benefit of an off-street parking facility and the applicant is the owner of a vehicle of a class specified in paragraph (1) of this Article.

Provided that subject to the provision of Article 23 of this Order the Council shall not issue more than two Certificates of Exemption to any resident which would be valid for any period to which any other Certificate of Exemption issued to that resident extends.

22. (1) Nothing in Article 21(1) shall apply so as to permit the issue of a Certificate of Exemption to a resident of premises specified in the Disc Zone or the Market Area Restricted Parking Zone or the Harbour Area Restricted Parking Zone where those premises have the benefit of an off-street parking facility.

SURRENDER, WITHDRAWAL AND VALIDITY OF CERTIFICATES OF EXEMPTION

23. (1) A Certificate Holder may surrender a Certificate to the County Council at any time and shall surrender a Certificate to the County Council on the occurrence of any of the events set out in paragraph (3) of this Article.
- (2) The County Council may, by notice in writing serve on the Certificate Holder at the address shown by that person on the application for the Certificate, or at any other address believed to be that person's residence, that any of the events set out in paragraph (3) of this Article has occurred and the Certificate Holder shall surrender the Certificate to the County Council within 48 hours of the receipt of the said notice.
- (3) The events referred to in the foregoing provisions of this Article are:
- (a) the expiry of the period for which the Certificate was issued;
 - (b) the Certificate Holder ceasing to be a resident at the address in respect of which the Certificate was issued;
 - (c) the Certificate Holder ceasing to be the owner of the vehicle in respect of which the Certificate was issued.
 - (d) the vehicle in respect of which such Certificate was issued being adapted or used in such a manner that it is not a vehicle of a class specified in Article 21(1) of this Order;
 - (e) the issue of a duplicate Certificate by the Council under the provisions of Article 24 of this Order;
 - (f) the premises at which the Certificate Holder resides acquiring the benefit of an off-street parking facility.
- (4) A Certificate shall cease to be valid on the occurrence of any of the events set out in paragraph (3) of this Article.

APPLICATION FOR, AND ISSUE OF DUPLICATE CERTIFICATES OF EXEMPTION

24. (1) If a Certificate is mutilated or defaced or the figures or particulars on it have become illegible or the colour of the Certificates has become altered by fading or otherwise, the Certificate Holder shall surrender it to the County Council and may then apply to the County Council for the issue to him of a duplicate Certificate.

- (2) If a Certificate is lost or destroyed the Certificate Holder may apply to the County Council for the issue of a duplicate.
- (3) The provisions of this Order shall apply to a duplicate Certificate and an application for such a Certificate as if it were a Certificate or, as the case may be, an application for a Certificate.
- (4) Any Certificate issued by virtue of the provisions of paragraph (1) or (2) of this Article shall be marked as a duplicate and upon the issue of a duplicate the Certificate which it duplicates shall become invalid.

PART III

PROHIBITION AND RESTRICTION OF WAITING

25. Save as provided in Article 26 of this Order no person shall except upon the direction or with the permission of a police constable in uniform or of a civil enforcement officer in uniform, cause or permit any vehicle to wait:-
 - (1) at any time in the lengths of road or sides of road specified in **Schedule 2** to this Order;
 - (2) between the hours of 7.00 am and 6.00 pm on a Thursday and Saturday, in the lengths of road or sides of road specified in **Schedule 3** to this Order, only when indicated on site by traffic signs;
 - (3) between the hours of 8.30 am and 6.00 pm on any day other than a Sunday, any such day, in the lengths of road or sides of road specified in **Schedule 4** of this Order as are identified by a single yellow line on the carriageway conforming to diagram 1017 in Schedule 7 to the 2016 Regulations;
 - (4) between the hours of 8.30 am and 5.30 pm on a Monday to Friday inclusive, any such day, in the lengths of road or sides of road specified in **Schedule 5** to this Order;
 - (5) between the hours of 8.00 am and 6.00 pm on a Monday to Friday inclusive, in the lengths of road or sides of road specified in **Schedule 6** to this Order.
 - (6) between the hours of 9.30 am and 2.30pm, on a Monday to Friday inclusive, in the lengths of road or sides of road specified in **Schedule 7** to this Order
 - (7) between the hours of 8 am and 9 am or between 3 pm and 4 pm, on a Monday to Friday inclusive, in the lengths of road or sides of road specified in **Schedule 8** to this Order, for a longer period than ten minutes.
 - (8) between the hours of 8.30 am and 6.00 pm on any day other than a Sunday, any such day, in the lengths of road or sides of road specified in **Schedule 9** to this Order:-
 - (a) for a longer period than one hour, or
 - (b) if a period of less than one hour has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same side of road or length of road;
 - (9) between the hours of 8.30 am - 6.00 pm on any day other than a Sunday, any such day, in the lengths of road or sides of road specified in **Schedule 10** to this Order:-
 - (a) for a longer period than one hour, or
 - (b) if a period of less than one hour has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same side of road or length of road

unless the vehicle is displaying a certificate of exemption for Permit Holders A referred to in Article 23 to this Order.

