

**DATED 10th February 2009**

**DERBYSHIRE COUNTY COUNCIL**

**THE ROAD TRAFFIC REGULATION ACT 1984  
AND LOCAL AUTHORITIES' TRAFFIC ORDERS (PROCEDURE) (ENGLAND  
AND WALES) REGULATIONS 1996**

**THE DERBYSHIRE COUNTY COUNCIL  
(PARKING, WAITING AND LOADING PROHIBITIONS AND RESTRICTIONS)  
SOUTH DERBYSHIRE CONSOLIDATION ORDER 2009**

**D W TYSOE**

**MS/ML/40001**

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Derbyshire County Council ("the Council") in exercise of its powers under Sections 1, 19, 32, 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act"), The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and all other enabling powers hereby makes the following Order.

**Arrangement of Parts, Articles and Schedules**

Part I – Commencement and Citation (Article 1)

Part II – Interpretation (Articles 2 – 8 inclusive)

Part III – Clearways and Peak Hour Urban Clearways (Articles 9 - 12 inclusive)

Part IV – Prohibitions and Restrictions of Waiting and Loading (Articles 13 – 20 inclusive)

Part V – Parking Places (Articles 21 – 36 inclusive)

Part VI – Penalties (Articles 37 – 38)

Part VII – Revocations (Articles 39– 40 inclusive)

Schedule 1 – Penalties

Schedule 2 - The Map

Schedule 3 – List of Orders Revoked

## **Part I**

### **COMMENCEMENT AND CITATION**

1. The Order shall come into operation on the 19<sup>th</sup> February 2009 and may be cited as the Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions Order) South Derbyshire Consolidation Order 2009.

## **PART II**

### **INTERPRETATION**

2. In this Order, except where the context requires, the following expressions have the meanings hereby respectively assigned to them:-
  - 2.01 "Accessway" means a length of road sufficient to enable a Vehicle to have access to and egress from land or premises in or adjacent to a the highway;
  - 2.02 "Ambulance" has the same meaning as in Schedule 2 of the Vehicle Excise and Registration Act 1994;
  - 2.03 "Articulated Vehicle" means a motor Vehicle with a trailer so attached to it as to be partially superimposed upon it; as in Section 20(3) of the Road Traffic Act 1988;
  - 2.04 "Authorised Parking Place" means any Parking Place on a road authorised or designated by this Order;
  - 2.05 "Bank Holiday" has the same meaning as described in the Banking and Financial Dealings Act 1971. The first day of May shall be treated as if it were a Bank Holiday for the purposes of this Order;
  - 2.06 "Bus" has the same meaning as in Regulation 22 of The 2002 Regulations;
  - 2.07 "Bus Lane" means any length of Carriageway specified in this Order and bounded by delineating road markings as prescribed under The 2002 Regulations;
  - 2.08 "Bus Stand" means any area of Carriageway, intended for the waiting by Buses, which is comprised within and indicated by road markings complying with diagram 1025.1, 1025.3 or 1025.4 and incorporating the words "Bus Stand" in Schedule 6 and a sign complying with diagram 975 in Schedule 5 to The 2002 Regulations;
  - 2.09 "Bus Stop" means any area of Carriageway, intended for the waiting by Buses;
  - 2.10 "Bus Stop Area" means any area of Carriageway which is comprised within and indicated by road markings complying with diagram 1025 or 1025.2 of The

