

# **THE BOROUGH COUNCIL OF BOLTON**

## **ROAD TRAFFIC REGULATION (SPECIAL EVENTS) ACT 1994**

### **THE BOLTON (CIVIC EVENTS HORWICH) (TEMPORARY CLOSURES, SUSPENSIONS AND PROHIBITION OF WAITING) (NO.17) ORDER 2018**

**WHEREAS** the Council of the Borough of Bolton (hereinafter referred to as 'the Council') being the highway authority, are satisfied that all vehicular traffic should be prohibited and or restricted in the said highways to enable the events specified in Articles 2, 3, 4 and 5 of this Order to take place.

**NOW THEREFORE** the Council, in exercise of their powers conferred on it by Sections 16A and 16C of the Road Traffic Regulation (Special Events) Act 1994 and by virtue of paragraph 8(4) of Part 2 of Schedule 8 to the Traffic Management Act 2004 and of all other powers them enabling in that behalf, hereby make the following Order:-

1. (1) In this Order:

"the Act of 1980" means the Highways Act 1980;

"the Act of 1984" means the Road Traffic Regulation Act 1984;

"the Act of 1988" means the Road Traffic Act 1988;

"the Act of 1994" means the Vehicle Excise and Registration Act 1984;

"the Act of 2002" means the Police Reform Act 2002;

"the Act of 2004" means the Traffic Management Act 2004;

"the 2004 Act" means the Fire and Rescue Services Act 2004;

"the (SI No. 183) Regulations 1986" means the Removal and Disposal of Vehicles Regulations 1986;

"the (SI No. 25) Regulations 2001" means the Motor Vehicles (Approval) Regulations 2001;

"the (SI No. 3113) Regulations 2002" means the Traffic Signs Regulations and General Directions 2002;

"the (SI No. 3483) General Regulations 2007" means The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"the (SI No. 3487) Order 2007 means The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007;

"the (SI No. 478) General Amendment Regulations 2009" means The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2009;

"Penalty Charge" has the same meaning as in regulation 2(1) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"Penalty Charge Notice" means a Penalty Charge Notice served by the Council, in accordance with regulation 8 of the (SI No. 3483) General Regulations 2007, the penalty charge amount of which will be set as in the current notification, published under Part 3 of Schedule 9 to the Act of 2004 and in accordance with the (SI No. 3487) Order 2007;

"Council" means the Borough Council of Bolton, or its authorised agent;

"civil enforcement officer" has the same meaning as in Section 76 of the Act of 2004;

"police community support officer" has the same meaning as in Section 38 of the Act of 2002;

"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 of 1984;

"road marking" means a traffic sign consisting of a line, mark or legend on the surface of the road;

"approved device" has the same meaning as in Section 92 of the Act of 2004;

"owner" in relation to a vehicle has the same meaning as in Section 92 of the Act of 2004;

"owner" in relation to a vehicle subject to a hiring agreement or hire purchase agreement has the same meaning as in Section 192(1) of the Act of 1988;

"local authority" and "local highway authority" have the same meanings as in Section 329 of the Act of 1980;

"statutory undertaker" and "water undertaker" have the same meanings as in Section 329 of the Act of 1980;

"temporary statutory provision" has the same meaning as in regulation 4 of the (SI No. 3113) Regulations 2002;

“dispensation” means an authorisation in writing, issued by the Council in accordance with Article 9 of this Order;

“immobilisation device” has the same meaning as in Section 104(9) of the Act of 1984;

“junction” means the meeting point of the respective kerb-lines of the roads referred to and where appropriate, measurements shall be taken from the point of the intersection of the respective kerb-lines as projected;

“road” has the same meaning as in Section 142(1) of the Act of 1984;

“carriageway” means the way constituting or comprised in a highway being a way (other than a cycle track) over which the public have the right of way for the passage of vehicles;

“footway” has the same meaning as in Section 329 of the Act of 1980;

“verge” means any part of the road which is not a carriageway;

“dashboard” means the fascia and or instrument panel of a vehicle which contains dials and controls;

