

DATED 31 MARCH 2011

THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE DERBYSHIRE COUNTY COUNCIL

(SWADLINCOTE TOWN CENTRE)

(PEDESTRIANISATION) ORDER 2011

J McELVANEY

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THE DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
(SWADLINCOTE TOWN CENTRE)
(PEDESTRIANISATION) 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 AND COMMENCEMENT

This Order shall come into operation on the Eleventh day of April Two Thousand and Eleven and may be cited as "The Derbyshire County Council (Swadlincote Town Centre) (Pedestrianisation) 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 "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;

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

2.8 "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.

2.9 "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 "Permit" means a disc, issued by the South Derbyshire District Council and displaying the vehicle registration, date of expiry and scheme name.

2.13 "Permit Holder" means a person to whom a Permit has been issued under the provisions of this Order.

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

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

2.16 "Loading Bay" means a bay marked in accordance with The Traffic Signs Regulations and General Directions 2002, 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.

2.17 "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 PROHIBITION OF VEHICLES

3.1 Save as provided for in Articles 4.1 no person shall except upon or with the direction of a Police Constable in uniform cause any Vehicle to proceed between the hours of 10am and 4pm on any day in the lengths of road specified in Schedule 1 to this Order.

3.3 Save as provided for in Articles 4.1 and 4.2 no person shall except upon or with the direction of a Police Constable in uniform cause any Vehicle to proceed between the hours of 10am and 4pm on any day in the lengths of road specified in Schedule 2 to this Order.

4 EXEMPTIONS

4.1 Nothing in Article 3 of this Order shall apply so as to prevent any person from causing any Vehicle to proceed in the lengths of roads specified in Schedules 1 and 2 to this Order:

- (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;
- b) 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;
- (c) 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;
- (d) the Vehicle to be used for fire brigade, ambulance or police purposes;
- (e) 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 Schedules 1 and 2 to this Order ;
- (f) If the Vehicle is displaying a valid Permit issued by South Derbyshire District Council.

4.2 Nothing in Article 3.2 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 2 to this Order if the Vehicle is;

- (a) 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 and;
- (b) a Disabled Person's Vehicle which displays in the relevant position a Disabled Person's Badge.

5 ONE-WAY TRAFFIC

5.1 Save as provided for in Articles 4.1(d) no Vehicle shall proceed along the lengths of road specified in Schedule 3 to this Order otherwise than in the direction specified in the said Schedule.

5.2 Nothing in this Article shall render it unlawful for a Vehicle to proceed, in the lengths of road Specified in Schedule 3 to this Order, using all reasonable caution other than in the direction specified to the extent that it is necessary to assist the carrying out of any police, fire service or ambulance service emergency function.

6 WAITING RESTRICTIONS

6.1 Save as provided in article 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 between the hours of 10am and 4pm on any day on the lengths of road specified in Schedule 4 to this Order.

6.2 Save as provided in articles 8 and 9 of this Order no person shall except upon the direction or with the permission of a Police Constable, or a CEO, in uniform cause or permit any Vehicle to wait between the hours of 8am and 10am and 4pm and 6pm on any day on the lengths of road specified in Schedule 5 to this Order.

6.3 Save as provided in articles 8 and 9 of this Order no person shall except upon the direction or with the permission of a Police Constable, or a CEO, in uniform cause or permit any Vehicle to wait between the hours of 10am and 4pm on any day on the lengths of road specified in Schedule 6 to this Order.

7 LOADING BAY

7.1 Save as in Article 8 the area of highway specified in Schedule 7 to this Order shall be designated a Loading Bay for Vehicles only for the Loading and Unloading of Goods at any time.

7.2 Nothing in this Order shall render it unlawful for a Vehicle to Load and Unload in the Loading Bay provided that such a Vehicle is parked within the limits of the bay.

8 GENERAL EXEMPTIONS

8.1 Nothing in Articles 6 and 7 shall render it unlawful to cause or permit any Vehicle to proceed or 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;
- (viii) Goods to be Loaded or Unloaded from the Vehicle: or
- (ix) the Vehicle is displaying a valid Permit issued by South Derbyshire District Council.

9 DISABLED PERSONS' EXEMPTIONS

9.1 Nothing in Articles 6.2 and 6.3 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).

9.2 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.

9.3 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.

9.4 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".

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

PROHIBITION OF DRIVING BETWEEN 10AM AND 4PM

High Street

From its junction with Belmont Street to its junction with Church Street.

