

DATED 30 JUNE 2011

THE DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984

THE DERBYSHIRE COUNTY COUNCIL
(THE GREEN AND BLIND LANE, BREASTON)
(PROHIBITION OF WAITING AND
WAITING RESTRICTIONS) ORDER 2011

J McELVANEY

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THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

(THE GREEN AND BLIND LANE, BREASTON)

**(PROHIBITION OF WAITING AND WAITING
RESTRICTIONS) 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"), Part IV of Schedule 9 of 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 Eleventh day of July Two Thousand and Eleven and may be cited as "The Derbyshire County Council (The Green and Blind Lane, Breaston) (Waiting Restrictions) 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 "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 Bay" means a space which is provided for the leaving of a Vehicle displaying a valid Disabled Person's Badge.

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

2.10 "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.

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

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

2.13 "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 articles 4, 5.1 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 at any time on any day on the lengths of road specified in Schedule 1 to this Order.

3.2 Save as provided in articles 4, 5.1 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 9am and 6pm on any day (other than a Sunday) on the lengths of road specified in Schedule 2 to this Order.

3.3 Save as provided in articles 4, 5.2 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 9am and 6pm on any day (other than a Sunday) for longer than 2 hours (no return within 1 hour) on the lengths of road specified in Schedule 3 to this Order.

3.4 Save as provided in articles 4, 5.2 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 9am and 6pm on any day (other than a Sunday) for longer than 30 minutes (no return within 1 hour) on the lengths of road specified in Schedule 4 to this Order.

4 GENERAL EXEMPTIONS

4.1 Nothing in Article 3 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.

5 DISABLED PERSONS' EXEMPTIONS

5.1 Nothing in Article 3.1 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).

5.2 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.

5.3 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.

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 DISABLED PERSONS PARKING PLACES

6.1 Where, within a Parking Place, 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.

6.2 Nothing in this Order shall render it unlawful for a Disabled Person's Vehicle to wait in a Disabled Person's Parking Place, between the hours of 9am and 6pm, for longer than 30 minutes, (no return within 1 hour) on any day (other than a Sunday), provided that such a Vehicle is parked within the limits of the bay, as specified in Schedule 5 to this Order.

7 PUBLIC SERVICE VEHICLES

7.1 Nothing in Article 3 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.

9 REVOCATIONS OF PREVIOUS ORDERS

9.1 The Derbyshire County Council (Blind Lane, Bourne Square and The Green, Breaston)(prohibition of Waiting) Order 2002 is hereby revoked in its entirety.

SCHEDULE 1

NO WAITING AT ANY TIME

Blind Lane, Breaston

South side

From a point 6 metres west of its junction with The Green in a north westerly direction for a distance of 8 metres

The Green, Breaston

East side

From a point 36 metres north of its junction with Main Street in a northerly direction for a distance of 5 metres.

The Green, Breaston

West side

From a point 21 metres north of its junction with Main Street in a northerly direction for a distance of 15 metres.

SCHEDULE 2

NO WAITING BETWEEN 9AM AND 6PM **MONDAY TO SATURDAY**

Blind Lane, Breaston

North side

From a point 8 metres north east of its junction with The Green in a north westerly direction for a distance of 22 metres.

SCHEDULE 3

WAITING LIMITED TO 2 HOURS **NO RETURN WITHIN 1 HOUR** **BETWEEN 9AM AND 6PM** **MONDAY TO SATURDAY**

The Green, Breaston

Central parking area

10 metres wide, from a point 6 metres north of its junction with Main Street in a northerly direction for a distance of 35 metres.

Blind Lane, Breaston

South side

From a point 10 metres north west of its junction with The Green in a north westerly direction for a distance of 21 metres.

SCHEDULE 4

WAITING LIMITED TO 30 MINUTES

NO RETURN WITHIN 1 HOUR

BETWEEN 9AM AND 6PM

MONDAY TO SATURDAY

The Green, Breaston

West side

From a point 12.5 metres north of its junction with Main Street in a northerly direction for a distance of 8.5 metres.

From a point 36 metres north of its junction with Main Street in a northerly direction for a distance of 15 metres.

East side

From a point 19 metres north of its junction with Main Street in a northerly direction for a distance of 17 metres.

SCHEDULE 5

DISABLED PERSON'S PARKING PLACE

WAITING LIMITED TO 30 MINUTES

NO RETURN WITHIN 1 HOUR

BETWEEN 9AM AND 6PM

MONDAY TO SATURDAY

The Green, Breaston

West side

From a point 7 metres north of its junction with Main Street, in a northerly direction for a distance of 5.5 metres.

As shown for illustration purposes only on the attached plan.

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


Director of Legal Services

Number in Seal
Book - 2011/12



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

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CONFIRMED



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

DRAWING TITLE

Tile Ref: HB123

SCALE 1 : 1250

DATE 11/07/2011

DRAWING No. 2

DRAWN BY