

**DATED 09 DECEMBER 2010**

**DERBYSHIRE COUNTY COUNCIL**

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

**THE DERBYSHIRE COUNTY COUNCIL  
(RESIDENTS PARKING ZONE C EXTENSION)**

**CHESTERFIELD ORDER 2010**

**J McELVANEY**

**MATLOCK**

**Z2833**

## **DERBYSHIRE COUNTY COUNCIL**

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

### **THE DERBYSHIRE COUNTY COUNCIL (RESIDENTS PARKING ZONE C EXTENSION) CHESTERFIELD ORDER 2010**

Derbyshire County Council ("the Council") in exercise of its powers under Sections 1, 2, 4, 32, 35, 35A, 45, 46, 51, 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and Section 73 and Schedule 7 of the Traffic Management Act 2004, and after consultation with the Chief Constable of Derbyshire in accordance with Part III of Schedule 9 of the Act, The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and all other enabling powers hereby makes the following Order:-

#### **PART I**

#### **CITATION AND COMMENCEMENT**

1. The Order shall come into operation on the Twentieth day of December Two thousand and Ten and may be cited as "The Derbyshire County Council (Residents Parking Zone C Extension) Chesterfield Order 2010".

#### **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 "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;
  - 2.05 "Bus" has the same meaning as in Regulation 22 of The 2002 Regulations;
  - 2.06 "Business" means a sole trader, a partnership, company or registered charity trading from premises, the postal address of which is in a road, or part of a road, identified on The Map
  - 2.07 "Business Permit " means a Permit issued by the District Council to a Business occupying premises, the postal address of which is in a road or part of a road identified on The Map, which entitles the Permit Holder to leave that Vehicle in a Permit Holder Parking Place.

- 2.08 "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;
- 2.09 "CEO" means Civil Enforcement Officer and has the same meaning as in Section 76 of the 2004 Act;
- 2.10 "Delivering and Collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;
- 2.11 "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;
- 2.12 "District Council" means, in this Order, Chesterfield Borough Council.
- 2.13 "Doctor" means a 'fully registered person' as defined in section 55 of the Medical Act 1983;
- 2.14 "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 and issued under the provisions of this Order;
- 2.15 "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;
- 2.16 "Dual Purpose Vehicle" has the same meaning as defined in Part 1 Regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986;
- 2.17 Electronic Communications Apparatus, Electronic Communications Network and any Electronic Communications Line shall have the same meaning as in the Communications Act 2003;
- 2.18 "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;
- 2.19 "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;
- 2.20 "Goods" means goods or burden of any description;
- 2.21 "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;

- 2.22 "Heavy Commercial Vehicle" has the same meaning as defined in section 20 of the Road Traffic Act 1988;
- 2.23 "Invalid Carriage" has the same meanings as in Section 136 of the Act;
- 2.24 "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;
- 2.25 "Loading and Unloading" means the transference, from or to a Vehicle, to or from premises, of goods;
- 2.26 "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;
- 2.27 "Motor Car" and "Motorcycle" have the same meaning as in section 136 of the Act;
- 2.28 "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;
- 2.29 "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;
- 2.30 "Parking Place" means a length of road or any area of land authorised to be used as a parking place by this Order;
- 2.31 "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);
- 2.32 "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);
- 2.33 "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;
- 2.34 "Permit" means a Permit issued under the provisions of this Order;
- 2.35 "Permit Fee" means the fee payable to the District Council on application for a Permit to leave a Vehicle in a Specified User Parking Place;
- 2.36 "Permit Holder" means a person to whom a Permit has been issued under the provisions of this Order;
- 2.37 Permit Holder Parking Place means a Parking Place which is provided for the leaving of a Vehicle displaying a valid Permit as specified in this Order
- 2.38 "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;

2.39 "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) To a Permit means the front nearside of the Vehicle so that all the particulars are readily visible from the front nearside of the Vehicle.

2.40 "Resident" means a person whose usual place of abode, or Accessway, is situated in a road or part of a road specified in Schedule 1 The Map or in Schedule 3 of this Order.

