

DATED 03 MARCH 2011

THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE DERBYSHIRE COUNTY COUNCIL

(DUNSMORE WAY, SWADLINCOTE)

**(SCHOOL KEEP CLEAR RESTRICTIONS
AND PROHIBITION OF WAITING)
ORDER 2011**

J McELVANEY

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THE DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
(DUNSMORE WAY, SWADLINCOTE)
(SCHOOL KEEP CLEAR RESTRICTIONS AND
PROHIBITION OF WAITING) ORDER 2011

The Derbyshire County Council in exercise of its powers under Sections 1, 2 and 4 of the Road Traffic Regulation Act 1984 ("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 AND COMMENCEMENT

This Order shall come into operation on the Fourteenth day of March Two Thousand and Eleven and may be cited as "The Derbyshire County Council (Dunsmore Way, Swadlincote) (School Keep Clear Restrictions and Prohibition of Waiting) Order 2011".

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

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

2.5 "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.

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

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

2.8 "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.

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

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

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

2.12 "Goods" means goods or burden of any description.

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 4.1 and 4.2 of this Order, no Vehicle, except upon the direction or with the permission of a Police Constable in uniform, or a CEO, shall stop or wait on the School Keep Clear Markings indicated by road markings complying with diagram 1027.1 in Schedule 6 of the 2002 Regulations when it is used on conjunction with Traffic Sign diagram 642.2A in Schedule 2 of the 2002 Regulations, or permitted variants thereof, between the hours of 8am and 4pm, (Monday to Friday Only), on the length of road specified in Schedule 1 to this Order.

3.2 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 between the hours of 8.15am and 9.15am and 2.45pm and 3.45pm (Monday to Friday only) on the length of road specified in Schedule 2 to this Order.

4 GENERAL EXEMPTIONS

4.1 The controls specified in Article 3 do not apply in the respect of a Vehicle waiting;

- a) if the person in control of the Vehicle is
 - (i) required by law to stop or not to proceed;
 - (ii) obliged to stop so as to avoid an accident;
 - (iii) prevented from proceeding by circumstances beyond the person's control;
- b) for so long as may be necessary to enable the Vehicle, if it cannot conveniently be used for such purpose in any other road, to be used
 - (i) in connection with any building operation or demolition;
 - (ii) in connection with the removal of any obstruction to traffic;
 - (iii) opening or closing 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;
 - (iv) using the Vehicle for fire brigade, ambulance or police purposes;

5.4 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.

5.5 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 3.2 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 1

SCHOOL KEEP CLEAR RESTRICTIONS

NO STOPPING 8 AM TO 4 PM

MONDAY TO FRIDAY

ON SCHOOL KEEP CLEAR MARKINGS

Dunsmore Way, Swadlincote

North west side

From a point 28 metres west of the centre line of Winchester Drive in a south westerly direction for a distance of 51 metres.

SCHEDULE 2

NO WAITING 8.15AM TO 9.15AM

AND 2.45PM TO 3.45PM

MONDAY TO FRIDAY

Dunsmore Way, Swadlincote

South east side

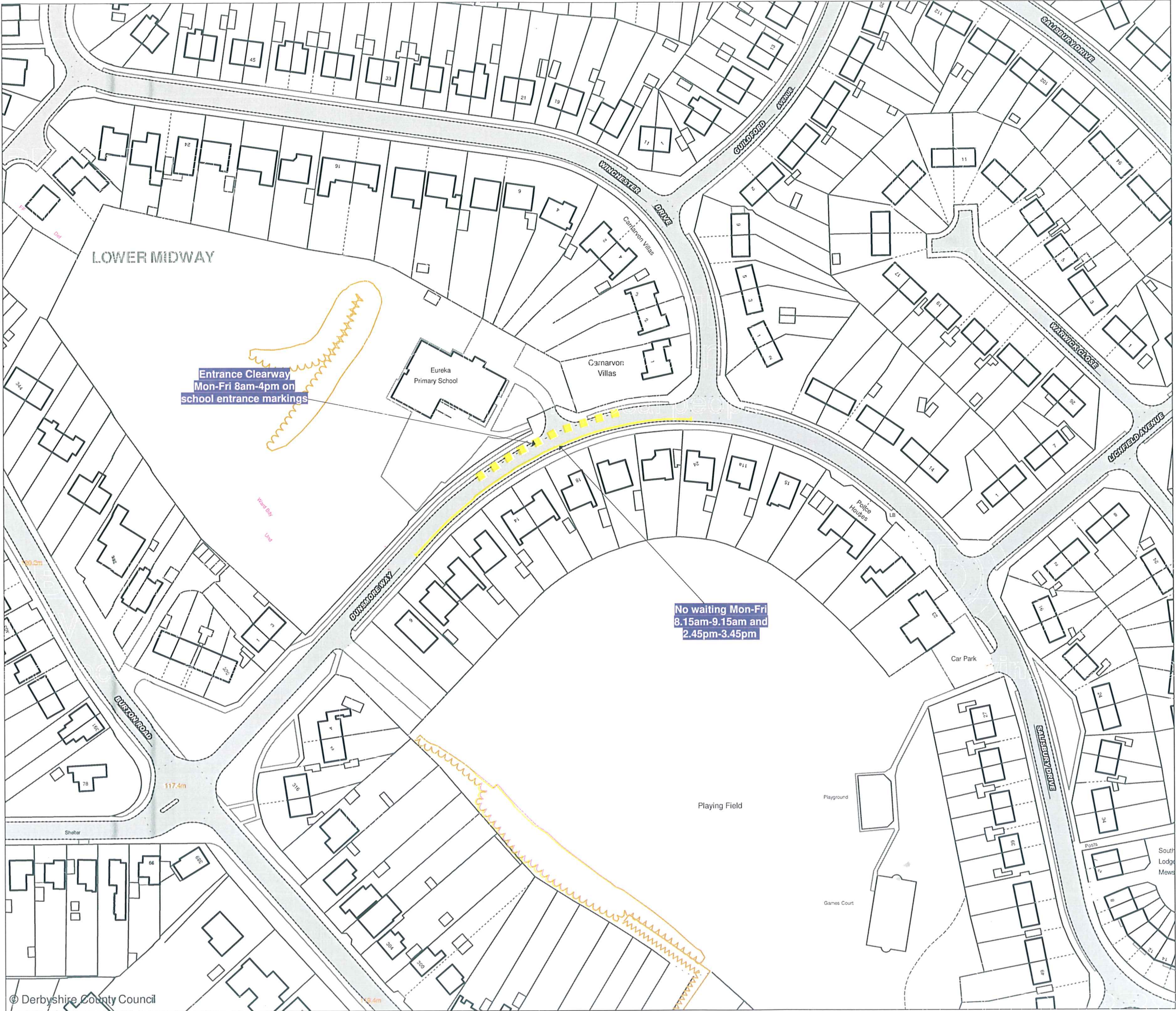
From a point 6 metres opposite the centre line of Winchester Drive in a south westerly direction for a distance of 118 metres.

THE COMMON SEAL of the Derbyshire
County Council was hereunto affixed
the Third day of March Two thousand
and Eleven in the presence of:-

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Karen R. O'Leary
Director of Legal Services

Number in Seal
Book - 2011/194



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

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CONFIRMED



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

DRAWING TITLE

Tile Ref: IO85

SCALE 1 : 1250

DATE 14/03/2011

DRAWING No. 4

DRAWN BY