

DATED 16 SEPTEMBER 2010

THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE DERBYSHIRE COUNTY COUNCIL

(MARKET PLACE, ILKESTON)

**(PROHIBITION OF WAITING AND PROHIBITION
OF STOPPING EXCEPT FOR TAXIS)
ORDER 2010**

J McELVANEY

MATLOCK

THE DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
(MARKET PLACE, ILKESTON)
(PROHIBITION OF WAITING AND PROHIBITION
OF STOPPING EXCEPT FOR TAXIS)
ORDER 2010

The Derbyshire County Council in exercise of its powers under Sections 1, 2 and 4 of the Road Traffic Regulation Act 1984 (as amended) ("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 the Twenty-seventh day of September Two Thousand and Ten and may be cited as "The Derbyshire County Council (Market Place, Ilkeston) (Prohibition of Waiting and Prohibition of Stopping except for Taxis) Order 2010".

2 INTERPRETATION

In this Order:-

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

2.2 "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.

2.3 "The 2004 Act" means Traffic Management Act 2004.

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

2.5 "Taxi", "Hackney Carriage" or "Licensed Hackney Carriage" means a Vehicle licensed by the District Council;

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

2.7 "Electronic Communications Apparatus", "Electronic Communications Network" and any "Electronic Communications Line" shall have the same meaning as in the Communications Act 2003.

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 "Goods" means goods or burden of any description;

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

2.12 "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;

3 WAITING RESTRICTIONS

3.1 Save as provided in articles 4 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform cause or permit any vehicle other than a taxi or Hackney Carriage to stop between 6pm and 6am Thursday to Saturday on the length of road specified in Schedule 1 to this Order.

3.2 Save as provided in articles 4 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform cause or permit any vehicle other than a taxi or Hackney Carriage to stop at any time on Sunday to Wednesday on the length of road specified in Schedule 2 to this Order.

3.3 Save as provided in articles 5 and 6 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform cause or permit any vehicle to wait between 6am and 6pm, Friday to Saturday on the length of road specified in Schedule 3 to this Order.

3.4 Save as provided in articles 5 and 6 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform cause or permit any vehicle to wait from midnight Wednesday to 6pm Thursday on the length of road specified in Schedule 4 to this Order.

4 GENERAL EXEMPTIONS

4.1 The controls specified in Articles 3.1 and 3.2 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 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 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 of this Order do not apply to anything done with the permission or at the direction of a Police Constable in uniform.

5 GENERAL EXEMPTIONS

5.1 Nothing in Articles 3.3 and 3.4 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 telecommunication apparatus as defined in the Telecommunications Act 1984;
- (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 to be used for the purpose of delivering or collecting postal packets as defined in The Postal Services Act 2000;
- (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) the vehicle to wait at or near to any premises situated or adjacent to the said lengths of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral;
- (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 Articles 3.3 and 3.4 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 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.

6.3 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.

6.4 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".

7 EFFECT OF ORDER

7.1 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

NO STOPPING (EXCEPT FOR TAXIS)

6pm to 6am, Thursday to Saturday

Market Place, Ilkeston

South side

From a point 3 metres west of its junction with Market Street in a westerly direction for a distance of 32 metres.

SCHEDULE 2

NO STOPPING (EXCEPT FOR TAXIS)

At any time, Sunday to Wednesday

Market Place, Ilkeston

South side

From a point 3 metres west of its junction with Market Street in a westerly direction for a distance of 32 metres.

SCHEDULE 3

NO WAITING

6am to 6pm Friday to Saturday

Market Place, Ilkeston

South side

From a point 3 metres west of its junction with Market Street in a westerly direction for a distance of 32 metres.

