

## The Essex County Council (Various Roads, Colchester) (Clearway) Order 2008

The Essex County Council in exercise of its powers under Sections 1(1), 2(1) to (3), 3(2) and 4(1) of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:-

1. This Order shall come into operation on 18 July 2008 and may be cited as The Essex County Council (Various Roads, Colchester) (Clearway) Order 2008.

2. In this Order –

"bus" means

- (i) a motor vehicle constructed or adapted to carry more than 8 seated passengers (exclusive of the driver); and
- (ii) a local bus not so constructed or adapted

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

"civil enforcement officer" means a person authorised by or on behalf of Colchester Borough Council to supervise and carry out enforcement in respect of any parking area;

"cycleway" a way constituting or comprised in a highway, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot as defined in the Highways Act 1980

"footway" means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only, as defined in Section 329 of the Highways Act 1980

"lay-by" means any area of carriageway intended for the waiting of vehicles and bounded partly by a traffic sign of the type shown in diagram 1012.1 in Schedule 6 to the Traffic Signs Regulations and General Directions 1994, and partly by the outer edge of that carriageway on the same side of the road as that on which the sign is placed;

"main carriageway" means any carriageway used primarily by through traffic and includes any carriageway of a slip road but excludes any lay-by;

"penalty Charge" has the meaning given by Section 92 of the Traffic Management Act 2004;

"penalty Charge Notice" has the meaning given by regulation 8(1) of the 2007 Regulations;

"the 2007 Regulations" means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;


"verge" means any part of a road which is not a carriageway

3. Save as provided in Article 4 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a civil enforcement officer, cause or permit any vehicle to stop at any time of the main carriageways, footways, cycleways and verges comprised in the roads specified in the Schedule to this Order.
4. Nothing in Article 3 of this Order shall apply:-
  - (a) so as to prevent a vehicle waiting on any main carriageway or verge referred to in that Article for so long as may be necessary to enable the vehicle to be used in connection with
    - (i) any building or demolition operation;
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction of the road comprising or including that carriageway; or
    - (iv) the laying, erection, alteration or repair in or near such road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity of any telegraphic line;
    - (v) as a bus on its specific service route, in pursuance of its operational duties;
  - (b) to a vehicle being used for fire brigade, ambulance or police purposes;
  - (c) to a vehicle being used in the service of a local authority or of a water authority in pursuance of statutory powers or duties;
  - (d) to a vehicle being used for the purpose of delivering or collecting postal packets as defined in Section 125(1) of the Postal Services Act 2000;
  - (e) to a vehicle waiting on any main carriageway referred to in that Article while any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is opened or closed, if it is not reasonably practicable for the vehicle to wait otherwise than on that carriageway; or
  - (f) to a vehicle waiting when the person in control of the vehicle:-
    - (i) is required by law to stop;
    - (ii) is obliged to stop to avoid an accident; or
    - (iii) is prevented from proceeding by circumstances outside his control.
5. The Council are satisfied that for facilitating the passage of vehicular traffic on the roads, it is requisite that Section 3(1) of the 1984 Act should not apply in relation to this Order.

6. The restrictions imposed by this Order shall be in addition to and not in derogation of 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.
7. Notwithstanding the foregoing provisions of this Order, the Council may at its discretion issue a temporary dispensation notice allowing a specific vehicle to wait for a specified purpose in a road or a parking place during the hours of operation of any restriction or prohibition to the contrary, or a temporary suspension notice temporarily suspending any restriction imposed by this Order. The Council shall set a charge for the issue of such notices as it considers appropriate.
8. If a vehicle is left in contravention of any provisions of this Order a Civil Enforcement Officer may issue a Penalty Charge Notice in respect of that contravention, in accordance with the 2007 Regulations.
9. The Penalty Charge shall be payable not later than 16.00 hours on the Applicable Date subject to the provisions of the Penalty Charge Notice and the 2007 Regulations.
10. The Penalty Charge shall be paid to The Council in accordance with the instructions contained on the Penalty Charge Notice by post or at any of the following offices:-
11. Schedules 1 and 63 of the Essex County Council (Colchester Borough) (Waiting Restriction) (Consolidation) Order 2008 are hereby varied as specified in Schedule 2 to this order

Sealed with the Common Seal of the Essex County Council this 2<sup>nd</sup> day of June Two Thousand and Eight

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



Attesting Officer



### Schedule 1

#### Various lengths of roads, in the Borough of Colchester

Road	Distance/Location
Severalls Lane	Whole length from its junction with Ipswich Road in a north westerly direction to the point where it joins Langham Road at Salary Brook, including the roundabout junctions with Mill Road and Axial Way, a distance of approximately 2170 metres.
Langham Road	From the point where it joins Severalls Lane at Salary Brook to a point 90 metres west of the centre line of Langham Lane, a distance of approximately 290 metres.
Boxted Road	From and including the roundabout junction with Nayland Road and Northern Approaches Road in a generally northerly direction to a point opposite the southern boundary of Cuckoo Cottages, a distance of approximately 1230 metres.
Unnamed road off Boxted Road to Stadium	From its junction with Boxted Road in an easterly direction for a distance of 388 metres.
Unnamed road off Stadium roundabout	From the Stadium roundabout westwards for a distance of 330 metres.
Axial Way	From its junction with Severalls Lane westwards to the Stadium roundabout, a distance of approximately 1120 metres, including the roundabout junction with the A134.

### Schedule 2

#### Parts to be deleted from Consolidation Order

Road/Schedule to be deleted	Distance/location
<u>Severalls Lane</u> Schedule 1:- Schedule 63:-	both sides from its junction with Ipswich Road to a point 13m north-west of its junction with Brinkley Lane both sides from its junction with Mill Road/The Crescent north-westwards for a distance of 235m
<u>Axial Way</u> Schedule 63:-	both sides from its junction with Severalls Lane west for a distance of 550m.