

**The County of Cornwall (Newquay) (Tolcarne Road)
(Restrictions on Waiting) (Experimental) Order 2020**

THE CORNWALL COUNCIL (hereinafter referred to as "the Council") in exercise of its powers under Sections 9 and 10 of 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 This Order shall operate during the period from the 3rd day of *September* 2020 to the 2nd day of *March* 2021 (both dates inclusive) and may be cited as "The County of Cornwall (Newquay) (Tolcarne Road) (Restrictions on Waiting) (Experimental) Order 2020".

2 **Interpretations**

- 2.1 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:
- 2.1.1 "**badges regulations**" means the Disabled Persons (badges for Motor Vehicles) (England) Regulations 2000;
- 2.1.2 "**disabled person's badge**" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
- 2.1.3 "**disabled person's vehicle**" means a vehicle displaying a disabled person's badge in the circumstances prescribed in Regulations 13, 14, 15 or 16 of the Disabled Persons (Badges for Motor Vehicles) Regulations 2000;
- 2.1.4 "**Driver**" in relation to a vehicle left at or waiting in a Parking Place means the person driving the vehicle at the time it was left at or is waiting at the Parking Place;
- 2.1.5 "**Loading**" and "**Unloading**" means the conveyance of goods or merchandise to or from any premises situated on or adjacent to that length of road, to the extent that such goods or merchandise cannot, by reason of size, weight or value, reasonably be conveyed otherwise than by vehicle;
- 2.1.6 "**relevant position**" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
- 2.1.7 any reference to a length or lengths of road is a reference to a length or lengths of road in Newquay.
- 2.2 any reference to 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.

2.3 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 of 1984 or by or under any other enactment.

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, cause or permit any vehicle to wait at any time in the lengths of road specified in the Second Schedule to this Order.

4 Nothing in Article 3 of this Order shall -

4.1 render it unlawful to cause or permit any vehicle to wait in any of the lengths of road referred to in that Article for so long as may be necessary to enable:

(a) a person to board or alight from the vehicle;

(b) a vehicle, if it is in the service of or employed by the Post Office, to be used for the purpose of delivering or collecting postal packets as defined in Section 125 (1) of the Postal Services Act 2000;

(c) goods to be loaded onto or unloaded from the vehicle, provided that, except as specified in paragraph (b) above, no vehicle shall so wait at any time in the lengths of road specified in the First Schedule to this Order

(d) 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, 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 near to the said length of road of any sewer or of any main, pipe, cable or apparatus for the provision of gas, water, electricity or telecommunications;

(e) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in pursuance of statutory powers or duties; or

(f) the vehicle to take in fuel, oil, water or air from any garage situated on or adjacent to the said length of road.

4.2 apply to any vehicle being used for police, fire brigade or ambulance purposes.

4.3 apply to any vehicle when the person in control of the vehicle:

- (i) is required by law to stop;
- (ii) is obliged to stop in order to avoid an accident; or
- (iii) is prevented from proceeding by circumstances outside his or her control.

4.4 apply to any vehicle owned by a funeral director or owner of funeral vehicles when in use as part of a funeral cortege or otherwise in connection with a funeral.

4.5 render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge, and a parking disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in any of the lengths of road referred to in the said Article for a period not exceeding 3 hours (not being separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same length of road).

5 In so far as any provision of this Order conflicts with any provision of any Order previously made or having effect as if it were previously made under the Act of 1984 and which imposes a restriction or prohibition on vehicles or grants an exemption from such restriction or prohibition then that provision of this Order shall prevail.

6 The Head of Highways and Infrastructure at Cornwall Council, or a person authorised by him, may modify or suspend the operation of this Order or any provision of it, if it appears to him essential:

- (i) in the interests of the expeditious, convenient and safe movement of traffic,

- (ii) in the interests of providing suitable and adequate on-street parking facilities, or

- (iii) for preserving or improving the amenities of the area through which any road affected by the order runs.

FIRST SCHEDULE
No loading at any time

Tolcarne Road
(U6088)

south-west side
from its junction with Station Approach for a
distance of 33 metres in a south-easterly
direction

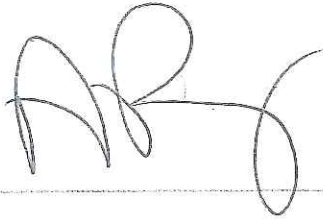
SECOND SCHEDULE
No waiting at any time

Tolcarne Road
(U6088)

south-west side
from its junction with Station Approach to its
junction with the access to Newquay Police
Station

Given under the Common Seal of the Council this 25th day of August 2020.

Signed as a Deed by
The Cornwall Council
whose Common Seal
was hereunto affixed
in the presence of:



Authorised Officer _____

ALAN PERRY
Senior Lawyer
Cornwall Legal Services
Cornwall Council



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Certified to be a true copy



Andrew Archer

ROAD TRAFFIC REGULATIONS ACT 1984

THE COUNTY OF CORNWALL (NEWQUAY)
(TOLCARNE ROAD) (RESTRICTIONS ON WAITING)
(EXPERIMENTAL) ORDER 2020