

**DATED 27 JANUARY 2011**

**DERBYSHIRE COUNTY COUNCIL**

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

**THE DERBYSHIRE COUNTY COUNCIL  
(VARIOUS ROADS, TOWN CENTRE TRAFFIC MANAGEMENT)  
CHESTERFIELD ORDER 2011**

**J McELVANEY**

**MATLOCK**

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**DERBYSHIRE COUNTY COUNCIL**

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**THE DERBYSHIRE COUNTY COUNCIL  
( VARIOUS ROADS, TOWN CENTRE TRAFFIC MANAGEMENT)  
CHESTERFIELD ORDER 2011**

Derbyshire County Council ("the Council") in exercise of its powers under Sections 1, 2, 4 and Parts III and IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act"), The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, and all other enabling powers, after consultation with the Chief Constable of Derbyshire, hereby makes the following Order:-

**PART I**

**CITATION AND COMMENCEMENT**

1. The Order shall come into operation on the Seventh day of February Two thousand and Eleven and may be cited as the "Derbyshire County Council (Various Roads, Town Centre Traffic Management) Chesterfield Order 2011".

**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.
  - 2.05 "Bus" has the same meaning as in Regulation 22 of The 2002 Regulations;
  - 2.06 "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;
  - 2.07 "CEO" means Civil Enforcement Officer and has the same meaning as in Section 76 of the 2004 Act;

- 2.08 "Cycle" means a pedal cycle.
- 2.09 "Delivering and Collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;
- 2.10 "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;
- 2.11 "District Council" means the District Council for that administrative area, in this Order, Chesterfield Borough Council.
- 2.12 "Driver" means:-
- a) the person driving the Vehicle or responsible for the Vehicle at the time it was left in that 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.
- 2.13 "Dual Purpose Vehicle" has the same meaning as defined in Part 1 Regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986;
- 2.14 Electronic Communications Apparatus, Electronic Communications Network and any Electronic Communications Line shall have the same meaning as in the Communications Act 2003;
- 2.15 "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;
- 2.16 "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;
- 2.17 "Goods" means goods or burden of any description;
- 2.18 "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;
- 2.19 "Heavy Commercial Vehicle" has the same meaning as defined in section 20 of the Road Traffic Act 1988;
- 2.20 "Horse Drawn Vehicle" means any such Vehicle so licensed by the District Council

- 2.21 "Invalid Carriage" has the same meanings as in Section 136 of the Act;
- 2.22 "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;
- 2.23 "Loading and Unloading" means the transference, from or to a Vehicle, to or from premises, of Goods;
- 2.24 "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;
- 2.25 "Motor Car" and "Motorcycle" have the same meaning as in section 136 of the Act;
- 2.26 "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;
- 2.27 "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.
- 2.28 "The 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002 SI 2002/3113;
- 2.29 "Bullion Vehicle" means a specially adapted security Vehicle used for the purpose of carrying sums of money and other valuables from banks, building societies and other financial businesses accessible from, and only from the lengths of road shown as number 28.01 on The Map
- 2.30 "Trailer" means any Vehicle other than a motor Vehicle, the same meaning as that ascribed to it in the Road Traffic Act 1988;
- 2.31 "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;
- 2.32 "Vehicle" means any mechanically propelled Vehicle intended or adapted for use on roads;
- 2.33 "The 2004 Act" means the Traffic Management Act 2004;
- 2.34 "Dispensation /Waiver" means a specific exemption allowing the holder to access the pedestrianised area and is issued at the Parking Manager's discretion.

2.35 "The Map" means the plans and index attached as Schedule 1

3. 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;
4. 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;
5. 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;
6. 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;
7. 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.

### **PART III**

#### **Prohibition of Motor Vehicles**

#### **8. Prohibition of Motor Vehicles**

- 8.1 Save as provided for in Articles 8.2, 8.3 and 8.4 no person shall except upon or with the direction of a Police Constable in uniform cause any Vehicle, except Cycles to proceed in the lengths of road specified as number 28.01 on The Map.
- 8.2 Nothing in Article 8.1 of this Order shall apply so as to prevent any person from causing any Vehicle to proceed in the lengths of roads specified as number 28.01 on The Map for so long as to enable
  - (a) 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 be used for fire brigade, ambulance or police purposes;
- (f) if the Vehicle is a Bullion Vehicle.
- (g) if the vehicle is a Horse Drawn Vehicle.

8.3 Nothing in Article 8.1 of this Order shall apply so as to prevent any person from causing any Vehicle to proceed in the lengths or road specified on The Map as number 28.01 between the hours of 4pm on any day and 10am the following day:

- (a) if the Vehicle is a Disabled Person's Vehicle which displays a Disabled Person's Badge in the Relevant Position.
- (b) If the Vehicle needs to gain access for Loading and Unloading to any premises situated in or adjacent to the lengths of road shown as number 28.01 on The Map or any other premises accessible for traffic from and only from the lengths of road specified as within the area shown as number 28.01 on The Map.

8.4 Should access for loading and unloading be required from 10am to 4pm as a necessary part of the business operations of the premises an application for a Dispensation may be made to the Parking Manager, who will issue such a Dispensation if appropriate.

## **PART IV**

### **PROHIBITION OF WAITING**

#### **9 Prohibition of Waiting**

9.1 Save as provided in Articles 10 and 11 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 Prohibition of Waiting**

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 numbers 5.01 and 4.13 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) between the hours of 4pm on any day and 10am the following day.

## **PART V**

### **LOADING RESTRICTIONS**

## **12 Loading Restrictions**

- 12.1 Save as provided in Article 13 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 and Unload from 10am to 4pm on any day, on any length of road specified as number 4.13 on The Map.
- 12.2 Should access for loading and unloading be required from 10am to 4pm as a necessary part of the business operations of the premises an application for a Dispensation may be made to the Parking Manager, who will issue such a Dispensation if appropriate.

### **13 General Exemptions to Loading Restrictions**

13.1 Nothing in Article 12 shall render it unlawful for any Vehicle to load in the lengths of road specified as number 4.13 on The Map for so long as may be necessary to enable;

(a) 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:

(b) 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:

(c) 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;

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

(e) if the Vehicle is a Bullion Vehicle.

(f) if the vehicle is a Horse Drawn Vehicle.

13.2 Nothing in Article 12 shall apply to a dispensation issued by the Parking Manager.

### **15 REVOCATIONS**

15.1 All previous Traffic Regulation Orders relating to waiting, loading and access within the area shown as number 28.01 on The Map are revoked by this Order insofar as they relate to waiting, loading and access.

#### **Schedule 1 – The Map**

The Map comprised of plans numbered CT 103 and CT104 which contain particulars of the restrictions introduced by this Order and their associated index.

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

Director of Legal Services



### 13 General Exemptions to Loading Restrictions

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  - (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;
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*Jacqueline Cunn*

*Amstein* Director of Legal Services



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

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PROPOSED



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

DRAWING TITLE

Tile Ref: CT103

SCALE	1 : 1250
DATE	07/02/2011
DRAWING No.	1
DRAWN BY	



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

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PROPOSED



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

DRAWING TITLE

Title Ref: CT104

SCALE 1 : 1250

DATE 07/02/2011

DRAWING No. 1

DRAWN BY







