THE NORTH YORKSHIRE COUNCIL
(PROHIBITION OF WAITING AND LOADING AND PROVISION OF PARKING)
(MYRTLE AVENUE, BRAYTON) (AMENDMENT NO TBC) ORDER 2026

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 force on TBC and shall be cited as "The North Yorkshire Council (Prohibition of Waiting and Loading and Provision of Parking) (Myrtle Avenue, Brayton) (Amendment No TBC) Order 2026".

2 This Order hereby amends "North Yorkshire County Council (Prohibition of Waiting and Loading and Provision of Parking) (District of Selby) 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 the Schedule 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"**;

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"**Disabled parking place**" means any area of carriageway designated as a Parking Place reserved for disabled persons' badge holders and 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;

"Disc parking bay" has the same meaning as **"Disc Parking Place**;

"Disc Parking Place" means a Parking Place reserved for vehicles displaying a Parking Disc;

"Dual-purpose vehicle" has the same meaning as in Regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986 (SI 1986/1078);

"Enactment" means any enactment whether public general or local, and includes any order, bye law, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"**Fire station keep clear**" means part of the carriageway outside a fire 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;

"Goods" includes goods or burden of any description;

"Goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description, or a trailer so constructed or adapted;

"Higher Level Contraventions" are as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

"Invalid carriage" has the same meaning as in Section 136(5) of the 1984 Act;

"Length of Road" means any length of road between the termination points so specified in the Schedule to this Order;

"Light goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and which has a maximum laden weight not exceeding 3.5 tonnes;

"Loading bay" means any area of carriageway designated as a Parking Bay reserved for loading and unloading goods and 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;

"Lower Level Contraventions" means all parking contraventions which are not higher level contraventions as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

"**Motor cycle**" has the same meaning as in Section 136(4) of the 1984 Act;

"**Motor cycle parking bay**" means any area of carriageway designated as a parking bay reserved for motor cycles and 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;

"Motor Vehicle" means a mechanically propelled vehicle intended or adapted for use on roads;

"Owner" in relation to a Motor Vehicle means the person by whom such Motor Vehicle is kept and used;

"Parking Disc" means a device which:-

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(a) is 125 millimetres square and coloured blue, issued on or after 1st April 2000 or orange, if issued before that date;

(b) has been issued by a local authority 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 the Schedule 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, motor cycles 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 Borough 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 facia of the vehicle, or

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(ii) 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;

(b) in relation to a Parking Disc, if:-

(i) the disc is exhibited on the dashboard or facia of the vehicle; or

(ii) where the vehicle does not have a dashboard or facia, the disc is exhibited in a conspicuous position on the vehicle, so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle;

(c) in relation to a permit, if:-

(i) the permit is exhibited on the dashboard or facia of the vehicle, or

(ii) where the vehicle is not fitted with a dashboard or facia, the permit is exhibited in a conspicuous position on the vehicle, so that the front of the permit is clearly legible from the outside of the vehicle;

"Road" means any length of highway or of any other road to which the public has access, including the carriageway and footway, and includes any bridge over which a road passes;

"**School entrance area**" means part of the carriageway outside a school entrance 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;

"School Keep Clear" has the same meaning as **"School entrance area"**;

"Service" in respect of a Penalty Charge Notice means the forms of service specified in regulations 9 and 10 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any amendment or re-enactment thereof;

"Taxi" means a vehicle licensed to ply for hire within the administrative area of The North Yorkshire Council and does not include private hire vehicles;

"Taxi rank" means an area of carriageway reserved for use by taxis plying for hire 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;

"the 2000 Regulations" means The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI 2000/682);

"the 2016 Regulations" means the Traffic Signs Regulations and General Directions 2016 (SI 2016/362);

"Timing point" means a place where a Public service vehicle may wait for the purpose of synchronising its journey time with the published schedule.

(2) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.

(3) Any reference in this Order to an enactment shall be construed as a reference to that enactment as amended, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.