2002 Regulations;

- 2.11 "Bus Stop Clearway" means any area of Carriageway intended for the waiting by Buses, which is comprised within and indicated by road markings complying with diagram 1025.1, 1025.3 or 1025.4 in Schedule 6 and a sign complying with diagram 974 in Schedule 5 to The 2002 Regulations;
- 2.12 "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, as in Section 329(1) of the Highways Act 1980;
- 2.13 "CEO" means Civil Enforcement Officer and has the same meaning as in Section 76 of the 2004 Act;
- 2.14 "Class of Vehicle" means the type of Vehicle specified as being permitted to use the length of highway specified on The Map;
- 2.15 "Clearway" is an area specified on the Map where waiting is prohibited;
- 2.16 "Cycle" means a bicycle, a tricycle, or a Cycle having four or more wheels, not being in any case a motor Vehicle, the same meaning as that ascribed to it in Section 192 of the Road Traffic Act 1988;
- 2.17 "Cycle Lane" means a length of Carriageway specified in this Order as a Cycle Lane and bounded by delineating road markings as prescribed under The 2002 Regulations;
- 2.18 "Delivering and Collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;
- 2.19 "Disabled Person's Badge", "Disabled Person's Vehicle", "Disabled Person", "Disabled Driver", "Disabled Person" and "Disabled Person's Parking Disc" have the same meanings as in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;
- 2.20 "District Council" means the District Council for that administrative area;
- 2.21 "Doctor" means a 'fully registered person' as defined in section 55 of the Medical Act 1983;
- 2.22 "Doctors Parking Permit" means a Permit issued by the District Council to a Doctor whose occupying premises, the postal address of which is in a road or part of a road identified in The Map and issued under the provisions of this Order;
- 2.23 "Doctors Parking Place" means a Parking Place specified on the The Map which may only be used by a Vehicle displaying a Doctors Parking Permit issued under the provisions of this Order;
- 2.24 "Driver" in relation to a Vehicle waiting in a Parking Place or on a road or length of road, means:-

- a) the person driving the Vehicle or responsible for the Vehicle at the time it was left in that Parking Place or road or length of road;
  - b) the registered keeper of the Vehicle shall be deemed to have been the Driver unless evidence to the contrary is shown;
  - c) where the Vehicle is a Cycle, the person (being a user) riding, pushing by hand or otherwise in charge of the Cycle at the time it was left in the Parking Place;
- 2.25 "Dual Purpose Vehicle" has the same meaning as defined in Part 1 Regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986;
- 2.26 Electronic Communications Apparatus, Electronic Communications Network and any Electronic Communications Line shall have the same meaning as in the Communications Act 2003;
- 2.27 "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 and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;
- 2.28 "Footway" means a way comprised in a road 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(1) Highways Act 1980. Footways are pedestrian paths alongside a Carriageway, and often referred to as a Pavement;
- 2.29 "Goods" means goods or burden of any description;
- 2.30 "Goods Vehicle" means a motor Vehicle which is constructed or adapted for use for the carriage of goods or a trailer so constructed or adapted, as in Section 192(1) of the Road Traffic Act 1988;
- 2.31 "Hackney Carriage" or "Licensed Hackney Carriage" means a Vehicle licensed by the District Council;
- 2.32 "Hackney Stand" means an area of Carriageway which is comprised within and indicated by road markings complying with diagram 1028.2 in Schedule 6 to The 2002 Regulations;
- 2.33 "Heavy Commercial Vehicle" has the same meaning as defined in section 20 of the Road Traffic Act 1988;
- 2.34 "Immobilisation Device" has the same meaning as in Section 104(9) of the Act;
- 2.35 "Invalid Carriage" has the same meanings as in Section 136 of the Act;
- 2.36 "Junction" means, for measurement purposes only, the point where the prolongation of two kerblines intersect, with measurements taken along the line of the kerb for the said length of road unless otherwise stated;