“vehicle” has the same meaning as in Section 62(1) of the Act of 1994;

“vehicle” includes any part of a vehicle;

“ambulance” has the same meaning as in paragraph 6(2) of Schedule 2 to the Act of 1984;

“fire and rescue authority” has the same meaning as in Part 1 of Section 1 of the 2004 Act;

“fire engine” has the same meaning as in Section 4(2) of Schedule 2 to the Act of 1984;

“police vehicle” has the same meaning as in regulation 4 of the Regulations 2002;

“registration mark” and “index mark” means a mark indicating the registered number of the vehicle assigned to the vehicle by the Secretary of State pursuant to Section 23 of the Act of 1984 upon its registration under Section 21 of the Act of 1994;

“causes” includes permitting

- (2) Any reference in this Order, to an enactment shall include any Act or subordinate legislation as defined in Section 21(1) of the Interpretation Act 1978.

- (3) Any reference in this Order, to an enactment shall be construed as reference to that enactment as amended, applied, consolidated, re-enacted by, or having effect by virtue of, a subsequent enactment;
- (4) Any reference in this Order, to a numbered Article, Paragraph, or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article, Paragraph, or Schedule bearing that number in this Order;
- (5) For the purposes of this Order, any vehicle being within, or stopping, standing, waiting, loading and or unloading, or otherwise remaining at rest, on a side of length or in a length and or area of road specified in Schedules 1 and 2 to this Order, shall be deemed to be within, stop, stand, wait, load and or unload, or otherwise remain at rest in the same place if any one part of the road specified in Schedules 1 and 2 to this Order, is below any part of the vehicle or its load (if any) throughout a period exceeding two minutes, whether or not the vehicle is moved during that period;
- (6) For the purposes of this Order, a vehicle shall be regarded as displaying a dispensation if:
- (a) the dispensation is used only in accordance with the current conditions specified by the Council;
  - (b) the whole dispensation is displayed only on the vehicle of the named resident, individual, relevant Department, business, or organisational holder, to whom it was issued and only on the vehicle it was issued in respect of;
  - (c) the vehicle displaying the whole dispensation is either being used in the service of a specific business, organisational, or relevant Departmental function, with the commercial activity, or works, or a purpose approved by the Council for which it was issued and the vehicle is within, and or only stops, stands, waits, loads and or unloads, or otherwise remains at rest (other than in the case of a general dispensation), on the length of footway, or length and or area of road specified in Schedules 1 and 2 to this Order;
  - (d) the whole dispensation is continuously displayed face up in a conspicuous position on the vehicles' dashboard, in the relevant position and with the length of footway, length and or area of road clearly legible to a person standing on the kerb, adjacent to the front of the vehicle and is in force and valid;
  - (e) the whole dispensation displayed as referred to in (d) above is valid for that length of footway, length and or area of road specified in Schedules 1 and 2 to this Order and purpose for which it was issued, at that time, on that day.
- (7) For the purposes of this Order, a vehicle shall be regarded as displaying a disabled persons' badge and parking disc if they are issued in accordance with the (SI No. 682) Regulations 2000 and:

