

NEW FOREST DISTRICT COUNCIL-

ROAD TRAFFIC REGULATION ACT 1984

**THE NEW FOREST DISTRICT (SWAY ROAD AND BROOKLEY ROAD,  
BROCKENHURST) (RESTRICTION OF WAITING) ORDER 2016**

New Forest District Council acting as agent to the Highway Authority, Hampshire County Council, in exercise of its powers under Sections 1, 2 and 4 of the Road Traffic Regulation Act 1984 ("The Act") as amended by the Road Traffic Regulation (Parking) Act 1986, Part IV of Schedule 9 to the Act, 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 makes the following Order:-

**PART I – GENERAL**

1. In this Order :-

“the Council” means New Forest District Council;

“disabled person’s badge” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“local service” has the same meaning as in Section 2 of the Transport Act 1985;

“parking disc” means a disc, issued by a Local Authority, 125 millimetres square, coloured orange or blue and capable of showing the quarter hour period during which a period of waiting begins;

“public service vehicle” has the same meaning as in the Public Passenger Vehicles Act 1981;

“taxi” and “taxi rank” have the same meaning as in the Traffic Signs Regulations and General Directions 2002.

2. Regulation 4 of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 has effect for the purpose of defining the expression “relevant position” in this Order.

3. In the event of any dispute as to the meaning of any heading or legend used in any part of this Order, any schedule to this Order or any plan attached to this Order, the substantive wording in the Order or Schedule shall prevail over the heading or legend. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from 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 - RESTRICTION OF WAITING

4. Save as provided in articles 5 and 6 of this Order, no person shall, except upon the direction or with the permission of a police constable in uniform or traffic warden or civil enforcement officer, cause or permit any vehicle to wait:
  - (i) at any time on any side of road specified in Schedule I to this Order
5. Nothing in article 4 of this Order shall render it unlawful to cause or permit any vehicle to wait on any side 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;
  - (c) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with the following operations namely:
    - (i) building or demolition;
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction of the said side of road;
    - (iv) the laying, erection, alteration or repair in, or in land adjacent to, the said side of road, of any sewer, of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus as defined in the Telecommunications Act 1984;
  - (d) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;
  - (e) to enable the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said sides of road;
  - (f) to enable a public service vehicle being used in the operation of a local service to wait at any authorised stopping place for the purpose of:
    - (i) allowing a person to board or alight from the vehicle or to pay a fare, or
    - (ii) allowing the vehicle to wait, if it arrives at the stopping place in advance of the advertised time for a period not exceeding 15 minutes;
  - (g) to enable the vehicle to be used in the service of the Post Office for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000;

- (h) to enable the vehicle to wait at or near to any premises situated on or adjacent to the said sides of road for so long as is reasonably necessary in connection with any wedding or funeral; or
  - (i) to enable the vehicle to be used for fire and rescue service, ambulance or police purposes.
6. Nothing in article 4 of this Order shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled person's badge and, if appropriate, 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 on any of the sides of road referred to in that article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle on the same side of road on the same day).
7. The Hampshire (Brookley Road, Brockenhurst) (Prohibition of Waiting) Order 1989 is hereby revoked insofar as it relates to any side of road specified in this Order

### **PART III – TAXIS**

8. Nothing in this Order shall:
- a) render it unlawful to cause or permit any vehicle to wait on any side of road if that vehicle is a taxi waiting at an authorised taxi rank;
  - b) be deemed to authorise or permit any vehicle which is not a taxi to wait at an authorised taxi rank;

during any period that the rank is so authorised.

9. This Order shall come into operation on the 1 January 2017 and may be cited as “THE NEW FOREST DISTRICT (SWAY ROAD AND BROOKLEY ROAD, BROCKENHURST) (RESTRICTION OF WAITING) ORDER 2016”

SIGNED on the authority of the District Council this 2<sup>nd</sup> day of November 2016

*Chris Elliott*

Authorised Signatory

Chris Elliott, Executive Head of Economy, Housing and Planning

**SCHEDULE I**

Sides of road at Brockenhurst in the District of New Forest

No waiting at any time

ROAD	SIDE	LENGTH
Brookley Road	North-east	Between its junction with Grigg Lane and a point 15 metres south east
Sway Road	South-east	Between a point 23 metres south west of its junction with Brookley Road and a point 22 metres south west