

**DATED 06 JANUARY 2011**

**THE DERBYSHIRE COUNTY COUNCIL**

**ROAD TRAFFIC REGULATION ACT 1984**

**THE DERBYSHIRE COUNTY COUNCIL**

**(BELMONT STREET, CHURCH STREET AND  
MIDWAY ROAD, SWADLINCOTE)**

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

**J McELVANEY**

**MATLOCK**

**Z2843**

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**ROAD TRAFFIC REGULATION ACT 1984**

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**(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 Seventeenth day of Two thousand and Eleven and may be cited as "The Derbyshire County Council (Belmont Street, Church Street and Midway Road, 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 5pm, (Monday to Friday only), on the lengths of road specified in Schedule 1 to this Order.

3.2 Save as provided in articles 4, 6 and 7 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 8.30am and 9.15am and 2.45pm and 3.45pm (Monday to Friday only) on the lengths 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;
- (v) using the Vehicle in connection with the maintenance, improvement or reconstruction of the highway comprising or including the Carriageway;
- (vi) using the Vehicle in the service of a local authority or of a water company in pursuance of statutory duties or powers.
- (vii) 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;

4.2 The controls specified in Article 3 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.

4.3 Nothing in Article 3.2 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 to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths of road;
- (iii) 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;
- (iv) Goods to be loaded or unloaded from the Vehicle.

## **6 DISABLED PERSONS' EXEMPTIONS**

6.1 Nothing in Article 3.2 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).

6.2 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.

6.3 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.

6.4 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".

## **7 PUBLIC SERVICE VEHICLES**

7.1 Nothing in Article 3.2 shall apply to a Public Service Vehicle.

## **8 EFFECT OF ORDER**

8.1 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 8AM TO 5PM**

### **MONDAY TO FRIDAY**

### **ON SCHOOL KEEP CLEAR MARKINGS**

## **BELMONT STREET**

### **North side**

From a point 61 metres west of its junction with Church Street in a westerly direction for a distance of 39 metres.

## **CHURCH STREET**

### **West side**

From a point 11 metres south of its junction with Belmont Street in a southerly direction for a distance of 50 metres

## SCHEDULE 2

NO WAITING 8:30 AM TO 9:15 AM AND 2:45 PM TO 3:45 PM  
MONDAY TO FRIDAY

### CHURCH STREET

#### West side

From its junction with Belmont Street in a southerly direction for a distance of 11 metres.

### MIDWAY ROAD

#### West side

From its junction with Belmont Street in a northerly direction for a distance of 20 metres.

### BELMONT STREET

#### North side

From its junction with Midway Road in a south westerly direction for a distance of 24 metres.

#### South side

From its junction with Church Street in a south westerly direction for a distance of 71 metres.

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

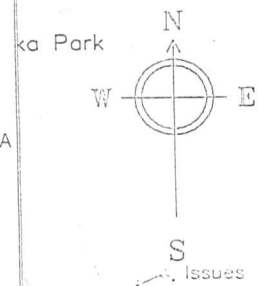
*Jacqueline Cain*

*Spady*

Director of Legal Services

Number in Seal  
Book, 2011 | 13





Proposed No Waiting Mon - Fri, 8.30 - 9.15am and 2.45 - 3.45pm  
Belmont Street - north side from its junction with Midway Road in a south westerly direction for a distance of 24 metres  
Midway Road - west side from its junction with Belmont Street in a northerly direction for a distance of 20 metres

Proposed No Stopping on School keep Clear markings and zig zags  
Mon - Fri, 8 am - 5pm  
Belmont Street - north side from a point 61 metres west of its junction with Church Street in a westerly direction for a distance of 39 metres

Proposed No Waiting Mon - Fri, 8.30 - 9.15am and 2.45 - 3.45pm  
Belmont Street - south side From its junction with Church Street in a south westerly direction for a distance of 71 metres  
Church street - west side from its junction with Belmont Street in a southerly direction for a distance of 11 metres

Proposed No Stopping on School Keep Clear markings and zig zags  
Mon - Fri 8.00am - 5.00pm  
Church Street - west side from a point 11 metres from its junction with Belmont Street in a southerly direction for a distance of 50 metres

**Key**  
Belmont Street / Church Street / Midway Road, Swadlincote  
Existing Junction protection markings  
  
Proposed No Waiting Mon - Fri, 8.30 - 9.15am and 2.45 - 3.45pm  
  
School Keep Clear markings  
Proposed No Stopping on School keep Clear markings and zig zags  
Mon - Fri, 8.00am - 5.00pm  
SCHOOL - KEEP - CLEAR

AMENDMENT DETAILS			
NO.	DATE	BY	REASON
1	21st Dec 2010		N.T.S.