- (10) between the hours of 7.00 am - 6.00 pm on a Monday, Tuesday, Wednesday and Friday, in the lengths of road or sides of road specified in **Schedule 11** to this Order:-
- (a) for a longer period than one hour, or
 - (b) if a period of less than one hour has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same side of road or length of road,
- only when the Market (as defined) is in operation.
- (11) between the hours of 7.00 am - 6.00 pm on a Monday, Tuesday, Wednesday and Friday inclusive, in the lengths of road or sides of road specified in **Schedule 12** to this Order:-
- (a) for a longer period than one hour, or
 - (b) if a period of less than one hour has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same side of road or length of road,
- (12) between the hours of 7.00 am - 6.00 pm on any day other than a Sunday, in the lengths of road or sides of road specified in **Schedule 13** to this Order:-
- (a) for a longer period than one hour, or
 - (b) if a period of less than one hour has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same side of road or length of road
- (13) between the hours of 8.30 am – 6.00 pm on a Monday – Friday inclusive, in the lengths of road or sides of road specified in **Schedule 14** to this Order:-
- (a) for a longer period than one hour, or
 - (b) if a period of less than one hour has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same side of road or length of road

unless the vehicle is displaying a certificate of exemption for Permit Holders A referred to in Article 21 of this Order.

- (14) between the hours of 08.30am – 4.30pm on Monday to Friday inclusive, in lengths of the road or sides of roads specified in Schedule 15 to this Order:
- (a) for a longer period than one hour or;
 - (b) if a period of less than one hour has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same side of road or length of road
- (15) at any time on any day in the lengths of road or sides of road specified in **Schedule 16** to this Order unless the vehicle is displaying a certificate of exemption for Permit Holders A referred to in Article 21 to this Order.
- (16) at any time in any day in the lengths of road or sides of road specified in **Schedule 17** to this Order: -
- (a) for a longer period than one hour, or,

- (b) if a period of less than one hour has elapsed since the termination during the said hour of the last period of waiting (if any) by that vehicle on the same side of road or length of road,

unless the vehicle is displaying a certificate of exemption for Permit Holders A referred to in Article 23 to this Order.

Exemptions

26. (1) Nothing in Articles 25 (1), (2), (3), (4), (5), (6) and (7) of this Order shall render it unlawful to cause or to permit a disabled person's vehicle which displays in the relevant position a disabled 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 the lengths of road or on the sides of road referred to in the said Articles for a period not exceeding three hours (not being a period separated by an interval of less than one hour from the 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).
- (2) A disabled persons' vehicle which displays in the relevant position a disabled persons' badge shall be exempt from compliance with any limitation of time during which a vehicle may be left in the lengths of road or sides of road specified in Article 25(8), (9), (10), (11), (12), (13), (14) and (16) of this Order.
- (3) Nothing in Article 25 shall render it unlawful to cause or permit a vehicle to wait in any of the lengths of road specified therein if the vehicle is:-
- (a) waiting only so long as is necessary to enable a person to board or alight from the vehicle or to enable goods or merchandise to be loaded onto or unloaded from the vehicle;
 - (b) waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid accidents;
 - (c) a vehicle used for police, fire brigade or ambulance purposes, or a vehicle (other than a passenger vehicle) in the service of a local authority or water authority which is being used in pursuance of statutory powers or duties;
 - (d) waiting to enable it to be used in connection with the removal of any obstruction to traffic;
 - (e) in the service of or employed by the post office and is waiting while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle, or, having been unloaded therefrom, or are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting, or, is in use in connection with the servicing of posting boxes adjacent to the parking place in which the vehicle is waiting;
 - (f) being used in connection with any building operation or demolition, the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration or repair in or near the said parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act, 1984;
 - (g) in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;

- (h) in actual use in connection with the removal of a coffin containing the remains of a deceased person to or from premises situated on or adjacent to that parking place.
 - (4) The restrictions specified in Articles 25(2) and 25(10) shall only apply to James Street when the Market is in operation.
 - (5) The restriction specified in Article 25(11) shall apply only when the Market is NOT in operation.
 - (6) Nothing in the foregoing provisions of this Order shall apply at a bus stop to a public service vehicle providing a local service, as defined in Section 2 of the Transport Act, 1985 provided that the Highway Authority or its Agent has agreed in writing that the bus stop is a suitable place at which such vehicles may wait for longer than is necessary to take up or set down passengers.
27. At side road junctions, waiting restrictions (except limited waiting) on one road, terminating at the junction of another road shall, notwithstanding the definition of junction contained in this Order, apply to the adjacent half width of the second mentioned road. Where there are restrictions on one road which are different from those on the other, the more onerous shall prevail.

