

GLOUCESTERSHIRE COUNTY COUNCIL
(PROHIBITION OF DRIVING) (VARIOUS ROADS, CHELTENHAM TRANSPORT PLAN
PHASE 4) EXPERIMENTAL AMENDMENT NO. 1 ORDER 2019

The Gloucestershire County Council ("the Council") in exercise of its powers under Sections 1, 2, 4, 9 and 10 of the Road Traffic Regulation Act 1984 ("the Act") and Part II and IV of Schedule 9 of the Act and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of that Schedule hereby make the following Experimental Amendment No. 1 Order:-

1. (i) This Experimental Amendment No. 1 Order shall come into operation on the 3rd June 2019 and may be cited as the "Gloucestershire County Council (Prohibition of Driving) (Various Roads, Cheltenham Transport Plan Phase 4) Experimental Amendment NO. 1 Order 2019" ("the Experimental Amendment No. 1 Order");
(ii) The roads fall within the Lansdown & Park, All Saints & Oakley and Charlton Park & College Wards within the Borough of Cheltenham in the County of Gloucestershire.

2. In this Experimental Amendment No. 1 Order:

"Bullion Vehicle" means Vehicles constructed or specially adapted for the carriage of cash valuables or other valuable securities to be used to travel to and from Banks or Building Societies and businesses immediately adjacent to specified roads, only for so long as may be necessary to enable such cash valuables or securities to be loaded from and to the Vehicles

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

"Funeral Vehicle" means any Vehicle operated by a funeral director for the purpose of a funeral procession from St. Mary's Church

"Motor Vehicle" means a mechanically propelled vehicle intended or adapted for use on the roads as defined in Section 185 of the Road Traffic Act 1988

"Off Carriageway Parking Vehicle" means a Vehicle accessing off carriageway parking adjoining Church Street and accessing or egressing off carriageway parking adjoining North Street (between High Street and Albion Street)

"Pedal Cycle" has the same meaning as in Schedule 1 of TSRGD and means a unicycle, bicycle, tricycle or cycle having four or more wheels not being in any case mechanically propelled unless it has an electrically assisted pedal cycle of such class as to be treated as not being a Motor Vehicle for the purposes of the Act

"Permit Holder" means a Funeral Vehicle, Off Carriageway Parking Vehicle and a Private Hire Vehicle

"Post Office Vehicle" means a Vehicle to be used by the Post Office for the provision of a universal postal service as defined in the Postal Services Act 2000.

"Private Hire Vehicle" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976 and licensed under Section 48 of that Act or any similar enactment

"Taxi" has the same meaning as in Schedule 1 of TSRGD and means a Vehicle licensed under Section 37 of the Town Police Clauses Act 1847

"Vehicle" means a Motor Vehicle or any other vehicle unless specifically exempted by the provisions of this Experimental Amendment No. 1 Order

3. No person shall cause or permit any Vehicle except with the permission of a Police Constable in uniform to proceed along those lengths of roads ("the Prohibited Roads") described in the First Schedule to this Experimental Amendment No. 1 Order
4. Nothing in Article 3 shall render it unlawful to cause or permit a Vehicle to proceed along the Prohibited Roads as may be necessary to enable:-
 - (a) the mechanical cleansing, maintenance, servicing, improvement or reconstruction of any of the Prohibited Roads or sides of the Prohibited Roads; or
 - (b) the lay, erection, alteration or repair in, or over land adjacent to any of the Prohibited Roads or sides of the Prohibited Roads of any sewer or any main, pipe, or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in the Telecommunications Act 1984; or
 - (c) the Vehicle to be used for Fire and Rescue, Police or Ambulance emergency service purposes; or
 - (d) the Vehicle to be used in the service of a local authority or water authority in pursuance of their statutory powers, or duties in connection with its activities at premises situated on or adjacent to the Prohibited Roads; or
 - (e) the Vehicle, if it cannot be conveniently used for such purpose in any other road, to be used for building, maintenance, removals or demolition purposes; or
 - (f) the Vehicle, if it cannot be conveniently used for such purpose in any other road, to be used for the removal of any obstruction to traffic.
5. Nothing in Article 3 shall render it unlawful to cause or permit a Pedal Cycle, Bus, Taxi, Bullock Vehicle, Post Office Vehicle or Permit Holder to proceed along the Prohibited Roads
6. Nothing in Article 3 shall render it unlawful to cause or permit a Vehicle to proceed along the Prohibited Roads for the purpose of loading or unloading goods to/from the Vehicle on the loading roads ("the Loading Roads") defined in the Second Schedule to this Experimental Amendment No. 1 Order between the hours of 18:00 and 10:00
7. The Experimental Amendment No. 1 Order is Experimental and may continue in force for a period of 18 months from the date of the original experimental order up to 28th December 2019. In due course the Council will consider whether or not the provisions of the Experimental Amendment No. 1 Order should continue in force indefinitely
8. Under Section 10(2) of the Road Traffic Regulation Act 1984, the Council may modify or suspend the operation of the Experimental Amendment No. 1 Order or any provision of it if it appears essential (a) in the interest of the expeditious, convenient and safe movement of traffic (b) in the interest of providing suitable and adequate on-street parking facilities or (c) for preserving or improving the amenities of the area through which any road affected by the Experimental Amendment No. 1 Order runs. This power shall be exercised only after consulting the appropriate Chief Officer of Police and giving such public notice as the Secretary of State may direct.
9. In the event of any inconsistency or ambiguity between the content of this Experimental Amendment No. 1 Order and any existing permanent/experimental Order(s) imposing restriction(s) on the extent of the roads defined in the Schedules to this Experimental Amendment No. 1 Order the latter will be suspended for the duration of the Experimental Amendment No. 1 Order and the provisions of this Experimental Amendment No. 1 Order shall prevail during that period.

FIRST SCHEDULE
Prohibition of Driving

Prohibited Roads

Road Name / Number	Extent
Clarence Street A46	Between its junctions with Imperial Circus and High Street
North Street A46	Between its junctions with High Street and Albion Street
Pittville Street 490298	Between its junctions with Albion Street and High Street
High Street 491045	Between its junctions with Pittville Street and Promenade / Colonnade
Promenade / Colonnade 491046	Between its junctions with High Street and Imperial Circus
Imperial Circus 490491	Between its junctions with Promenade / Colonnade and Clarence Street


SECOND SCHEDULE
Loading and Unloading 18:00 to 10:00

Loading Roads

Clarence Street (between Imperial Circus and its junction with High Street), North Street (between High Street and Albion Street), Pittville Street, High Street (between Pittville Street and Henrietta Street), Promenade (between High Street and Crescent Terrace), Imperial Circus and Church Street

GIVEN under the Common Seal of Gloucestershire County Council this 16th day of May two thousand and nineteen

THE COMMON SEAL of
GLOUCESTERSHIRE COUNTY
COUNCIL was hereunto affixed
in the presence of:-


BRIDGETTE WUCHER
for Head of Legal Services



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