

**BIRMINGHAM CITY COUNCIL
(LADYWELL WALK ETC, NECHELLS)
(PROHIBITION OF MOTOR VEHICLES) ORDER 2019**

Birmingham City Council ("the Council") in exercise of its powers under Sections 1(1), 2(1) to (3), 4(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. This Order shall come into operation on the 3rd of April Two thousand and nineteen and may be cited as the "Birmingham City Council (Ladywell Walk Etc, Nechells) (Prohibition of Motor Vehicles) Order 2019".
2. The On-Street Plan titled "Birmingham City Council (Ladywell Walk Etc, Nechells) (Prohibition of Motor Vehicles) Order 2019 (referenced CA-02865_S1_016 attached hereto) is incorporated into this Order.

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

"Council" means the Birmingham City Council as the highway authority or its successors;

"Electronic Communications Apparatus" has the same meaning as in Schedule 2 to the Telecommunications Act 1984 (as amended);

"Goods" 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;

"Motor Vehicle" has the same meaning as in Section 185 of the Road Traffic Act 1988 (as amended);

"Road" has the same meaning as in Section 142 (1) of the Act;

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

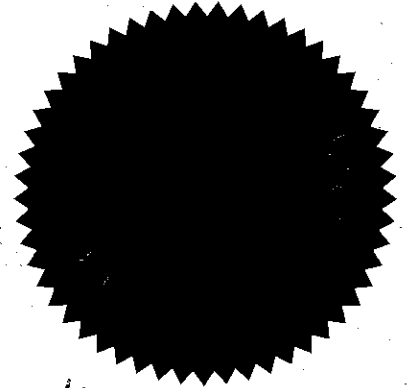
4. Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
5. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
6. 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 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.

7. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
8. The Council is satisfied that, for avoiding danger, and preventing the likelihood of danger, arising to persons or other traffic using the Roads to which this Order relates, it is requisite that Section 3(1) of the Act shall not apply in relation to this Order.
9. Save as provided in Article 10, no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any Motor Vehicle to enter or proceed in the length of Road shown hatched on the plan marked "Birmingham City Council (Ladywell Walk Etc, Nechells) (Prohibition of Motor Vehicles) Order 2019" annexed to this Order.
10. The provisions of Article 9 do not apply to any Motor Vehicle being used in connection with any of the purposes specified in (a) to (i) of this Article, provided that the vehicle shall remain in that Road for as long as may be reasonably necessary for such purposes and the vehicle is removed from that length of Road as soon as practicable following the completion of such purpose, namely;
 - (a) police, fire and rescue or ambulance emergency duties;
 - (b) building, demolition operations or essential maintenance;
 - (c) the maintenance, improvement, cleansing or reconstruction of the said lengths of Road;
 - (d) the laying, erection, alteration, removal or repair in or in land adjacent to the said lengths of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water, electricity or of any Electronic Communications Apparatus;
 - (e) the service of a local authority or a water authority in pursuance of statutory powers or duties in connection with its activities at premises situated on or adjacent to the said Road;
 - (f) a public procession, festival or similar event provided that the prior written consent of the Council has been obtained to the said lengths of Road being included in the route to be followed;
 - (g) a security vehicle being used for the delivery of money or valuables to or collection of money or valuables from premises fronting the said lengths of Road;
 - (h) for the purpose of delivering or collecting Goods by a Universal Service Provider;
 - (i) being a vehicle, authorised by the Council, gaining access to and egress from licensed street trading pitches where reasonably necessary and in accordance with the Council's terms and conditions of use.

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 2nd of April
Two thousand and nineteen.