PART IV

AUTHORISATION AND USE OF DISABLED PARKING PLACE

28. (1) That part of the road specified in **Schedule 18** to this Order is authorised to be used between the hours of 8.30 am and 6 pm on any day other than a Sunday, subject to Articles 31 and 32 of this Order as a parking place for a disabled person's vehicle which displays a disabled person's badge in a relevant position.
- (2) That part of the road specified in **Schedule 19** to this Order is authorised to be used between the hours of 8.30 am and 6 pm on any day other than a Sunday, subject to Articles 29 and 30 of this Order as a parking place for a disabled person's vehicle which displays a disabled person's badge in a relevant position for a period not exceeding 3 hours, providing that where a disabled person's vehicle has left the said parking place it shall not within a period of 3 hours wait again upon that parking place.
- (3) That part of the road specified in **Schedule 20** to this Order is authorised to be used between the hours of 7.00 am and 6 pm on a Monday, Tuesday, Wednesday and Friday only, subject to the provisions of Articles 29 and 30 of this Order, as a parking place for a disabled person's vehicle which displays a disabled person's badge in a relevant position for a period not exceeding 3 hours, providing that where a disabled person's vehicle has left the said parking place it shall not within a period of 3 hours wait again upon that parking place.
- (4) That part of the road specified in **Schedule 21** is authorised to be used at any time on any day, subject to the provisions of Article 29 and 30 of this Order, as a parking place for a disabled person's vehicle which displays a disabled person's badge in a relevant position for a period not exceeding 3 hours, providing that where a disabled person's vehicle has left the said parking place it shall not within a period of 3 hours wait again upon that parking place.
29. The driver of a vehicle shall not permit it to wait in the parking place specified in Schedules 18, 19, 20 and 21 to this Order unless the vehicle is:-
- (a) a disabled person's vehicle which displays a disabled person's badge in a relevant position; and
 - (b) is wholly within the limits of the parking place as indicated by the markings on the carriageway.

Exemption

30. Nothing in Article 29 of this order shall restrict the power of the Council or of the District Council for preventing obstruction of the street by Order on the occasion of any public procession rejoicing or illumination or where the street is thronged or liable to be obstructed to close the parking place specified in Schedules 18, 19, 20 and 21 to this Order.

PART V

LOADING AREAS

31. (1) The lengths of road or sides of road specified in **Schedule 22** to this Order, as indicated on the highway by traffic sign no. 660.4 of the 2016 Regulations, are authorised to be used between the hours of 8.30 am and 6.00 pm on any day other than a Sunday, subject to the provisions of Article 6 of this Order, as a loading area for goods vehicles (other than a passenger vehicle), which are loading onto or unloading from that vehicle.
- (2) The lengths of road or sides of road specified in **Schedule 23** to this Order, as indicated on the highway by traffic sign no. 660.4 of the 2016 Regulations, are authorised to be used between the hours of 8.30 am and 6.00 pm on any day other than a Sunday for a period not exceeding 30 minutes, subject to the provisions of Article 6 of this Order, as a loading area for goods vehicles (other than a passenger vehicle) which are loading onto or unloading from that vehicle
- (3) The length of road or side of road specified in **Schedule 24** to this Order, as indicated on the highway by traffic sign no. 660.4 of the 2016 Regulations, is authorised to be used between the hours of 8.30 am and 6.00 pm on any day other than a Sunday, subject to the provisions of Article 6 of this Order, as a loading area for goods vehicles (other than a passenger vehicle) which are loading onto or unloading from that vehicle.
- (4) The length of road or side of road specified in **Schedule 25** to this Order, as indicated on the highway by traffic sign no. 660.4 of the 2016 Regulations, is authorised to be used between the hours of 7.00 am and 7.00 pm on any day other than a Sunday, subject to the provisions of Article 6 of this Order, as a loading area for goods vehicles (other than a passenger vehicle) which are loading onto or unloading from that vehicle.
- (5) The length of road or side of road specified in **Schedule 26** to this Order, as indicated on the highway by traffic sign no. 660.4 of the 2016 Regulations, is authorised to be used at any time on any day, subject to the provisions of Article 6 of this Order, as a loading area for any class of vehicle which are loading onto or unloading from that vehicle.
- 32A. Subject to Articles 31(1)-(4) inclusive and 35 of this Order, the parking of vehicles (other than a goods vehicle which does not include a passenger vehicle) in the loading area specified in Article 31(1)-(4) during the restricted hours and restricted days in any week is prohibited.
- 32B. Subject to Article 31(5) of this Order, the parking of vehicles in the loading area specified in Article 31(5) at any time on any day is prohibited.