- 2.37 "Lay-By" means any area intended for the waiting of Vehicles, and lying at the side of the road and bounded partly by a Traffic Sign of a type approved in accordance with The 2002 Regulations and partly by the outer edge of a main Carriageway on the same side of the road as that on which the Traffic Sign is placed;
- 2.38 "Loading and Unloading" means the transference, from or to a Vehicle, to or from premises, of goods;
- 2.39 "Loading Bay" means a space in a Specified Parking Place which is provided for the waiting of a Vehicle for the purpose of delivering or collecting goods or Loading or Unloading the Vehicle as specified under the provisions of this Order;
- 2.40 "Local Service" has the same meaning ascribed to it in Section 2 of the Road Traffic Act 1985 that is to say a service, using one or more public service vehicles, for the carriage of passengers by road at separate fares;
- 2.41 "The Map" means the map and plans described in Schedule 2;
- 2.42 "Main Carriageway" means any Carriageway used primarily by through traffic and excludes any Lay-By but includes all slip roads onto or from such Carriageways and roads comprising roundabouts connecting such slip roads;
- 2.43 "Motor Car" and "Motorcycle" have the same meaning as in section 136 of the Act;
- 2.44 "Motorcycle Bay" and "Motorcycle Parking Place" means a space which is provided for the leaving of a motorcycle;
- 2.45 "Owner" in relation to a Vehicle means a Resident who is named in the Vehicle registration document as the registered keeper of a goods or passenger Vehicle or who has the use of such a Vehicle in the course of his employment and who is entitled to use such a Vehicle as though he were the registered keeper thereof;
- 2.46 "Parking Bay" and "Parking Space" means a part of a Parking Place marked out or provided for the leaving of a Vehicle of the classes specified in this Order under the provisions of this Order;
- 2.47 "Parking Place" means a length of road or any area of land authorised to be used as a parking place by this Order;
- 2.48 "Pavement" – see "Footway";
- 2.49 "Peak Hour Urban Clearway" means a Clearway during the times shown on The Map;
- 2.50 "Penalty Charge" and "Discounted Level for a Penalty Charge" means a charge set by the Council under Section 77 and Schedule 9 of the 2004 Act in accordance with the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges)(England) Order 2007 (SI 2007 No. 3487);

- 2.51 "Penalty Charge Notice (PCN)" means a notice issued or served by CEO in accordance with Regulation 8, 9 or 10 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007 No. 3483);
- 2.52 "Period of Stay" in relation to a Vehicle left in a Parking Place means the period beginning at the time of arrival or deemed time of arrival of that Vehicle in that Parking Place and extending until the time of its departure;
- 2.53 "Permitted Hours" means the hours specified on The Map;
- 2.54 "Prescribed Hours" means the times specified on The Map;
- 2.55 "Public Service Vehicle" has the meaning ascribed to it by Section 1 of the Public Passenger Vehicles Act 1981, that is to say it shall mean a motor Vehicle (other than a tramcar) which:-
- a) being a Vehicle adapted to carry more than eight passengers, is used for carrying passengers for hire or reward; or
  - b) being a Vehicle not so adapted, is used for carrying passengers for hire or reward at separate fares in the course of the business or carrying passengers;
- 2.56 "Relevant Position" in relation to: -
- (i) The display of a Disabled Person's Badge, has the same meaning as that ascribed to it in The Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
  - (ii) A Doctors Parking Permit means the front nearside of the Vehicle so that all the particulars are readily visible from the front nearside of the Vehicle;
- so that the relevant details can be seen from outside the Vehicle;
- 2.57 "School Bus" means free school transport provided by a local education authority free of charge as set in Section 46(3) of the Public Passenger Act 1981 (as amended by Schedule 2 of the Education Act 2002);
- 2.58 "Specified Parking Place" means a space which is provided for the leaving of a Vehicle, either of the type of Vehicle specified or displaying a valid Permit as specified in The Map;
- 2.59 "Specified Position" means, in respect of a Vehicle left in a Parking Place during the Permitted Hours in accordance with the foregoing provisions of this Order, that it shall be caused so to stand:-
- a) in accordance with any special provisions as to the manner of standing of a Vehicle in that place which are specified on The Map,
  - b) in the case of any other Parking Place, if the Parking Place is not in a one-way street, that the left or near-side of the Vehicle is adjacent to the left-hand edge of the Carriageway;
  - c) so that every part of a Vehicle is within the limits of a Parking Place;
  - d) that no part of the Vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the Vehicle is waiting;