- (a) the whole of the disabled persons' badge and parking disc are continuously displayed together face up in a conspicuous position on the vehicle's dashboard, in the relevant position;
- (b) the whole of the disabled persons' badge and parking disc are continuously displayed face up in a conspicuous position on the vehicles' dashboard, in the relevant position with the expiry date, issuing authority and the serial number of the badge and with the parking disc marked to show the quarter hour period during which the vehicles' period of stopping, standing, waiting, loading and or unloading, or otherwise remaining at rest began, all clearly legible to a person standing on the kerb, adjacent to the front of the vehicle;
- (c) the disabled persons' badge and parking disc are in force and valid; and
- (d) the holder of the disabled persons' badge is either the driver of the vehicle, or its passenger
- (8) The Interpretation Act 1978, shall apply for the interpretation of this Order, as it applies for the interpretation of an Act of Parliament.
2. No person shall, except upon the direction of a police constable, police community support officer or a civil enforcement officer in uniform, or with the permission of a police constable or civil enforcement officer in uniform, on Saturday 31<sup>st</sup> March 2018, between approximately 2.00pm and 4.30pm cause a vehicle not directly involved in the Rivington Pike Fell Races, to be within or stop, stand, wait, load and or unload, or otherwise remain at rest in the length and or area of road specified in Part 1 of Schedule 1 to this Order.
3. No person shall, except upon the direction of a police constable, police community support officer or civil enforcement officer in uniform, or with the permission of a police constable or civil enforcement officer in uniform, on Saturday 21<sup>st</sup> April 2018, between approximately 11.00am and 2.30pm cause a vehicle not directly involved in the Day for St George, to be within or stop, stand, wait, load and or unload, or otherwise remain at rest in the length and or area of road specified in Part 2 of Schedule 1 to this Order.
4. No person shall, except upon the direction of a police constable, police community support officer or civil enforcement officer in uniform, or with the permission of a police constable or civil enforcement officer in uniform, on Sunday 24<sup>th</sup> June 2018, between approximately 11.00am and 2.00pm cause a vehicle not directly involved in the Horwich Carnival Procession, to be within or stop, stand, wait, load and or unload, or otherwise remain at rest in the length and or area of road specified in Part 4 of Schedule 1 to this Order.
5. No person shall, except upon the direction of a police constable, police community support officer or civil enforcement officer in uniform, or with the permission of a police constable or civil enforcement officer in uniform, on

Saturday 16<sup>th</sup> June 2018 between approximately 2.00pm – 11.00pm cause a vehicle not directly involved in the Horwich Festival of Races, to be within or stop, stand, wait, load and or unload, or otherwise remain at rest in the length and or area of road specified in Part 3 of Schedule 1 to this Order.

6. No person shall, except upon the direction of a police constable, police community support officer or civil enforcement officer in uniform, or with the permission of a police constable or civil enforcement officer in uniform, on Sunday 17<sup>th</sup> June 2018, between approximately 8.00am and 6.00pm cause a vehicle not directly involved in the Horwich Festival of Races, to be within or stop, stand, wait, load and or unload, or otherwise remain at rest in the length and or area of road specified in Part 3 of Schedule 1 to this Order.
- 7.. Save as provided in Articles 8 and 9 of this Order, no person shall except upon the direction of a police constable, police community support officer or civil enforcement officer in uniform, or with the permission of a police constable or civil enforcement officer in uniform, cause any vehicle during the Horwich Festival of Races, on Sunday 17<sup>th</sup> June 2018 between approximately 8.00am and 6.00pm cause any vehicle to stop, stand, wait, load and or unload, or otherwise remain at rest at any time on the sides of lengths of roads specified in Schedule 2 to this Order.
8. Nothing in Article 7 of this Order, shall render it unlawful to cause a vehicle to stop, stand, wait, load and or unload, or otherwise remain at rest, on a side of length of road specified in Schedule 2 to this Order, but only for so long as is necessary to enable:
  - (a) the removal of any obstruction to traffic;or to stop, stand, wait, load and or unload, or otherwise remain at rest if the vehicle is:
  - (b) used by a civil enforcement officer in uniform and on duty, or is used by an employee of the Council's Parking Services only for so long as is necessary to enable the completion of designated duties, or used by the Council's authorised agent in performance of assigned duties;
  - (c) used in the service of a fire and rescue authority;
  - (d) employed directly in the service of a local authority or local highway authority and owned by them;
9. Nothing in this Order shall render it unlawful to cause a vehicle which continuously displays face up in a conspicuous position on the vehicles' dashboard, in the relevant position, a whole valid dispensation issued by the Council in accordance with the provisions of this Order, to be within, or stop, stand, wait, load and or unload, or otherwise remain at rest on the side of length, or length and or area of road specified in Schedules 1 and 2 to this Order, providing that the whole dispensation is continuously displayed face

up in a conspicuous position on the vehicles' dashboard, in the relevant position and in accordance with Article 1(6) of this Order and is clearly legible to a person standing on the kerb, adjacent to the vehicle.