Exemption

33. In accordance with Regulation 4(6) of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 as amended, the restriction specified in Article 32 shall not apply to a goods vehicle (not being a passenger vehicle) which displays in the relevant position a disabled person's badge.

PART VI

PROVISION OF HACKNEY CARRIAGE STANDS
(BY COPELAND BOROUGH COUNCIL)

34. (1) No person shall cause or permit any vehicle, other than a licensed Hackney Carriage to wait between 8.00 pm on one day and 2.00 am the following day, every day, in the lengths of road specified in **Schedule 27** to this Order which have been designated or authorised as Hackney Carriage Stands.
- (2) No person shall cause or permit any vehicle, other than a licensed Hackney Carriage to wait between 7.00 pm on one day and 7.00 am the following day, on a Monday to Saturday inclusive and at any time on a Sunday, in the lengths of road specified in **Schedule 28** to this Order which have been designated or authorised as Hackney Carriage Stands
- (3) No person shall cause or permit any vehicle, other than a licensed Hackney Carriage to wait, at any time, on any day, in the lengths of road specified in **Schedule 29** to this Order which have been designated or authorised as Hackney Carriage Stands save that goods vehicles which are delivering liquor to the public houses known as “Weatherspoons” and “Shipwrights” may wait only for so long as is necessary for the purpose of delivering the said liquor to those establishments in the Hackney Carriage Stands on Bransty Row.
- (4) No person shall cause or permit any vehicle, other than a licensed Hackney Carriage to wait between 6.00 pm and 8.30am on a Monday to Saturday inclusive and at any time on a Sunday, in the lengths of road specified in **Schedule 30** to this Order which have been designated or authorised as Hackney Carriage Stands
- (5) No person shall cause or permit any vehicle, other than a licensed Hackney Carriage to wait between 1.00am on one day and 5.00am on any day, in the lengths of road specified in **Schedule 31** to this Order which have been designated or authorised as Hackney Carriage Stands.

PART VII

PARKING FOR MOTOR CYCLES ONLY

35. (1) No person shall cause or permit any vehicle, other than a motor cycle, to wait at any time on any day in the lengths of road or sides of road specified in **Schedule 32** to this Order which are identified by signs conforming to Diagram Nos 801 and 1028.4Var of the 2016 Regulations.
- (2) For the avoidance of doubt, motor cycles with sidecars shall be prohibited from waiting within the lengths of road or sides of road specified in Schedule 30.

PART VIII

PARKING FOR BUSES ONLY, AT ANY TIME

36. No person shall cause or permit any vehicle, other than a bus, to wait, at any time, on any Day, in the lengths of road or sides of road specified in **Schedule 33** to this Order.

PART IX

ONE-WAY TRAFFIC RESTRICTIONS

37. Save as provided in Article 38 to this Order, no person shall cause a vehicle to proceed along the lengths of road specified in columns 1, 2 and 3 of **Schedule 34** to this Order other than in the direction specified in column 4 of the said Schedule.

Exemptions

38. Nothing in Article 37 to this Order shall apply to the driving of any mechanical road cleansing vehicle

PART X

PROHIBITION OF DRIVING

39. Save as provided in Article 40 of this Order, no person shall cause or permit any vehicle to proceed in the lengths of road specified in **Schedule 35** to this Order.

Exemptions

40. Nothing in Article 39 of this Order shall apply so as to prevent any person from causing or permitting any motor vehicle to proceed in the lengths of road specified in the said Article if the vehicle is being used:-
- (a) for the conveyance of persons, goods or burden to or from any premises situated on or adjacent to the said lengths;
 - (b) in connection with any building operation or demolition in or adjacent to that length of road, the removal of any obstruction to traffic in that length of road, the maintenance, improvement or reconstruction of that length of road, or the laying, erection, alteration or repair in or adjacent to that length of road of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined in Schedule 2 to the Telecommunications Act, 1984;
 - (c) for Fire Brigade, Police or Ambulance purposes;
 - (d) if it cannot conveniently be used for such purpose in any other road, to be used in the service of a Local Authority or Water Authority in pursuance of statutory powers or duties.

PART XI

PROHIBITION OF MOTOR VEHICLES

41. (1) Save as provided in Article 42(1) of this Order, no person shall cause or permit a motor vehicle to proceed between the hours of 8.30 am and 6.00 pm, Monday to Saturday inclusive, in the lengths of road specified in **Schedule 36** to this Order.
- (2) Save as provided in Article 42(2) of this Order, no person shall cause or permit a motor vehicle to proceed between the hours of 7.00 am and 6.00 pm on a Thursday and Saturday only whilst the Market is being held, in the lengths of road specified in **Schedule 37** to this Order.
- (3) Save as provided in Article 42(3) of this Order, no person shall cause or permit a motor vehicle to proceed between the hours of 7.00 am and 6.00 pm on a Thursday and Saturday only whilst the Market is being held, in the lengths of road specified in **Schedule 38** to this Order.
- (4) Save as provided in Article 42(6) of this Order, no person shall cause or permit a motor vehicle to proceed, at any time, on any day, in the lengths of road specified in **Schedule 39** to this Order.