- 2.60 "Taxi Rank" means an area of Carriageway which is comprised within and indicated by road markings complying with diagram 1028.2 in Schedule 6 to The 2002 Regulations;
- 2.61 "The 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002 SI 2002/3113;
- 2.62 "Trailer" means any vehicle other than a motor Vehicle, the same meaning as that ascribed to it in the Road Traffic Act 1988;
- 2.63 "Traffic Sign" means a sign of any size, colour and type prescribed or authorised or having the effect pursuant to Section 64 of the Act;
- 2.64 "Vehicle" means any mechanically propelled Vehicle intended or adapted for use on roads;
- 2.65 "Verge" means any part of a road which is not a Carriageway;
- 2.66 "The 2004 Act" means the Traffic Management Act 2004.
3. Where a Vehicle, having been left in a Parking Place, remains there at the beginning of the Prescribed Hours, then the Vehicle shall be treated for the purposes of this Order as if it had arrived in the Parking Place at the beginning of the Prescribed Hours.
4. Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
5. The prohibitions imposed by this Order shall be in addition to and not in derogation any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act, or by or under any other enactment.
6. Save where the contrary is indicated, any reference in this Order to:-
- a) this Order or another Order shall be construed as such a reference to this Order or, as the case may be, such other Order, as the same may have been or may from time to time be amended, varied or supplemented;
  - b) a Statute or Regulation shall be construed as reference to such Statute or Regulations as the same may have been, or may from time to time be amended or re-enacted.
7. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and or other Statutory Instruments.
8. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment and any reference in this Order to a masculine gender shall include reference to the feminine gender and any reference in this Order to a singular includes the plural.

### PART III

## **CLEARWAYS AND PEAK HOUR URBAN CLEARWAYS**

9. The roads or lengths of road and the Prescribed Hours of the Clearways and Peak Hour Urban Clearways are identified and specified on The Map;
10. Subject to the provisions of Article 11 of this Order no Vehicle shall wait at any time in a Clearway or a Peak Hour Urban Clearway during the Prescribed Hours;
11. The controls specified in Articles 9, 10 and 12 of this Order do not apply in respect of a Vehicle waiting:
  - a) if the person in control of the Vehicle is:-
    - iv. required by law to stop;
    - v. obliged to stop so as to avoid an accident; or
    - vi. prevented from proceeding by circumstances outside the person's control;
  - b) for so long as may be necessary to enable the Vehicle to be used:
    - vii. in connection with any building operation or demolition;
    - viii. in connection with the removal of any obstruction to traffic;
    - ix. in connection with the maintenance, improvement or reconstruction of the highway comprising or including carriageway; or
    - x. in connection with 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 or of any Electronic Communications Line;
    - xi. for fire brigade, ambulance or police purposes;
    - xii. for the service of a local authority or of a water company in pursuance of statutory duties or powers;
    - xiii. in connection with the opening or closing of a gate or other barrier at the entrance to premises to which the Vehicle is being driven from or from which it has emerged if it is not reasonably practicable to cause the Vehicle to stop elsewhere for the purpose;
    - xiv. to enable a person to board or alight from the Vehicle including a Disabled Person's Vehicle which displays a Disabled Person's Badge in the Relevant Position;
    - xv. to provide a Local Service as defined in Section 2 of the Transport Act 1985; and
    - xvi. as a School Bus as defined in Section 46(3) of the Public Passenger Vehicles Act 1981, being used to provide free school transport.
  - c) The controls specified in Articles 9, 10, 13 of this Order do not apply in respect of a Vehicle which is waiting at the edge of the carriageway for as long as may be necessary for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000.

- d) The controls specified in Articles 9, 10, 13 of this Order do not apply to anything done with the permission or at the direction of a Police Constable in uniform or a CEO.
12. No Vehicle shall wait on an entrance clearway indicated by road markings complying with diagram 1027.1 in Schedule 6 of The 2002 Regulations when it is used in conjunction with Traffic Sign diagram 642.2A in Schedule 2 of The 2002 Regulations, or permitted variants thereof, on the roads or sides of the roads as identified and for the periods specified on The Map.