10. (1) A person or persons, may apply to the Council for a dispensation, or dispensations for a specific vehicle or vehicles' for the side of a length, or length and or area of road specified in Schedules 1 and 2 to this Order, in connection with a stated function, business or organisational purpose, or commercial activity, or works at, or in an adjoining , or adjacent premises to any side of length, or length and or area of road specified in Schedules 1 and 2 to this Order, for a specific purpose and period of time. Any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form. Any dispensation issued by the Council shall be at its sole discretion and subject to such terms, conditions and or charge, as the Council may from time to time decide;
  - (2) A dispensation shall be in writing and at the sole discretion of the Council, may be numbered and also include any, all, or none of the following particulars:
    - (a) the registration or index mark of the vehicle in respect of which the dispensation was issued;
    - (b) the side of length, or length and or area of road specified in Schedules 1 and 2 to this Order and the purpose for which the dispensation is valid;
    - (c) the period for which the dispensation shall remain valid;
    - (d) an authentication that the dispensation has been issued by the Council;
  - (3) At all times during which a vehicle referred to in paragraph (1) above is within, or stops, stands, waits, loads and or unloads, or otherwise remain at rest on a side of length, or length and or area of road specified in Schedules 1 and 2 to this Order, there shall be continuously displayed face up in a conspicuous position on the vehicles' dashboard, in the relevant position and in accordance with Article 1(6) of this Order, a whole valid dispensation issued in respect of the vehicle, valid for that specific purpose, time, side of length, or length and or area of road specified in Schedules 1 and 2 to this Order and clearly legible to a person standing on the kerb, adjacent to the front of the vehicle;
  - (4) A dispensation issued by the Council under and in accordance with the provisions of this Order, remains the property of the Council and may be revoked or withdrawn by the Council, without entitlement to any refund in respect of the amount paid for the dispensation, at any time in circumstances of miss-use, or for operational, or other reasons.
11. Nothing in Article 7 of this Order, shall render it unlawful to cause a vehicle the driver or passenger of which is the holder of a valid disabled persons'

badge and who continuously displays face up in a conspicuous position on the vehicles' dashboard, both a valid disabled persons badge together with a parking disc marked to show the quarter hour period during which the exempted period began, wholly on view in the relevant position and in accordance with Article 1(7) of this Order, to stop, stand, wait, load and or unload and or otherwise remain at rest for an exempted period of up to 3 hours on a side of length of road specified in Schedule 2 (1) to this Order, providing the exempted period does not begin less than 1 hour after the previous exempted period completed by the same vehicle, on the same side of length of road, on the same day.

12. To enable the Horwich Carnival Procession, to take place on Sunday 24<sup>th</sup> June 2018 between approximately 11.00am and 2.00pm this Order will temporarily suspend the 7.5 tonne weight restriction limit except for access on the following lengths of road:

(a) Stocks Park Drive, from its junction with Chorley Old Road, to its junction with Victoria Road;

13. To enable the Horwich Festival of Races to take place on Saturday 16<sup>th</sup> June 2018 between approximately 2.00pm and 11.00pm and Sunday 17<sup>th</sup> June between 8.30am and 5.30pm, this Order will temporarily suspend the 7.5 tonne weight restriction limit except for access on the following lengths of roads:

(a) Mason Street, from its junction with Chorley New Road, to its junction with Vale Avenue;

(b) Vale Avenue, from its junction with Mason Street to its junction with Crown Lane;

(c) Crown Lane, from its junction with Chorley New Road, to its junction with Station Road;

(d) Station Road, from its junction with Crown Lane, to its junction with (A6) Blackrod By-Pass;

To enable the efficient running of the event, the roads as shown at Schedule 1 part 4b will remain closed between 7.00am Saturday 16<sup>th</sup> June to 6.00pm Sunday 17<sup>th</sup> June.

