

**MILTON KEYNES CITY COUNCIL
(TAUNTON DEANE, EMERSON VALLEY)
(PROHIBITION OF WAITING) ORDER 2023**

The Council of the Borough of Milton Keynes ("the Council") in exercise of its powers under Sections 1(1), 2(1) and (2) to (3), 4(2), 32(1), 35(1) and (3), 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, DEFINITIONS AND REVOCATIONS

1. This Order shall come into operation on the XX of XXXX 2023 and may be cited as "Milton Keynes City Council (Taunton Deane, Emerson Valley) (Prohibition of Waiting) Order 2023".
2. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:-
 - "access way" means a length of road sufficient to enable a vehicle to have access to and egress from land or premises in or adjacent to the road;
 - "bank holiday" means a day which is, or is appointed to be, a bank holiday under the Banking and Financial Dealings Act 1971 in England;
 - "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;
 - "Civil Enforcement Officer" ("CEO") has the same meaning as in Section 76 of the Traffic Management Act of 2004;
 - "Council" means Milton Keynes City Council;
 - "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;

"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;

"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.

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 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

PROHIBITION AND RESTRICTION OF WAITING

5. No person shall except with the permission or under the direction of a police officer in uniform or a traffic warden cause or permit any vehicle to wait at any time in any of the lengths of road specified in Schedule 1 hereto.
6. Nothing in Articles 5 above shall render it a contravention of this Order to cause or permit a vehicle to wait in any of the lengths of road specified in Schedule 1 for so 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 person to board or alight from the vehicle;
 - (4) to enable goods to be loaded or unloaded from the vehicle;
 - (5) 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;
 - i) the vehicle being specially constructed or adapted for the delivery or collection of money or valuable securities to be used for those purposes in relation to premises in the vicinity.
7. In accordance with the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000, nothing in Article 5 shall render it unlawful to cause or permit a disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position in accordance with Article 6 hereof to wait for a period not exceeding 3 hours in a length of road specified in Schedule 1 hereto (provided the period of exempted waiting does not begin less than one hour after a previous period of exempted waiting by the same vehicle in the same road on the same day).
8. For the purposes of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 if:
- (1) the badge is exhibited on the dashboard or fascia of the vehicle so that the front of the badge is clearly legible from the outside of the vehicle; or

- (2) where the vehicle is not fitted with a dashboard or facia, the badge is exhibited in a conspicuous position on the vehicle so that the front of the badge is clearly legible from the outside of the vehicle.

PART 3

ENFORCEMENT OF RESTRICTIONS

9. 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.
10. The Council shall appoint Civil Enforcement Officers (CEOs) whose duty it shall be to patrol and enforce the waiting and parking restrictions imposed by the articles of this Order.

SCHEDULE 1

NO WAITING AT ANY TIME

TAUNTON DEANE, EMERSON VALLEY

WEST SIDE

NW1 From a point opposite the southern kerbline of Quantock Crescent, for a distance of 48 metres in a southerly direction

TAUNTON DEANE, EMERSON VALLEY

EAST SIDE

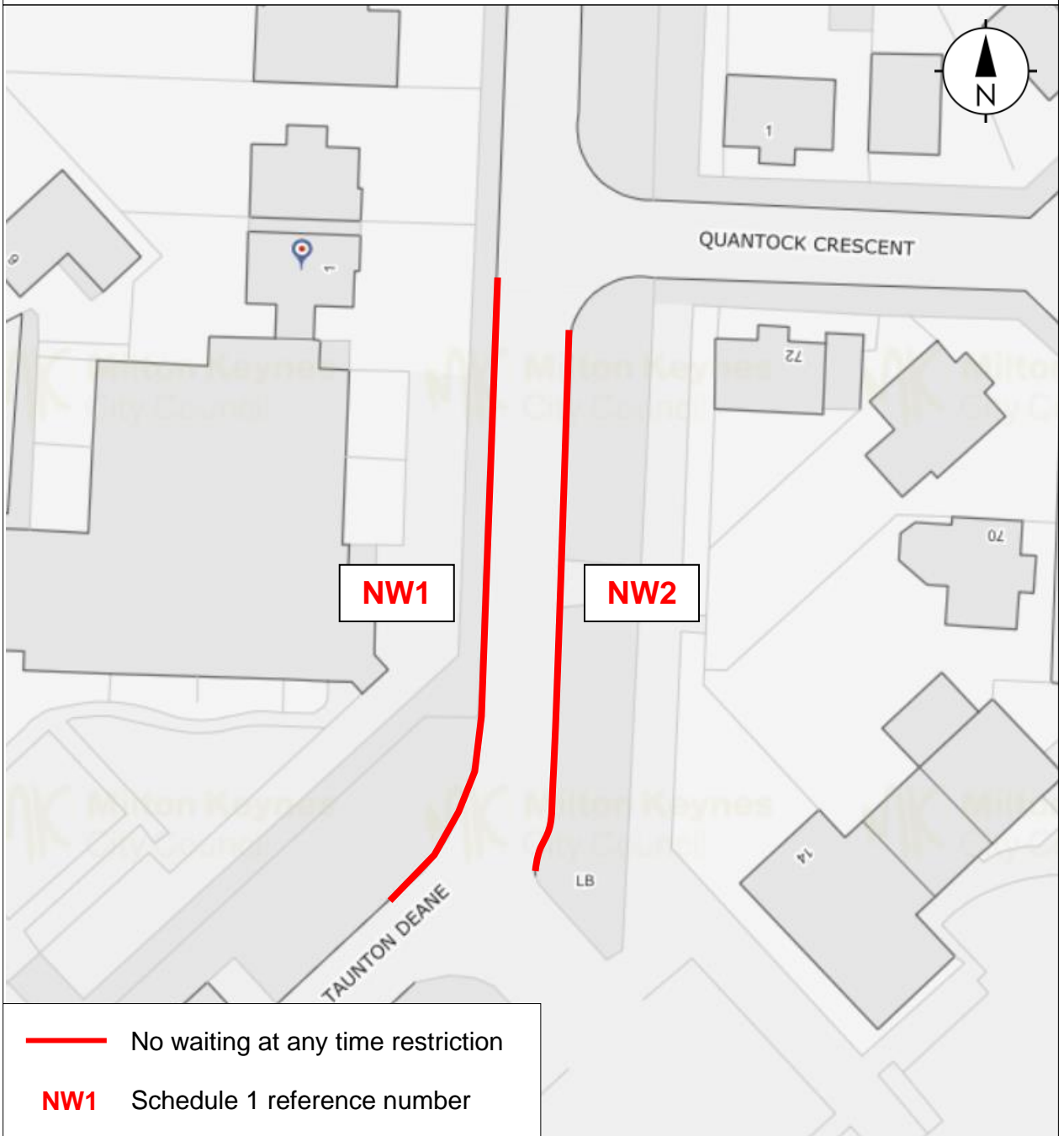
NW2 From its junction with the southern kerbline of Quantock Crescent, for a distance of 32.5 metres in a southerly direction

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THE COMMON SEAL OF the **MILTON KEYNES CITY COUNCIL** was hereunto affixed this XX day of XXXX 2023 in the presence of:-

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HEAD OF LEGAL SERVICES

MAP FOR ORDER



Map referred to in "Milton Keynes City Council (Taunton Deane, Emerson Valley) (Prohibition of Waiting) Order 2023"

This Map not to scale

The Common Seal of Milton Keynes City Council was hereunto affixed in the presence of:

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Head of Legal Services