

DATED 11 FEBRUARY 2010

THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE DERBYSHIRE COUNTY COUNCIL

(NEW BEETWELL STREET, CHESTERFIELD)

**(PROHIBITION OF WAITING AND
PROHIBITION OF LOADING AND UNLOADING)
ORDER 2010**

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THE DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
(NEW BEETWELL STREET, CHESTERFIELD)
(PROHIBITION OF WAITING AND
PROHIBITION OF LOADING AND UNLOADING)
ORDER 2010

The Derbyshire County Council in exercise of its powers under Sections 1 and 2 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-second day of February Two thousand and Ten and may be cited as The Derbyshire County Council (New Beetwell Street, Chesterfield) (Prohibition of Waiting and Prohibition of Loading and Unloading) Order 2010.

2 INTERPRETATION

In this Order:-

2.1 "the County Council" means Derbyshire County Council.

2.2 "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.

2.3 "Pavement" means the remainder of the surfaced highway that is not constructed and used as Carriageway.

2.4 "Owner" in relation to a Vehicle, means the person by whom such Vehicle is kept and used.

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

2.6 "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.

2.7 "Pedal Cycle" means a cycle (which has the same meaning as that ascribed to it in Section 192 of The Road Traffic Act 1988).

2.8 "Disabled Person's Badge" has the same meaning as in the Disabled Persons (Exemption for Disabled Persons) (England) Regulations 2000.

2.9 "Disabled Person's Vehicle" means a Vehicle displaying Disabled Persons Badge in the relevant position as set out under Regulation 4 of the Local Authorities Orders (Exemption for Disabled Persons) (England) Regulations 2000.

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

2.11 "The 2004 Act" means the Traffic Management Act 2004.

2.12 "Electronic Communications Apparatus", "Electronic Communications Network" and any "Electronic Communications Line" shall have the same meaning as in the Communications Act 2003.

2.13 "Loading and Unloading" means the transference, from or to a Vehicle, to or from premises, of goods.

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, cause or permit any vehicle to wait at any time on any day on the lengths of road specified in Schedule 1 to this Order.

3.2 Save as provided in article 4, 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, cause or permit any vehicle to Load or Unload on the lengths of road specified in Schedule 2 of 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.

8 REVOCATION OF PREVIOUS ORDERS

Any permanent Waiting Restriction Traffic Regulation Order made prior to this Order insofar as they relate to the lengths of road listed below are hereby revoked.

SCHEDULE 1

NO WAITING AT ANY TIME

New Beetwell Street, Chesterfield

South side

From a point 43 metres west of its junction with South Place, in a westerly direction for a distance of 25.5 metres

From a point 68.5 metres west of its junction with South Place, in a westerly direction for a distance of 15.5 metres.

SCHEDULE 2

PROHIBITION OF LOADING AND UNLOADING AT ANY TIME

New Beetwell Street, Chesterfield

South side

From a point 43 metres west of its junction with South Place, in a westerly direction for a distance of 25.5 metres

From a point 68.5 metres west of its junction with South Place, in a westerly direction for a distance of 15.5 metres

THE COMMON SEAL of the Derbyshire)
County Council was hereunto affixed)
the Eleventh day of February Two)
thousand and Ten in the presence of:-)


Asst. County Secretary

Common Seal
2010/158

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PROPOSED

To make the existing SYL On-Street into DYL (No Waiting at Any Time) for the extents shown on the attached plan.

PROPOSED

To introduce a No Loading at Any Time ban (bllp markings) for the extents of the proposed DYL restrictions as per the extents shown on the attached plan.



