

## Appendix 3 (reply to objection 4)

07 October 2014

10:06

**Hill, Marc**

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**To:** [REDACTED]  
**Subject:** RE: Proposed waiting restrictions - Fitzwilliam Avenue Etc.

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**From:** [REDACTED]  
**Sent:** 06 June 2014 08:09  
**To:** Hill, Marc  
**Subject:** RE: Proposed waiting restrictions - Fitzwilliam Avenue Etc.

Hello Marc

Thanks for the explanation with regard to highway code – therefore – would amend my objection to agree with a 10m length at each junction – if it is deemed necessary to implement the proposal at all. However, I would reiterate my objection to the proposal in the first instance on the grounds that the inconvenience is so short lived and education of the parents/carers should be a first priority.

Regards

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**From:** Hill, Marc [<mailto:Marc.Hill@rotherham.gov.uk>]  
**Sent:** 05 June 2014 11:09  
**To:** [REDACTED]  
**Subject:** RE: Proposed waiting restrictions - Fitzwilliam Avenue Etc.

Good Morning [REDACTED]

Thank you for your email, I will now formally put forward your objection to the next cabinet member meeting in order that your comments can be discussed further. There is just one point I would wish to clear up however and that is in relation to point 3 of your email – Existing Highway Regulations, specifically Rule **243** and **244** of the Highway Code.

The rule in the Highway Code that you have referred to as **Rule 243**, states ***DO NOT** stop or park within 10 meters of a junction, except in an authorised parking space*. However this particular rule is an advisory rule and not mandatory, there is therefore no offence committed by any driver who does park within 10m of the junction. The Highway Code is not a legislative document and does not create offences; this can only be done by an act of parliament. Any rule within the Highway Code which begins with the words **DO NOT** is an advisory rule, only rules which begin with the words **MUST NOT** are associated with an offence, the abbreviations under the rule indicate which act of parliament creates the offence. As an example **Rule 242** *You **MUST NOT** leave your vehicle or trailer in a dangerous position or where it causes any unnecessary obstruction of the road. **Laws RTA 1988, sect 22 & CUR reg 103** (this indicates the Road Traffic Act 1988 and the Construction and Use Regulations 1986).*

In regard to Rule **244**, this does have the **MUST NOT** statement however the rule only relates to parking on the footway in London (as indicated by the act of parliament below, which is the **Greater London Council (General Powers) Act 1974**), there is no specific offence for parking on the footway in the rest of the UK, currently this can only be addressed by enforcement by the Police under the offence of 'Unnecessary Obstruction')

The introduction of waiting restrictions would therefore formalise the above advisory rule (and could be amended to a length of 10m) and remove any doubt as to where drivers should and should not be parking in order to maintain a free flow of traffic. Such waiting restrictions would be enforced by the Councils parking Services team and not the Police (single and double yellow lines have been enforced by local authorities since 2005).

Regards - Marc

**Marc Hill,  
Traffic Liaison Officer,**

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