#### **PART IV**

#### **PROHIBITIONS AND RESTRICTIONS OF WAITING AND LOADING**

13. Save as provided in Articles 17 to 20 of this Order no Vehicle shall, except upon the direction or with the permission of a Police Constable in uniform or a CEO, wait on the roads or sides of the roads identified and for the periods specified on The Map.
14. Save as provided in Articles 17 to 20 of this Order no Vehicle, except upon the direction or with the permission of a Police Constable in uniform or a CEO, shall load when a loading prohibition is in force on the roads or sides of the roads and for the periods identified on The Map.
15. The Driver of a Vehicle shall not carry out any work of construction, repair or maintenance to that vehicle on the Roads identified on The Map except such as may be necessary to enable the Vehicle to be removed from the highway.
16. No person shall use a Vehicle in connection with the sale of any goods to persons in or near the highway or in connection with the selling or offering for hire of that person's skills or services, unless in connection with a charitable event and having received prior permission of the Council or District Council. Nothing in this Article shall prevent the sale of goods from a Vehicle if the Vehicle is one which may be left in a Parking Place in accordance with this Order and the goods are immediately delivered at or taken into premises adjacent to the Vehicle from which the sale is effected.

#### **General Exemptions**

17. Nothing in Articles 13 to 16 shall render it unlawful for any Vehicle to wait or load in the lengths of road referred to on The Map for so long as may be necessary to enable;
- (a) a person to board or alight from a Vehicle or to enable personal luggage to be loaded onto or unloaded from the Vehicle, unless a Loading prohibition is in force;
  - (b) the Vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations:-
    - (i) building, industrial or demolition operations
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction of the said lengths of road;

- (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths of road of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or of any Electronic Communications Line:
- (c) the Vehicle if it cannot be conveniently used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;
- (d) the Vehicle of a universal service provider (as defined in Section 4 of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;
- (e) the Vehicle to take in petrol, oil, water, or air from any garage situated on or adjacent to the said lengths of road;
- (f) any Vehicle, other than a privately owned Vehicle, which is being used as an official Vehicle for the purposes of a wedding (bridal vehicle) or a funeral (hearse and cortege) at a Church or place of worship.
- (g) the Vehicle to be used for fire brigade, ambulance or police purposes;
- (h) goods to be Loaded or Unloaded from the Vehicle;

18. Nothing in Articles 13, 14 and 17 shall render it unlawful for any Vehicle being a Hackney Carriage or Licensed Hackney Carriage to wait upon a Hackney Stand;

19. Nothing in Articles 13, 14 and 17 shall apply to a Public Service Vehicle.

#### **Disabled Persons Exemptions**

20. Nothing in Article 13 of this Order shall render it unlawful for a Disabled Person's Vehicle which displays in the Relevant Position a Disabled Person's Badge and a Disabled Person's 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 roads, lengths of road or sides of road specified on The Map for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same Vehicle in the same length of road or on the same side of road on the same day). Provided that in respect of roads specified on The Map when Loading is permitted at all times or limited to certain times such period lies entirely within the period during which loading is permitted.

### **PART V**

#### **PARKING PLACES**

- 21. Subject to the Articles of this Order, the area on the roads or sides of the roads identified, for the periods specified and under the conditions of use specified on The Map, shall be a Parking Place. The Driver of a Vehicle shall not permit it to wait in a Parking Place for longer than the maximum period specified in The Map. If the Driver does over stay the maximum period then a PCN shall be issued.
- 22. When a Vehicle has been left in a Parking Place, on the roads or sides of the roads identified, for the periods specified and under the conditions of use specified on The Map, which includes a specified time limit on the period of stay

and a period within which the Vehicle shall not return, the Driver thereof shall not return with the Vehicle within the time period after its leaving in order to permit the Vehicle to wait again upon that Parking Place or any other Parking Place in the same length of road or on the same side of road on the same day.