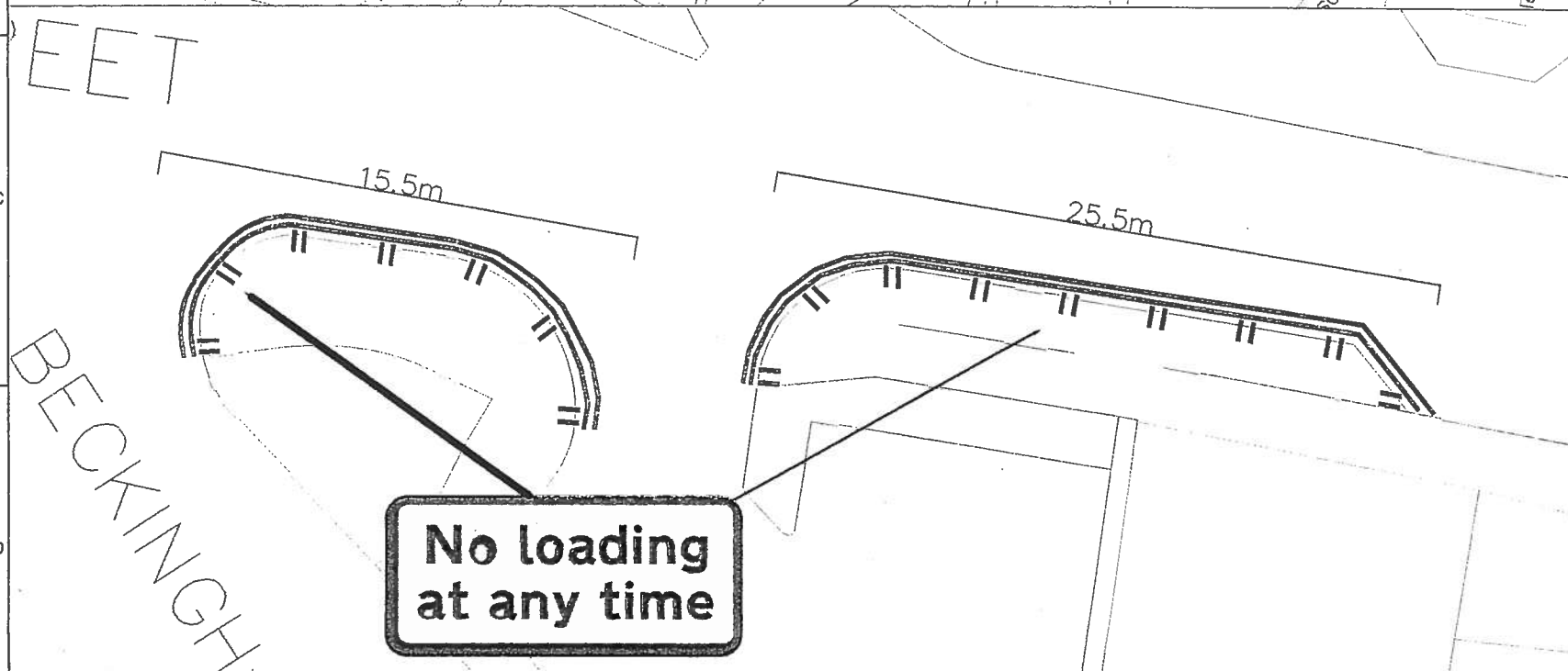
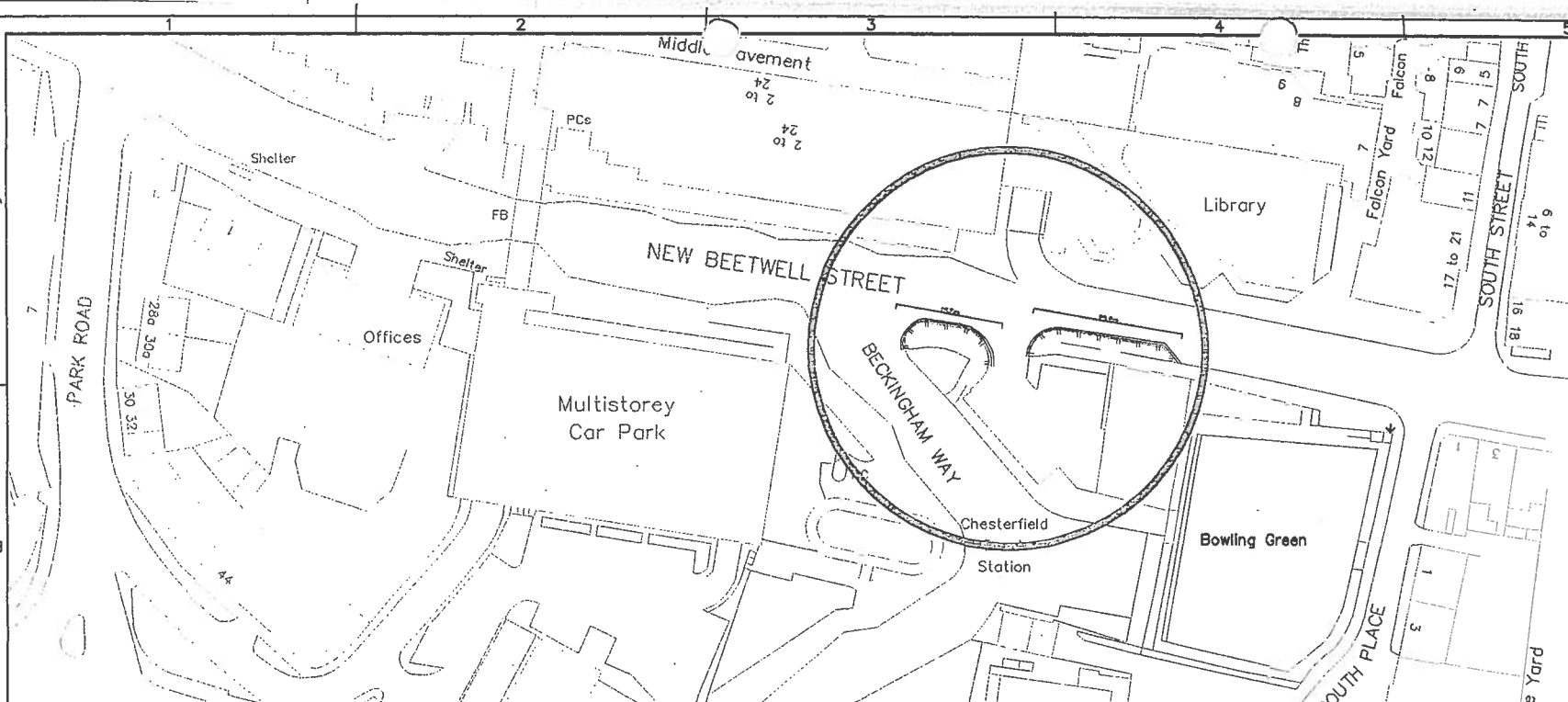
AMENDMENT DETAILS		By	Date	No.
DRAWN BY R. HANDBURY		SCALE NTS		
DATE JULY '09		ORIGINAL DRAWING SIZE 210 x 298 (A4)		