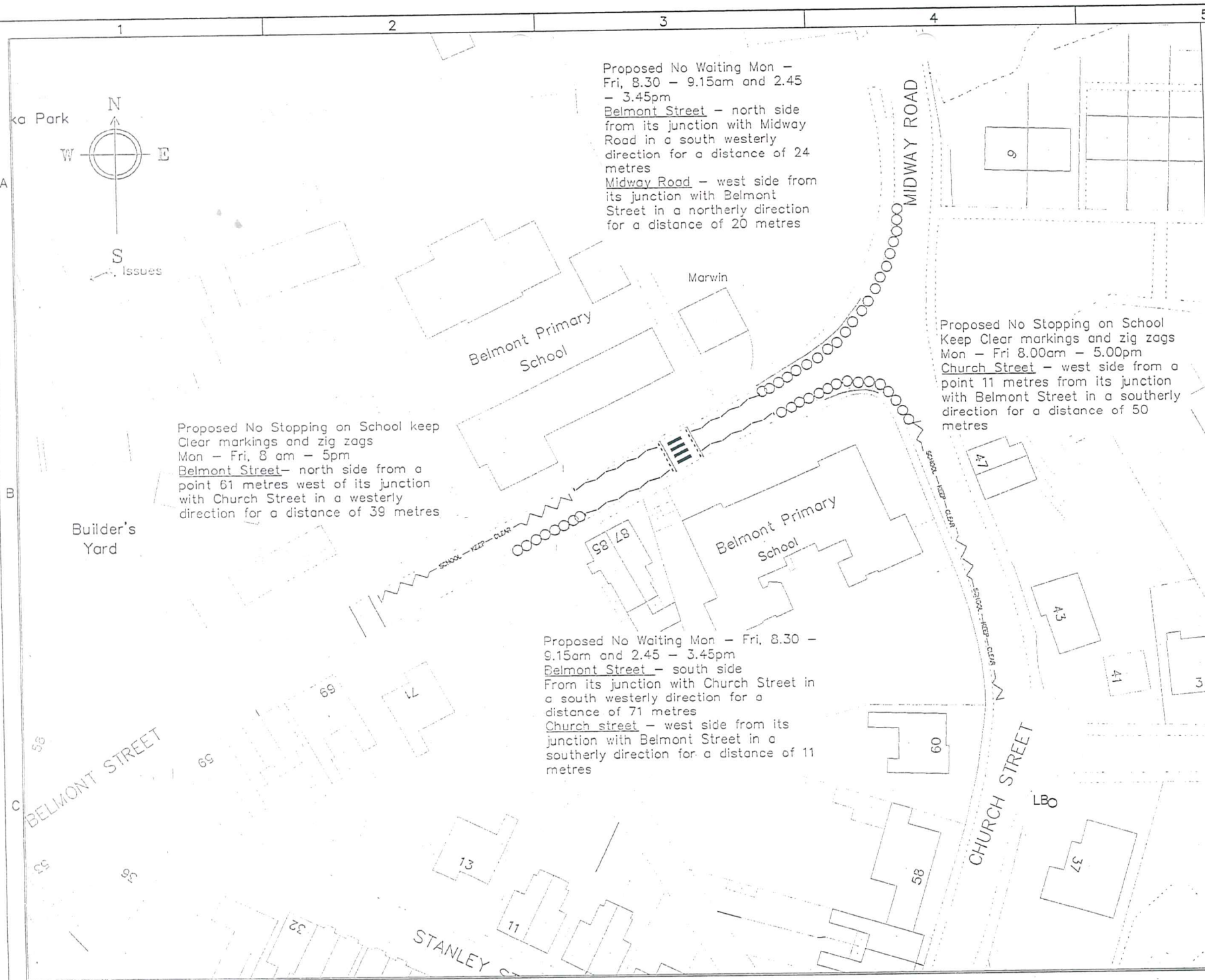
**DERBYSHIRE**  
COUNTY COUNCIL  
**Ian Stephenson**  
BSc (Eng), MICE, MUIT.  
Strategic Director of Environmental Services

