

THE COUNCIL OF THE BOROUGH OF MILTON KEYNES (A421, MILTON KEYNES) (24 HOUR CLEARWAY AND PROHIBITION OF RIGHT TURN) ORDER 2020

The Council of the Borough of Milton Keynes ("the Council") in exercise of its powers under Sections 1(1), 2(1) to (3), 3(2), 4(1), 4(2) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act of 1984") 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 of 1984, hereby makes the following Order:

PART 1

IMPLEMENTATION, CITATION AND DEFINITIONS

1. This Order shall come into operation on the of 2020 and may be cited as "The Council of the Borough of Milton Keynes (A421, Milton Keynes) (24 Hour Clearway and Prohibition of Right Turn) Order 2020".
2. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:-
 - "**bus**" means a motor vehicle constructed or adapted to carry more than eight passengers (exclusive of driver);
 - "**bus stop area**" means an area of carriageway of a specified road intended for the waiting of buses, which is comprised within and indicated by a road marking of a type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Act of 1984;
 - "**clearway hours**" means the period of time specified in the heading of Schedule 1 to this Order;
 - "**Civil Enforcement Officer**" ("**CEO**") has the same meaning as in Section 76 of the Traffic Management Act of 2004;
 - "**Council**" means The Council of the Borough of Milton Keynes;
 - "**disabled persons' vehicle**" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
 - "**goods**" includes postal packets of any description, cash or other valuable securities;
 - "**delivering**" and "**collecting**" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted and having a gross vehicle weight or an operating weight exceeding 5 tonnes;

"local bus" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions Act 1994;

"local services" has the same meaning as in Section 2 of the Transport Act 1985;

"parking attendant" has the same meaning as in Section 63A of the Road Traffic Regulation Act 1984;

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

"payment day" means the date by which payment should be made, as specified in the most recent notice received by the driver or owner of the vehicle;

"penalty charge" has the same meaning as in Section 66(2) of the Road Traffic Act 1991;

"penalty charge notice" means a notice dispensed by a parking attendant informing the driver of the vehicle that they are in contravention of a restriction and that a penalty charge is now owed;

"postal packets" has the same meaning as in Section 125 of the Postal Services Act 2000;

"road" means a highway and any other road to which the public has access;

"statutory undertaker" has the same meaning as in Section 329 of the Highways Act 1980;

"taxi" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions Act 1994;

"telecommunications apparatus" has the same meaning as in the Telecommunications Act 1984;

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

"water authority" means a water or sewage authority as defined in the Water Industry Act 1991.

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

4. The Council are satisfied that for the purpose of facilitating the passage of vehicular traffic it is necessary that Section 3(1) of the Act of 1984 should not apply in relation to this Order.
5. The plans annexed to this Order identify the lengths of road subject to this Order, provided that where there is any inconsistency between the plans and the Schedules it is the wording of the Schedules which shall prevail.

PART 2

CLEARWAY RESTRICTION

6. Save as provided in Article 7 of this Order no person shall, except upon the direction or with the permission of a traffic warden or police officer in uniform, cause or permit any vehicle to wait during the clearway hours in the lengths of road specified in Schedule 1 to this Order.
7. Nothing in Article 6 above shall render it unlawful to cause or permit a vehicle to wait in any of the lengths of road specified in Schedule 1 for as long as may be necessary:
 - (1) when the person in control of the vehicle is required by law to stop or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstances outside his control;
 - (2) for a vehicle to wait whilst any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is being opened or closed, if it is not reasonably practicable for the vehicle to wait outside otherwise than in a length of road specified in Schedule 1 to this Order while such gate or other barrier is being opened or closed;
 - (3) to enable a taxi to wait upon any hackney carriage stand;
 - (4) to enable the vehicle if it cannot reasonably be used for such purpose in any other road to be used in connection with any of the following:
 - a) building, industrial or demolition operations;
 - b) the removal of any obstruction to traffic;
 - c) the laying, erection or repair of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or any telecommunication system defined by the Telecommunications Act 1984;

- d) use in the service of any undertaker, the Environment Agency or any public authority in pursuance of statutory powers or duties;
 - e) in connection with any wedding or funeral;
 - f) use for police, fire brigade or ambulance purposes;
 - g) use for the purpose of delivering or collecting postal packets as defined by section 125 of the Postal Services Act 2000;
 - h) the vehicle, being a bus, to wait in a bus stop area;
8. No person shall cause or permit any vehicle to wait on verge or layby immediately adjacent to any length of road specified in Schedule 1 for the purpose of selling goods from that vehicle unless the goods are immediately delivered to or taken into premises adjacent to the verge or layby in which the vehicle is waiting.

PART 3

PROHIBITION OF RIGHT TURN

9. No person shall cause or permit any vehicle to be driven in such a way so as to perform a right-turn manoeuvre in the length of road specified in Column 1 of Schedule 2 to this Order into the length of road specified in Column 2 of the said Schedule.

PART 4

ENFORCEMENT OF RESTRICTIONS

10. The Council shall, on or in the vicinity of a restricted road:
- (1) Highlight each restricted area with notices, signs and road surface markings in accordance with the Traffic Signs Regulations and General Directions Act 1994;
 - (2) Maintain and from time to time alter the said notices, signs and road-surface markings;
 - (3) Carry out such other work as is reasonably required for the purpose of the satisfactory operation of a restricted road.

11. The Council shall appoint Civil Enforcement Officers (CEOs) whose duty it shall be to patrol and enforce the clearway restrictions imposed by Article 6 of this Order.
12. Where a Civil Enforcement Officer is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a restricted road he or she may attach to the vehicle in a conspicuous position or, at his or her discretion, hand the notice to a person whom he or she has reason to believe has incurred a penalty charge under this Order a Penalty Charge Notice ("PCN") in accordance with Section 66 of the Road Traffic Act 1991 (as amended).

SCHEDULE 1

CLEARWAY RESTRICTION
24 HOURS OF EVERY DAY OF THE WEEK

A421

BOTH SIDES

CW1 From its junction with Kingston Roundabout to the Milton Keynes and Bedfordshire borough boundary.

SCHEDULE 2

PROHIBITION OF RIGHT TURN

	COLUMN 1 (FROM)	COLUMN 2 (TO)
NT1	The unnamed access road leading to Pond 3A.	A421

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THE COMMON SEAL OF the COUNCIL OF THE BOROUGH OF MILTON KEYNES was hereunto affixed this day of 2020 in the presence of:-

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HEAD OF LEGAL SERVICES