

**DATED 15 SEPTEMBER 2011**

**THE DERBYSHIRE COUNTY COUNCIL**

**ROAD TRAFFIC REGULATION ACT 1984**

**THE DERBYSHIRE COUNTY COUNCIL**

**(NEWHALL ROAD, SWADLINCOTE)**

**(SCHOOL KEEP CLEAR RESTRICTIONS)  
ORDER 2011**

**J McELVANEY**

**MATLOCK**

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**DERBYSHIRE COUNTY COUNCIL**

**ROAD TRAFFIC REGULATION ACT 1984**

**(NEWHALL ROAD, SWADLINCOTE)**

**(SCHOOL KEEP CLEAR 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") 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**

This Order shall come into operation on Twenty-sixth day of September Two Thousand and Eleven and may be cited as "The Derbyshire County Council (Newhall Road, Swadlincote) (School Keep Clear 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 a Vehicle is kept and used.

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

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

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

2.8 "Electronic Communications Apparatus", "Electronic Communications Network" and any "Electronic Communications Line"

2.9 "Traffic Sign" means a sign of any size, colour and type prescribed or authorised or having effect pursuant to Section 64 of the Act

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

### **3 SCHOOL KEEP CLEAR 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 length of road specified in the Schedule to this Order.

### **4 GENERAL EXEMPTIONS**

4.1 The controls specified in Article 3 do not apply in the respect of a Vehicle stopping;

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 the removal of any obstruction to traffic;
- ii) 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;
- iii) using the Vehicle for fire brigade, ambulance or police purposes;
- iv) using the Vehicle in the service of a local authority or of a water company in pursuance of statutory duties or powers.
- v) 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 to anything done with the permission or at the direction of a Police Constable in uniform or a CEO.

4.3 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.

## 5 EFFECT OF ORDER

5.1 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

SCHOOL KEEP CLEAR RESTRICTIONS  
NO STOPPING 8AM 5PM  
MONDAY TO FRIDAY  
ON SCHOOL KEEP CLEAR MARKINGS

Newhall Road, Swadlincote

South side

From a point 49 metres south east of its junction with Darklands Road in a south easterly direction for a distance of 65 metres.

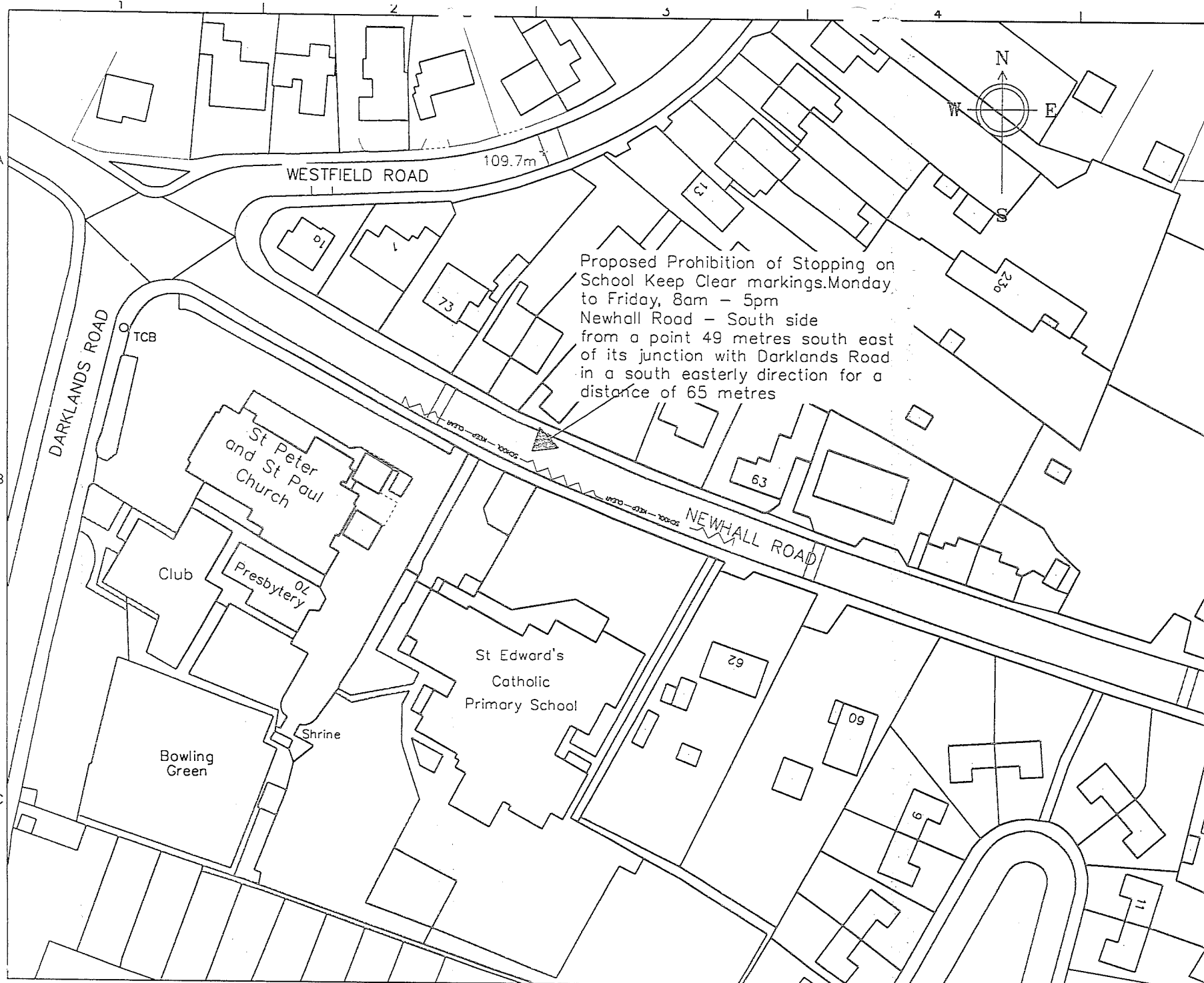
As shown for illustration purposes only on the attached plan.