14. (1) When a police constable or civil enforcement officer in uniform, has reason to believe that a provision of this Order has not been complied with in respect of a vehicle he may alter or cause the position of the vehicle to be altered, in order that its position should comply with those provisions;
- (2) For the purposes of meeting the requirements of an emergency in respect of any side of length, or length and or area of road specified in Schedules 1 and 2 of this Order, a police constable or civil enforcement officer in uniform, may alter the position of a vehicle or may remove a vehicle from a side of length, or length and or area of road, specified in Schedules 1 and 2 to this Order, or



# SCHEDULE 1

## PART 1

Lever Park Avenue, from its junction with Scholes Bank, to its junction with Dryfield Lane.

## PART 2

Brownlow Road, from its junction with Lee Lane, for a distance of approximately 30 metres in a north-easterly direction. (The area of carriageway adjacent to the Saddle Public House)

## PART 3

Chorley Old Road between Stocks Park Drive and Church Street  
Church Street, from its junction with Chorley Old Road, to its junction with Lee Lane;  
Lee Lane for its entire length  
Chorley New Road south-east carriageway from its junction with Scholes Bank, to its junction with Ramsbottom Road;  
Ramsbottom Road for its entire length;  
Victoria Road, from its junction with Ramsbottom Road, to its junction with Church Street;

## PART 4

- a. Chorley Old Road, from its junction with Stocks Park Drive, to its junction with Church Street;  
Lee Lane for its entire length;  
Winter Hey Lane for its entire length;  
Church Street from Lee Lane to Victoria Road;  
Chorley New Road, from its junction with Scholes Bank, to its junction with Winter Hey Lane;  
Harrison Street for its entire length
- b. Jones Street, from its junction with Lee Lane, to its junction with Peter Martin Street  
St Johns Street for its entire length  
New Brunswick Street for its entire length

## **SCHEDULE 2**

- 1. Crown Lane, east side from its junction with Chorley New Road, to a point 15 metres south of its junction with Vale Avenue;  
Vale Avenue, both sides from its junction with Crown Lane, to its junction with Mason Street;  
Mason Street, south side from its junction with Vale Avenue, to a point 50 metres west of its junction with Greenstone Avenue;  
Mason Street, north side from a point 60 metres west of its junction with Tomlinson Street, to its junction with Vale Avenue;  
Crown Lane west side from Chorley New Road for 25 metres in a southerly direction;  
Scholes Bank, south side from its junction with Chorley new Road to its junction with Lever Park Avenue.**

- arrange for its removal and when it is so removed he shall make such arrangements as he may believe reasonably necessary for the safe custody of the vehicle in the place to which it has been removed.
15. Any stationary vehicle caused to be within, or stop, stand, wait, load and or unload, or otherwise remain at rest on a side of length, or length and or area of road specified in Schedules 1 and 2 to this Order, in circumstances specified in regulation 5C of the (SI No. 183) Regulations 1986, may be removed or caused to be removed and when the vehicle is so removed, the removal, storage, and disposal charges shall be as those published in accordance with the (SI No. 3487 Order 2007.
  16. Any vehicle which is observed and recorded by a civil enforcement officer in uniform, that has been caused to be within, or stop, stand, wait, load and or unload, or otherwise remain at rest, on a side of length, or length and or area of road specified in Schedules 1 and 2 to this Order, in circumstances specified in paragraph 4 of Part 1 of Schedule 7 to the Act of 2004, may have in accordance with regulation 12 of the (SI No. 3483) General Regulations 2007 affixed to it by a civil enforcement officer in uniform, or another person acting under his direction an immobilisation device.
  17. When an immobilisation device is affixed to a stationary vehicle in circumstances referred to in Article 15 of this Order, the release charge shall be as published in accordance with the (SI No. 3487) Order 2007.
  18. Any vehicle, which is observed and recorded by a civil enforcement officer in uniform, or observed and recorded by an approved device that has been caused to be within, or stop, stand wait, load and or unload, or otherwise remain at rest, on a side of length, or length and or area of road specified in Schedules 1 and 2 to this Order in such circumstances as specified in paragraph 4 of Part 1 of Schedule 7 to the Act of 2004, shall be subject to the service of a penalty charge notice in accordance with regulation 8 of the (SI No. 3483) General Regulations 2007.
  19. (a) An authorised officer of the Council with a title specified below is hereby authorised to act in accordance with Section 116 of the Act of 1984:
    - (i) Head of Highways & Engineering;
    - (ii) Parking Services Operations and Performance Manager;
    - (iii) Assistant Operations and Performance Manager;
  - (b) A civil enforcement officer in uniform is hereby authorised to act in accordance with Section 94 of the Traffic Management Act 2004.
  20. Nothing in this Order shall apply to anything which may be done upon the direction of a police constable, police community support officer or civil enforcement officer in uniform.