5 (1) Nothing in this Order shall render it unlawful to cause any vehicle to wait during the Controlled Hours for the lengths of Road, on the side of Road referred to therein, or in 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:

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(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, or the advertisement or sale of any article to persons in or near the Parking Place, or in connection with the selling or offering for hire of his skill or services.

8 No person shall use any part of a Parking Place or any vehicle parked in a Parking Place-

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(a) for sleeping or camping or cooking; or

(b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the Parking Place.

9 (1) Any person duly authorised by the Council may suspend the use of a Parking Place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of:

(a) facilitating the movement of traffic;

(b) promoting its safety;

(c) preventing obstruction;

(d) the undertaking of works in or adjacent to the Parking Place; or

(e) for the convenience of occupiers of premises adjacent to the Parking Place.

(2) When the Parking Place or any part thereof has its operation suspended pursuant to paragraph (1) of this Article no person shall cause any vehicle to wait or load or unload in that Parking Place or part thereof for the duration of the suspension, provided that nothing in this paragraph shall render it unlawful to cause an ambulance or any vehicle being used for fire brigade or police purposes, to enter or be left in that Parking Place or part thereof during the period of suspension, or to any other vehicle so left, if that vehicle is displaying a valid dispensation issued by the Council.

10 Where a Civil Enforcement Officer is of the opinion that any of the provisions of this Order have been contravened or not complied with in respect of a vehicle he may remove or cause to be removed the vehicle and, where it is so removed, shall provide for the safe custody of the vehicle.

11 Where a Civil Enforcement Officer is of the opinion that any of the provisions of this Order have been contravened or not complied with in respect of a vehicle he may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

12 A Police Constable in uniform or Civil Enforcement Officer may move or cause to be moved, in case of emergency, to any place he thinks fit any vehicle left in a Parking Place.

Prohibition of Waiting, Loading and Unloading

13 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 or allow goods to be loaded on or unloaded from the vehicle in any length of Road during the Controlled Hours so specified in the Schedule to this Order.

Parking Places

14 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 length of Road described or designated as a Parking Place during the Controlled Hours so specified in the Schedule to this Order and which are thereby authorised for use as Parking Places, other than Parking Places reserved for a specific use or class of vehicle, unless it is of the class of vehicle authorised to use that Parking Place or is displaying in the Relevant Position a permit valid for that Parking Place at that time, nor may a vehicle return to any such Parking Space in the same Parking Place until the expiry of the time specified for that Parking Place in the Schedule.

Disc Parking

15 A vehicle that is parked in a Parking Place during the Prescribed Hours in any length of Road so specified in the Schedule 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 the Schedule.

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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 the Schedule 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 the Schedule 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 motor cycle to wait in any length of Road so specified as a motor cycle parking bay in the Schedule 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 the Schedule 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 the Schedule 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 Charge shall be payable by the Owner for each day of the said contravention or non-compliance.

(2) The Penalty Charge or Reduced Penalty Charge shall be in accordance with Band 2 as set out in the Schedule to The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007:-

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Higher Level Penalty Charge	Lower Level Penalty Charge	Higher Level Penalty Charge Paid Early	Lower Level Penalty Charge Paid Early	Higher Level Penalty Charge paid after service of Charge Certificate	Lower Level Penalty Charge paid after service of Charge Certificate
£70	£50	£35	£25	£105	£75

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SCHEDULE

PROHIBITION OF WAITING AND LOADING AND PROVISION OF PARKING

Location	Road	Side	From	To	Nature of Restriction
Brayton	Myrtle Avenue	North	From 20m from the eastern radius curve junction with Langdale Road	East for 30m	No waiting between 7.30am to 9.30am and 2.30pm to 4.30pm

EXECUTED as a DEED by affixing the Common Seal)
of **THE NORTH YORKSHIRE COUNCIL** on the)
day of 2026 in the presence of:)

.....
Authorised signatory

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