

DATED 10 DECEMBER 2009

THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE DERBYSHIRE COUNTY COUNCIL

(FLINTSON AVENUE AND HANDLEY ROAD,
NEW WHITTINGTON, CHESTERFIELD)

(PROHIBITION OF WAITING) ORDER 2009

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ROAD TRAFFIC REGULATION ACT 1984
(FLINTSON AVENUE AND HANDLEY ROAD,
NEW WHITTINGTON, CHESTERFIELD)
(PROHIBITION OF WAITING) ORDER 2009

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

1 CITATION

This Order shall come into operation on the Twenty-first day of December 2009 and may be cited as The Derbyshire County Council (Flintson Avenue and Handley Road, New Whittington, Chesterfield) (Prohibition of Waiting) Order 2009.

2 INTERPRETATION

In this Order:-

2.1 "Vehicle" means any mechanically propelled vehicle intended or adapted for use on roads.

2.2 "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 –

(i) being a vehicle adapted to carry more than eight passengers, is used for carrying passengers for hire or reward; or

(ii) being a vehicle not so adapted, is used for carrying passengers for hire or reward at separate fares in the course of a business or carrying passengers.

2.3 "Disabled person's badge" has the same meaning as in the Disabled Persons (Exemptions for Disabled Persons) (England) Regulations 2000.

2.4 "Disabled person's vehicle" means a vehicle displaying a disabled person's badge in the relevant position as set out under Regulation 4 of the Local Authorities Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

2.5 "The 2004 Act" means Traffic Management Act 2004.

2.6 "CEO" means Civil Enforcement Officer and has the same meaning as in Section 76 of the 2004 Act.

3 WAITING RESTRICTIONS

3.1 Save as provided in articles 4, 5 and 6 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform, or a CEO or a Parking Attendant, cause or permit any vehicle to wait at any time on any day on the lengths of road specified in the Schedule to this Order.

4 GENERAL EXEMPTIONS

4.1 Nothing in Article 3 shall render it unlawful to cause or permit any vehicle to wait in the lengths of road referred to therein for so long as may be necessary to enable:-

- (i) a person to board or alight from the vehicle;**
 - (ii) 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 namely:-**
 - (a) building, industrial or demolition operations;**
 - (b) the removal of any obstruction to traffic;**
 - (c) the maintenance, improvement or reconstruction of the said lengths of road; or**
 - (d) 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 or electricity or of any telecommunication apparatus as defined in the Telecommunications Act 1984;**
 - (iii) the vehicle, if it cannot conveniently be 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;**
 - (iv) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in The Postal Services Act 2000;**
 - (v) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths of road;**
 - (vi) the vehicle to wait at or near to any premises situated or adjacent to the said lengths of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral;**
 - (vii) the vehicle to be used for fire brigade, ambulance or police purposes;**
- or**
- (viii) goods to be loaded or unloaded from the vehicle.**

5 DISABLED PERSONS' EXEMPTIONS

5.1 Nothing in Article 3.1 shall 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 the lengths of road referred to in that Article 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 or on the same side of road on the same day).

5.2 A vehicle displays a disabled person's badge in the relevant position if:-

- (i) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon on the near side of and immediately behind the windscreen and with its front facing forward so as to be legible from outside the vehicle; or**
- (ii) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the vehicle.**

5.3 A vehicle displays a disabled person's badge in the relevant position if:-

- (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part I of the badge is legible from outside the vehicle; or**
- (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part I of the badge is legible from outside the vehicle.**

5.4 A vehicle displays a parking disc in the relevant position if:-

- (i) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle; or**
- (ii) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle".**

6 PUBLIC SERVICE VEHICLES

6.1 Nothing in Article 3 shall apply to a Public Service Vehicle.

7 EFFECT OF ORDER

7.1 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 of 1984 or by or under any other enactment.

SCHEDULE

NO WAITING AT ANY TIME

Flintson Avenue, New Whittington

Southern side

From its junction with Handley Road in a north westerly direction for a distance of 16 metres.

Northern side

From its junction with Handley Road in an easterly direction for a distance of 16 metres.

