

**DATED 26 APRIL 2012**

**DERBYSHIRE COUNTY COUNCIL**

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

**THE DERBYSHIRE COUNTY COUNCIL**

**(MARKET PLACE) SHIREBROOK**

**ORDER 2012**

**J McELVANEY**

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**DERBYSHIRE COUNTY COUNCIL**

**THE ROAD TRAFFIC REGULATION ACT 1984  
AND LOCAL AUTHORITIES' TRAFFIC ORDERS (PROCEDURE) (ENGLAND AND  
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**THE DERBYSHIRE COUNTY COUNCIL**

**(MARKET PLACE) SHIREBROOK**

**ORDER 2012**

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:-

**1. CITATION AND COMMENCEMENT**

- 1.1 The Order shall come into operation on the Seventh day of May Two Thousand and Twelve and may be cited as the "Derbyshire County Council (Market Place) Shirebrook Order 2012".

**2 INTERPRETATION**

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 "Bus" has the same meaning as in Regulation 22 of The 2002 Regulations;
- 2.04 "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;
- 2.05 "CEO" means Civil Enforcement Officer and has the same meaning as in Section 76 of the 2004 Act;
- 2.06 "Cycle" means a pedal cycle.
- 2.07 "Delivering and Collecting" in relation to any Goods includes checking the Goods for the purpose of their Delivery or Collection;
- 2.08 "Disabled Person's Badge", "Disabled Person's Vehicle", "Disabled Person", "Disabled Driver", and "Disabled Person's Parking Disc" have the same meanings as in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;
- 2.09 "District Council" means the District Council for that administrative area, in this Order, Bolsover District Council, or Shirebrook Town Council should the District Council delegate or transfer this responsibility to them.

- 2.10 "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.
- 2.11 Electronic Communications Apparatus, Electronic Communications Network and any Electronic Communications Line shall have the same meaning as in the Communications Act 2003;
- 2.12 "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;
- 2.13 "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 "Heavy Commercial Vehicle" has the same meaning as defined in section 20 of the Road Traffic Act 1988;
- 2.16 "Invalid Carriage" has the same meanings as in Section 136 of the Act;
- 2.17 "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;
- 2.18 "Loading and Unloading" means the transference, from or to a Vehicle, to or from premises, of Goods;
- 2.19 "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;
- 2.20 "Motor Car" and "Motorcycle" have the same meaning as in section 136 of the Act;
- 2.21 "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;
- 2.22 "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.
- 2.23 "The 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002 SI 2002/3113;

- 2.24 "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 listed in Schedule 1 of this order.
- 2.25 "Trailer" means any Vehicle other than a motor Vehicle, the same meaning as that ascribed to it in the Road Traffic Act 1988;
- 2.26 "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;
- 2.27 "Vehicle" means any mechanically propelled Vehicle intended or adapted for use on roads;
- 2.28 "The 2004 Act" means the Traffic Management Act 2004;
- 2.29 "Permit" means in this Order a specific exemption allowing for traders to access the pedestrianised area and is issued at the discretion of the District Council.
- 2.30 The Interpretation Act 1978 shall apply to its interpretation as it applies to Acts of Parliament
- 2.31 Any reference to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment
- 2.32 Any reference in this order to the masculine gender shall include the female gender and vice-versa and any reference to a singular includes the plural and vice-versa.
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.
- 8. PROHIBITION OF MOTOR VEHICLES**
- 8.1 Save as provided for in Articles 8.2, 8.3, 8.4, 8.5, and 12 of this Order, no person shall except upon or with the direction of a Police Constable in uniform cause any Vehicle, except Pedal Cycles to proceed, at any time on any day, in the lengths of road specified in Schedule 1.

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 Schedule 1 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 specially adapted security vehicle to enable its use for the purpose of carrying sums of money and other valuables to and from Banks and Building Societies accessible from and only from the lengths of roads specified in Schedule 1;

8.3 Should access for Loading and Unloading be required from 9am to 3pm as a necessary part of the business operations of the premises an application for a Permit may be made to the District Council, who will issue such a Permit if appropriate.