SCHEDULE 4

NO WAITING

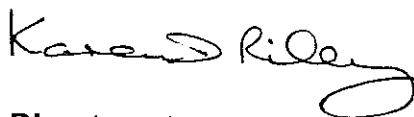
Midnight Wednesday to 6pm Thursday

Market Place, Ilkeston

Both side

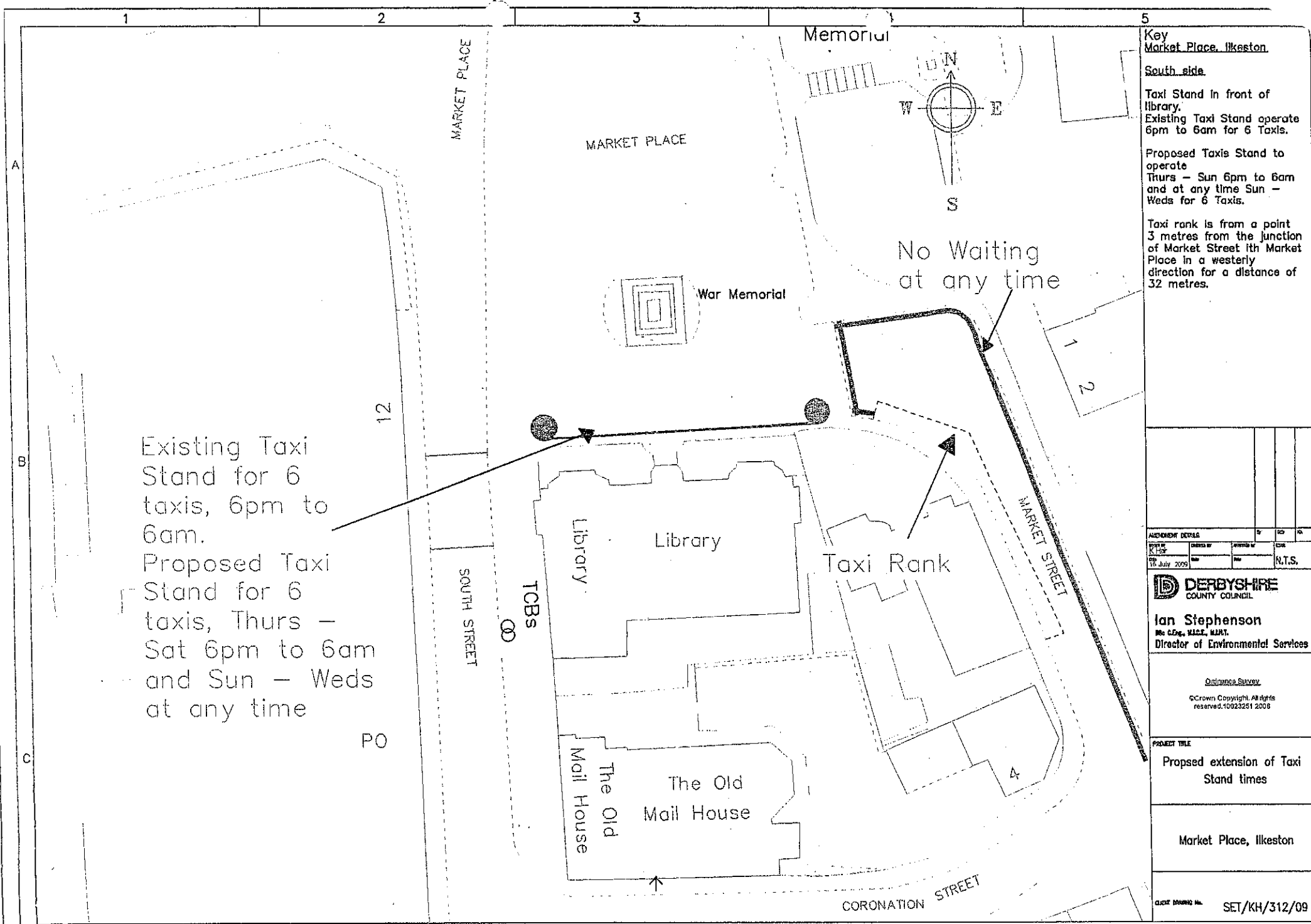
From a point 3 metres west of its junction with Market Street in a westerly direction for a distance of 32 metres.

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



Asst. Director of Legal Services

Number in Seal
Book 2010/937



Key
Market Place, Ilkeston.
South side.
Taxi Stand in front of library.
Existing Taxi Stand operate 6pm to 6am for 6 Taxis.
Proposed Taxis Stand to operate
Thurs - Sun 6pm to 6am and at any time Sun - Weds for 6 Taxis.
Taxi rank is from a point 3 metres from the junction of Market Street ith Market Place in a westerly direction for a distance of 32 metres.

APPROVED DETAILS		By	SD	NA
Drawn by	Checked by	Approved by	Drawn	Scale
18 July 2009				N.T.S.