## **General Exemptions**

### **(Parking Places)**

23. Nothing in Articles 21 and 22 shall render it unlawful for any Vehicle to park in the lengths of road referred to on The Map for so long as may be necessary to enable;
- (a) person to board or alight from a Vehicle;
  - (b) the Vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations:-
    - i. building, industrial or demolition operations
    - ii. the removal of any obstruction to traffic;
    - iii. the maintenance, improvement or reconstruction of the said lengths of road;
    - iv. the laying, erection, alteration or repair in or on land adjacent to the said lengths of road of any sewer or of any main, pipe or apparatus for the supply of gas, water, electricity or of any Electronic Communications Line:
  - (c) the Vehicle if it cannot be conveniently used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;
  - (d) the Vehicle of a universal service provider (as defined in Section 4 of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;
  - (e) the Vehicle to take in petrol, oil, water, or air from any garage situated on or adjacent to the said lengths of road;
  - (f) any Vehicle, other than a privately owned Vehicle, which is being used as an official Vehicle for the purposes of a wedding (bridal vehicle) or a funeral (hearse and cortege) at a Church or place of worship.
  - (g) the Vehicle to be used for fire brigade, ambulance or police purposes;
  - (h) goods to be Loaded or Unloaded from the Vehicle;
  - (i) in any case where the Driver in control of the Vehicle;
    - i. is required by law to stop;
    - ii. is obliged to stop so as to prevent an accident: or
    - iii. is prevented from proceeding by circumstances outside his control;
  - (j) the Vehicle to wait on any Carriageway for so long as it may be necessary for any gate or other barrier at the entrance to premises to which the Vehicle requires access to or from which it has emerged to be opened or closed if it is not reasonably practicable for the Vehicle to wait on any other Carriageway;

24. Nothing in Articles 21 to 23 shall render it unlawful for any Vehicle being a Licensed Hackney Carriage or Hackney Carriage Taxi to wait upon a Taxi Rank;
25. Nothing in Articles 21 to 23 shall apply to a Public Service Vehicle.

**Disabled Persons Exemptions  
(Parking Places)**

26. Nothing in Article 21 of this Order shall render it unlawful for a Disabled Person's Vehicle, which displays in the Relevant Position a Disabled Person's Badge, to wait in a Parking Place on the roads or sides of the roads as identified and for the periods identified on The Map, unless the Parking Place has time limits applicable to Disabled Badge holders or is restricted to use by a specified class of Vehicle as specified on The Map.

**Restriction of Use of Vehicles  
(Parking Places)**

27. The driver of a Vehicle using a Parking Place shall not carry out of any work of construction, repair or maintenance to the Vehicle except such as may be necessary to enable the Vehicle to be removed from the Parking Place.
28. No person shall use a Vehicle, while it is in a Parking Place, in connection with the sale of any article to persons in or near the Parking Place or in connection with the selling or offering for hire of that person's skill or services, unless in connection with a charitable event and having received the prior permission of the Council. Nothing in this Article shall prevent the sale of goods from a Vehicle if the Vehicle is one which may be left in a Parking Place in accordance with Article 30 of this Order and the goods are immediately delivered at or taken in to premises adjacent to the Vehicle from which the sale is effected.

**Manner of Standing of Vehicles  
(Parking Places)**

29. Every Vehicle left in a Parking Place specified on The Map, shall so stand, unless the Parking Place is further restricted by additional controls on the manner of standing or restricted to use by a specified class of Vehicle or user, as specified on The Map, as follows:
  - (1) a Vehicle shall not use a Parking Place so as to unreasonably prevent access to any premises adjoining the road, or the use of the road or a Pavement by other persons, or so as to be a nuisance;
  - (2) a Vehicle shall in the case of a Parking Place, in relation to which special provisions as to the manner of standing of Vehicles in that place apply, stand in accordance with those specified provisions;
  - (3) in the case of any other Parking Place:
    - (a) if the Parking Place is not in a one-way street, that the left or nearside of the Vehicle is adjacent to the left-hand edge of the Carriageway;

- (b) if the Parking Place is in a one-way street:-
  - (i) that the left or nearside of the Vehicle is adjacent to the left hand edge of the Carriageway or that the right or offside of the Vehicle is adjacent to the right-hand edge of the Carriageway; and
  - (ii) that the longest side of the Vehicle is parallel to the edge of the Carriageway nearest to the Vehicle, unless additional controls on that Parking Place specify a specific orientation of the Vehicle as identified on The Map;
- (4) every part of a Vehicle in any Parking Place whether in a one way street or otherwise shall stand within the limits of a Parking Place provided that where the length of any Vehicle being a passenger Vehicle, precludes it from standing wholly within the limits of a Parking Place, such a Vehicle may so stand in that Parking Place and shall be deemed to be wholly within the limits of a Parking Place if the extreme front portion or the extreme rear portion, as the case may be, of the Vehicle is within 1.0 metres of the limits of that Parking Place.