Handley Road, New Whittington

Western side

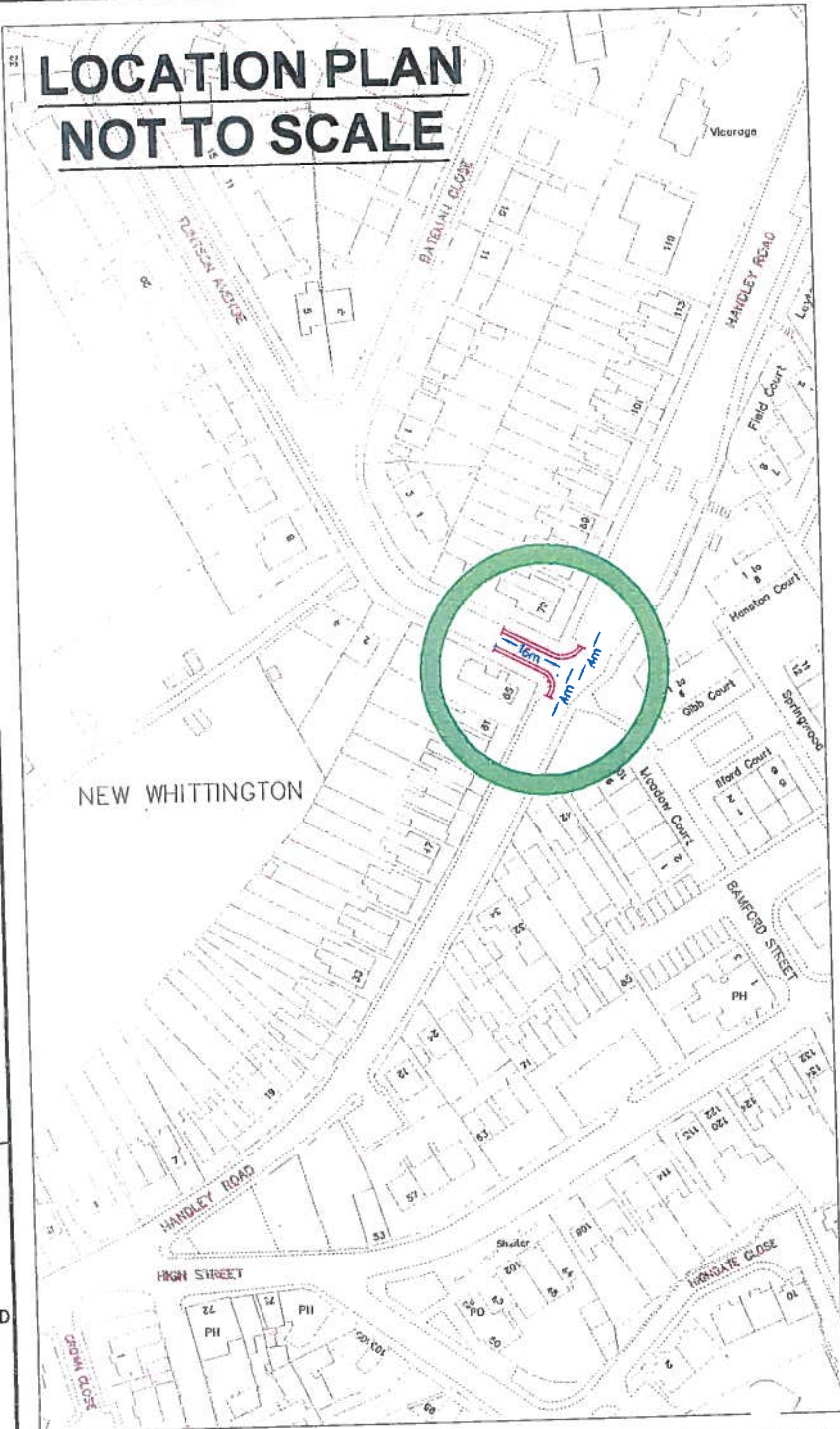
From a point 4 metres north east of its junction with Flintson Avenue to a point 4 metres south west of its junction with Flintson Avenue.

As shown for illustration purposes only on the attached plan.