2.41 "Resident's Permit" means a Permit, issued by the District Council, which entitles the Owner or registered keeper of such Vehicle or a person using the Vehicle with the Owner's or registered keeper's consent (other than a person using the Vehicle for hire or reward) to leave that Vehicle in a Permit Holder Parking Place;

2.42 "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);

2.43 "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,
- 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;

2.44 "The 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002 SI 2002/3113;

2.45 "Trailer" means any Vehicle other than a motor Vehicle, the same meaning as that ascribed to it in the Road Traffic Act 1988;

2.46 "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;

2.47 "Vehicle" means any mechanically propelled Vehicle intended or adapted for use on roads;

2.48 "Verge" means any part of a road which is not a Carriageway;

- 2.49 "Annual Visitor Permit" means a Permit issued by the District Council to a Resident for use by a Resident's visitor, in a Permit Holder Parking Place, which entitles the Owner or registered keeper of such Vehicle or person using the Vehicle with the Owner's or registered keepers consent (other than a person using the Vehicle for hire or reward) to leave that Vehicle in a Permit Holder Parking Place in accordance with the provisions of this Order. This type of Permit is issued annually and will have an expiry date.
- 2.50 "Single Day Visitor Permit" means a Permit issued by the District Council to a Resident for use by a Resident's visitor, in a Permit Holder Parking Place, which entitles the Owner or registered keeper of such Vehicle or person using the Vehicle with the Owner's or registered keepers consent (other than a person using the Vehicle for hire or reward) to leave that Vehicle in a Permit Holder Parking Place in accordance with the provisions of this Order. This type of permit may only be used on a single day.
- 2.51 "The 2004 Act" means the Traffic Management Act 2004;
- 2.52 "Dispensation/Waiver" means a specific exemption allowing non Permit Holders to park within Permit Holder Parking Places granted by the Parking Manager and reviewed at the Parking Manager's discretion.
- 2.53 "The Map" means the plans and index attached as Schedule 1
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 of 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.

## **9 Waiting Restrictions**

- 9.1 Save as provided in Articles 10, 11.1 and 12 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 any length of road specified as number 5.01 on The Map.

## **10 General Exemptions to Waiting Restrictions**

- 10.1 Nothing in Article 9 shall render it unlawful for any Vehicle to wait in the lengths of road referred to therein 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;
  - (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;

## **11 Disabled Persons Exemptions**

- 11.1 Nothing in Article 9.1 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 as number 5.01 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).

## **12 Public Service Vehicles**

- 12.1 Nothing in Article 9.1 shall apply to a Public Service Vehicle if it is waiting or standing within an area on the carriageway indicated by road markings complying with diagram 1025.1, 1025.3 or 1025.4 in Schedule 6 of the 2002 Regulations when it is used in conjunction with Traffic Sign diagram 974 or 975 or permitted variants thereof in Schedule 5 of the 2002 Regulations,

### **13 Parking Places and Permit Holder Parking Places**

- 13.1 Subject to the Articles of this Order, the area on the roads or sides of the roads identified and for the periods specified on The Map as number 13.05 (Permit Holders Only, Monday to Saturday, 8.00am to 6.00pm), under the conditions of use specified in Articles 13.5, 15, 16 and 21, shall be Permit Holder Parking Places.
- 13.2 Nothing in this Order shall render it unlawful to cause or permit any Vehicle displaying a valid Permit in accordance with Article 21 of this Order to wait in a Permit Holders Parking Place provided that such a Vehicle is parked in accordance with Article 16 of this Order between the hours of 8.00am and 6.00pm from Monday to Saturday on any length of road specified as number 13.05 on The Map.
- 13.3 Save as provided in Articles 14.1, 14.2, 14.3 and 14.5 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 between the hours of 8.00am and 6.00pm from Monday to Saturday for a period not exceeding 2 hours (not being a period separated by an interval of less than 1 hour from a period of waiting by the same Vehicle in the same length or on the same side of road on the same day) on any length of road specified as number 10.100 on The Map.
- 13.4 Save as provided in Articles 14.1, 14.2, 14.4 and 14.5 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 between the hours of 9.00am and 5.00pm from Monday to Saturday for a period not exceeding 2 hours (not being a period separated by an interval of less than 1 hour from a period of waiting by the same Vehicle in the same length or on the same side of road on the same day) on any length of road specified as number 10.103 on The Map.
- 13.5 Where a Vehicle, having been left in a Parking Place, remains there at the beginning of the periods specified in Articles 13.2, 13.3 and 13.4 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 periods specified in those Articles ,

