

**THE NORTH YORKSHIRE COUNCIL**  
**(PROHIBITION OF WAITING AND LOADING AND PROVISION OF PARKING)**  
**(AMENDMENT NO 32) ORDER 2023**

The North Yorkshire Council (hereinafter referred to as “the Council”) in exercise of their powers under Sections 1(1), 2(1) to (3), 4(2), 32(1) and 35(1) of the Road Traffic Regulation Act 1984 (“the 1984 Act”) and Part IV of Schedule 9 to the 1984 Act and under the Traffic Management Act 2004 (“the 2004 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 1984 Act, hereby make the following Order:-

- 1 This Order shall come into operation on 7<sup>th</sup> August 2023 and shall be cited as “The North Yorkshire Council (Prohibition of Waiting and Loading and Provision of Parking) (Amendment No 32) Order 2023”.
- 2 This Order hereby amends “North Yorkshire County Council (Prohibition of Waiting and Loading and Provision of Parking) (District of Richmondshire) Consolidation Order 2013” in so far as it relates to the lengths of road specified in the Schedule to this Order.
- 3 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- 4 (1) In this Order the following expressions have the meanings hereby respectively assigned.

“**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;

“**Ambulance Keep Clear**” means part of the carriageway outside an ambulance station where vehicles should not stop and which is comprised within and indicated by a road marking complying with diagram 1027.1 in Schedule 7 (Part 4) to the 2016 Regulations;

“**Ambulance parking bay**” means any area of carriageway designated as a parking bay reserved for ambulances and which is comprised within and indicated by a road marking complying with diagram 1028.2, 1028.5 or 1028.6 in Schedule 7 (Part 4) to the 2016 Regulations;

“**Bus**” has the same meaning as in Regulation 2 (Schedule 1) of the 2016 Regulations;

“**Bus stop**” means any area of carriageway intended for the waiting of Buses and which is comprised within and indicated by a road marking complying with diagram 1025.1 or 1028.6 in Schedule 7 (Part 4) to the 2016 Regulations;

“**Cause**” includes permit;

“**Charge Certificate**” means the statement that the penalty charge has been increased in accordance with Regulation 21 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“**Civil Enforcement Officer**” means any person authorised by the Council to supervise and control vehicles in a Parking Place and enforce the provisions of this Order pursuant to Section 76 of the 2004 Act and Section 63A of the 1984 Act;

“**Controlled Hours**” means those hours and on those days so specified in Schedule 1 to this Order during which there are restrictions and limitations on parking, waiting, stopping, loading and unloading;

“**Disabled person’s badge**” means a badge in the form prescribed by Regulation 11 of the 2000 Regulations issued by a local authority for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person and includes a replacement badge issued in accordance with Regulation 7 of the 2000 Regulations;

“**Disabled Bay**” has the same meaning as “**Disabled parking place**”;

- (a) is 125 millimetres square and coloured blue, issued on or after 1<sup>st</sup> April 2000 or orange, if issued before that date;
- (b) has been issued by the Council and has not ceased to be valid; and
- (c) is capable of showing the quarter-hour period during which a period of waiting has begun;

**“Parking Bay”** has the same meaning as **“Parking Place”**;

**“Parking Place”** means an area on a highway described or designated as a Parking Place in Schedule 1 to this Order which is comprised within and indicated by a road marking complying with diagram 1028.4 or 1028.6 in Schedule 7 (Part 4) to the 2016 Regulations and which is authorised to be used by passenger vehicles, dual-purpose vehicles, light goods vehicles, motorcycles or invalid carriages within the positions marked for them;

**“Parking Space”** means a space in a Parking Place that is provided for the leaving of vehicles;

**“Passenger vehicle”** means a vehicle constructed solely for the purpose of carrying passengers and their effects;

**“Penalty Charge”** means a charge set by the Council in accordance with charges set by the Secretary of State under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council in the manner set out in the Penalty Charge Notice;

**“Penalty Charge Notice”** means a notice issued or served by a Civil Enforcement Officer or posted by the Council pursuant to the provisions of Section 78 of the 2004 Act and The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

**“Permit”** means a permit issued by the Council in accordance with their rules and includes resident permits;

**“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 Postal Services Act 2000 (Consequential Modifications to Local Enactments No. 1) Order 2001 (SI No. 2001/648) and shall include therefore references to “universal service providers”, as the context shall require;

**“Prescribed hours”** in relation to a Disc Parking Place means the period between 8.00 am and 6.00 pm, Monday to Saturday, any such day not being Christmas Day, Good Friday or a Bank Holiday being a public holiday;

**“Public service vehicle”** means a vehicle as defined in Section 1 of the Public Passenger Vehicles Act 1981;

**“Reduced Penalty Charge”** means a charge set by the Council in accordance with charges set by the Secretary of State under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council in the manner set out in the Penalty Charge Notice;

**“Relevant Position”** means:-

- (a) in relation to a disabled person’s badge, if
  - (i) the badge is exhibited on the dashboard or fascia of the vehicle, or

any part of a Parking Place, if the use of that part has not been suspended, for a period no longer than is necessary for:

- (a) a person to board or alight from the vehicle or load thereon or unload therefrom his or her personal luggage;
- (b) goods to be loaded on or unloaded from a vehicle, where the vehicle is necessary for the collection or delivery of those goods, (except in those Roads or lengths of Road and during those hours where loading and unloading is prohibited);
- (c) a vehicle directly used in connection with any of the following operations, namely:
  - (i) the removal of any obstruction to traffic;
  - (ii) the maintenance, improvement, or reconstruction of any of the said lengths of Road or sides of Road; or
  - (iii) the laying, erection, alteration or repair in, or in land adjacent to any of the said lengths or sides of Road of any sewer or of any main, pipe, cable or apparatus for the supply of gas, water or electricity or of any electronic communications network or electronic communications service as defined in Schedule 3A and Section 32 of the Communications Act 2003;
- (d) a vehicle, not being a passenger vehicle, being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;
- (e) a vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125(1) of the Postal Services Act 2000;
- (f) a vehicle to wait at or near to any premises situated on or adjacent to said side or any of the said lengths of Road or Parking Place for so long as such waiting by that vehicle is reasonably necessary in connection with a wedding or funeral; or
- (g) a vehicle being used for fire brigade, ambulance or police purposes;
- (h) a vehicle displaying a valid dispensation.