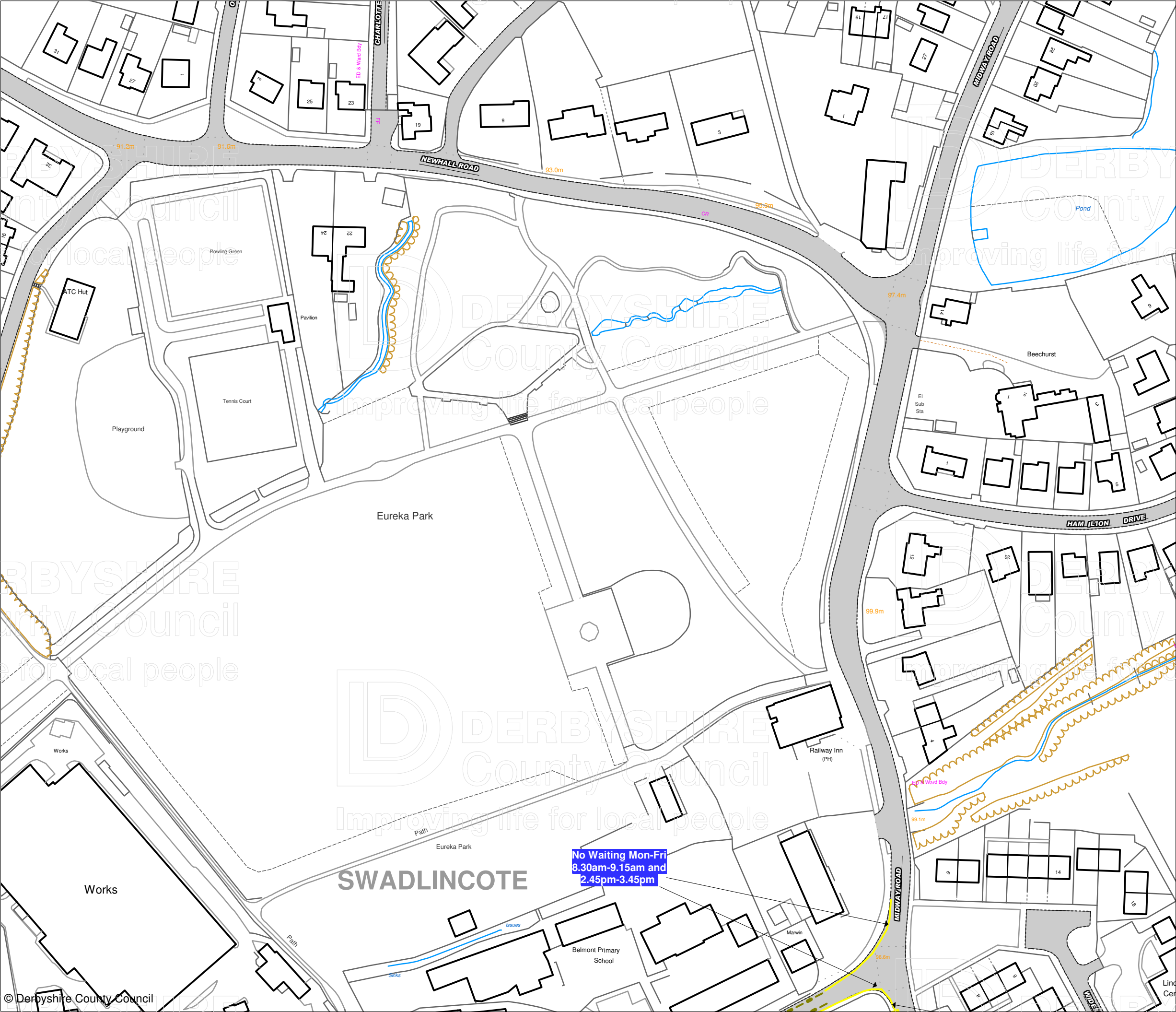
Ordinance Survey  
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**PROJECT TITLE**  
Proposed No Stopping and No Waiting