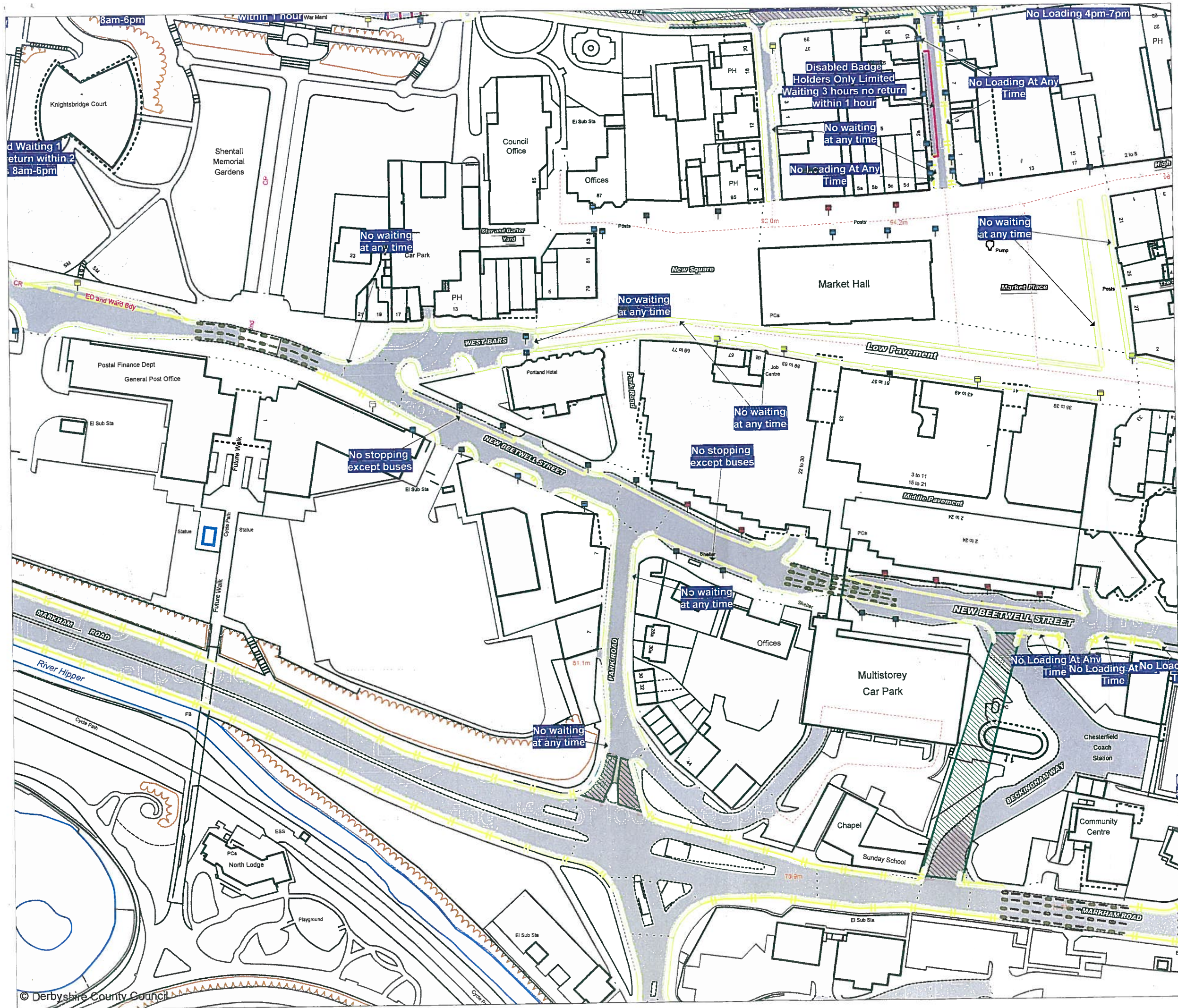
DERBYSHIRE COUNTY COUNCIL
IAN W STEPHENSON
BSc C.Eng M.I.C.E M.I.H.T
 STRATEGIC DIRECTOR OF ENVIRONMENTAL SERVICES

PROJECT TITLE
PROPOSED WAITING RESTRICTION AMENDMENTS

DRAWING TITLE
NEW_BEETWELL_ST TOWN_CENTRE CHESTERFIELD

DRAWING No.
NTA/RH/126/09





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

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DERBYSHIRE
 County Council
 Improving life for local people
 IAN W. STEPHENSON BSc., CEng., MICE, MIHT
 Strategic Director of Environmental Services

DRAWING TITLE
 Tile Ref: CT103

SCALE 1 : 1250

DATE 22/02/2010

DRAWING No. 01

DRAWN BY