### **14 General Exemptions to Parking Places and Permit Holder Parking Places**

- 14.1 Nothing in Articles 13 and 20 shall render it unlawful for any Vehicle to park in the lengths of road referred to in Articles 13.2, 13.3 and 13.4 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;
- (i) 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;

14.2 Nothing in Articles 13.2, 13.3 and 13.4 shall apply to a Public Service Vehicle if it is waiting or standing in an area of the carriageway indicated by road markings complying with diagram 1025.1, 1025.3 or 1025.4 or permitted variants thereof in Schedule 6 of the 2002 Regulations when it is used in conjunction with either Traffic Sign diagram 974 or 975 or permitted variants thereof in Schedule 5 of the 2002 Regulations.

14.3 Nothing in Article 13.3 shall render it unlawful to cause or permit any Vehicle displaying a valid Permit in accordance with Article 21 of this Order to wait for a period in excess of 2 hours provided that such a Vehicle is parked in accordance with Article 16 between the hours of 8.00am and 6.00pm from Monday to Saturday on any length of road specified as number 10.100 on The Map.

14.4 Nothing in Article 13.4 shall render it unlawful to cause or permit any Vehicle displaying a valid Permit in accordance with Article 21 of this Order to wait for a period in excess of 2 hours provided that such a Vehicle is parked in accordance with Article 16 between the hours of 9.00am and 5.00pm from Monday to Saturday on any length of road specified as number 10.103 on The Map.

14.5 Nothing in Articles 13.2, 13.3 and 13.4 shall apply to a Dispensation/Waiver issued by the Parking Manager.

## **15 Restriction of Use of Vehicles**

### **(Parking Places)**

15.1 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.

15.2. 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 13 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.

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

16.1 Every Vehicle left in a Parking Place specified, 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, 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) in the case of a Parking Place in relation to which special provisions as to the manner of standing of Vehicles in that place are specified as to be in accordance with those provisions;
- (3) in the case of any other Parking Place:  
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;

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; and
- (4) that every part of the Vehicle is 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.

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

17.1. (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.

- 17.2. Nothing in Article 17.1 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.

## **18 Disabled Badge Holders Only Parking Places**

- 18.1 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, other than a Disabled Person's Vehicle to park in a Disabled Badge Holders Only Parking Place specified as number 14.01 on The Map.
- 18.2 Where 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.
- 18.3 Nothing in this Order shall render it unlawful for a Disabled Person's Vehicle to park in a Disabled Badge Holders Only Parking Place provided that such a Vehicle is parked within the limits of the bay.

## **PERMITS**

### **19 Application for a permit**

- 19.1 Any application for a Permit shall be made on the appropriate form issued and obtainable from the District Council and shall include all information required by such forms and the payment of the appropriate fee as detailed in Schedule 2 of this Order.
- 19.2 The Council or District Council may at any time require an applicant for a Permit to produce to an Officer of that Council such evidence in respect of an application for any Permit to be made to it as it may require to verify any information given to it.

### **20 Scale of Charges**

- 20.1 The scale of charges for Permits is specified in Schedule 2 of this Order.

- 20.2. All Permits shall be valid for twelve months starting from the date of issue unless specified in Schedule 3 of this Order which details the conditions of Permit issue relevant to that Parking Place.

