BIRMINGHAM CITY COUNCIL
(BRADFORD STREET, BORDESLEY & HIGHGATE)
(TRAFFIC REGULATION) (EXPERIMENTAL) ORDER 2020

Birmingham City Council ("the Council") in exercise of its powers under Sections 9, 10(1) and 10(2) of the Road Traffic Regulation Act 1984 (as amended) ("the Act") and of all other enabling powers and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:

1. **Commencement and citation**

1.1 This Order shall come into operation on the 3rd of December Two Thousand and Twenty and may be cited as the "Birmingham City Council (Bradford Street, Bordesley & Highgate) (Traffic Regulation) (Experimental) Order 2020".

1.2 The On-Street Plans titled "Birmingham City Council (Bradford Street, Bordesley & Highgate) (Traffic Regulation) (Experimental) Order 2020" (referenced 407286SES, 408285NWN & 408286SWS attached hereto) are incorporated into this Order.

2. Interpretation

2.1 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"Authorised Person" means an employee or agent of the Council authorised to exercise all or any of the functions of the Council under this Order;

"Bus" has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016;

"Bus Parking Place" means a part of a Road identified as such on the On-Street Plan for use as a Parking Place for a Bus;

"Bus Stand" means an area of Carriageway bounded by a Traffic Sign shown in diagram 1025.1 in Schedule 7 to The Traffic Signs Regulations and General Directions 2016 and which includes the words "BUS STAND";

"Bus Stop" means an area of Carriageway bounded by a Traffic Sign shown in diagram 1025.1 in Schedule 7 to The Traffic Signs Regulations and General Directions 2016 and which includes the words "BUS STOP";

"Car Club Parking Place" means a part of a Road identified as such on the On-Street Plan for use as a Parking Place for a vehicle which displays in the Relevant Position a Car Club Permit;

"Car Club Permit" means a Permit issued under the provisions of this Order to identify a vehicle which may park in a Car Club Parking Place;

"Carriageway(s)" and "Footway(s)" have the same meaning as in Section 329 (1) of the Highways Act 1980;

"Central Reservation(s)" has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016;

“Civil Enforcement Officer” has the same meaning as that provided in Section 76 of The Traffic Management Act 2004;

“Diplomatic Vehicle” means a vehicle with a diplomatic registration mark used by members of the staff of diplomatic missions;

“Diplomatic Vehicle Parking Place” means a part of a Road identified as such on the On-Street Plans for use as a Parking Place for a Diplomatic Vehicle;

“Disabled Person’s Badge” and “Parking Disc” have the same meaning as in Regulation 3 (1) of the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“Disabled Person’s Parking Place” means a part of a Road identified as such on the On-Street Plan for use as a Parking Place for a vehicle which displays in the Relevant Position a Disabled Person’s Badge;

“Disabled Person’s Vehicle” has the same meaning as in Section 142 of the Act;

“Driver” means the person driving or having control or charge of the vehicle at any given time and in particular, in relation to a vehicle waiting, the person driving at the time it was left;

“Duplicate Permit” means a Permit issued under the provisions of this Order to replace a Permit that has been lost, destroyed, mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the Permit has become altered by fading or otherwise;

“Electronic Communications Apparatus” has the same meaning as in Schedule 2 to the Digital Economy Act 2017;

“Electric Vehicle(s)” means a vehicle in which the electrical motive power is derived from an electrical storage battery which is not connected to any source of power when the vehicle is in motion;

“Electric Vehicle Parking Place” means a part of a Road identified as such on the On-Street Plan for use as a Parking Place for Electric Vehicles;

“Goods” means goods or burden of any kind and includes postal packets of any description; and 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 which is constructed or adapted for use for the carriage of Goods or burden of any description, and is not drawing a Trailer;

“Highway” means all Carriageways, Footways, Central Reservations and verges;

"Licensed Taxi" has the same meaning as in Section 13(3) of the Transport Act 1985;

"Limited Waiting Parking Place" means a part of a Road designated by this Order for the use, during specified times, as a Parking Place which is indicated by a period of ‘limited waiting’ on the On-Street Plans;

“Loading” includes loading and unloading where appropriate;

“Loading Bay” means part of a Road identified as such on the On-Street Plan where no vehicles may wait except to load or unload;

“Motor Cycle” and “Invalid Carriage” have the same meaning respectively as in Section 136 of the Act;