- (5) Save as provided in Article 42(7) of this Order, no person shall cause or permit a motor vehicle to proceed, at any time, on any day, in the lengths of road specified in **Schedule 40** to this Order.

Exemptions

42. (1) Nothing in Article 41(1) of this Order shall apply so as to prevent any person from causing or permitting any motor vehicle to proceed in the lengths of road specified in the said Article if the vehicle is being used:-
- (a) to enable goods to be loaded or unloaded from the vehicle;
 - (b) to enable the motor vehicle to proceed to or from any premises at which the vehicle, when in the road, on that occasion, is to be, or has been garaged, serviced or repaired;
 - (c) for so long as may be necessary to enable the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said road.
- (2) Nothing in Article 41(2) of this Order shall apply so as to prevent any person from causing or permitting any motor vehicle to proceed in the lengths of road specified in the said Article if the vehicle is being used:-
- (a) to gain access to or egress from the off-street parking facility of their premises;
 - (b) to gain access to the United Reformed Church for weddings and funerals providing that the total number of vehicles involved does not exceed 5 and providing also that prior notification is given to the Borough Council
 - (c) for Market trading purposes providing that: -
 - (i) vehicles used by regular traders do not enter or remain in the lengths of road specified in the said Article later than 0930 hours unless with the prior consent of the Market Inspector;
 - (ii) vehicles used by casual traders do not enter the said lengths of road until a trading site has been allocated to them and do not enter or remain in there after 1015 hours;
 - (iii) all vehicles used by market traders do not return until 1600 hours, other than in an emergency or inclement weather or with the prior consent of the Market Inspector.
 - (d) in connection with any building operation or demolition in or adjacent to that length of road, the removal of any obstruction to traffic in that length of road, the maintenance, improvement or reconstruction of that length of road, or the laying, erection, alteration or repair in or adjacent to that length of road of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined in Schedule 2 to the Telecommunications Act, 1984;
 - (e) for Fire Brigade, Police or Ambulance purposes;
 - (f) if it cannot conveniently be used for such purpose in any other road, to be used in the service of a Local Authority or Water Authority in pursuance of statutory powers or duties.
- (3) Nothing in Article 41(2) shall apply to that length of James Street, Whitehaven, as specified in Schedule 11 to this Order, other than when the Market is in operation as indicated on site by the appropriate traffic signs.
- (4) Nothing in Article 41(3) of this Order shall apply so as to prevent any person from

causing or permitting any motor vehicle to proceed in the lengths of road specified in the said Article if the vehicle is being used:-

- (a) in connection with any building operation or demolition in or adjacent to that length of road, the removal of any obstruction to traffic in that length of road, the maintenance, improvement or reconstruction of that length of road, or the laying, erection, alteration or repair in or adjacent to that length of road of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined in Schedule 2 to the Telecommunications Act, 1984;
 - (b) for Fire Brigade, Police or Ambulance purposes;
 - (c) if it cannot conveniently be used for such purpose in any other road, to be used in the service of a Local Authority or Water Authority in pursuance of statutory powers or duties.
- (5) The Council is satisfied that, for preventing the likelihood of danger arising to persons or other traffic using the length of road to which Article 42(3) of this Order relates, and for preserving or improving the amenities of the said area by prohibiting or restricting the use of the said length of road to which Article 42(3) of this Order relates by all vehicles for more than 8 hours, it is requisite that Section 3(1) of the Act should not apply in relation to this Order.
- (6) Nothing in Article 41(4) of this Order shall apply so as to prevent any person from causing or permitting any motor vehicle to proceed in the lengths of road specified in the said Article if the vehicle is being used:-
- (a) for the conveyance of persons, goods or burden to or from any premises situated on or adjacent to the said lengths of road;
 - (b) in connection with any building operation or demolition in or adjacent to that length of road, the removal of any obstruction to traffic in that length of road, the maintenance, improvement or reconstruction of that length of road, or the laying, erection, alteration or repair in or adjacent to that length of road of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined in Schedule 2 to the Telecommunications Act, 1984;
 - (c) for Fire Brigade, Police or Ambulance purposes;
 - (d) if it cannot conveniently be used for such purpose in any other road, to be used in the service of a Local Authority or Water Authority in pursuance of statutory powers or duties.
- (7) Nothing in Article 41(5) to this Order shall apply so as to prevent any person from causing or permitting any vehicle to proceed in the lengths of road specified in the said Article between the hours of 6 pm and 10 am on a Monday, Tuesday, Wednesday, Friday and Saturday if the vehicle is: -
- (a) being used in connection with mechanical road cleansing, mechanical refuse collection and the maintenance of flower baskets etc.;
 - (b) being used in connection with any building operation or demolition in or adjacent to that length of road, the removal of any obstruction to traffic in that length of road, the maintenance, improvement or reconstruction of that length of road, or the laying, erection, alteration or repair in or adjacent to that length of road of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined in Schedule 2 to the Telecommunications Act, 1984;

