

**THE KENT COUNTY COUNCIL  
(TUNBRIDGE WELLS BOROUGH)  
(PROHIBITION OF WAITING)  
No.3 ORDER 2019**

**DEPOSIT DOCUMENTS FOR  
PROPOSAL TO MAKE ORDER**

*Order as advertised and other relevant documents to be held on deposit until either superseded by DEPOSIT DOCUMENTS FOR ORDER MADE of the same title or until further notice.*

*A copy of the proposed Order can also be viewed at [tunbridgewells.gov.uk/consultation](http://tunbridgewells.gov.uk/consultation) where comments, support or objections can be made.*

*Alternatively, you can write to  
The Parking Manager at  
Tunbridge Wells Borough Council,  
Town Hall, Tunbridge Wells TN1 1RS*

**to be received no later than 14 June 2019**

## ROAD TRAFFIC REGULATION ACT 1984

### THE KENT COUNTY COUNCIL (TUNBRIDGE WELLS BOROUGH) (PROHIBITION OF WAITING) No.3 ORDER 2019



The Kent County Council proposes to make an Order under Sections 1,2, 4 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, the effect of which is to prevent any vehicle to wait at any time in any of the lengths of road specified in the Schedule to this Order.

Exemptions would be provided in the Order to enable a vehicle to wait with police permission or for passengers to board or alight, for enabling work to be carried out in or adjacent to the road, for postal vehicles and for emergency service vehicles. A copy of the proposed Order and relevant documents can be viewed at [tunbridgewells.gov.uk/consultation](http://tunbridgewells.gov.uk/consultation) where your comments, support or objections can be made. Alternatively, write to the Parking Manager at Tunbridge Wells Borough Council, Town Hall, Tunbridge Wells TN1 1RS. The closing date for all comments is **14 June 2019** which must specify the grounds on which any objections are made. A copy of the proposed Order and relevant documents may also be viewed at the Gateway, Grosvenor Road, Tunbridge Wells and Kent County Council, Sessions House, County Hall, Maidstone ME14 1XQ during normal office hours.

**24 May 2019**

**Simon Jones**

**Director of Highways, Transportation and Waste**

#### THE SCHEDULE No waiting at any time

Road	Side	Definition
Major York's Road, Tunbridge Wells	South-west side	Between points 30 metres and 100 metres north-west of its junction with Hungershall Park Between points 170 metres north-west of its junction with Hungershall Park and a point 25 metres south-east of its junction with Nevill Park (eastern spur)
Brenchley Road, Horsmonden	Both sides	Between its junction with Maidstone Road and a point 15 metres north-west of that junction
Goudhurst Road, Horsmonden	North-east side South-west side	Between its junction with Maidstone Road and a point 13 metres south-east of that junction Between its junction with Lamberhurst Road and a point 7 metres south-east of that junction
Lamberhurst Road, Horsmonden	Both sides	Between its junction with Goudhurst Road and a point 18 metres south-west of that junction
Maidstone Road, Horsmonden	North west side South east side	Between its junction with Goudhurst Road and a point 25 metres north-east of that junction Between its junction with Goudhurst Road and a point 14 metres north-east of that junction

**ROAD TRAFFIC REGULATION ACT 1984**  
**THE KENT COUNTY COUNCIL**  
**(TUNBRIDGE WELLS BOROUGH)**  
**(PROHIBITION OF WAITING) No.3 ORDER 2019**

THE KENT COUNTY COUNCIL (hereinafter referred to as “the Council”) acting as the local traffic authority and in exercise of its powers under Sections 1, 2, 4 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act”) as amended by the Traffic Management Act 2004 Part 6 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, hereby make the following Order:-

**Commencement and Citation**

This Order shall come into operation on the xxth day of xxxx 2019 and may be cited as “THE KENT COUNTY COUNCIL (TUNBRIDGE WELLS BOROUGH) (PROHIBITION OF WAITING) No. 3 ORDER 2019 (“this Order”).

**Interpretation**

(1) In this Order:-

Term	Meaning
“Civil Enforcement Area”	means an area where civil enforcement of parking restrictions can be undertaken as defined by Section 74 of the Traffic Management Act 2004
“Civil Enforcement Officer”	means a person employed by Tunbridge Wells Borough Council in pursuance of powers granted by the Traffic Management Act 2004 (Civil Enforcement Area)
“Contravention”	means a failure to comply with restrictions set out in this Order that may result in the issue of a Penalty Charge Notice
“Disabled Persons Badge”	has the same meaning as in Section 2 of the Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000
“Disabled Persons Vehicle”	means a Vehicle lawfully displaying a Disabled Persons Badge
“Emergency Services Vehicle”	means a Vehicle operated by the Police, Fire & Rescue Service or Ambulance Service
“Goods”	includes postal packets of any description
“Goods Vehicle”	means a Vehicle constructed or adapted for use for the carriage of Goods or burden
“Junction”	means the intersection point of the centrelines, or projected centrelines, of the Roads specified
“Parking Disc”	means a disc, issued by a Local Authority, 125mm in diameter, coloured blue and capable of showing the quarter hour period during which a period of waiting begins
“Parking Exemption Certificate”	means a certificate or other means of identification which has been issued by the local traffic authority or its appointed agents permitting a specified Vehicle to wait in specified circumstances on a length or lengths of Road where the waiting of that Vehicle would otherwise be restricted or prohibited.