#### **Powers to Suspend Use of Parking Places**

- 30. (i) A Police Constable in uniform or a CEO may suspend the use of a Parking Place or part thereof whenever they consider such suspension reasonably necessary:
  - (a) for the purpose of facilitating the movement of traffic or promoting its safety;
  - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the Parking Place or the maintenance, improvement or reconstruction of the Parking Place or the laying, erection, alteration, removal or repair in or adjacent to the Parking Place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Electronic Communications Line or Traffic Sign;
  - (c) for the convenience of occupiers of premises adjacent to the Parking Place on any occasion of the removal of furniture from one dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
  - (d) on any occasion on which it is likely by reason of some public procession, rejoicing or special attraction that any street will be thronged or obstructed;
  - (e) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals or on other special occasions;
  - (f) for any other purpose which the Council or District Council may from time to time deem appropriate and which has received their prior approval.
- (ii) Any person suspending the use of a Parking Place or any part thereof in accordance with the provisions of paragraph (i) of this Article may thereupon place or cause to be placed, in or adjacent to that Parking Place or the part thereof the use of which is suspended, a Traffic Sign, as

described in The 2002 Regulations, indicating that waiting by Vehicles is prohibited.

31. Nothing in Article 30 shall render it unlawful for any Vehicle being used for fire brigade, ambulance or police emergency purposes to be left or any other Vehicle to be so left if that Vehicle is left with the permission of the person suspending the use of the Parking Place.

#### **Disabled Persons Parking Places**

32. Where, within a Parking Place, there is a sign and surface marking which indicates that the Parking Place is available only for a Disabled Person's Vehicle, the Driver of a Vehicle shall not permit it to wait in that Parking Place unless it is a Disabled Person's Vehicle with a valid and correctly displayed Disabled Persons Badge during hours specified on the Map.
33. Nothing in this Order shall render it unlawful for a Disabled Person's Vehicle to wait in a Disabled Badge holders only Parking Place provided that such a Vehicle is parked within the limits of the bay.

#### **Loading Bay**

34. The area of highway specified on The Map shall be designated a Loading Bay for delivery Vehicles only for the Loading and Unloading of goods during the hours specified on The Map.
35. Nothing in this Order shall render it unlawful for a delivery Vehicle to wait in the Loading Bay provided that such a Vehicle is parked within the limits of the bay.

#### **Doctors Parking Places**

36. The District Council, upon being satisfied that the applicant is a Doctor of a practice adjacent to the Doctors Parking Place, who is the Owner or Driver of a Vehicle, is a fully registered person who is liable to be called to emergencies away from the surgery or consulting room, shall issue to the applicant a Doctors Parking Permit for the leaving of a Vehicle at the location and during the times specified on The Map.

### **PART VI**

#### **PENALTIES**

##### **Penalties**

37. A PCN shall be issued in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (SI.2007 No.3487) and subsequent amendments having effect under any other enactment of Statutory Instruments.

38. Where a PCN has been attached to a Vehicle no person, not being the Driver of the Vehicle, or a Police Constable or CEO shall remove the PCN from the Vehicle unless authorised to do so by the Driver.

**PART VII**

**REVOCATIONS**

39. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restrictions or requirements imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.
40. Each Order specified in Schedule 3 to this Order is hereby revoked and subsequently re-enacted insofar as it relates to the lengths of road specified on The Map (Schedule 2).

THE COMMON SEAL of the Derbyshire )  
County Council was hereunto affixed )  
this ~~10th~~ day of ~~February~~ <sup>February</sup> )  
two )  
thousand and nine in the presence )  
of:- )  
*Karen D. Riley* )  
Asst County Secretary )

Number in Seal  
Book - 2009/124

## **Schedule 1**

The Penalty Charge and Discounted Penalty Charge are in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (SI.2007 No. 3487) and subsequent amendments having effect under any other enactment or Statutory Instruments.

## **Schedule 2 – The Map**

The Map comprises all those plans containing particulars of traffic restrictions which are contained within the annexure hereto entitled "Parking, Waiting and Loading Prohibitions and Restrictions, Consolidation Orders."

