

DATED 20 JANUARY 2011

THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE DERBYSHIRE COUNTY COUNCIL

(HENRY STREET, GLOSSOP)

(WAITING RESTRICTIONS) ORDER 2011

J McElvaney

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THE DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
(HENRY STREET, GLOSSOP)
(WAITING RESTRICTIONS) ORDER 2011

The Derbyshire County Council in exercise of its powers under Sections 1(1), and 2(1) to (3) 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 Thirty-first day of January Two thousand and Eleven and may be cited as The Derbyshire County Council (Henry Street, Glossop) (Waiting Restrictions) Order 2011.

2 INTERPRETATION

In this Order:-

2.01 "the County Council" means Derbyshire County Council.

2.02 "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.

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

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

2.05 "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.

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

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

2.08 "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.

2.09 "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 "Bus Stand" means any area of Carriageway, intended for the waiting by Buses, which is comprised within and indicated by road markings complying with diagram 1025.1, 1025.3 or 1025.4 or permitted variants thereof and incorporating the words "Bus Stand" in Schedule 6 and a sign complying with diagram 974 or 975 or permitted variants thereof in Schedule 5 to the 2002 Regulations.

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

2.14 "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.

2.15 "Hackney Carriage" or "Licensed Hackney Carriage" means a Vehicle licensed by the District Council.

2.16 "Loading and Unloading" means the transference, from or to a Vehicle, to or from premises, of goods.

2.17 "Loading Bay" means a space in a Specified Parking Place which is provided for the waiting of a Vehicle for the purpose of delivering or collecting goods or Loading or Unloading the Vehicle as specified under the provisions of this Order.

2.18 "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.

2.19 "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.

2.20 "Parking Bay" and "Parking Space" means a part of a Parking Place marked out or provided for the leaving of a Vehicle of the classes specified in this Order under the provisions of this Order.

2.21 "The 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002 SI 2002/3113;

3 WAITING RESTRICTIONS

3.1 Save as provided in articles 7.1 and 8 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 length of road specified in Schedule 1 to this Order.

3.2 Save as provided in articles 7.1 and 8 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 except a Hackney Carriage or Licensed Hackney Carriage to wait at any time on any day on the length of road specified in Schedule 5 to this Order.

3.3 Save as provided in articles 7.1 and 8 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 except a Hackney Carriage or Licensed Hackney Carriage to wait from 6pm to 6am on any day on the length of road specified in Schedule 4 to this Order.

4 CLEARWAYS

4.1 Save as provided in Article 7.2 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 except a Hackney Carriage or Licensed Hackney Carriage to wait from 11.30pm to 6am on any day on the length of road specified in Schedule 7 to this Order.

4.2 Save as provided in Article 7.2 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 except Public Service Vehicle to wait from 6am to 11.30pm on any day on the length of road specified in Schedule 6 to this Order

5 PROHIBITION OF LOADING

5.1 Save as provided in Article 7.2 to this Order no Vehicle, except upon the direction or with the permission of a Police Constable in uniform or a CEO, shall load when a loading prohibition is in force on the roads or sides of the roads at any time on the lengths of road specified in Schedule 2.

6 LOADING BAY

6.1 The area of highway specified in Schedule 3 to this Order shall be designated a Loading Bay for Goods Vehicles only for the Loading and Unloading of Goods between the hours of 6am and 6pm.

6.2 Nothing in this Order shall render it unlawful for a Goods Vehicle to load and unload in the Loading Bay provided that such a Vehicle is parked within the limits of the bay.

7 GENERAL EXEMPTIONS

7.1 Nothing in Articles 3.1, 3.2 and 3.3 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.

7.2 Nothing in Articles 4.1, 4.2 and 5.1 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

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;

c) the controls specified in Articles 4.1, 4.2 and 5.1 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.

8 DISABLED PERSONS' EXEMPTIONS

8.1 Nothing in Article 3.1, 3.2 and 3.3 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).

8.2 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.

8.3 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.

8.4 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".

9 PUBLIC SERVICE VEHICLES

9.1 Nothing in Articles 3.1, 3.2, 3.3 shall apply to a Public Service Vehicle if it is waiting or standing in an area of the carriageway indicated by road markings complying with diagram 1025.1, 1025.3 or 1025.4 or permitted variants thereof in Schedule 6 of The 2002 Regulations when it is used in conjunction with a sign complying with either diagram 974 or 975 or permitted variants thereof in Schedule 5 of The 2002 Regulations.

10 EFFECT OF ORDER

10.1 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.

11 REVOCATIONS OF PREVIOUS ORDERS

11.1 Any permanent Traffic Regulation Orders made prior to this Order, insofar as they relate to the lengths of road listed below, insofar as they relate to the prohibitions and restrictions listed below, are hereby revoked.

SCHEDULE 1

No Waiting At Any Time

Henry Street, Glossop (North Side)

From its junction with Railway Street in an easterly direction for a distance of 11 metres.

From a point 22 metres from its junction with Railway Street in an easterly direction for a distance of 7.5 metres.

From a point 44.5 metres from its junction with Railway Street in an easterly direction for a distance of 4 metres..

From a point 65.5 metres from its junction with Railway Street in an easterly direction for a distance of 4 metres.

Henry Street, Glossop (South Side)

From its junction with Railway Street to its junction with Norfolk Street.

SCHEDULE 2

No Loading At Any Time

Henry Street, Glossop (North Side)

From its junction with Railway Street in an easterly direction for a distance of 11 metres.

From a point 22 metres from its junction with Railway Street in an easterly direction for a distance of 7.5 metres.

From a point 44.5 metres from its junction with Railway Street in an easterly direction for a distance of 4 metres.

From a point 65.5 metres from its junction with Railway Street in an easterly direction for a distance of 4 metres.

Henry Street, Glossop (South Side)

From its junction with Railway Street to its junction with Norfolk Street.

SCHEDULE 3

Loading Bay 6am to 6pm

Henry Street, Glossop (North Side)

From a point 11 metres from its junction with Railway Street in an easterly direction for a distance of 11 metres.

From a point 29.5 metres from its junction with Railway Street in an easterly direction for a distance of 15 metres.

SCHEDULE 4

No Waiting Except Taxis 6pm to 6am

Henry Street, Glossop (North Side)

From a point 11 metres from its junction with Railway Street in an easterly direction for a distance of 11 metres.

From a point 29.5 metres from its junction with Railway Street in an easterly direction for a distance of 15 metres.

SCHEDULE 5

No Waiting Except Taxis

Henry Street, Glossop (North Side)

From a point 48.5 metres from its junction with Railway Street in an easterly direction for a distance of 17 metres.

SCHEDULE 6

Bus Stand 6am to 11.30pm

Henry Street, Glossop (North Side)

From a point 69 metres from its junction with Railway Street in an easterly direction for a distance of 48 metres.


SCHEDULE 7

Taxi Clearway 11.30pm to 6am

Henry Street, Glossop (North Side)

From a point 69 metres from its junction with Railway Street in an easterly direction for a distance of 48 metres.

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

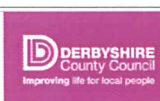

Asst. Director of Legal Services



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: AC15

SCALE	1 : 1250
DATE	31/01/2011
DRAWING No.	6
DRAWN BY	