THE COMMON SEAL of the Derbyshire )  
County Council was hereunto affixed the )  
Fifteenth day of September Two Thousand )  
and Eleven in the presence of:- )



Director of Legal Services

Number In Seal  
Book 2011/964



Proposed Prohibition of Stopping on School Keep Clear markings. Monday to Friday, 8am - 5pm  
 Newhall Road - South side from a point 49 metres south east of its junction with Darklands Road in a south easterly direction for a distance of 65 metres

**Key**  
 St Edward's Catholic Primary School,  
 Newhall Road,  
 Swadlincote

Proposed introduction of Prohibition of Stopping on School Keep Clear markings Monday to Friday, 8am - 5pm

Newhall Road - South side from a point 49 metres south east of its junction with Darklands Road and Westfield Road, Swadlincote, for a distance of 65 metres.

AMENDMENT DETAILS			
NO.	DATE	BY	REASON
1	23 Jan 2011	CT/air	N.T.S.

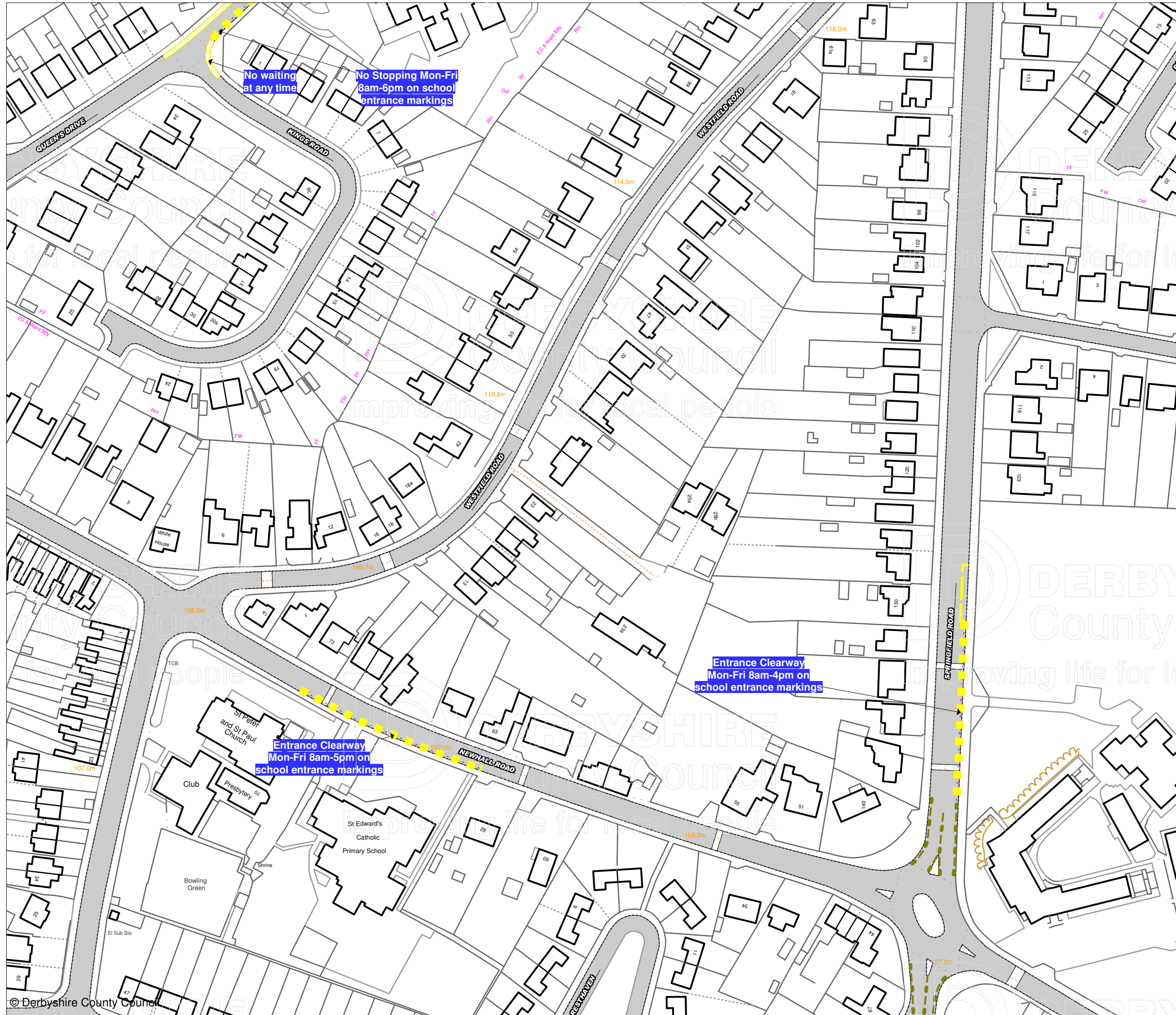
**DERBYSHIRE COUNTY COUNCIL**  
 Ian Stephenson  
 Strategic Director of Environmental Services

Ordnance Survey  
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**PROJECT TITLE**  
 Proposed Prohibition of Stopping - SKC markings

St Edward's Catholic Primary School, Newhall Road, Swadlincote

**CLIENT DRAWING No.**  
 SET/KH/001/11



**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: IO82	
SCALE	1 : 1250
DATE	26/09/2011
DRAWING No.	2
DRAWN BY	