## **Schedule 3 – Orders Revoked**

Chestnut Ave, Midway, Swadlincote, Prohibition of Waiting Order 2009,  
Burton Road, Midway, Swadlincote, Prohibition of Waiting Order 2008,  
Main St, Weatherfield and Unnamed cul-de-sac to the rear of 106/108 Main St Linton, Swadlincote, No stopping on School Keep Clear and ZigZag Markings and Waiting Restrictions Order 2008.  
Blanch Croft, Melbourne, Prohibition of Waiting Order 2008.  
Bretby Road, Wellwood Road, Service Rd fronting 117-119A High Street, Newhall, Swadlincote, Waiting Restrictions Order 2007.  
Derby Road, Midland Rd, Swadlincote, Waiting Restrictions Order 2007.  
Highfield St, Swadlincote, Waiting Restrictions Order 2007.  
Queens Drive, Elmsleigh Drive, and Kings Road, Newhall, Prohibition of Waiting and School Keep Clear Order 2007.  
High St, Main Road, Belvedere Rd, St Stephens Court, Princess Close, Blacksmiths Lane, Station Road, Sun Street, Butt Lane, Swadlincote, Prohibition and Restriction of Waiting Order 2006.  
Sunnyside, Swadlincote, School Keep Clear and Prohibition of Waiting Order 2004  
Main Street, B5353, Newhall, Prohibition of Waiting Order 2005.  
Church St, Thorpe Downs Rd and Common Road, Church Gresley, Swadlincote, Prohibition of Waiting Order 2004.  
Church Street, Thorpe Downs Road and Common Road, Church Gresley, Prohibition of Waiting Order 2000.  
Church Street, Swadlincote, Prohibition of Waiting Order 2000  
High Street, Newhall, Prohibition of Waiting Order 2000.  
Various Roads, Hilton, Restriction of Waiting Order 1998  
Church Street, Church Gresley, Order 1998  
Various Roads, Melbourne, One Way and No Waiting Order 1991.  
High Street, Repton, Restriction of Waiting Order 1990  
Midland Road, Swadlincote, Restriction of Waiting Order 1990  
A514, Common Road, Woodhouse Street, Swadlincote, Restriction of Waiting Order 1988.  
Pinfold Lane, Repton, Prohibition of Waiting Order 1989  
Various Roads, Willington, Restriction of Waiting Order 1988  
Belmont St, Swadlincote, Prohibition of Waiting Order 1987  
Various Roads, Swadlincote, Prohibition of Waiting Order 1986

Midway, Chestnut Ave Swadlincote, Restriction of Waiting, One Way, No Waiting, Order 1983.  
C28 Road, Melbourne, Prohibition of Waiting and Stopping, 24 Hour Main Carriageway Order 1977.  
Various Streets, Melbourne, Bus Stop Clearway Order 1974.  
Swadlincote, Bus Stop Clearway Order 1971.  
Hearthcote Road, Swadlincote, Restriction of Waiting Order 1984.  
Belmont Street, Swadlincote, Restriction of Waiting Order 1984.  
Linton Road, Castle Gresley, Order 1983.  
Various Roads, Overseal, Restriction of Waiting Order 1982.  
Extension of Civic Way/Darklands Road, Restriction of Waiting Order 1973.  
High Street, Swadlincote, Restriction of Waiting Order 1973.  
Main Street, High Street, Newhall, Prohibition of Waiting Order 1980.  
Sandcliffe Road, Midway, Prohibition of Waiting Order 1979  
Burton Road, Woodville, Prohibition of Waiting Order 1979.  
Burton Road, Midway, Prohibition of Waiting Order 1978.  
Peacroft Lane, Hilton, Prohibition of Waiting Order 1977.  
Oversetts Court, Newhall, Prohibition of Waiting Order 1977.  
Alexandra Road, Swadlincote, Prohibition of Waiting Order 1975.  
Various Roads, Woodville, Prohibition and Restriction of Waiting Order 1974.  
Queensway, Melbourne, Prohibition of Waiting Order 1973.  
Dale End Road, Hilton, Prohibition of Waiting Order 1972.