- (2) Nothing in this Order shall render it unlawful to cause any Taxi to wait upon a Taxi Rank while plying for hire.
- (3) Nothing in this Order shall render it unlawful to cause a vehicle displaying a Disabled person's badge to wait in accordance with the provisions contained in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (SI 2000 No. 683) and any amendments thereto.
- (4) Nothing in this Order shall render it unlawful for a driver of a Public service vehicle to allow that vehicle to wait at a recognised Timing point.
- (5) Nothing in this Order shall render it unlawful for the driver of a Bus to cause the Bus to wait or stop at a Bus stop for so long as may be necessary to maintain a published timetable for the service, to enable passengers to board or alight from the Bus or to enable the crew of the Bus to be changed.

6 Every vehicle left in a Parking Space in accordance with the provisions of this Order shall stand so that its wheels are wholly within the Parking Space, and it does not obstruct the premises adjacent to the side of the Road on which the vehicle is standing.

7 During the period of operation of a Parking Place specified in this Order no person shall without the written consent of the Council and subject to such conditions as the Council from time to time decide use any vehicle while it is in the Parking Place, in connection with any commercial activities,

### **Disc Parking**

- 15 A vehicle that is parked in a Parking Place during the Prescribed Hours in any length of Road so specified in Schedule 1 to this Order as being a Disc Parking Place and does not display in the Relevant Position a valid permit must display a Parking Disc in the Relevant Position and set the disc so that it indicates the quarter of an hour period during which the vehicle arrived at the Disc Parking Place, nor may a vehicle return to any such Parking Space in the same Disc Parking Place until the expiry of the time specified for that Parking Place in Schedule 1.

### **Disabled Parking Places**

- 16 Save as provided in Article 5 of this Order no person shall, except upon the direction or with the permission of a Civil Enforcement Officer, cause any vehicle to wait in any Disabled parking place described in Schedule 1 to this Order during the Controlled Hours unless it is displaying a Disabled person's badge and disc (parking clock) in the Relevant Position and has set the disc so that it indicates the quarter of an hour period during which the vehicle arrived at the Parking Place in the Relevant Position.

### **Loading Bays**

- 17 Save as provided in Article 5 of this Order no person shall, except upon the direction or with the permission of a Civil Enforcement Officer, cause any vehicle other than a Goods vehicle to wait other than to allow goods to be loaded on or unloaded from the vehicle in any length of Road so specified as a loading bay in Schedule 1 to this Order during the Controlled Hours.

### **Motor Cycle Parking Bays**

- 18 Save as provided in Article 5 of this Order no person shall, except upon the direction or with the permission of a Civil Enforcement Officer, cause any vehicle other than a motorcycle to wait in any length of Road so specified as a motorcycle parking bay in Schedule 1 to this Order during the Controlled Hours.

### **School Entrance Areas**

- 19 No person shall, except upon the direction of a Civil Enforcement Officer, cause any vehicle to stop or remain at rest on any of the sides of lengths of Road so specified as school entrance areas in Schedule 1 to this Order during the Controlled Hours, except as may be necessary to avoid an accident or is prevented from proceeding by circumstances outside his control.

### **Ambulance and Fire Keep Clear Areas**

- 20 No person shall, except upon the direction of a Civil Enforcement Officer, cause any vehicle to stop or remain at rest on any of the sides of lengths of Road so specified as ambulance and fire keep clear areas in Schedule 1 to this Order during the Controlled Hours, except as may be necessary to avoid an accident or is prevented from proceeding by circumstances outside his control.

### **Penalty Charge and Payment**

- 21 (1) Where a Motor Vehicle
- (a) waits, parks or is left on a Road in contravention of the foregoing provisions of this Order or otherwise contravenes or fails to comply with the provisions of this Order, insofar as it relates to a Motor Vehicle waiting, parking or being left on a Road; or
  - (b) waits, parks or is left on a Road in contravention of any other Traffic Regulation Order the provisions of which are not consolidated into this Order or fails to comply with the provisions of any such Order insofar as it relates to a vehicle waiting, parking or being left on a Road; or
  - (c) parks in contravention of the provisions of Sections 19 or 21 of the Road Traffic Act 1988 (prohibition of parking of HGVs on Verges, central reservations and footways and driving or parking on Cycle Tracks) a Penalty

**SCHEDULE 1  
WAITING PROHIBITED AT ALL TIMES WITH EXEMPTIONS**

Location	Road	Side	From	To	Nature of Restriction
Richmond	Frances Road	South	From a point opposite the boundary line of property number 5 and property number 7 Frances Road	East for 6.6 meters	Disabled Bay (Operational At All Times)

**SCHEDULE 2 REVOCATIONS**

Location	Road	Side	From	To	Nature of Restriction
Richmond	Frances Road	South	From opposite the boundary line of No 5 and No 7 Frances Road	East for 6.6 metres and west for 6.6 metres (two bays)	Disabled Bay

EXECUTED as a DEED by affixing the Common Seal )  
of **THE NORTH YORKSHIRE COUNCIL** on the )  
day of *28<sup>th</sup> July* 2023 in the presence of: )

*W. Cordery*  
.....  
Authorised signatory