- (c) being used for Fire Brigade, Police or Ambulance purposes;
- (d) being used if it cannot conveniently be used for such purpose in any other road, to be used in the service of a Local Authority or Water Authority in pursuance of statutory powers or duties;
- (d) an armoured security vehicle;
- (f) a goods vehicle being used to deliver drugs to Chemists on or adjacent to the said lengths of road.

PART XII

PROHIBITION OF ENTRY

- 43. (1) No person shall cause or permit a motor vehicle to proceed, at any time, on any day, in the lengths of road specified in **Schedule 41** to this Order.
- (2) Nothing in Article 43(1) shall apply unless the vehicle has driven entirely through the point of the “No Entry” restriction sign on Carter Lane, Whitehaven.

PART XIII

PROHIBITION OF PEDESTRIANS

- 44. No person shall proceed along that section of Footpath No. 431043, Saltom Pit, in the Parish of Whitehaven, from a point at grid reference 296553/517431, extending in a north-westerly direction to a point at grid reference 296509/517501, the extending further in a north-westerly direction to a point at grid reference 296486/517572, before continuing in a southerly then south-westerly direction to terminate at a point at grid reference 296387/517348.
- 45. The Council is satisfied that for preventing the likelihood of danger arising to persons or other traffic using Footpath No. 431043 it is requisite that Section 3(1) of the Act should not apply in relation to the restriction specified in Article 44A above.

PART XIV

PROHIBITION OF LEFT HAND TURN

- 46. No person shall cause or permit any vehicle proceeding in the lengths of road specified in columns 1 and 2 to **Schedule 42** to this Order other than in accordance with the contents of column 3 of the said Schedule.

PART XV

PROHIBITION OF RIGHT HAND TURN

- 47. No person shall cause or permit any vehicle proceeding in the length of road specified in columns 1 and 2 to **Schedule 43** to this Order to proceed other than in accordance with the contents of column 3 of the said Schedule.

PART XVI

WIDTH RESTRICTIONS (EXCEPT FOR ACCESS)

- 48. Save as provided in Article 49 of this Order, no person shall cause or permit any vehicle exceeding 2.01 metres/6 feet 6 inches in width to proceed in the lengths of road specified in **Schedule 44** to this Order.

Exemptions

49. Nothing in Article 48 of this Order shall render it unlawful to cause or permit any vehicle exceeding 2.01 metres/6 feet 6 inches in width, to proceed in the lengths of road referred to in that Article if the vehicle: -
- (a) is being used in connection with the carrying out on, or on premises situated on or adjacent to that length of road, of any of the following operations, namely: -
 - (i) the removal of obstructions to traffic;
 - (ii) for, or in connection with, mechanical road cleansing or mechanical refuse collection;
 - (iii) the maintenance, improvement or reconstruction of roads;
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to, that length of road of any sewer or of any main pipe or apparatus for the supply of water, gas or electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984.
 - (b) is being used for Fire Brigade, Police or Ambulance purposes;
 - (c) is being used in connection with the carrying out on, or on premises situated on or adjacent to, the length of road specified in Schedule 39 to this Order, the service of a Local Authority or a water or sewerage undertaker which is being used in pursuance of statutory powers or duties.

PART XVII

WEIGHT RESTRICTIONS

50. Save as provided in Article 51 to this Order, no person shall cause any goods vehicle the maximum gross weight of which exceeds 7.5 tonnes to proceed in the lengths of road specified in **Schedule 45** to this Order.

Exemptions

51. (1) Nothing in Article 50 of this Order shall render it unlawful to cause or permit any vehicle exceeding 7.5 tonnes maximum gross weight, to proceed in the lengths of road referred to in that Article if the vehicle: -
- (a) is being used for Fire Brigade, Police or Ambulance purposes;
 - (b) is being used for or in connection with mechanical road cleansing or mechanical refuse collection.
 - (c) is a brewery vehicle reversing to make deliveries between the junction with Market Place and the delivery points for the public houses known as Anchor Vaults and Barra Jacks.
 - (d) Vehicles being used for the delivery of goods to Wilkinson's premises at 23-24 Lowther Street, Whitehaven, provided that all vehicles must exit Queen Street via Lowther Street.

PART XVIII

NO STOPPING ON SCHOOL ENTRANCE MARKINGS

52. Save as provided in Article 53, no person shall, except upon the direction or with the permission of a police constable in uniform or a civil enforcement officer in uniform, cause or permit any vehicle to wait or stop on any school entrance markings which comply with diagram number 1027.1 and indicated by an associated sign to diagram

642.2A as prescribed in the 2016 Regulations during the days and times specified on the said notices located on the road at or near any school in the Borough of Copeland as specified in the **Schedule 46** hereto.