“Penalty Charge”	has the same meaning as set out in Part 1 section 2 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007
“Penalty Charge Notice”	has the same meaning as set out in Regulation 8 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007
“Relevant Position”	means:- 1) in respect of a Disabled Persons Badge and where the Vehicle is fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from the outside of the Vehicle 2) in the case of a Vehicle not fitted with a dashboard or fascia panel, the Disabled Persons Badge is exhibited in a conspicuous position on the Vehicle so that Part 1 of the badge is legible from the outside of the Vehicle. 3) in the case of a Parking Exemption Certificate, in a conspicuous position inside the Vehicle so that the certificate is visible in full and legible from outside the Vehicle.
“Road”	means the full width, including any footway 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
“Universal Service Provider”	has the same meaning as in Section 65 of the Postal Services Act 2011
“Vehicle”	has the same meaning as that assigned to “motor vehicle” in s.136(1) of the Act of 1984

### **Restrictions Imposed**

- (2) Save as provided in Articles (3), (4) and (5) of this Order no person shall, except upon the direction or with the permission of a police officer in uniform or of a Civil Enforcement Officer, cause or permit any Vehicle to wait at any time in any of the lengths of Road specified in the Schedule to this Order

### **Exemptions from Waiting Restrictions**

- (3) Nothing in Article (2) of this Order shall prevent any person from causing or permitting a Vehicle to wait in any of the lengths of Road referred to in that Article for so long as may be necessary:-
- (a) to enable a person to board or alight from the Vehicle;
  - (b) to enable Goods to be loaded onto or unloaded from the Vehicle provided such loading or unloading is continuous;
  - (c) for a Vehicle, if it is in the service of a Universal Service Provider and marked as such, to be used for the purpose of delivering or collecting postal packets as defined in Section 27 of the Postal Services Act 2011;
  - (d) to enable the Vehicle to be used as part of a funeral cortege or a wedding procession;
  - (e) to enable the Vehicle, if it cannot conveniently be used for such a purpose in any other Road, to be used in the service of any local authority or with the permission of any such authority in pursuance of statutory powers and duties;
  - (f) to enable the Vehicle, if it cannot conveniently be used for such purpose elsewhere, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the carrying out of any road works or the laying, erection and

alteration or repair of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraph or telephone wires, cables, posts or supports; or

- (g) to enable the Vehicle to be used for police, ambulance or fire brigade purposes.
- (4) Nothing in Article (2) of this Order shall render it unlawful to cause or permit a Disabled Persons Vehicle which displays in the Relevant Position a Disabled Persons 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 any of the lengths of Road referred to in the Schedule to this Order for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same Vehicle in the same length of Road) provided always that where the period of the prohibition of waiting does not exceed 3 hours the Parking Disc need not be displayed.
- (5) Nothing in Article (2) of this Order shall render it unlawful to cause or permit a Vehicle which displays in the Relevant Position a valid Parking Exemption Certificate to wait in any of the roads specified in the Schedule to this Order provided the certificate has been issued for the Vehicle displaying it and is valid for the place where the Vehicle is waiting and for both the day and time when the Vehicle is waiting.

### **General Provisions**

- (6) Insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Road Traffic Regulation Act 1984, and existing at the time when this Order comes into operation, and which imposes a restriction or prohibition on waiting by vehicles or grants an exemption from such restriction or prohibition, the provisions of this Order shall prevail.
- (7) The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by regulations made or having effect as if made under the Act of 1984, or by or under any other enactment.

### **Contraventions of this Order**

- (10) Where a person contravenes any of the provisions of this Order, and the vehicle does not fall into any one of the exemptions contained within Articles (3), (4), or (5) of this Order, a Penalty Charge Notice may be issued by a Civil Enforcement Officer and a Penalty Charge may be payable.

The provisions of this Order shall prevail over the provisions of any previous Order.