"Motor Cycle Parking Place” means a part of a Road identified as such on the On-Street Plan for use as a Parking Place for a Solo Motor Cycle;

“On-Street Plans” means the plans titled “Birmingham City Council (Bradford Street, Bordesley & Highgate) (Traffic Regulation) (Experimental) Order 2020” (referenced 407286SES, 408285NWN & 408286SWS attached hereto) incorporated into this Order;

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

“Parking Place” means where the context permits the various types of Parking Place identified in Article 2.2 and identified as such on the On-Street Plans and the limits of each Parking Place shall be indicated by the Council on the carriageway by appropriate traffic signs and or delineation;

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

“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 sixteen passengers exclusive of the Driver, and not drawing a Trailer;

“Pedal Cycle” has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016;

“Permit” means where the context permits the various types of Permit identified in Article 2.3 that are issued by the Council and used in accordance with its terms and conditions;

“Permit Holder” means a person to whom a Permit has been issued under the provisions of this Order;

“Police Parking Place” means a part of a Road identified as such on the On-Street Plan for use as a Parking Place for vehicles being used in pursuance of police duties;

“Recharging Post” means a device designed for the recharging of Electric Vehicles;

“Relevant Fee” means in relation to a Permit or a Duplicate Permit, the respective fee which shall be determined from time to time by the Council to be paid by an applicant;

“Relevant Position” means:

(a) for the display of a Permit, that the Permit is displayed either inside the front windscreen of the vehicle, where the vehicle is fitted with a front windscreen, or in a conspicuous position on the vehicle so that all the information recorded on the front of the Permit is legible and clearly visible to a person standing at the front or nearside of the vehicle and the Permit shall be displayed for the whole time that the vehicle remains in the Parking Place;

(b) for the display of a Disabled Person’s Badge or Parking Disc, that the Disabled Person’s Badge or Parking Disc is displayed as stated in Regulation 4 of the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000, and shall be displayed for the whole time that the vehicle remains on that length of road;

“Road” has the same meaning as in Section 142 (1) of the Act and which is contained within the Traffic Regulation Order Boundary;

“Solo Motor Cycle” has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016;

“Special Permit” means a Permit issued from time to time by the Council to specified vehicles;

“Special Permit Parking Place” means a part of a Road identified as such on the On-Street Plan for use as a Parking Place for a vehicle displaying a Special Permit in the Relevant Position;

“Taxi Rank” has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016;

“Traffic Regulation Order Boundary” means the boundary identified as such on the On-Street Plans;

“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;

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“Trailer” has the same meaning as in Section 136 of the Act and includes a trailer any part of which is superimposed on the drawing vehicle;

“Universal Service Provider” has the same meaning as in Section 4 (3) and (4) of the Postal Services Act 2000.

2.2 Where the context so permits all references in this Order to a “Parking Place” shall include reference to a Special Permit Parking Place, a Disabled Person’s Parking Place, a Police Parking Place, a Limited Waiting Parking Place, a Motor Cycle Parking Place, a Bus Parking Place, an Electric Vehicle Parking Place, a Car Club Parking Place or a Loading Bay.

2.3 Where the context so permits all references in this Order to “Permit” shall include reference to a Special Permit, Car Club Permit or a Duplicate Permit.

2.4 Where a Permit has been displayed on a vehicle in the Relevant Position no person, not being the Permit Holder, shall remove the Permit from the vehicle unless authorised to do so by the Permit Holder.

2.5 The prohibitions and restrictions of waiting and the prohibitions of stopping imposed by this Order shall also apply to the Footways, Central Reservations and verges contiguous to the various parts of Road referred to in this Order unless otherwise shown on the On-Street Plan.

2.6 Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.

2.7 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

2.8 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 regulation made or having effect as if made under the Act or by or under any other enactment provided that where a prohibition or restriction which is imposed, varied or revoked by this Order is in conflict with a prohibition or restriction imposed by a previous Order, then the provision of this Order shall prevail.

2.9 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2.10 The Order listed in Schedule 1 is varied to the extent that it conflicts with the restrictions shown on the On-Street Plans.

2.11 In pursuance of section 10(2) of the Act, the Assistant Director of Transport and Connectivity or a person authorised by the Assistant Director of Transport and Connectivity, if it appears to that person essential (a) in the interests of the expeditious, convenient and safe movement of traffic, or (b) in the interests of the provision of suitable and adequate parking facilities on the Highway, or (c) for the preserving or improving the amenities of the area through which any Road affected by this Order runs, and after consulting with the Chief Officer of Police, may modify or suspend any provision of this Order, save that no modification shall make an addition.