53. (1) Nothing in Article 52 of this Order shall apply if the vehicle is:-
- (a) waiting owing the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid accidents;
 - (b) a vehicle used for police, fire brigade or ambulance purposes, or a vehicle in the service of a local authority or water authority which is being used in pursuance of statutory powers or duties;
 - (c) in the service of or employed by the post office and is waiting while postal packets addressed to premises adjacent to the length of road or side of road in which the vehicle is waiting are being unloaded from the vehicle, or, having been unloaded therefrom, or are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the length of road or side of road in which the vehicle is waiting, or, is in use in connection with the servicing of posting boxes adjacent to the length of road or side of road in which the vehicle is waiting;
 - (d) being used in connection with any building operation or demolition, the maintenance, improvement or reconstruction of the length of road or side of road or the laying, erection, alteration or repair in or near the said length of road or side of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984.
- (2) Nothing in Article 52 shall apply to a school bus being used in connection with the transport of children to or from the School on Esk Avenue.

PART XIX

NO LOADING/UNLOADING

54. No person shall cause or permit any vehicle to wait between the hours of 8.30 am and 6.00 pm on a Monday to Saturday inclusive in the lengths of road or sides of road specified in **Schedule 47** to this Order for the purpose of loading/unloading.
55. No person shall cause or permit any vehicle to wait between the hours of 8.00 am and 6.00 pm on a Monday to Friday inclusive in the lengths of road or sides of road specified in **Schedule 48** to this Order for the purpose of loading/unloading.
56. No person shall cause or permit any vehicle to wait at any time in the lengths of road or sides of road specified in **Schedule 49** to this Order for the purpose of loading/unloading.

PART XX

URBAN CLEARWAY – NO STOPPING BETWEEN 8 AM AND 9 AM AND BETWEEN 3 PM AND 4 PM, MONDAY TO FRIDAY

57. Save as provided in Article 58, no person shall cause or permit any vehicle stop between the hours of 8.00 am and 9.00 am or between 3.00 pm and 4.00 pm, Monday to Friday inclusive, in the lengths of road or sides of road specified in **Schedule 50** to this Order.

Exemptions

58. Nothing in Article 57 of this Order shall apply so as to prevent any person from causing or permitting any vehicle to wait in the lengths of road specified in the said Article if the vehicle is being used: -
- (a) for the setting down or the picking up of passengers;
 - (b) being used in connection with any building operation or demolition in or adjacent to that length of road, the removal of any obstruction to traffic in that length of road, the maintenance, improvement or reconstruction of that length of road, or the laying, erection, alteration or repair in or adjacent to that length of road of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined in Schedule 2 to the Telecommunications Act, 1984;
 - (c) being used for Fire Brigade, Police or Ambulance purposes;
 - (d) being used if it cannot conveniently be used for such purpose in any other road, to be used in the service of a Local Authority or Water Authority in pursuance of statutory powers or duties;
 - (e) being used in the service of or employed by a universal service provider (as defined in the Postal Services Act 2000 (Consequential modifications to Local Enactments No.1) Order 2001.
 - (f) being used for or in connection with mechanical road cleansing or mechanical refuse collection.

PART XXI

JAMES STREET RESTRICTED PARKING ZONE

59. Notwithstanding the foregoing provisions of this Order and for the avoidance of doubt, the lengths of road specified in columns 1, 2 and 3 of **Schedule 51** hereto, which also appear in the Schedules specified in column 4, lie within the James Street Restricted Parking Zone as indicated by traffic signs authorised by the Department of Transport reading “No Waiting Except in Signed Bays” and as such are not subject to the requirement that there be yellow road markings to indicate the type of restriction, where these are usually required by the 2016 Regulations.

PART XXII

MARKET PLACE RESTRICTED PARKING ZONE

60. Notwithstanding the foregoing provisions of this Order and for the avoidance of doubt, the lengths of road specified in columns 1, 2 and 3 of **Schedule 52** hereto, which also appear in the Schedules specified in column 4, lie within the Market Place Restricted Parking Zone as indicated by traffic signs conforming to diagram 663 (varied to read “Restricted Zone”) and diagram 664 of the 2016 Regulations and as such are not subject to the requirement that there be yellow or white lines (as applicable) to indicate the type of restriction, where there are usually required by the 2016 Regulations.