arrange for its removal and when it is so removed he shall make such arrangements as he may believe reasonably necessary for the safe custody of the vehicle in the place to which it has been removed.

15. Any stationary vehicle caused to be within, or stop, stand, wait, load and or unload, or otherwise remain at rest on a side of length, or length and or area of road specified in Schedules 1 and 2 to this Order, in circumstances specified in regulation 5C of the (SI No. 183) Regulations 1986, may be removed or caused to be removed and when the vehicle is so removed, the removal, storage, and disposal charges shall be as those published in accordance with the (SI No. 3487 Order 2007.
16. Any vehicle which is observed and recorded by a civil enforcement officer in uniform, that has been caused to be within, or stop, stand, wait, load and or unload, or otherwise remain at rest, on a side of length, or length and or area of road specified in Schedules 1 and 2 to this Order, in circumstances specified in paragraph 4 of Part 1 of Schedule 7 to the Act of 2004, may have in accordance with regulation 12 of the (SI No. 3483) General Regulations 2007 affixed to it by a civil enforcement officer in uniform, or another person acting under his direction an immobilisation device.
17. When an immobilisation device is affixed to a stationary vehicle in circumstances referred to in Article 15 of this Order, the release charge shall be as published in accordance with the (SI No. 3487) Order 2007.
18. Any vehicle, which is observed and recorded by a civil enforcement officer in uniform, or observed and recorded by an approved device that has been caused to be within, or stop, stand wait, load and or unload, or otherwise remain at rest, on a side of length, or length and or area of road specified in Schedules 1 and 2 to this Order in such circumstances as specified in paragraph 4 of Part 1 of Schedule 7 to the Act of 2004, shall be subject to the service of a penalty charge notice in accordance with regulation 8 of the (SI No. 3483) General Regulations 2007.
19. (a) An authorised officer of the Council with a title specified below is hereby authorised to act in accordance with Section 116 of the Act of 1984:
  - (i) Head of Highways & Engineering;
  - (ii) Parking Services Operations and Performance Manager;
  - (iii) Assistant Operations and Performance Manager;
- (b) A civil enforcement officer in uniform is hereby authorised to act in accordance with Section 94 of the Traffic Management Act 2004.
20. Nothing in this Order shall apply to anything which may be done upon the direction of a police constable, police community support officer or civil enforcement officer in uniform.

21. Where road or property names have been changed following reclassification, renaming or numbering, the descriptive names within the Order may be changed without changing the effect of the Order and without the need for re-publication.
22. Any reference in this Order to a road by its name shall be construed as a reference to the road in the Borough bearing that name as identified and defined in the Borough Council of Bolton document 'The Highway Register' in accordance with Section 36(6) of the Highways Act 1980.
23. Where parts of this Order (and any subsequent Amendment or Consolidation Orders) have been miss-quoted, miss-transposed, omitted or are subject to typographical errors during the compilation process, the text of the Order may be amended without changing the effect of the Order and without the need for re-publication. The errors, omissions and other alterations covered in this item should be listed in an errata sheet and appended to the Order.
24. This Order shall come into operation on the 31st day of March 2018 and may be cited as THE BOLTON (CIVIC EVENTS HORWICH) (TEMPORARY CLOSURES, SUSPENSIONS AND PROHIBITION OF WAITING) (NO.17) ORDER 2018.

**THE COMMON SEAL**  
of THE BOROUGH COUNCIL  
OF BOLTON was hereto  
affixed on the 28th day of  
March 2018, in the presence  
of:-

*Aileen Gorman*

Authorised Sealing Officer



SEALING NO.  
20298