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

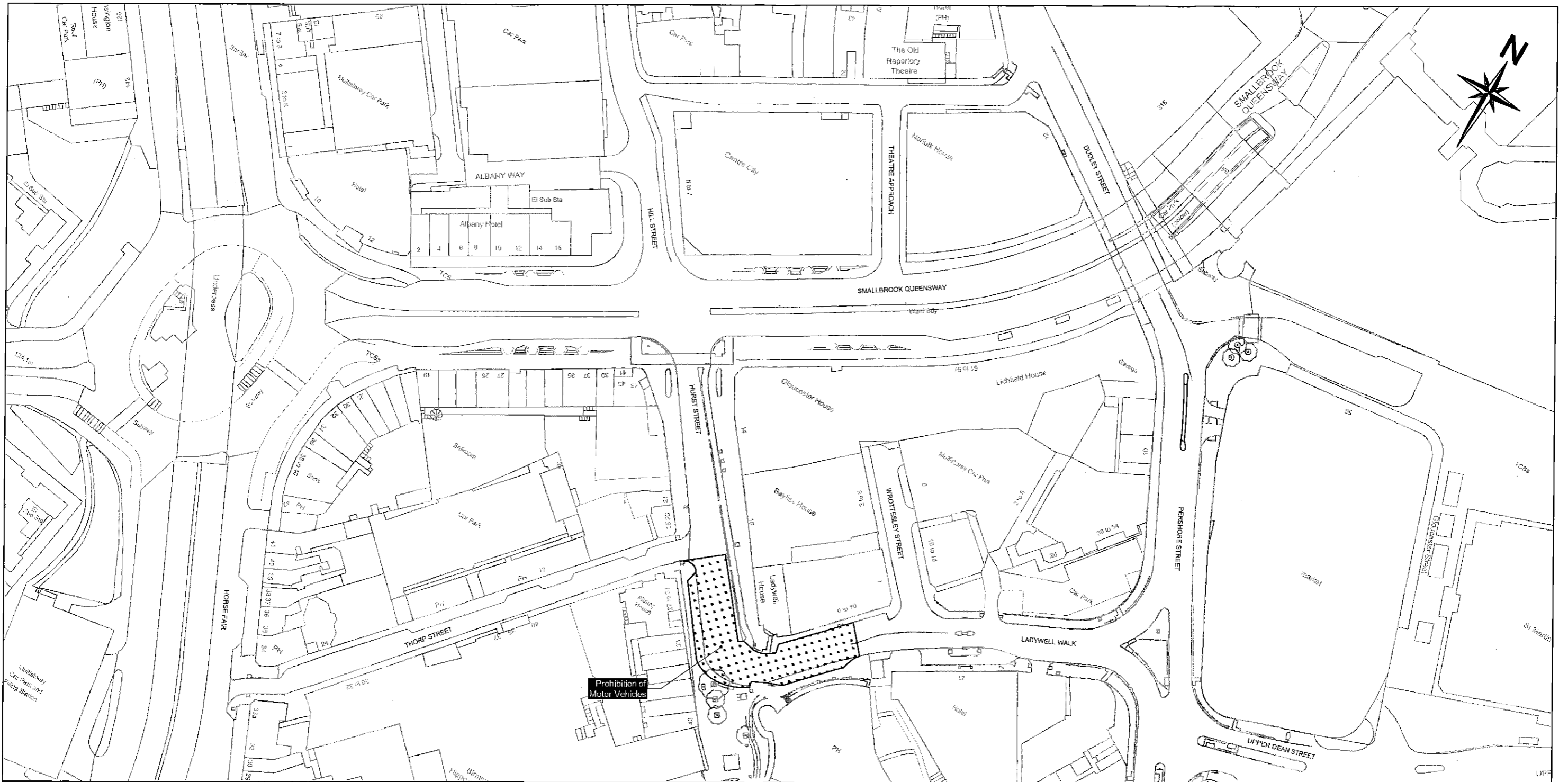
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
Chairman

140343

Authorised Signatory



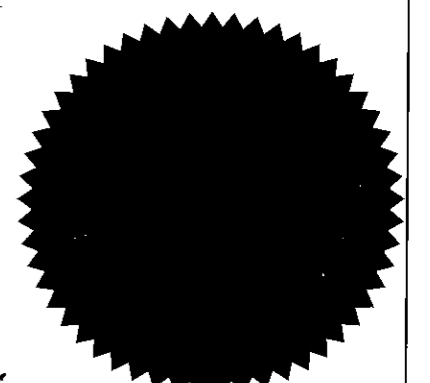
SCHEME
**BIRMINGHAM CITY COUNCIL
 (LADYWELL WALK ETC, NECHELLS)
 (PROHIBITION OF MOTOR VEHICLES)
 ORDER 2019**

Key :-
 Prohibition of Motor Vehicles

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DRAWING
 Effective Date: 03/04/2019

DATE	REV	REVISIONS	DRN.	DES.	P.M.
SCALE 1:1250		STATUS GENERAL			
P.M. GM		DESIGNER TA	DRAWN NH		
DRAWING NO CA-02865 S1 016					REV. --
A3 SHEET					



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