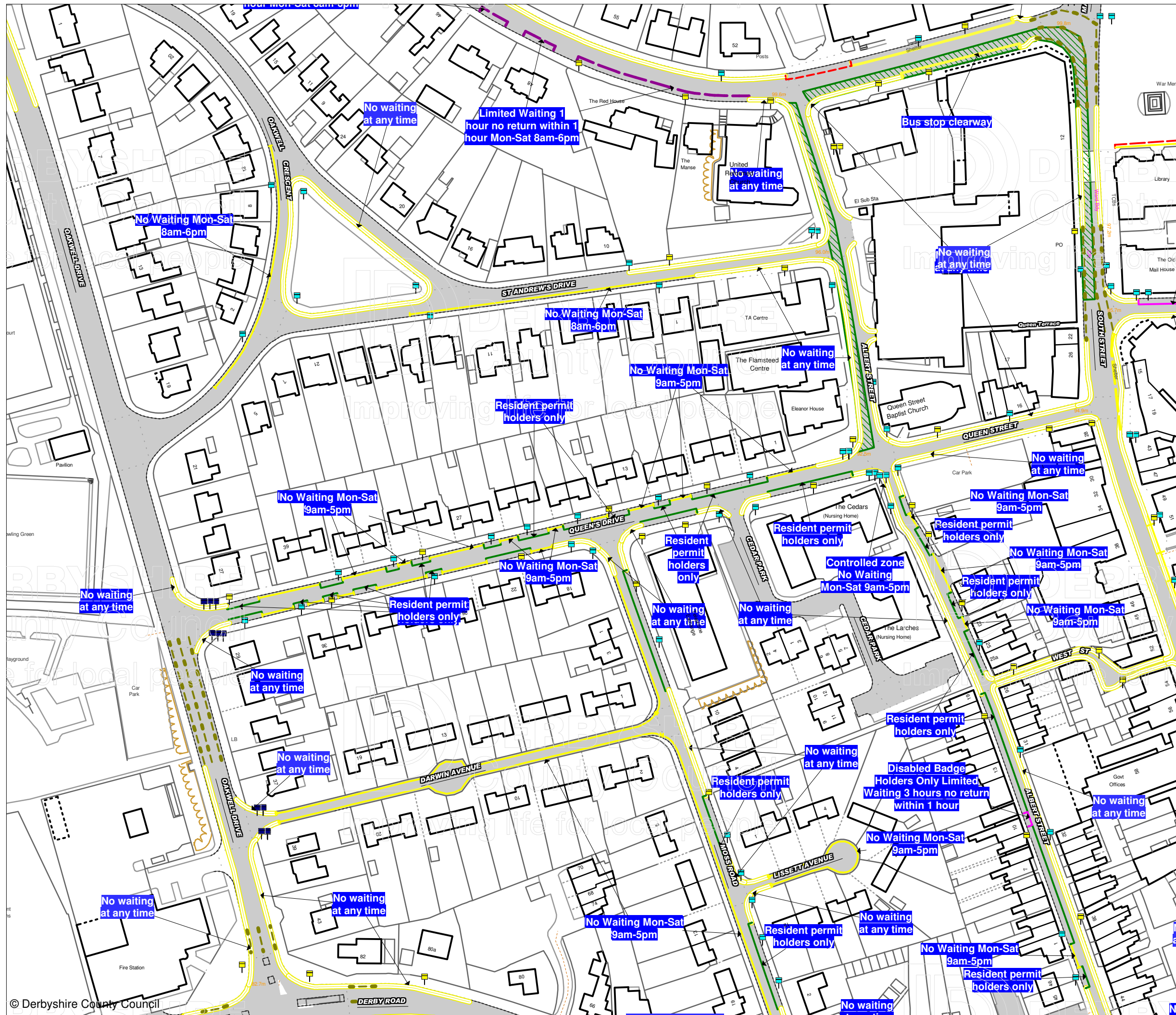
DERBYSHIRE COUNTY COUNCIL
Ian Stephenson
MR CENG. PLCT. MANT.
Director of Environmental Services

Origines Survey
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PROJECT TITLE
Proposed extension of Taxi Stand times

