

The County of Cornwall (School Keep Clear Entrance Markings and Prohibition of Stopping) (Consolidation) Order 2024

THE CORNWALL COUNCIL in exercise of its powers under Section 1 of (and Part IV of Schedule 9 to) the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act of 1984”) 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 of 1984, hereby makes the following Order:

1	Commencement and Citation
1.1	This Order shall come into force on the <i>2nd</i> day of <i>April</i> 2024 and may be cited as “The County of Cornwall (School Keep Clear Entrance Markings and Prohibition of Stopping) (Consolidation) Order 2024”.
2	Interpretation
2.1	Unless expressly stated to the contrary, any reference in this Order to:-
	(a) any enactment shall be construed as a reference to that enactment as amended, applied, consolidated or re-enacted by, or as having effect by virtue of, any subsequent enactment;
	(b) a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order; and
	(c) any reference to a length or lengths of road, is a reference to a length or lengths of road in Cornwall.
2.2	In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:
	“ carriageway ” means a way constituting or comprised in a highway, being a way over which the public has right of way for the passage of vehicles;
	“ the Council ” means the Cornwall Council;
	“ driver ” in relation to a vehicle left or stopped on a road means the person in charge of the vehicle at the time it was left or stopped on that road;

	<p>“enactment” means any enactment whether public, general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;</p>
	<p>“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;</p>
	<p>"lay-by" means any area of carriageway intended for the waiting of vehicles and bounded partly by either (1) a line of the type shown in diagram 1010 in Schedule 11 Part 4 to the Traffic Signs Regulations and General Directions 2016, or (2) a surface which is visually different from that of the main carriageway, and partly by the outer edge of that carriageway on the same side of the road as that on which the line or different surface is laid;</p>
	<p>"main carriageway" means any carriageway used primarily by through traffic, but excludes any lay-by;</p>
	<p>“maintenance” means any activity relating to the repair or preservation of the highway or utilities being carried out by an authorised person;</p>
	<p>“Map Schedules” means the plans including their keys, annexed to this Order, which identify the lengths of road or sides of any lengths of road to which the prohibitions, restrictions and designations contained within this Order apply, as well as any time periods applicable to these and, except where provided for under any provision of this Order, are to be read in addition to and not in derogation of each other;</p>
	<p>“road” means the full width including the carriageway and any footway or verge of any length of highway or of any other road to which the public has access and includes bridges over which a road passes;</p>
	<p>“school entrance marking” is a road marking to diagram 1027.1, stating ‘school keep clear’, and sign to diagram 642.2A that has been placed on the road in accordance with the Traffic Signs Regulations and General Directions 2016;</p>
	<p>“shared” in the key on a Map Schedule refers to a length of road or side of a length of road over which multiple restrictions, prohibitions and/or designations are present, which should be read in addition to, and not in derogation of each other, and where the specified periods shown for each on that Map Schedule overlap, such shall operate concurrently;</p>

		“ taxi ” and “ taxi rank ” have the same meanings respectively as in Schedule 1 of The Traffic Signs Regulations and General Directions 2016; and
		“ verge ” means any area between the edge of the carriageway and the highway boundary, excluding the footway.
3	Errors	
	3.1	In the event that this Order contains errors which render any provisions of it void or unenforceable, all other provisions of this Order shall continue to have effect.
4	Prohibitions of Stopping	
	4.1	Prohibition of Stopping on School Entrance Markings Save as provided in Article 5, no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to stop on any of the lengths of road or sides of any length of road identified on the Map Schedules as Prohibition of stopping on school entrance markings, during the periods specified on those plans.
	4.2	Prohibition of Stopping Except Taxis Save as provided in Article 5, no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to stop on any of the lengths of road or sides of any length of road identified on the Map Schedules as Taxi stopping area (no stopping), during the periods specified on those plans, unless that vehicle is a taxi.
	4.3	Prohibition of Stopping on Verge Save as provided in Article 5, no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to stop at any time on the verge on any of the lengths of road or sides of any length of road identified on the Map Schedules as No stopping on the verge.
	4.4	Prohibition of Stopping on Footway Save as provided in Article 5, no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to stop at any time on the footway on any of the lengths of road or sides of any length of road identified on the Map Schedules as No stopping on the footway.