8.4 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 in Schedule 1 between the hours of 3pm on any day and 9am 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) to enable the Vehicle to gain access for Loading and Unloading to any premises situated in or adjacent to the lengths of road specified in Schedule 1 or any other premises accessible for traffic from and only from the lengths of road specified in Schedule 1.

8.5 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 in Schedule 1 between the hours of 3pm on any day and 9am the following day to gain access to a property situated within the lengths of road specified in Schedule 1.

## **9. PROHIBITION OF WAITING**

9.1 Save as provided in Articles 10, 11, and 12 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 in Schedule 2.

## **10. GENERAL EXEMPTIONS TO PROHIBITION OF WAITING**

10.1 Nothing in Article 9 of this Order 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 in Schedule 2 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 3pm on any day and 9am the following day.

## **12 PUBLIC SERVICE VEHICLES**

- 12.1 Nothing in Articles 3 and 9 shall apply to a Public Service Vehicle.

## **13 ONE WAY TRAFFIC**

- 13.1 No person shall drive or cause or permit to be drawn any Vehicle on the length of road specified in Schedule 3 other than in the direction specified in that Schedule.

## **14 REVOCATIONS**

- 14.1 "The Station Road and Victoria Street, Shirebrook, Prohibition of Waiting Order 1985", "The Shirebrook Market Place, Traffic Management Order 1989", and "The Shirebrook Market Place, (Pedestrian Zone) Order 2000" are hereby revoked in their entirety.

## SCHEDULE 1

### PROHIBITION OF MOTOR VEHICLES EXCEPT CYCLES, LOCAL BUSES AND PERMIT HOLDERS AT ANY TIME EXCEPT ACCESS FROM 3PM TO 9AM

#### Station Road

From its junction with Ashbourne Road to its junction with Victoria Street.

#### Victoria Street

From a point 14 metres north of its junction with Station Road to its junction with Portland Road.

#### Market Street

From a point 29 metres north of its junction with Portland Road to its junction with Station Road

#### Market Place

From its junction with Victoria Street to its junction with Market Street

## SCHEDULE 2

### NO WAITING AT ANY TIME

#### Station Road

Both sides

From its junction with Ashbourne Street westwards to its junction with Victoria Street

#### Victoria Street

Both sides

From a point 14 metres north of its junction with Station Road to its junction with Portland Road.

#### Market Street

Both sides

From its junction with Portland Road northwards to its junction with Station Road.

#### Market Place

Both sides

From its junction with Victoria Street eastwards to its junction with Market Street.

## SCHEDULE 3

### ONE WAY TRAFFIC

#### Victoria Street

Vehicles permitted to travel in a southerly direction only from its junction with Station Road to its junction with Market Place

#### Market Place

Vehicles permitted to travel in an easterly direction only from its junction with Victoria Street to its junction with Market Street.

#### Market Street

Vehicles permitted to travel in a northerly direction only from a point 29 metres north of its junction with Portland Road to its junction with Station Road.

#### Station Road

Vehicles permitted to travel in a westerly direction only from its junction with Market Street to its junction with Victoria Street.

#### Station Road

Vehicles permitted to travel in an easterly direction only from its junction with Market Street to its junction with Ashbourne Street.

As shown for illustration purposes only on the attached plan.

THE COMMON SEAL of the Derbyshire )  
County Council was hereunto affixed the )  
Twenty-sixth day of April Two Thousand )  
and Twelve in the presence of:- )

*EWL*

*fl* Director of Legal Services

**Number in Seal**  
**Book** 2012/467



NOTES :-  
 1. NO DIMENSIONS TO BE SCALED FROM THE DRAWING.  
 2. ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE STATED.