## **21 Position of Permit**

- 21.1. Throughout the times of operation during which the Vehicle is left in a Permit Holder Parking Place specified on The Map as number 13.05 (Permit Holders Only, Monday to Saturday, 8am to 6pm) and for a period exceeding 2 hours on any length of road specified on The Map as number 10.100, (2 hours limited waiting between the hours of 8.00am and 6.00pm from Monday to Saturday, Permit Holders exempt), or 10.103 (2 hours limited waiting between the hours of 9.00am and 5.00pm from Monday to Saturday, Permit Holders exempt) there shall be displayed a valid Permit in respect of that Vehicle so that all the details included on the Permit are readily visible and displayed.

## **22 General Conditions of Issue**

- 22.1. (i) A Permit Holder may surrender the Permit to the District Council at any time and shall surrender the Permit to District Council on the occurrence of any of the events set out in paragraph (iii) of this Article.

(ii) The District Council may, by notice in writing delivered to the Permit Holder by leaving it at or by sending it by recorded delivery post to the address shown by that person on the application for the Permit or at any other address believed to be that person's residence (a) withdraw a Permit if it appears to the District Council that any one of the events set out in this Article has occurred and the Permit Holder shall surrender the Permit to the District Council within forty eight hours from the service of a notice of cancellation; and (b) deem a Permit to cease to be valid.

(iii) The events referred to in the foregoing provisions of this Article are:-

- a) the Permit Holder ceasing to be a Resident;
- b) the Permit Holder ceasing to be either the Owner or the primary user of the Vehicle in respect of which the Permit was issued;
- c) the Vehicle in respect of which such Permit was issued being adapted or used in such a manner that it is not a Vehicle of any of the classes specified in Schedule ;
- d) the issue of a duplicate Permit by the District Council under the provisions of Article 22.2 of this Order or
- e) the failure by a Permit Holder to supply any evidence required of him pursuant to paragraph (v) of this Article.
- f) in the case of a fully registered person holding a Doctor's Parking Permit: ceasing to be used by a fully registered person who is liable to be called of necessity to emergencies away from the surgery or consulting room shown on the application for the Permit to the extent that the need for special parking arrangements is justified or the revocation of the designation of the Parking Place in respect of which the Permit was issued

(iv) A permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any one of the events set out in paragraph (ii) of this Article, whichever is the earlier.

(v) The Council or District Council may at any time require a Permit Holder to supply to an Officer such evidence in respect of any Permit issued by it as it may require.

- 22.2. (i) If a Permit is mutilated or defaced or the figures or particulars on it have become illegible or the colour of the Permit has become altered by fading or otherwise, the Permit Holder shall surrender it to the District Council

and may apply to the District Council for the issue to him of a duplicate Permit. The District Council, upon receipt of the Permit if such receipt is accompanied by an application for a duplicate Permit, shall issue a duplicate Permit so marked.

(ii) If a Permit is lost or destroyed, the Permit Holder may apply to the District Council for the issue of a duplicate Permit. The District Council, upon being satisfied as to such loss or destruction, shall issue a duplicate Permit so marked.

(iii) The provisions of Article 23 and Schedule 3 to this Order which specify the additional conditions of Permit issue specific to that Resident's Parking Place, shall apply to a duplicate Permit and an application for a duplicate Permit as if it were a Permit, or as the case may be, an application therefore.

22.3 A permit shall be in writing and shall include the particulars stated as being required for that scheme as specified in the Articles of this Order.

22.4 Where a Permit has been displayed on a Vehicle in accordance with the provisions of Article 21 of this Order, no person, not being the Owner of the Vehicle, shall remove the permit from the Vehicle unless authorised to do so by the Owner of the Vehicle.

### **23 Specific Conditions of Issue**

23.1 Any Permit shall be issued in accordance with Article 22, the General Conditions of Issue. Any further Specific Conditions of Issue specific to that Parking Place are listed in Schedule 3 of this Order.

23.2 The District Council, within whose administrative area the Parking Place occurs, shall issue a Permit according to the General Conditions of Issue in Article and to the Specific Conditions of Issue specified in Schedule 3 of this Order:-

### **24 Revocations**

24.1 Any permanent Traffic Regulation Orders made prior to this Order, insofar as they relate to the lengths of road within the Zone C Extension specified on The Map, insofar as they relate to the prohibitions and restrictions shown on The Map, are hereby revoked.