5	General Exemptions to Prohibitions of Stopping
5.1	Nothing in Articles 4.1 to 4.4 shall:-
	(a) apply to any vehicle being used for ambulance, fire brigade, coastguard or police purposes;
	(b) apply to any vehicle which:-
	(i) is prevented from proceeding by circumstances beyond the driver's control;
	(ii) is required by law to stop; or
	(iii) has to stop in order to avoid a collision which may result in injury or damage to persons or property;
	(c) render it unlawful to cause or permit any motor vehicle to stop on any of the lengths or sides of road referred to therein for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with the pursuance of statutory powers or duties;
	(d) render it unlawful to cause or permit any motor vehicle to stop on any of the lengths or sides of roads referred to therein where prior written permission has been given by the Head of Highways and Infrastructure at Cornwall Council, or a person authorised by them;
	(e) render it unlawful to cause or permit any motor vehicle to stop on any of the lengths or sides of road referred to therein for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the length of road so referred to or the laying, erection, alteration or repair in or on land adjacent to the said length of road, of any sewer or of any main, pipe, cable or apparatus for the provision of gas, water, electricity, any communications apparatus as defined within the Communications Act 2003, or the maintenance of traffic signals and the equipment associated with the operation of the traffic signals; or
	(f) render it unlawful to stop on any main carriageway referred to therein while any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is open or

		closed, if it is not reasonably practicable for the vehicle to stop otherwise than on that carriageway.
5.2		Nothing in Articles 4.3 to 4.4 shall:-
	(a)	render it unlawful to cause or permit any motor vehicle to stop on any of the lengths or sides of road referred to therein for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any building operation or demolition;
	(b)	render it unlawful to cause or permit any motor vehicle to stop on any of the lengths or sides of roads referred to therein for so long as may be necessary to enable the vehicle, if it is in the service of or employed by a Universal Service Provider, to be used for the purpose of delivering or collecting postal packets as defined in Section 65(1) of the Postal Services Act 2011; or
	(c)	apply to any vehicle operated or controlled by a funeral director when in use as part of a funeral cortege or otherwise in connection with a funeral.
6		Traffic Orders to be amended
6.1		The County of Cornwall (B3285) (Mithian) (Clearway) Order 2022 shall have effect as though:
		Article 5 was deleted.
		In Article 7 the words 'and 5' were deleted.
		The Second Schedule relating to No stopping on verge at any time was deleted.
6.2		The County of Cornwall (Respryn) (Clearway) Order 2022 shall have effect as though:
		Article 5 was deleted.
		In Article 7 the words 'and 5' were deleted.

		The Second Schedule relating to No stopping on verge at any time was deleted.
7	Traffic Orders to be revoked	
7.1	The following Orders are hereby revoked:	
		The County of Cornwall (School Keep Clear Entrance Markings) (Prohibition of Stopping) Order 2017;
		The County of Cornwall (School Keep Clear Entrance Markings) (Prohibition of Stopping) (Nansledan, Newquay) Order 2019;
		The County of Cornwall (Caradon) (Upton Cross) (Restrictions on Waiting) (Amendment) Order 2019
		The County of Cornwall (School Keep Clear Entrance Markings) (Prohibition of Stopping) Amendment Order 2020;
		The County of Cornwall (School Keep Clear Entrance Markings) (Prohibition of Stopping) (Amendment) Order 2021; and
		The County of Cornwall (Various Settlements) (School Keep Clear Entrance Markings) (Prohibition of Stopping) Order 2023.

Given under the Common Seal of the Cornwall Council this 19th day of March 2024.

ANNEXED SCHEDULES

MAP SCHEDULES

The Common Seal of
THE CORNWALL COUNCIL
was hereunto affixed
in the presence of:



070964

Authorised Officer S. Eathorne
SARA EATHORNE

Certified to be a true copy

A handwritten signature in black ink, appearing to read 'Holley King'. The signature is written in a cursive style.

Holley King

ROAD TRAFFIC REGULATION ACT 1984

THE COUNTY OF CORNWALL
(SCHOOL KEEP CLEAR ENTRANCE MARKINGS
AND PROHIBITION OF STOPPING)
(CONSOLIDATION) ORDER 2024

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