

**DATED 08 JULY 2010**

**THE DERBYSHIRE COUNTY COUNCIL**

**ROAD TRAFFIC REGULATION ACT 1984**

**THE DERBYSHIRE COUNTY COUNCIL**

**(SUNNYSIDE AND BRETBY ROAD, NEWHALL)**

**(SCHOOL KEEP CLEAR RESTRICTIONS AND  
PROHIBITION OF WAITING) ORDER 2010**

**D W TYSOE**

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**THE DERBYSHIRE COUNTY COUNCIL**

**ROAD TRAFFIC REGULATION ACT 1984**

**(SUNNYSIDE AND BRETBY ROAD, NEWHALL)**

**(SCHOOL KEEP CLEAR RESTRICTIONS AND  
PROHIBITION OF WAITING) ORDER 2010**

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 Nineteenth day July of Two thousand and Ten and may be cited as "The Derbyshire County Council (Sunnyside and Bretby Road, Newhall) (School Keep Clear Restrictions and Prohibition of Waiting) 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.

### **3 WAITING RESTRICTIONS**

3.1 Save as provided in Article 4 of this Order, no Vehicle 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 5, 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 8am and 9am and 2.30pm and 4pm (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 3.1 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 3.1 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 The controls specified in Article 3.1 of this Order do not apply to anything done with the permission or at the direction of a Police Constable in uniform or a CEO.

## **5 GENERAL EXEMPTIONS**

5.1 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, 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 Electronic Communications Line;
- (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 of a universal service provider (as defined in Section 4 of The Postal Services Act 2000) to be used for the purpose of delivering or collecting mail;
- (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) 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



(vii) the Vehicle to be used for fire brigade, ambulance or police purposes;

or

(viii) 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 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 to wait in the lengths of road referred to in that Article.

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 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.

6.4 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.

6.5 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".

## **7 PUBLIC SERVICE VEHICLES**

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

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 8 AM TO 5 PM**

#### **MONDAY TO FRIDAY**

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

#### **Bretby Road, Newhall**

##### **West side**

From a point 46 metres south of its junction with Sunnyside in a southerly direction for a distance of 30 metres.

## **SCHEDULE 2**

### **NO WAITING 8AM TO 9AM AND 2.30PM TO 4PM**

#### **MONDAY TO FRIDAY**

#### **Sunnyside, Newhall**

##### **North side**

From a point 48 metres west of its junction with Bretby Road in a westerly direction for a distance of 25 metres.

From a point 105 metres west of its junction with Bretby Road in a westerly direction for a distance of 26 metres.

#### **Bretby Road, Newhall**

##### **East side**

From a point 27 metres north of its junction of High Street in a northerly direction for a distance of 90 metres.

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



Asst. Director of Legal Services

Number in Seal  
Book - 2010/680



**Key**

Sunnyside and Bretby Road, Newhall

Proposed Prohibition of Waiting and Stopping

Existing Prohibition of Waiting Mon – Fri, 8am – 5pm

Proposed Prohibition of Waiting Mon – Fri, 8am – 9.00 and 2.30 – 4pm

Existing Prohibition of Stopping on School Keep Clear markings on Sunnyside

Proposed Prohibition of Stopping on School Keep Clear markings Mon – Fri 8am – 5pm on Bretby Road

AMENDMENT DETAILS

DATE: 5 Nov 2009

BY: [Signature]

FOR: [Signature]

SCALE: N.T.S.