PART XXIII

HARBOUR AREA RESTRICTED PARKING ZONE

61. Notwithstanding the foregoing provisions of this Order and for the avoidance of doubt, the lengths of road specified in columns 1, 2 and 3 of **Schedule 53** hereto, which also appear in the Schedules specified in column 4, lie within the Harbour Area Restricted Parking Zone as

indicated by traffic signs conforming to diagram 663 (varied to read “Restricted Zone”) and diagram 664 of the 2016 Regulations and as such are not subject to the requirement that there be yellow or white lines (as applicable) to indicate the type of restriction, where there are usually required by the 2016 Regulations.

PART XIV

SUPPLEMENTARY PROVISIONS

Indication of Parking Places and Signage

62. (1) It is hereby declared that (for the avoidance of doubt) that the Council shall (in its sole discretion) have the power to carry out the following actions, namely:-
- (i) to cause the limits of each and any parking place designated by this Order to be indicated on the carriageway by placing and maintaining thereon traffic signs of any size colour and type prescribed or authorised under Section 64 of the 1984 Act;
 - (ii) to place and maintain on or in the vicinity of each such parking place, traffic signs of any size colour and type prescribed or authorised under Section 64 of the 1984 Act indicating that such parking place may be used during the prescribed hours for the leaving of vehicles only as specified in this Order; and
 - (iii) to carry out such work as is reasonably required for the purposes of the satisfactory operation of these designated parking places.

Powers to Suspend Use of Parking Places

- (2) Any civil enforcement officer or other person duly authorised by the Council may suspend the use of any parking place or any part thereof whenever he or she considers such suspension reasonably necessary as follows:-
- (i) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (ii) for the erection maintenance or removal of any traffic sign adjacent to that parking place;
 - (iii) for the purpose of any building operation, demolition or excavation in or adjacent to any parking place or the maintenance improvement or reconstruction of any such parking place or the laying erection alteration removal or repair in or adjacent to the designated parking place of any sewer or of any main pipe or apparatus for the supply of gas water or electricity or of any telegraphic line or traffic sign;
 - (iv) for the cleansing of gullies in or adjacent to that parking place;
 - (v) for the convenience of occupier of premises adjacent to any parking place on any occasion of the removal of furniture from one dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (vi) on any occasion of any public procession rejoicing or illumination, or where the streets are thronged or liable to be obstructed.
- (3) Without prejudice to the generality of any other statutory provision, a Police Constable in uniform may suspend for not longer than 24 hours the use of any parking place or any part thereof designated by this Part of this Order whenever he

or she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

Traffic Signs and Cones

- (4) (i) Any person, civil enforcement officer in uniform, Police Officer in uniform, or other authorised person who causes the suspension of the use of any parking place or any part thereof in accordance with Articles 65(2) and 65(3) of this Order, shall thereupon place or cause to be placed in or adjacent to that designated parking place or the part thereof, the use of which is suspended, a traffic sign or cone indicating that waiting by motor vehicles is prohibited.
- (ii) No person shall cause or permit a motor vehicle to be left in any part of a parking place so long as during such period there is in or adjacent to that designated parking place a traffic sign or cone placed in pursuance the preceding Articles of this Order.

Powers to remove vehicles in Parking Places

- (5) (i) It is hereby declared for the avoidance of doubt and in pursuance of statutory powers in that behalf, if any vehicle is left in a position other than in accordance with the forgoing provisions of this Order, then a Police Constable in uniform, a civil enforcement officer in uniform or other person authorised by the Council in that behalf:-
- (a) may alter or cause to be altered, the position of the vehicle so that its position is in accordance with the said provisions; or
- (b) may alter or cause to be altered, the position of the vehicle or remove or arrange for the removal of the vehicle to a secure place in the manner and on the basis set out in this Article.
- (ii) Any person or persons altering, or causing the alteration of, the position of any vehicle by virtue of paragraph (1) (i) or (1)(ii) of this Article, may do so by towing or driving the vehicle or in such other manner as he or she or they may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
- (iii) Any person or persons removing or arranging for the removal of any vehicle by virtue of paragraph (1) (i) or (1)(ii) of this Article shall make such arrangements as he/she or others considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.
- (6) No person shall, except with the permission of a Police Constable in uniform, civil enforcement officer in uniform or other person duly authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purposes of departing from the parking place.

Miscellaneous Provisions

63. For the avoidance of doubt, it shall be an offence for any vehicle to wait, park or be left on any length of footway in any road to which the foregoing provisions of this Order apply.

PART XXV

REVOCATION OF EXISTING ORDERS

64. The Order specified in **Schedule 54** to this Order is hereby revoked to the extent set out therein, and to the extent that the provisions of this Order are inconsistent with, or incompatible with, the provisions of any other Order, by laws or enactment relating to traffic regulation in the Whitehaven area not specifically referred to in the said Schedule, the provisions of this order shall prevail for all purposes.

Dated the 4th day of April 2019

THE COMMON SEAL of)
CUMBRIA COUNTY COUNCIL)
was hereunto affixed in)
the presence of:-)

Authorised signatory

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