3. Prohibition and Restriction of Waiting

3.1 Where, in relation to any part of a Road shown on the On-Street Plan, a period of ‘no waiting’ is indicated, then, subject to the provisions of Articles 3.2, 3.3, 3.4, 3.5 and 3.6 no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit any vehicle to wait during that period in that part of the Road.

3.2 Nothing in Article 3.1 shall prohibit any persons from causing or permitting any vehicle to wait in the lengths of Road or on the sides of Road referred to therein for so long as may be necessary:

(a) to enable a person to board or alight from the vehicle;

(b) to enable the vehicle if it bears the livery of a Universal Service Provider being used for the purposes of the provision of a universal postal service as defined in the Postal Services Act 2000;

(c) to enable the vehicle to be used for police, ambulance or fire brigade purposes;

(d) to enable the vehicle (other than a Passenger Vehicle) if it cannot conveniently be used for such purpose in any other Road to be used in the service of a local authority, a water undertaker or a sewerage undertaker or the Environment Agency or their agents in pursuance of statutory powers or duties;

(e) to enable up to a maximum of two vehicles to wait at or near to any premises situated on or adjacent to the said lengths or sides of Road so long as the waiting by these vehicles is reasonably necessary in connection with any wedding or funeral;

(f) to enable the vehicle if it cannot conveniently be used for such purpose in any other Road to be used in connection with any of the following operations, namely:

(1) building, industrial or demolition operations;

(2) the removal of any obstruction to traffic;

(3) the maintenance, improvement or reconstruction of the said lengths of Road or sides of Road; or

(4) the laying, erection, alteration or repair in or on land adjacent to the said lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Electronic Communications Apparatus.

3.3 Nothing in Article 3.1 shall prohibit any persons from causing or permitting any vehicle to wait in the lengths of Road or on the sides of Road referred to therein for so long as may be necessary to enable Goods to be loaded on to or from the vehicle except for any period indicated on the On-Street Plan when Loading is not permitted in that part of the Road.

3.4 Exceptions for vehicles displaying a Disabled Person's Badge

3.4.1 Where a period of 'no waiting' indicated on the On-Street Plan exceeds three hours, nothing in Article 3.1 shall prohibit any persons from causing or permitting a vehicle which displays in the Relevant Position a Disabled Person's 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 the lengths of Road or on the sides of the 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 in the same lengths or on the same sides of Road on the same day provided that such period lies entirely outside any “no loading” period specified for that length of Road.

3.4.2 Where a period of ‘no waiting’ indicated on the On-Street Plan does not exceed three hours, nothing in Article 3.1 shall prohibit any persons from causing or permitting a vehicle which displays in the Relevant Position a Disabled Person’s Badge to wait in the lengths of Road or on the sides of the Road referred to in that Article provided that such period lies entirely outside any “no loading” period specified for that length of Road.

3.5 The restrictions specified in Article 3.1 shall not apply to a person causing or permitting a Bus to wait on a Bus Stop or Bus Stand.

3.6 The restrictions specified in Article 3.1 shall not apply to a person causing or permitting a Licensed Taxi to wait on a Taxi Rank.

4. No Stopping Controls

4.1 Where, in relation to any part of a Road shown on the On-Street Plan, a period of ‘no stopping’ is indicated, then, subject to the provisions of Article 4.2 no person shall cause or permit any vehicle to stop during that period in that part of the Road.

4.2 Exemptions to ‘no stopping’ controls

4.2.1 Nothing in Article 4.1 shall prohibit any persons from causing or permitting any vehicle to stop in the lengths of Road or on the sides of Road referred to therein if:

(a) required by law to cause the vehicle to stop or not to proceed;

(b) obliged to stop the vehicle so as to avoid an accident;

(c) prevented from proceeding in the vehicle by circumstances beyond the person’s control;

(d) getting or giving help in consequence of an accident or an emergency, or otherwise taking action for public safety;

(e) opening or closing a gate or other barrier at the entrance to premises to which the vehicle is being driven or from which it has emerged if it is not reasonably practicable to cause the vehicle to stop elsewhere for the purpose;