## **Schedule 1**

### **The Map**

The Map comprised of plans numbered CQ103 and CR103 which contain particulars of the restrictions introduced by this Order and their associated index.

## **Schedule 2**

### **Scale of Charges for Permits**

1. The charge in connection with the issue of a permit for the leaving of a vehicle in any Permit Holder's Parking Place, unless specified otherwise, during the prescribed hours shall in respect of a:-
  - (i) Residents' Permit be £26.00 per annum for the first vehicle in a property;
  - (ii) a second and subsequent residents' permit for vehicles in a property be £50.00 per annum;
  - (iii) Business Permit be £50.00 per annum;
  - (iv) Visitor Permits be £10 per annum; one per household

- (v) Single Day Visitor Permits (scratch cards) £3 each limited to 25 per property, per annum
- (v) Registered Charities will receive two free visitor permits
- (vi) Disabled Residents – No charge (subject to a mobility assessment by area Social Services)

### **Schedule 3**

1. The properties fronting onto
  - Highfield Road – property numbers 2-30 and 1-5
  - Madin Street
  - New Queen Street
  - Princess Street
  - Newbold Road – property numbers 69 – 89 (odd numbers only)Chesterfield are hereby designated as being able to apply for a Permit for the Permit Holders Parking Places
2. The areas of highway on
  - Highfield Road
  - Madin Street
  - New Queen Street
  - Princess Street

specified on The Map as numbers 13.05, 10.100 and 10.103 shall be designated Parking Places with exemptions for Permit Holders and may be used, subject to the provisions of this Order.

3. Any Resident of a property specified in paragraph 1 of this Schedule who is the Owner, registered keeper or the primary user of a Vehicle may apply, to the District Council for the issue of a Resident's Permit for the leaving of that Vehicle in a Permit Holder's Parking Place in the length of road specified on the Permit.
4. A Permit shall display the Vehicle registration number, date of expiry and scheme name and authentication by the District Council.
5. A Permit Holder may surrender the Permit to the District Council at any time and shall surrender the Permit to the District Council on the occurrence of any of the events set out in Article 22 and the Permit Holder shall surrender the Permit to the Council within 48 hours of the receipt of such notice.
6. A Permit shall cease to be valid at the expiration of the period specified thereon, which period shall be that in respect of which payment has been made or on the occurrence of any one of the events set out in Article 22, whichever is the earlier.
7. Where a Permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the Permit shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such Permit was issued by sending the same to the Permit Holder at the address whom by that person on the application for the Permit or at any other address believed to be that person's place or abode, require that person to surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.
8. A Permit Holder who surrenders a Permit to the Council before the Permit becomes valid shall be entitled to a refund of the charge paid in respect of the issue thereof.

9. A Permit Holder who surrenders a Permit to the Council after the Permit has become valid shall not be entitled to a refund.
- 10 - Any Resident of a property specified in paragraph 1, may apply, to the District Council for the issue of an Annual Visitors Permit for the leaving of a Vehicle in a Permit Holder's Parking Place in the length of road specified on the Permit and any such application shall be made on a form obtainable from the District Council and shall provide the information required by such a form. Paragraphs 4, 5, 6, 7, 8, and 9 also apply to Annual Visitor Permits.
- 11 Any Resident of a property specified in paragraph 1, may apply, to the District Council for the issue of a Single Day Visitor Permit for the leaving of a Vehicle in a Permit Holder's Parking Place in the length of road specified on the Permit and any such application shall be made on a form obtainable from the District Council and shall provide the information required by such a form. The number of such permits available to residents per household, per annum is 25, however should extra Single Day Visitor Permits be required a written request for further permits may be sent to the Parking Manager for his consideration.
- 12 The proprietor or manager of any business located on any of the roads specified in paragraph 1 for which a Vehicle is essential for the operational needs of the business may apply to the District Council for the issue of one business permit for a Permit Holders Parking Place only for the leaving of that Vehicle in a Permit Holders Parking Place. Any such application shall be made on a form obtainable from the District Council and shall provide the information required.