DERBYSHIRE COUNTY COUNCIL

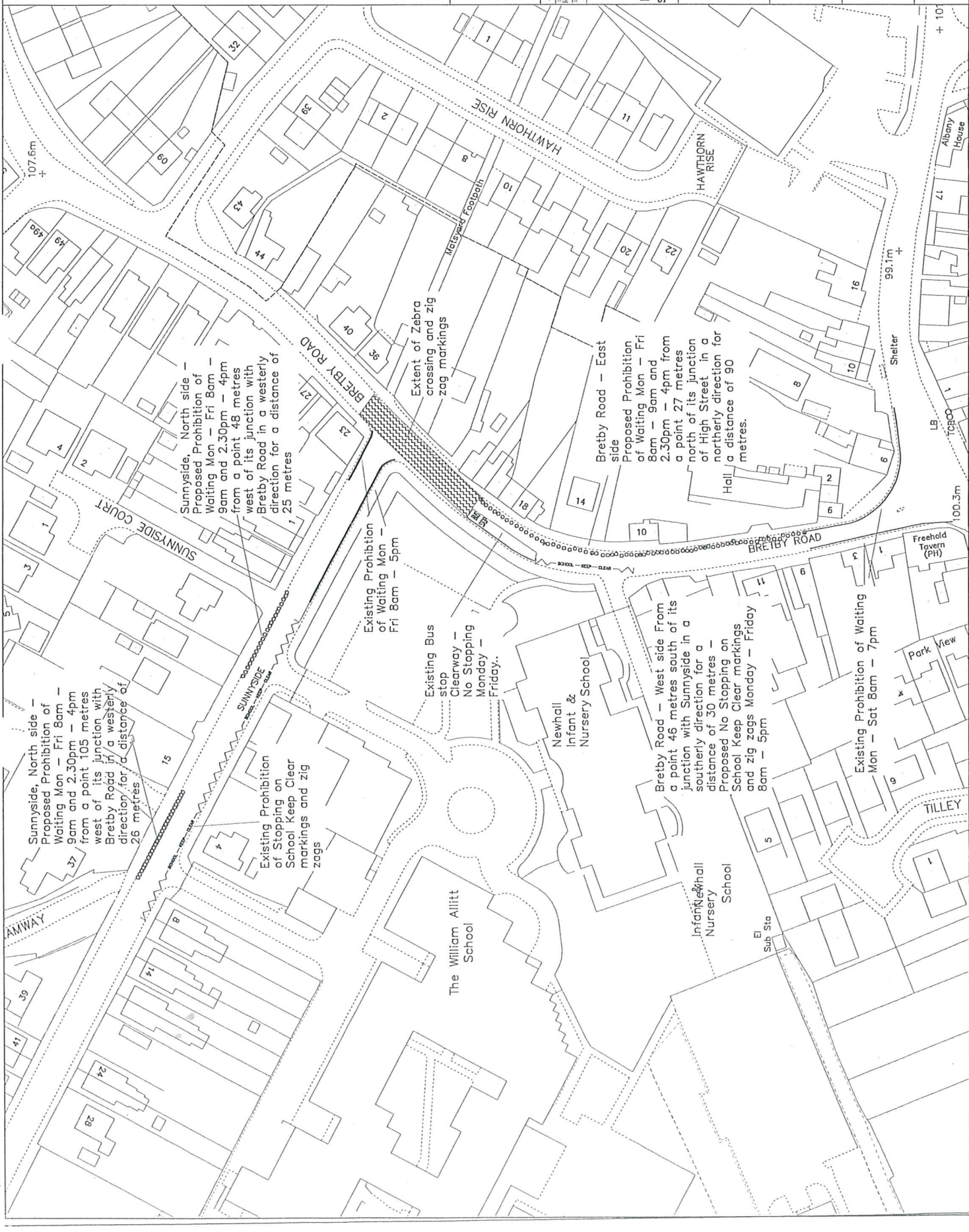
Ian Stephenson BSc, CEng, MSc, LITD, Strategic Director of Environmental Services