(f) the vehicle is being used for police, ambulance or fire brigade purposes;

(g) the vehicle is being used in connection with the removal of any obstruction to traffic;

(h) the vehicle is being used in connection with the maintenance, improvement or reconstruction of any part of that Road;

(i) using the vehicle in connection with the laying, erection, alteration or repair in or on land adjacent to the said lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Electronic Communications Apparatus;

(j) the vehicle (other than a Passenger Vehicle) cannot conveniently be used for such purpose in any other Road and is being used in the service of a local authority, a water undertaker, a sewerage undertaker, the Environment Agency or their agents in pursuance of statutory powers or duties;

(k) enabling up to a maximum of two vehicles to stop at or near to any premises situated on or adjacent to the said lengths or sides of Road so long as the stopping by these vehicles is reasonably necessary in connection with any wedding or funeral.

4.2.2 The controls specified in Article 4.1 do not apply to anything done with the permission of an Authorised Person or with the permission or at the direction of a police constable in uniform or a Civil Enforcement Officer.

5 Limited Waiting

5.1 Where, in relation to any part of a Road shown on the On-Street Plan, a period of 'limited waiting' is indicated then, subject to the provisions of Articles 5.2, 5.3, 5.4 and 5.5, no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit any vehicle to wait during that period in that part of the Road:

(a) for longer than the maximum period of waiting specified for that part of the Road;

(b) if a period of less than the no return interval specified for that part of the Road has elapsed since the termination during the said hours of the last period of waiting (if any) of the vehicle in that length of Road.

5.2 Nothing in Article 5.1 shall prohibit any persons from causing or permitting any vehicle to wait in the lengths of Road or on the sides of Road referred to therein for so long as may be necessary:

(a) to enable a person to board or alight from the vehicle;

(b) to enable the vehicle if it bears the livery of a Universal Service Provider being used for the purposes of the provision of a universal postal service as defined in the Postal Services Act 2000;

(c) to enable the vehicle to be used for police, ambulance or fire brigade purposes;

(d) to enable the vehicle (other than a Passenger Vehicle) if it cannot conveniently be used for such purpose in any other Road to be used in the service of a local authority, a water undertaker, a sewerage

undertaker, the Environment Agency or their agents in pursuance of statutory powers or duties;

(e) to enable up to a maximum of two vehicles to wait at or near to any premises situated on or adjacent to the said lengths or sides of Road so long as the waiting by these vehicles is reasonably necessary in connection with any wedding or funeral;

(f) to enable the vehicle if it cannot conveniently be used for such purpose in any other Road to be used in connection with any of the following operations, namely:

(1) building, industrial or demolition operations;

(2) the removal of any obstruction to traffic;

(3) the maintenance, improvement or reconstruction of the said lengths of Road or sides of Road; or

(4) the laying, erection, alteration or repair in or on land adjacent to the said lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Electronic Communications Apparatus.

5.3 Exceptions for vehicles displaying a Disabled Person's Badge

5.3.1 Nothing in Article 5.1 shall render it unlawful to cause or permit a vehicle which displays in the Relevant Position a Disabled Person's Badge, to wait in that length of Road.

5.4 The restrictions specified in Article 5.1 shall not apply to a person causing or permitting a Bus to wait on a Bus Stop or Bus Stand.

5.5 The restrictions specified in Article 5.1 shall not apply to a person causing or permitting a Licensed Taxi to wait on a Taxi Rank.

6.0 Parking Places for Specific Classes of Vehicle

6.1 Where any part of a Road shown on the On-Street Plan is identified as a Special Permit Parking Place, then subject to the provisions of this Order, no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit any vehicle to wait in the Special Permit Parking Place unless:

(a) the vehicle is a Passenger Vehicle, a Goods Vehicle not exceeding 5 tonnes maximum gross weight or a Solo Motor Cycle; and

(b) the vehicle is displaying a Special Permit in the Relevant Position and that Special Permit is so displayed for the whole time that the vehicle remains in the Special Permit Parking Place.

6.2 Where any part of a Road shown on the On-Street Plan is identified as a Disabled Person's Parking Place then subject to the provisions of this Order,

no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit any vehicle to wait in the Disabled Person's Parking Place during its specified hours of operation unless it is a vehicle displaying a Disabled Person's Badge in the Relevant Position and the Disabled Person's Badge is so displayed for the whole time that the vehicle remains in the Disabled Person's Parking Place.