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

*John McElroy*

Director of Legal Services

Number in Seal  
Book. 2010/1125

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

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PROPOSED



IAN W. STEPHENSON BSc. (Hons) MSc. (Hons)  
Derbyshire County Council

DRAWING TITLE

Title Ref: CR103

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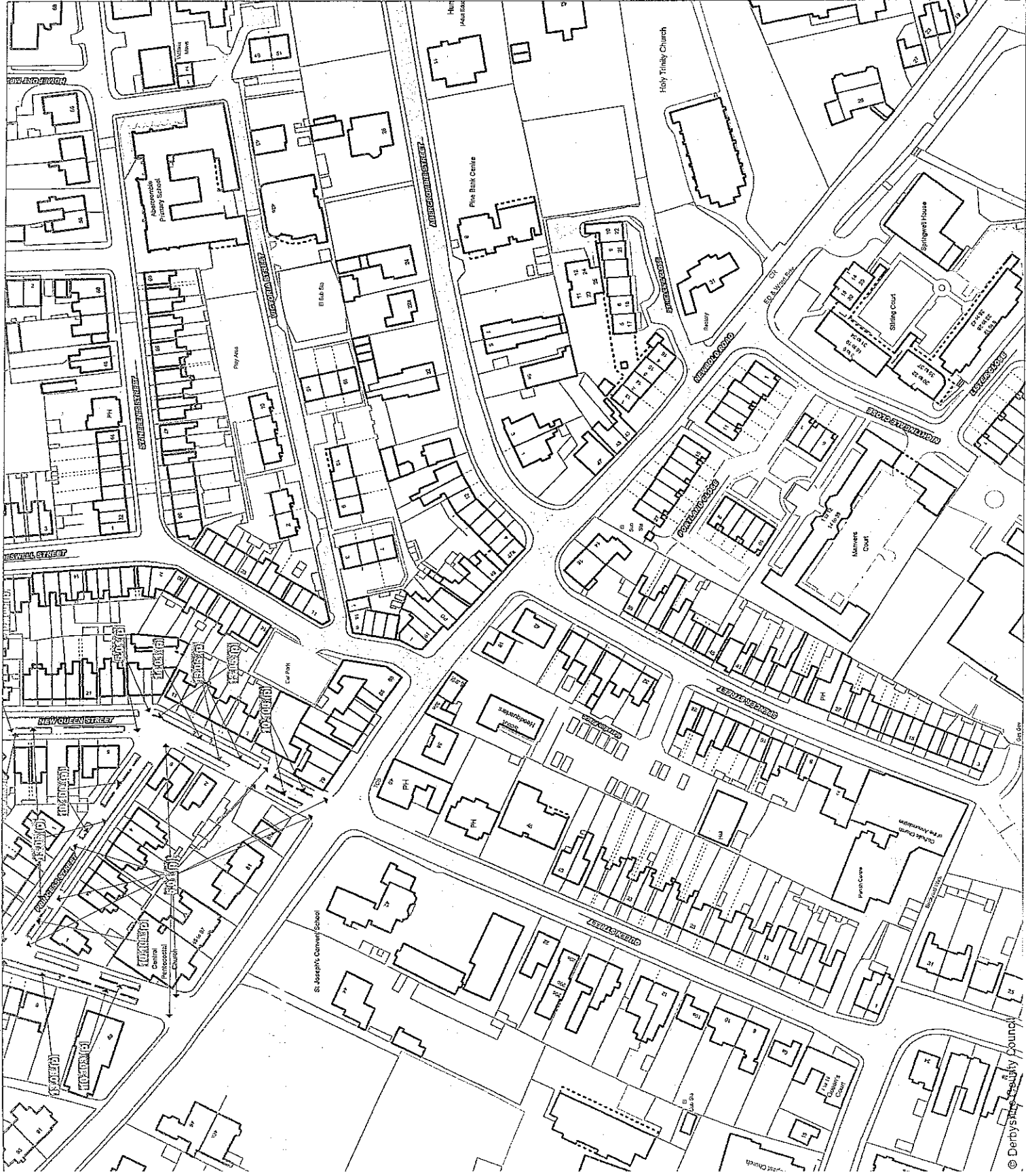
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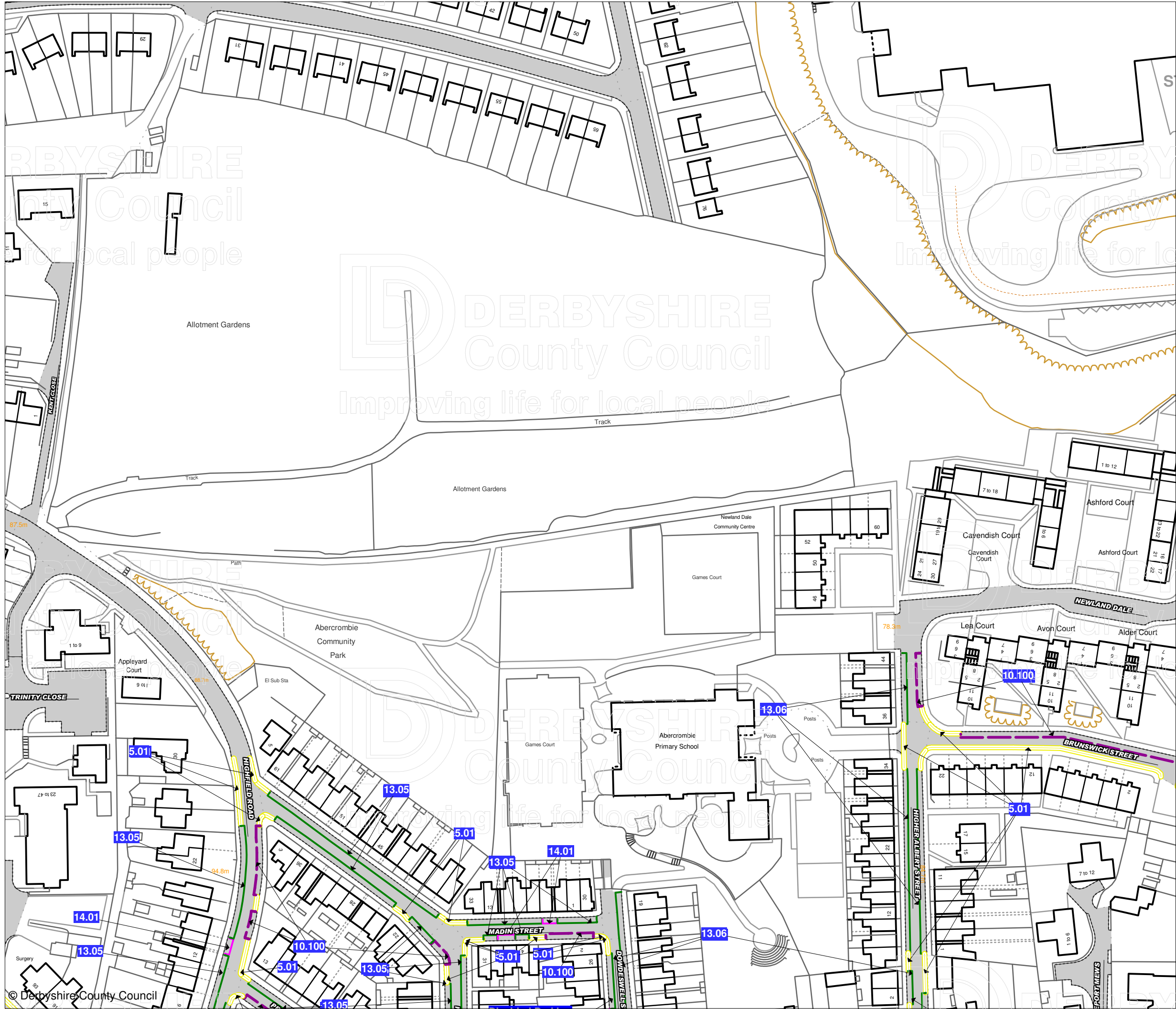
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**DERBYSHIRE**  
County Council  
Improving life for local people

