

2013 No. 1384

ROAD TRAFFIC

The A31 Trunk Road (Avon Heath Country Park) (Vehicle Restrictions and Prohibitions) Order 2013

Made - - - - - *29th April 2013*

Coming into force - - - - - *13th May 2013*

The Secretary of State for Transport, in exercise of the powers conferred by section 115(6) of the Highways Act 1980(a) and section 35(1) of the Road Traffic Regulation Act 1984(b), makes the following Order:-

1. This Order may be cited as the A31 Trunk Road (Avon Heath Country Park) (Vehicle Restrictions and Prohibitions) Order 2013 and shall come into force on 13th May 2013 .

2. In this Order:

“the trunk road” means the A31 Trunk Road in the District of East Dorset and the County of Dorset;

"the HGV park" means the lorry parking area situated at the southern end of Brocks Pine south of the trunk road at Avon Heath Country Park (North Park);

"the circulatory road" means the road around the edge of the lorry parking area;

"carriageway" means a way consisting of, or comprised in, the access road being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles and a surface suitable for the exercise of that right;

“lay-by” means an area of carriageway, intended for the waiting of vehicles, bounded partly by a road marking on the outer edge of that carriageway complying with diagram 1010 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002(c);

“heavy goods vehicle” has the meaning given in section 115(8) of the Highways Act 1980;

"goods vehicle" has the meaning given in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986(d);

"trailer" has the meaning given in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986;

“caravan” means a vehicle being used as a trailer that includes living accommodation; and

(a) 1980 c.66; section 115(6) was amended by the Road Traffic Regulation Act 1984 (c.27) section 146 and Schedule 13, paragraph 43.
(b) 1984 c.27. section 35(1) was amended by the Parking Act 1989 (c.16) section 1(2) and (5).
(c) S.I. 2002/3113.
(d) S.I. 1986/1078; to which there are amendments not relevant to this Order.

“public service vehicle” has the meaning given in section 1 of the Public Passenger Vehicles Act 1981(a).

3. Save as provided in article 4 below, no person shall cause or permit any vehicle to wait on any part of the circulatory road, other than a lay-by, except upon the direction of, or with the permission of, a constable or traffic officer in uniform.

4. Nothing in article 3 above shall apply:

- (a) to render it unlawful to cause or permit a vehicle to wait on any part of the circulatory road, for so long as may be necessary to enable that vehicle to be used in connection with –
 - (i) the removal of any obstruction to traffic,
 - (ii) the maintenance, improvement, reconstruction or operation of the access road or the HGV park,
 - (iii) the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near the access road of any sewer, main pipe, conduit, wire, cable or other apparatus for the supply of gas, water, electricity or any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984(b), or
 - (iv) any building operation or demolition;
- (b) in relation to a vehicle being used –
 - (i) for police, ambulance, fire and rescue authority or traffic officer purposes,
 - (ii) in the service of a local authority, safety camera partnership or Vehicle and Operator Services Agency in pursuance of statutory powers or duties,
 - (iii) in the service of a water or sewerage undertaker within the meaning of the Water Industry Act 1991(c), or
 - (iv) by a universal service provider for the purposes of providing a universal postal service as defined by the Postal Service Act 2000(d); or
- (c) in relation to a vehicle waiting when the person in control of it is –
 - (i) required by law to stop,
 - (ii) obliged to stop in order to avoid an accident, or
 - (iii) prevented from proceeding by circumstances outside his or her control.

5. No person shall cause or permit any vehicle to wait on any part of the circulatory road for the purposes of selling, or dispensing of, goods from that vehicle, unless the goods are immediately delivered at, or taken into, premises adjacent to the land on which the vehicle stood when the goods were sold or dispensed.

6. Save as provided in article 7 below, no person shall cause or permit any vehicle to –

- (a) enter the southern access to the HGV park from the circulatory road.

7. Nothing in article 6 above shall apply to –

- (a) a vehicle being used for police, ambulance, fire and rescue authority or traffic officer purposes; or
- (b) anything done at the direction of, or with the permission of, a constable or traffic officer in uniform.

8. Save as provided in article 9 below, no person shall cause or permit –

- (a) any vehicle other than a heavy goods vehicle, a goods vehicle or a public service vehicle to wait in the HGV park;

(a) 1981 c.14; section 1 was amended by the Transport Act 1985, section 139(3) and Schedule 8.
(b) 1984 c. 12.
(c) 1991 c.56.
(d) 2000 c.26.

- (b) any vehicle drawing a caravan to enter the HGV park;
- (c) any heavy goods vehicle or goods vehicle or public service vehicle to wait in the HGV park in any area other than the marked bays;
- (d) any heavy goods vehicle or goods vehicle or public service vehicle to wait in the HGV park for a period exceeding 12 hours (not being a period separated by an interval of less than 8 hours from a previous period of waiting by that vehicle in the HGV park); or
- (e) any vehicle to wait in the lay-by for a period exceeding 1 hour (not being a period separated by an interval of less than 2 hours from a previous period of waiting by that vehicle in the lay-by).

9. Nothing in article 8 above shall apply –

- (a) to render it unlawful to cause or permit a vehicle to wait in the HGV park or the lay-by referred to therein for so long as may be necessary to enable that vehicle to be used in connection with –
 - (i) any building operation or demolition,
 - (ii) the removal of any obstruction to traffic,
 - (iii) the maintenance, improvement, reconstruction or operation of the HGV park or the lay-by, or
 - (iv) the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near the HGV park or the lay-by of any sewer, main, pipe, conduit, wire, cable or other apparatus for the supply of gas, water, electricity or any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984; or
- (b) in relation to a vehicle being used –
 - (i) for police, ambulance, fire and rescue authority or traffic officer purposes,
 - (ii) in the service of a local authority in pursuance of statutory powers or duties,
 - (iii) in the service of a water or sewage undertaker within the meaning of the Water Industry Act 1991, or
 - (iv) by a universal service provider of the purpose of providing a universal postal service as defined by the Postal Service Act 2000.

Signed by authority of the Secretary of State for Transport

29th April 2013

T Lyver
A Service Delivery Team Leader
in the Highways Agency

EXPLANATORY NOTE

(This note is not part of the Order)

This Order imposes various restrictions and prohibitions on the HGV park and circulatory road at Avon Heath Country Park south of the A31. This is to regularise the use of the facility and provide for restrictions and prohibitions in the interests of road safety owing to the new lay-out.