6.3 Where any part of a Road shown on the On-Street Plan is identified as a Police Parking Place then subject to the provisions of this Order, no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit any vehicle to wait in the Police Parking Place during its specified hours of operation unless it is a vehicle being used in pursuance of police duties.

6.4 Where any part of a Road shown on the On-Street Plan is identified as a Motor Cycle Parking Place then subject to the provisions of this Order, no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit any vehicle to wait in the Motor Cycle Parking Place during its specified hours of operation unless it is a Solo Motor Cycle.

6.5 Where any part of a Road shown on the On-Street Plan is identified as a Bus Parking Place then subject to the provisions of this Order, no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit any vehicle to wait in the Bus Parking Place during its specified hours of operation unless it is a Bus.

6.6 Where, in relation to a Bus Parking Place shown on the On-Street Plan, a permitted period for parking is indicated, then, no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit a Bus to wait during that period:

(a) for longer than the maximum period of waiting specified for that Bus Parking Place;

(b) if a period of less than the no return interval specified for that Bus Parking Place has elapsed since the termination during the said hours of the last period of parking (if any) of the Bus in that length of Road.

6.7 Where any part of a Road shown on the On-Street Plan is identified as a Loading Bay, then subject to the provisions of this Order, no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit any vehicle to wait in the Loading Bay other than during the process of Loading.

6.8 Where, in relation to a Loading Bay shown on the On-Street Plan, a permitted period for loading / unloading is indicated, then, no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit any vehicle to wait during that period:

(a) for longer than the maximum period of waiting specified for that Loading Bay;

(b) if a period of less than the no return interval specified for that Loading Bay has elapsed since the termination during the said hours of the last period of waiting (if any) of the vehicle in that length of Road.

6.9 Where any part of a Road shown on the On-Street Plan is identified as a Car Club Parking Place then subject to the provisions of this Order, no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit any vehicle to wait in the Car Club Parking Place during its specified hours of operation unless it displays a Car Club Permit in the Relevant Position and that Car Club Permit is so displayed for the whole time that the vehicle remains in the Car Club Parking Place.

6.10 Where any part of a Road shown on the On-Street Plan is identified as an Electric Vehicle Parking Place then subject to the provisions of this Order, no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit a vehicle to wait in the Electric Vehicle Parking Place during its specified hours of operation unless it is an Electric Vehicle left during the process of recharging with electricity.

6.11 At all times during which an Electric Vehicle is left in an Electric Vehicle Parking Place, the Driver of such vehicle shall cause the vehicle to be actively recharging via the recharging lead while connected to the Recharging Post relating to that Electric Vehicle Parking Place.

6.12 Where, in relation to an Electric Vehicle Parking Place shown on the On-Street Plan, a permitted period for waiting is indicated, then, no person shall except upon the direction of a police constable in uniform or a Civil Enforcement Officer or with the permission of an Authorised Person, cause or permit an Electric Vehicle to wait during that period:

(a) for longer than the maximum period of waiting specified for that Electric Vehicle Parking Place;

(b) if a period of less than the no return interval specified for that Electric Vehicle Parking Place has elapsed since the termination during the said hours of the last period of waiting (if any) of the Electric Vehicle in that length of Road.

6.13 There will be no charge levied for the use of electricity by an Electric Vehicle whilst waiting in an Electric Vehicle Parking Place during the process of charging Electric Vehicles.

6.14 Nothing in Articles 6.1, 6.2, 6.5, 6.7 or 6.9 shall prohibit any persons from causing or permitting any vehicle to wait in the lengths of Road or on the sides of Road referred to therein for so long as may be necessary:

(a) to enable a person to board or alight from the vehicle;

(b) to enable the vehicle if it bears the livery of a Universal Service Provider being used for the purposes of the provision of a universal postal service as defined in the Postal Services Act 2000;

(c) to enable the vehicle to be used for police, ambulance or fire brigade purposes;

(d) to enable up to a maximum of two vehicles to stop at or near to any premises situated on or adjacent to the said lengths or sides of Road so long as the waiting by these vehicles is reasonably necessary in connection with any wedding or funeral;

(e) to enable the vehicle (other than a Passenger Vehicle) if it cannot conveniently be used for such purpose in any other Road to be used in the service of a local authority, a water undertaker, a sewerage undertaker, the Environment Agency or their agents in pursuance of statutory powers or duties;

(f) to enable the vehicle if it cannot conveniently be used for such purpose in any other Road to be used in connection with any of the following operations, namely:

(1) building, industrial or demolition operations;

(2) the removal of any obstruction to traffic;

(3) the maintenance, improvement or reconstruction of the said lengths of Road or sides of Road; or

(4) the laying, erection, alteration or repair in or on land adjacent to the said lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Electronic Communications Apparatus.