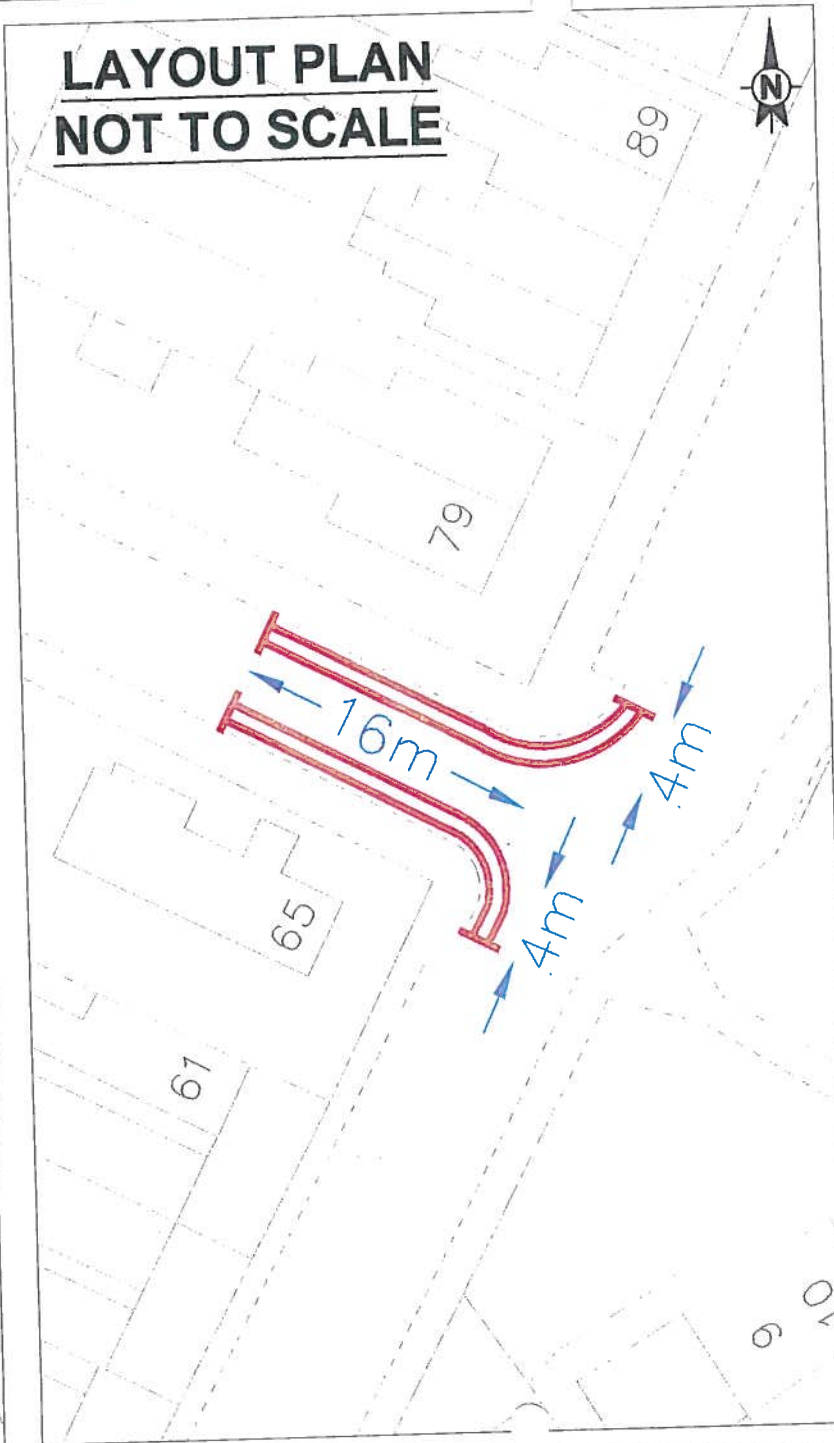
THE COMMON SEAL of the Derbyshire)
County Council was hereunto affixed)
the Tenth day of December Two)
thousand and Nine in the presence of:-)