Belmont Street, Swadlincote

CLIENT DRAWING No. **391**  
SET/KH/000/10





**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: IP83

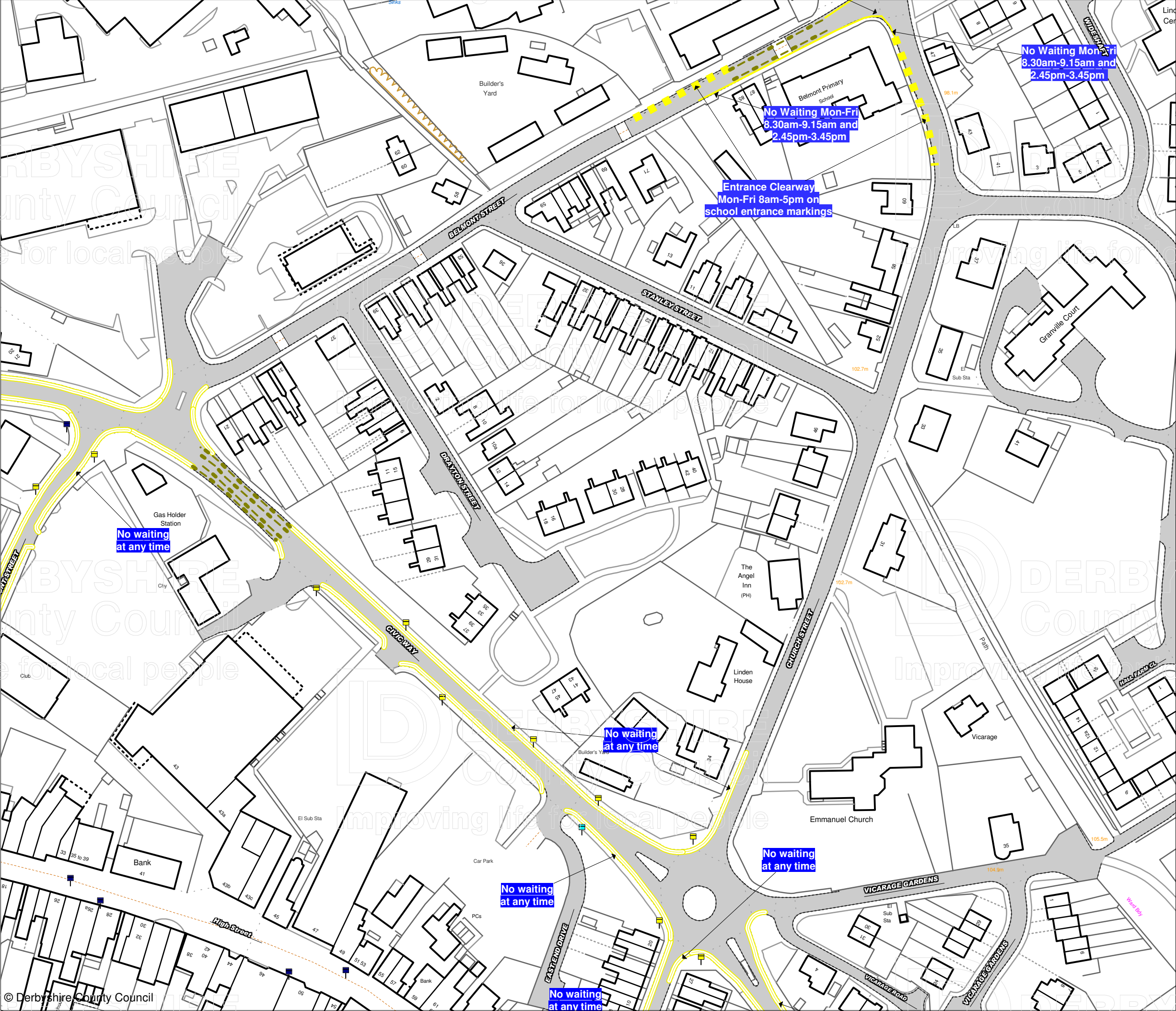
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DATE 17/01/2011

DRAWING No. 2

DRAWN BY





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

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CONFIRMED



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

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

DRAWING TITLE

Tile Ref: IQ83

SCALE 1 : 1250

DATE 17/01/2011

DRAWING No. 2

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