6.15 Nothing in Article 6.10 shall apply to a vehicle being used for fire brigade, ambulance or police purposes.

Power to suspend use of Parking Places

6.16 An Authorised Person may suspend the use of any Parking Place or any part thereof for up to seven days and for longer periods with the permission of the Council whenever he considers such suspension reasonably necessary:

(a) for the purpose of facilitating the movement of traffic or promoting its safety;

(b) for the purpose of any building operation, demolition or excavation in or adjacent to the Parking Place or the maintenance, improvement or reconstruction of the Parking Place or the laying, erection, alteration, removal or repair in or adjacent to the Parking Place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any Electronic Communications Apparatus or Traffic Sign;

(c) for the convenience of occupiers of premises adjacent to the Parking Place on any occasion of the removal of furniture from one office or

dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;

(d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or

(e) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals, or on other special occasions.

6.17 A police constable in uniform may suspend for not longer than twenty-four hours the use of any Parking Place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

6.18 Any person suspending the use of any Parking Place or any part thereof in accordance with the provisions of Articles 6.16 or 6.17 shall thereupon place or cause to be placed in or adjacent to the Parking Place or part thereof the use of which is suspended a Traffic Sign indicating that waiting by vehicles is prohibited.

6.19 No person shall cause or permit a vehicle to be left in any part of any Parking Place during such period as there is in or adjacent to that part of the Parking Place a Traffic Sign placed in pursuance of Article 6.18 provided that nothing in this Article shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes to be left in any part of the Parking Place during such period as is referred to therein, or to any other vehicle so left if that vehicle is left with the permission:

(a) of an Authorised Person;

(b) of a police constable in uniform; or

(c) of a Civil Enforcement Officer.

6.20 The Driver of a vehicle using any Parking Place shall not permit the carrying out of any work of construction or repair except such as may be necessary to enable the vehicle to be removed from the Parking Place.

6.21 No person shall use any vehicle, while it is in any Parking Place in connection with the sale of any article to any person in or near the Parking Place or in connection with the selling or offering for sale of his skill in handicraft or his services in any other capacity provided that nothing in this Article shall prevent the sale of Goods from a vehicle if the vehicle is a Passenger Vehicle or a Goods Vehicle not exceeding 5 tonnes maximum gross weight left in any Parking Place and the Goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected.

6.22 A police constable in uniform, a Civil Enforcement Officer or an Authorised Person may move or cause to be moved, in case of emergency, to any place he thinks fit, vehicles left in any Parking Place.

7.0 General

7.1 When a vehicle is left in a Road in contravention of any of the provisions of this Order, a penalty charge shall be payable. A penalty charge notice

showing the information required by The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 may then be issued in accordance with those Regulations by an Authorised Person who, subsequently, may remove or arrange for the removal of the vehicle from that Road.

7.2 An Authorised Person removing a vehicle by virtue of Article 7.1 may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it as aforesaid.

7.3 When an Authorised Person removes or makes arrangements for the removal of a vehicle from a Road by virtue of Article 7.2, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

7.4 Any expenses incurred by the Council in removing a vehicle from a Road by virtue of Article 7.2 or in making arrangements for the safe custody of the vehicle by virtue of Article 7.3 shall be recoverable by the Council from the Owner of the vehicle.

7.5 The Council may as respects a vehicle which has been removed from a Road in pursuance of Article 7.1, if it appears to have been abandoned, sell or otherwise dispose of the vehicle after having made reasonable enquiry to ascertain the name and address of the Owner of the vehicle in accordance with the procedure set out in the Refuse Disposal (Amenity) Act 1978.

7.6 Where a penalty charge notice or any other notice has been attached to a vehicle as a result of a failure to comply with the provisions of this Order, no person not being the Driver of the vehicle, a police constable in uniform or an Authorised Person shall remove the notice from the vehicle unless authorised to do so by the Driver.