County Secretary

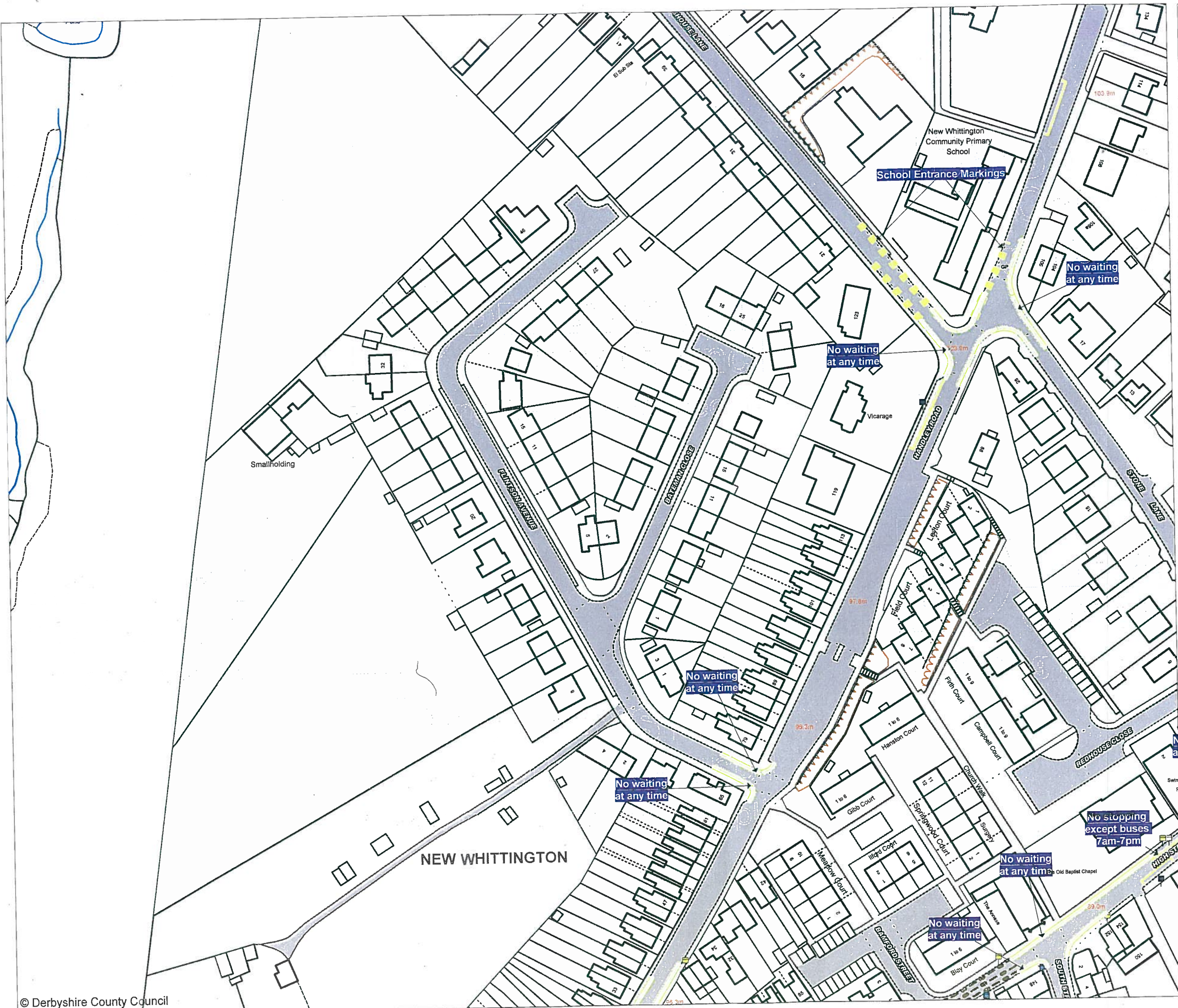
LOCATION PLAN NOT TO SCALE



LAYOUT PLAN NOT TO SCALE



AMENDMENT DETAILS		By	Date	No.
DRAWN BY	SM			
DATE	29/01/08	SCALE	NTS	
ORIGINAL DRAWING SIZE 210 x 298 (A4)				
DERBYSHIRE COUNTY COUNCIL IAN W STEPHENSON <small>BSc C.Eng M.I.C.E M.I.H.T</small> STRATEGIC DIRECTOR OF ENVIRONMENTAL SERVICES				
PROJECT TITLE				
FLINTSON AVENUE NEW WHITTINGTON CHESTERFIELD				
DRAWING TITLE				
PROPOSED DOUBLE YELLOW LINES				
DRAWING No.				
NET/SM/19/08				



Prohibition and Restriction of Waiting, On Street Parking and Clearways.

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IAN W. STEPHENSON BSc., CEng., MICE, MIHT
 Strategic Director of Environmental Services

DRAWING TITLE
 Tile Ref: CF107

SCALE 1 : 1250

DATE 21/12/2009

DRAWING No. 01

DRAWN BY