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

DRAWING TITLE

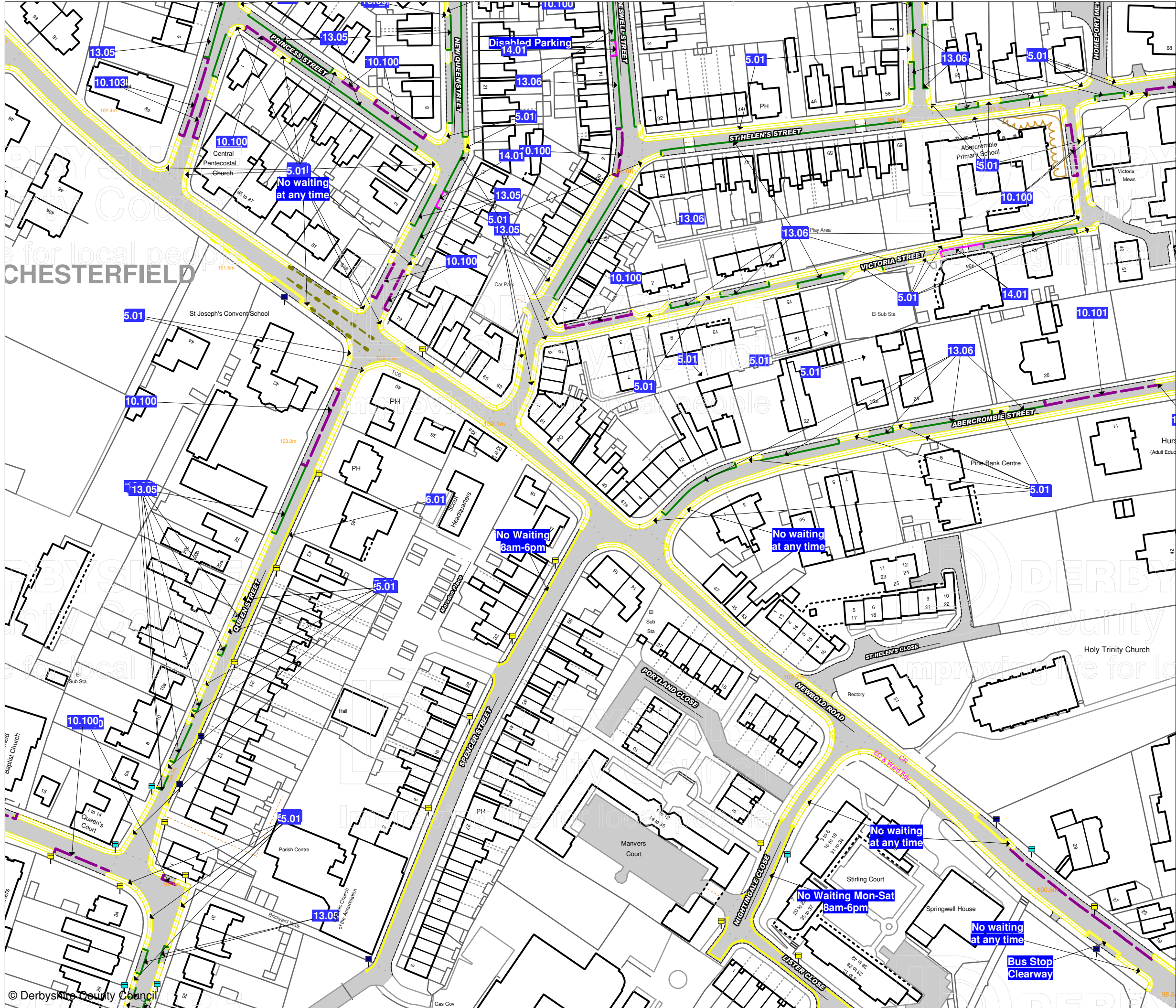
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Strategic Director of Environmental Services

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Bus Stop  
Clearway