Market Place, Ilkeston

CLIENT DRAWING NO. SET/KH/312/09





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

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CONFIRMED



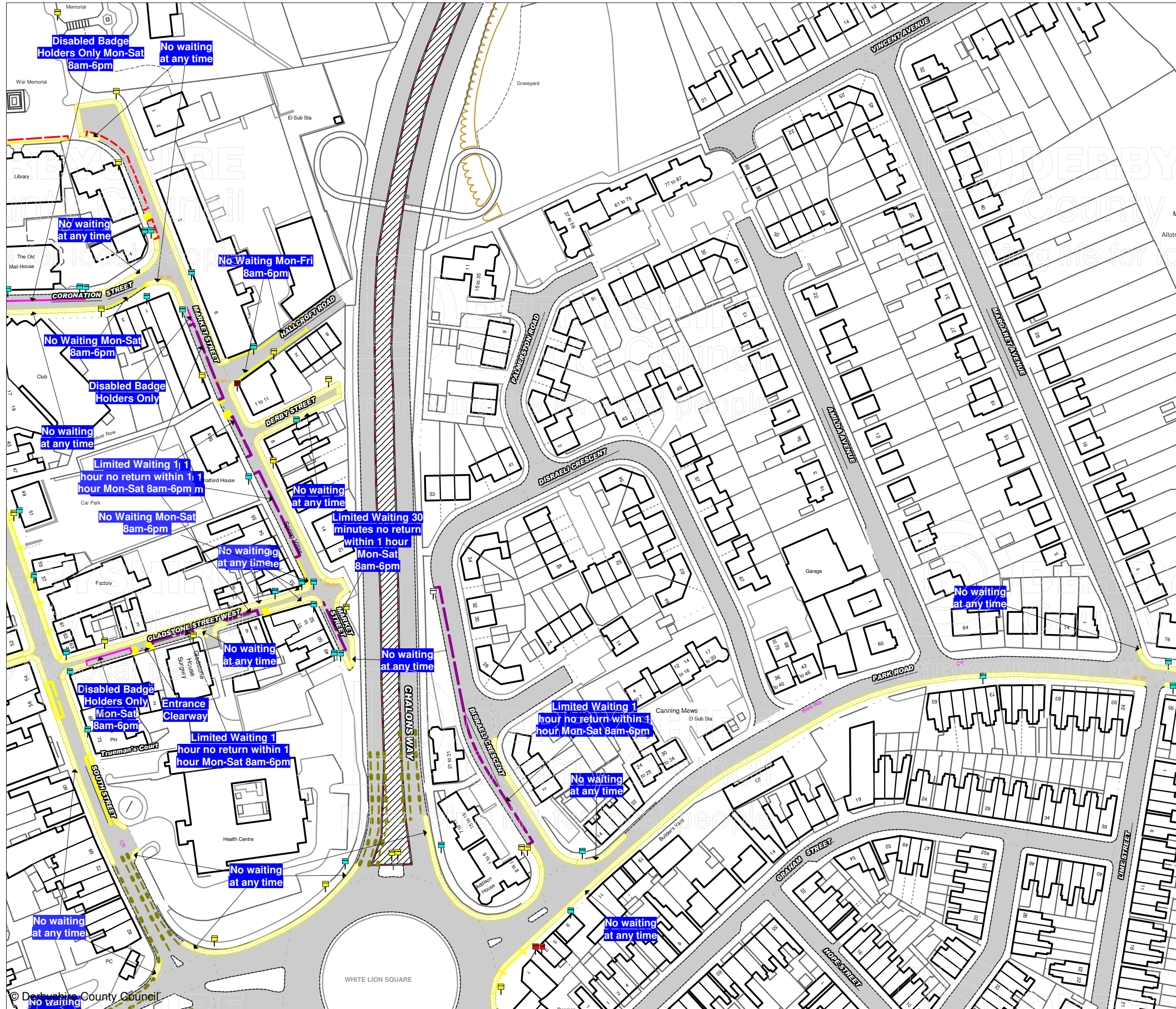


IAN W. STEPHENSON BSc., CEng., MICE, MIHT
Strategic Director of Environmental Services

DRAWING TITLE

Tile Ref: GD124


SCALE	1 : 1250
DATE	27/09/2010
DRAWING No.	1
DRAWN BY	



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: GD125	
SCALE	1 : 1250
DATE	27/09/2012
DRAWING No.	2
DRAWN BY	