7.7 The penalty charge shall be paid to the Council in accordance with the instructions on the penalty charge notice.

8.0 **Permits**

8.1 Particulars to be included on Permits

8.1.1 A Permit shall include the following particulars on the front of the Permit:

(a) The name of the Road in which the Parking Place for which the Permit is issued, is located;

(b) The registration number of the vehicle in respect of which the Permit has been issued;

(c) The date on which the validity of the Permit will expire;

(d) An authentication that the Permit has been issued by the Council.

8.2 Provision of Permits

Special Permits

8.2.1 From time to time, the Council may determine that to address a particular parking need, it would be appropriate to issue a Special Permit to a person who is the Owner of a Passenger Vehicle, a Goods Vehicle not exceeding 5 tonnes maximum gross weight or a Solo Motor Cycle to enable that person or any other person using the vehicle with the Owner's consent to park the vehicle in a Special Permit Parking Place.

8.2.2 The issue of a Special Permit to a person shall not be construed as if any part of a Special Permit Parking Place was reserved solely for the use of a Special Permit Holder or that there will be space available for parking a vehicle in a Special Permit Parking Place.

Car Club Permits

8.2.3 An organisation which issues a Car Club Permit on behalf of the Council shall maintain a record of the use of said Permit in accordance with the provisions of Article 8.1.

8.2.4 The record of the use of any Car Club Permit to be maintained in accordance with Article 8.2.3 shall be made available at any time for inspection by an Authorised Person.

8.3 Application for and issue of Permits

8.3.1 The application for Permits shall:

(a) be made on a form issued by and obtainable from the Council;

(b) include the particulars and information required by such form; and

(c) be accompanied by the Relevant Fee.

8.3.2 The Council may at any time require an applicant for a Permit or a Permit Holder to produce to an Authorised Person such evidence in respect of the application as they may reasonably require to verify any particulars or information given to them.

8.3.3 On receipt of an application duly made under Article 8.3.1, the Council may, subject to Article 8.3.2, issue to the applicant a Permit.

8.3.4 If a Permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the Permit has become altered by fading or otherwise, the Permit Holder shall surrender it to the Council and the Council upon receipt of the Permit shall issue a Duplicate Permit so marked.

8.3.5 If a Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue to him of a Duplicate Permit and the Council, upon being satisfied as to such loss or destruction, shall issue a Duplicate Permit so marked and upon such issue the Permit which it duplicates shall become invalid.

8.3.6 The provisions of this Order shall apply to a Duplicate Permit and an application therefore as if it were a Permit.

8.3.7 The date on which the validity of the Duplicate Permit will expire will be the same date as shown on the Permit which it duplicates.

8.3.8 The Council will levy a charge for the issue of a Duplicate Permit.

8.4 Surrender, Cancellation and Validity of Permits

8.4.1 A Permit Holder may surrender a Permit to the Council at any time.

8.4.2 A Permit shall cease to be valid on the occurrence of any one of the events set out in Article 8.4.4 and the Permit Holder shall surrender the Permit which he holds to the Council within 48 hours of the occurrence of the relevant event.

8.4.3 The Council may entirely at its own discretion cancel a Permit and notify the Permit Holder by a notice in writing served on the Permit Holder at the address shown by that person on the application for the Permit or at any other address believed to be that person's place of abode and the Permit Holder shall surrender the Permit to the Council within 48 hours of the receipt of the aforementioned notice.

8.4.4 The events referred to in Article 8.4.2 are:

(a) the Permit Holder ceasing to be the Owner of the vehicle in respect of which the Permit was issued; or

(b) the withdrawal of such Permit by the Council under the provisions of Article 8.4.3; or

(c) the vehicle in respect of which such Permit was issued being adapted or used in such a manner that it is not a Passenger Vehicle, a Goods Vehicle not exceeding 5 tonnes maximum gross weight or a Solo Motor Cycle; or

(d) the period of validity of the Permit has expired.

Schedule 1 (Article 2.10)

Variations to existing Traffic Regulation Orders

The order(s) varied by the prohibitions and restrictions shown on the On-Street Plans are:

1. Birmingham City Council (Digbeth & Irish Quarter, Highgate & Bordesley) (Traffic Regulation) Order 2020

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 26th of November Two Thousand and Twenty.

THE COMMON SEAL of BIRMINGHAM CITY COUNCIL was hereunto affixed to this deed in the presence of:- }

Authorised Signatory