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AMENDMENT DETAILS

DRAWN BY	T.R.MATHER	CHECKED BY	T.J.FLINTHAM	APPROVED BY	T.J.FLINTHAM
Date	14/11/11	Date	14/11/11	Date	14/11/11

DERBYSHIRE  
**CONSULTING  
 ENGINEERS**

IAN STEPHENSON  
 Strategic Director - Environmental Services

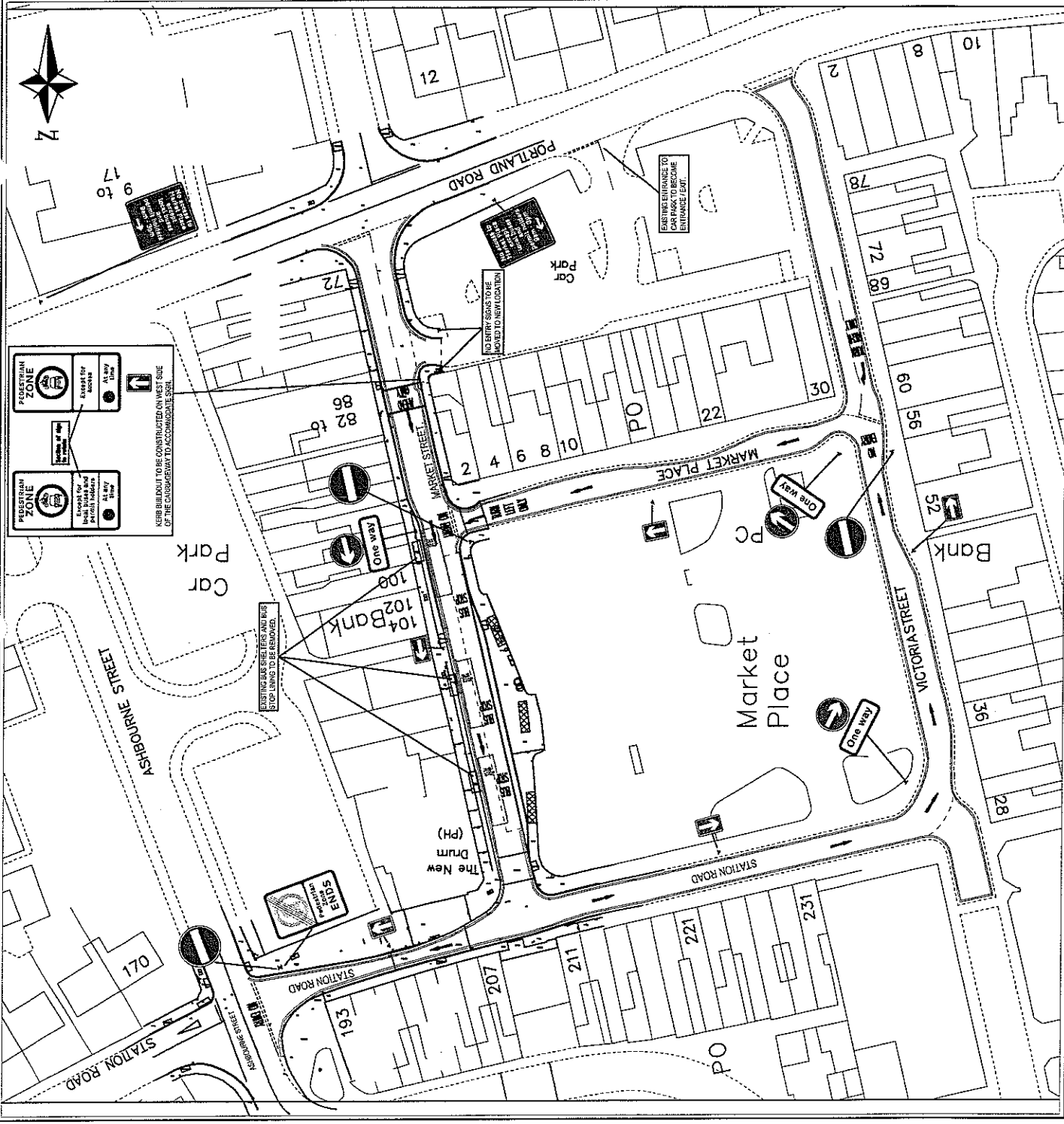


Improving life for local people

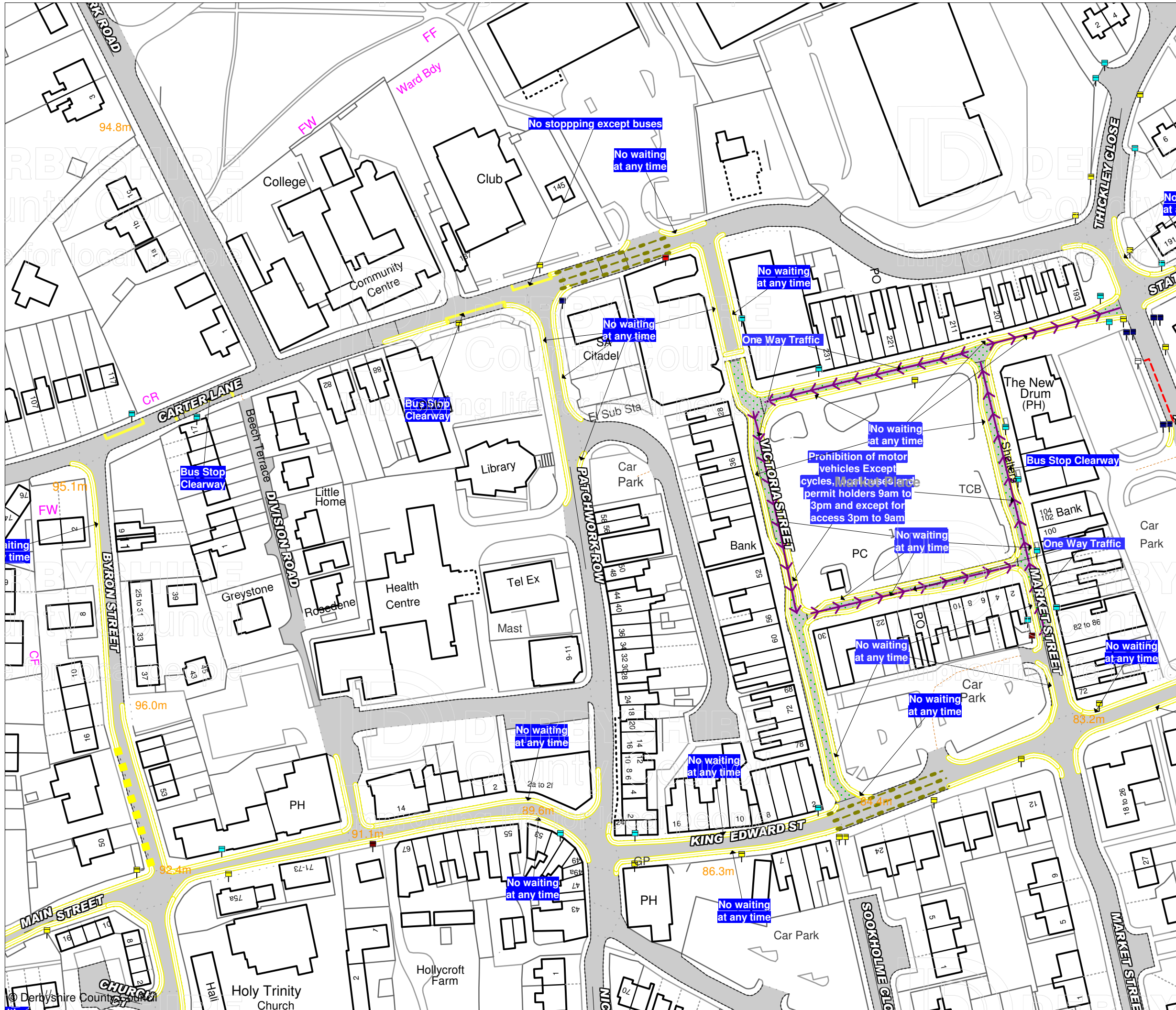
PROJECT TITLE  
 MARKET STREET AND  
 STATION ROAD,  
 SHIREBROOK

DRAWING TITLE  
 CHANGES TO ONE WAY SYSTEM, BUS STOPS  
 AND TRAFFIC REGULATION ORDERS  
 CONSULTATION DRAWING - SIGNING AND LINING

DCE Project Reference No. 060102  
 Drawing Number 060102/CONS10A  
 SCALE NTS



DD140



### 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: DD140

SCALE	1 : 1250
DATE	07/05/2012
DRAWING No.	2
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