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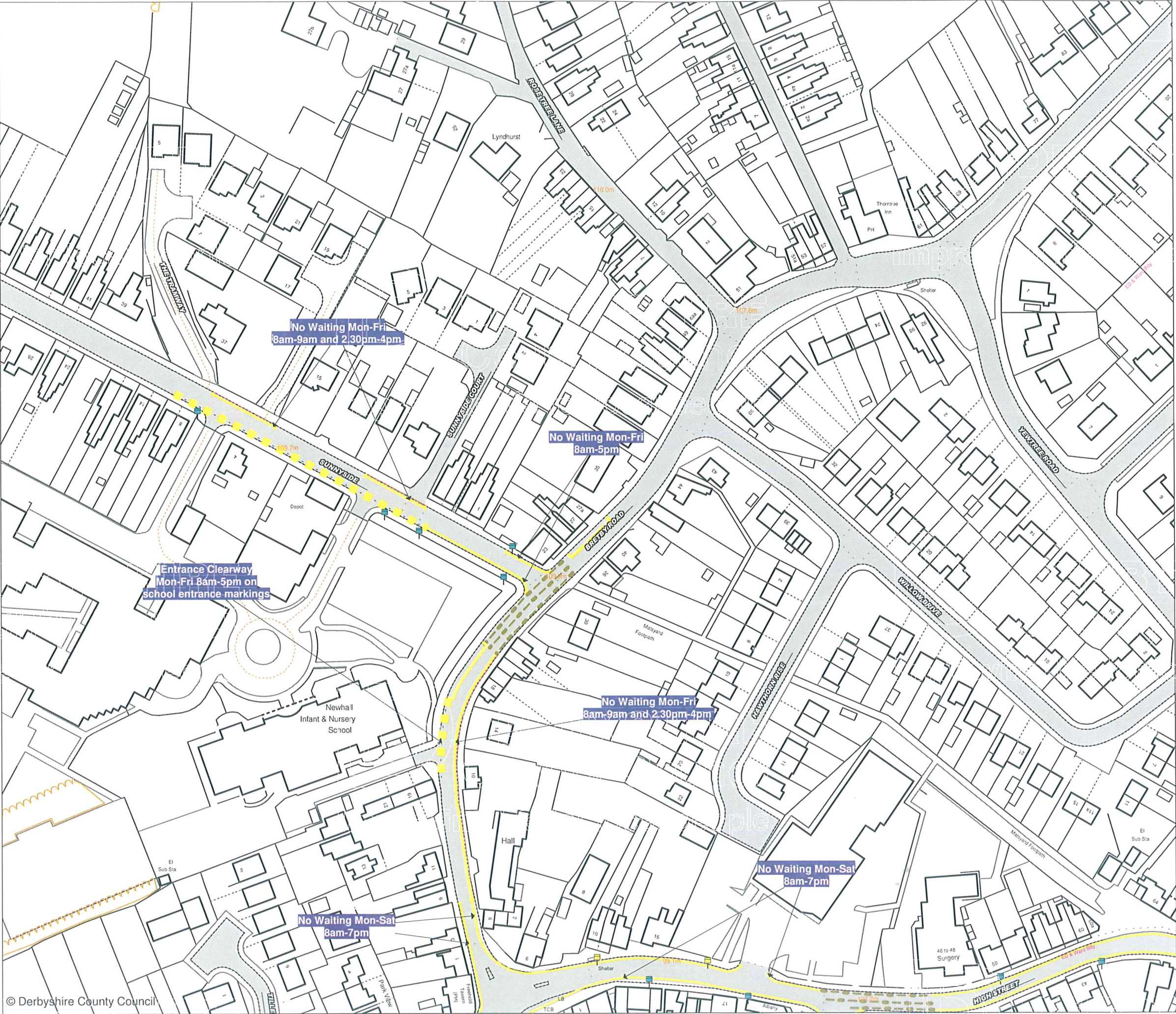
Consultation for proposed Prohibition of Waiting and Stopping

Sunnyside and Bretby Road, Newhall

Drawing No. SET/KH/1433/09







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

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CONFIRMED



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

DRAWING TITLE

Tile Ref: IM79

SCALE 1 : 1250

DATE 19/07/2010

DRAWING No. 3

DRAWN BY