Given under the Common Seal of the Kent County Council

This                      day of    2019

THE COMMON SEAL OF THE  
KENT COUNTY COUNCIL was

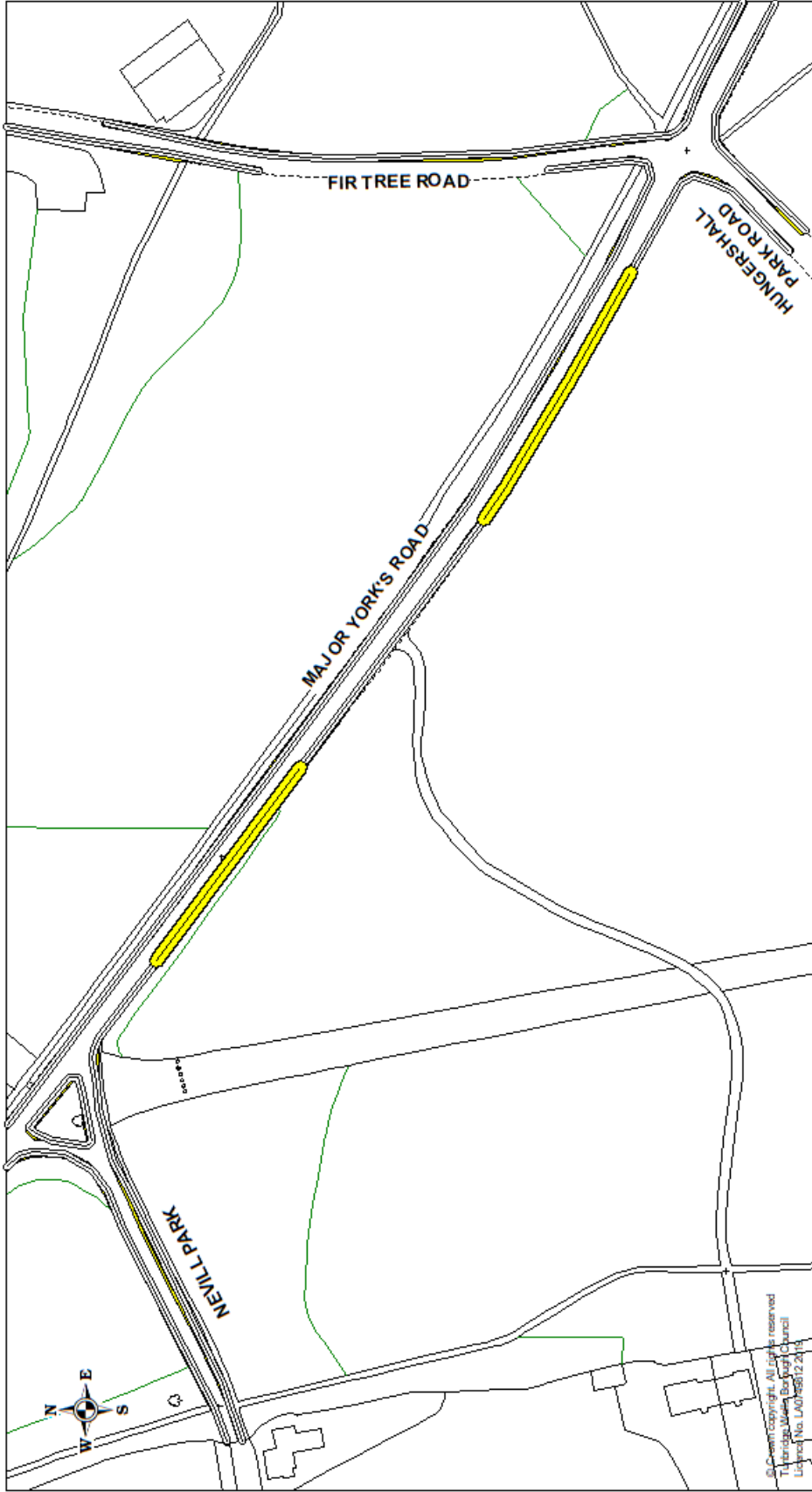
hereunto affixed in the  
presence of:-

Authorised Signatory

THE SCHEDULE

**No waiting at any time**

Road	Side	Definition
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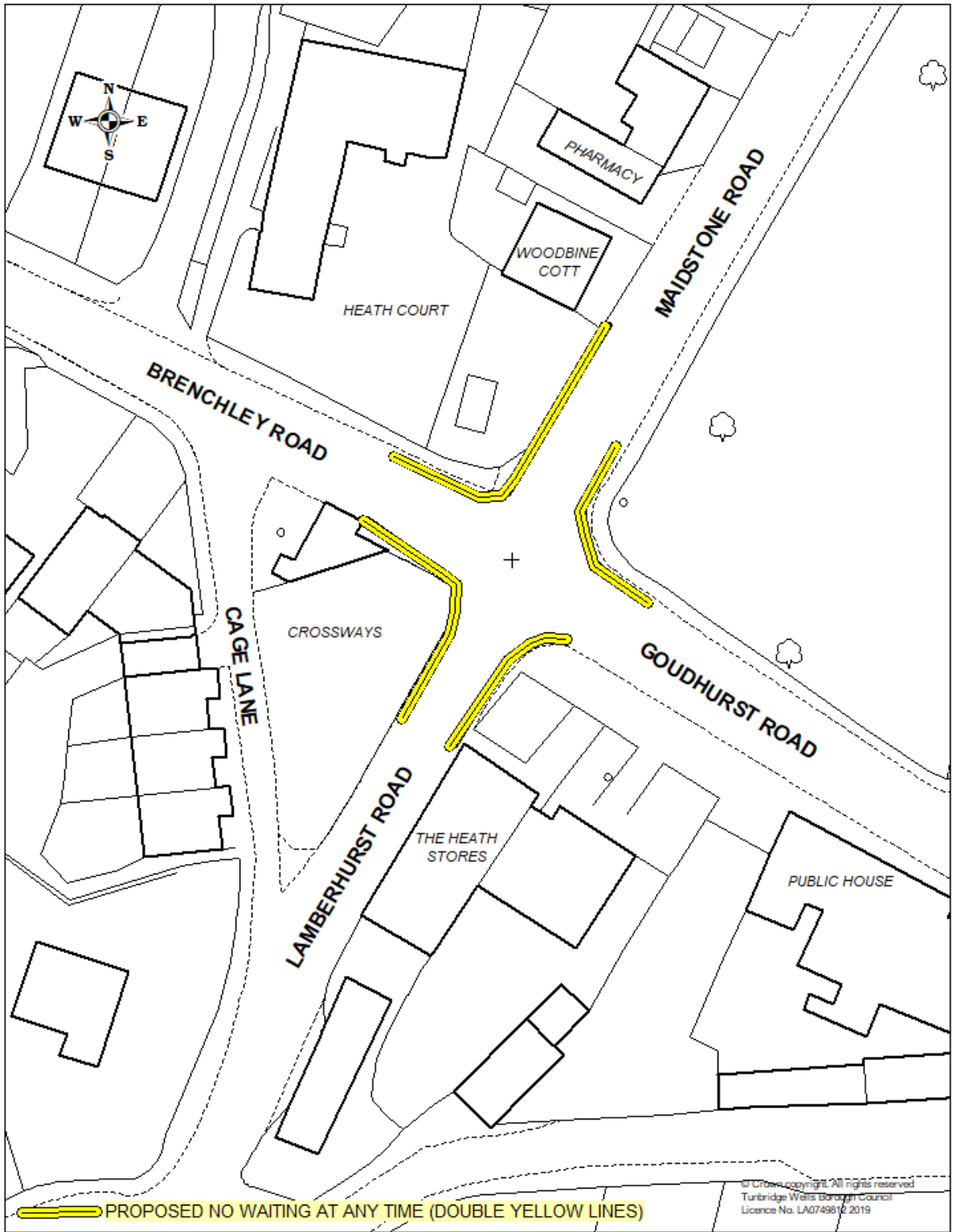
SCALE	1 : 1250
DATE	16/05/2019
DRAWING No.	
DRAWN BY	

**PROPOSED NO WAITING AT ANY TIME (DOUBLE YELLOW LINES)**  
**EXISTING NO WAITING AT ANY TIME (DOUBLE YELLOW LINES)**

**PROPOSED RESTRICTIONS**  
**MAJOR YORK'S ROAD**  
**TUNBRIDGE WELLS**

THE KENT COUNTY COUNCIL (TUNBRIDGE WELLS BOROUGH)  
 (PROHIBITION OF WAITING) No.3 ORDER 2019





**PROPOSED RESTRICTIONS  
 HORSMONDEN**  
 THE KENT COUNTY COUNCIL  
 (TUNBRIDGE WELLS BOROUGH)  
 (PROHIBITION OF WAITING) No.3 ORDER 2019

SCALE	1 : 500
DATE	16/05/2019
DRAWING No.	
DRAWN BY	



**THE KENT COUNTY COUNCIL  
(TUNBRIDGE WELLS BOROUGH)  
(PROHIBITION OF WAITING) No.3 ORDER 2019**

Under sections 1, 2, 4 and 124 of and part IV of Schedule 9 the Road Traffic Regulation Act 1984

As respects any prohibition of waiting...the local authority...may by order make provision as to prohibit, restrict or regulate the use of a road by vehicles or pedestrians

**STATEMENT OF REASONS**

The Kent County Council as the Traffic Authority intends to make the Order referred to above and as shown on the drawings accompanying this document for the following reasons:

- for avoiding danger to persons or other traffic using the road or any other road or preventing the likelihood of any such danger arising
- for preserving or improving the amenities of the area through which the road runs
- for facilitating the passage on the road or any other road of any class of traffic