Bank Passage

From its junction with High Street for a distance of 30 metres.

SCHEDULE 2

PROHIBITION OF DRIVING BETWEEN 10AM AND 4PM

Market Street

From its junction with Grove Street to its junction with the Market Street / West Street

Market Street / West Street Link Road

For its entire length.

West Street

From its junction with Market Street / West Street Link Road to its junction with Grove Street.

Midland Road

From its junction with Civic Way to its junction with High Street.

High Street

From its junction with Midland Road to its junction with Belmont Street.

Belmont Street

From its junction with High Street for 20 metres.

SCHEDULE 3

ONE WAY TRAFFIC

High Street

Vehicles permitted to travel in a south easterly direction only from its eastern junction with Midland Road to its junction with Church Street.

West Street

Vehicles permitted to travel in a south westerly direction only from its junction with Market Street / West Street link road to its junction with Grove Street.

Market Street

Vehicles permitted to travel in an easterly direction only from its junction with Grove Street to its junction with the Market Street / West Street Link Road.

Market Street / West Street Link Road

Vehicles permitted to travel in a southerly direction only for its entire length.

Midland Road

Vehicles permitted to travel in a southerly direction only from a point 92 metres south of its junction with Civic Way to its junction with High Street.

Belmont Street

Vehicles permitted to travel in a northerly direction only from its junction with High Street for a distance of 20 metres.

SCHEDULE 4

PROHIBITION OF WAITING BETWEEN 10AM AND 4PM

High Street

Both sides

From its junction with Midland Road to its junction with Church Street.

Bank Passage

Both sides

From its junction with High Street for a distance of 30 metres.

Belmont Street

Both sides

From its junction with High Street for a distance of 20 metres.

SCHEDULE 5

PROHIBITION OF WAITING **BETWEEN 8AM AND 10AM AND 4PM AND 6PM**

High Street

Both sides

From its junction with Midland Road to its junction with Church Street.

Bank Passage

Both sides

From its junction with High Street for a distance of 30 metres.

Belmont Street

Both sides

From its junction with High Street for a distance of 20 metres.

SCHEDULE 6

PROHIBITION OF WAITING **BETWEEN 8AM AND 6PM**

West Street

Both sides

From its junction with Grove Street to its junction with Market Street / West Street Link Road.

Market Street

Both sides

From its junction with Grove Street to its junction with Market Street / West Street Link Road.

Market Street / West Street Link Road

Both sides

From its junction with Market Street to its junction with West Street.

Midland Road

Both sides

For its entire length.

SCHEDULE 7

LOADING BAY

West Street

South side

From its junction with Belmont Street in a westerly direction for a distance of 14 metres.

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

Joquias Cui

Amrout Director of Legal Services

Number in Seal
Book 2011/320



KEY

SCHEDULE 1

Prohibition of driving - 10.00am to 4.00pm (Except for (i) Emergency Services Vehicles, (ii) Security Vehicles, (iii) Postal Vehicles, (iv) Access by permit holders to residential private off-street parking facilities)

SCHEDULE 2

Prohibition of driving - 10.00am to 4.00pm (Except for (i) Emergency Services Vehicles, (ii) Security Vehicles, (iii) Postal Vehicles, (iv) Permit holders gaining access to private off-street parking facilities, (v) any vehicle driven displaying a Disabled Person's Badge, (vi) Wedding / Funeral Vehicles.

SCHEDULE 3

One-Way Traffic

SCHEDULE 4 & 5

Prohibition of Waiting - 10.00am to 4.00pm
Prohibition of Waiting - 8.00am to 10.00am and 4.00pm to 6.00pm (Except for any vehicle displaying a disabled person's badge and a parking disk (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began and permit holders).

SCHEDULE 6

Prohibition of Waiting - 8.00am to 6.00pm (Except for any vehicle displaying a disabled person's badge and a parking disk (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began)).

SCHEDULE 7

Loading Bay

Title

Swadlincote Town Centre
Pedestrianisation Order

Drawn By

Scale

Date

Drawing No.

SET/MRH/240/00C

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: IQ82

SCALE	1 : 1250
DATE	11/04/2011
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Prohibition and Restriction of Waiting, On Street Parking and Clearways.

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Strategic Director of Environmental Services

DRAWING TITLE	
Tile Ref: IQ83	
SCALE	1 : 1250
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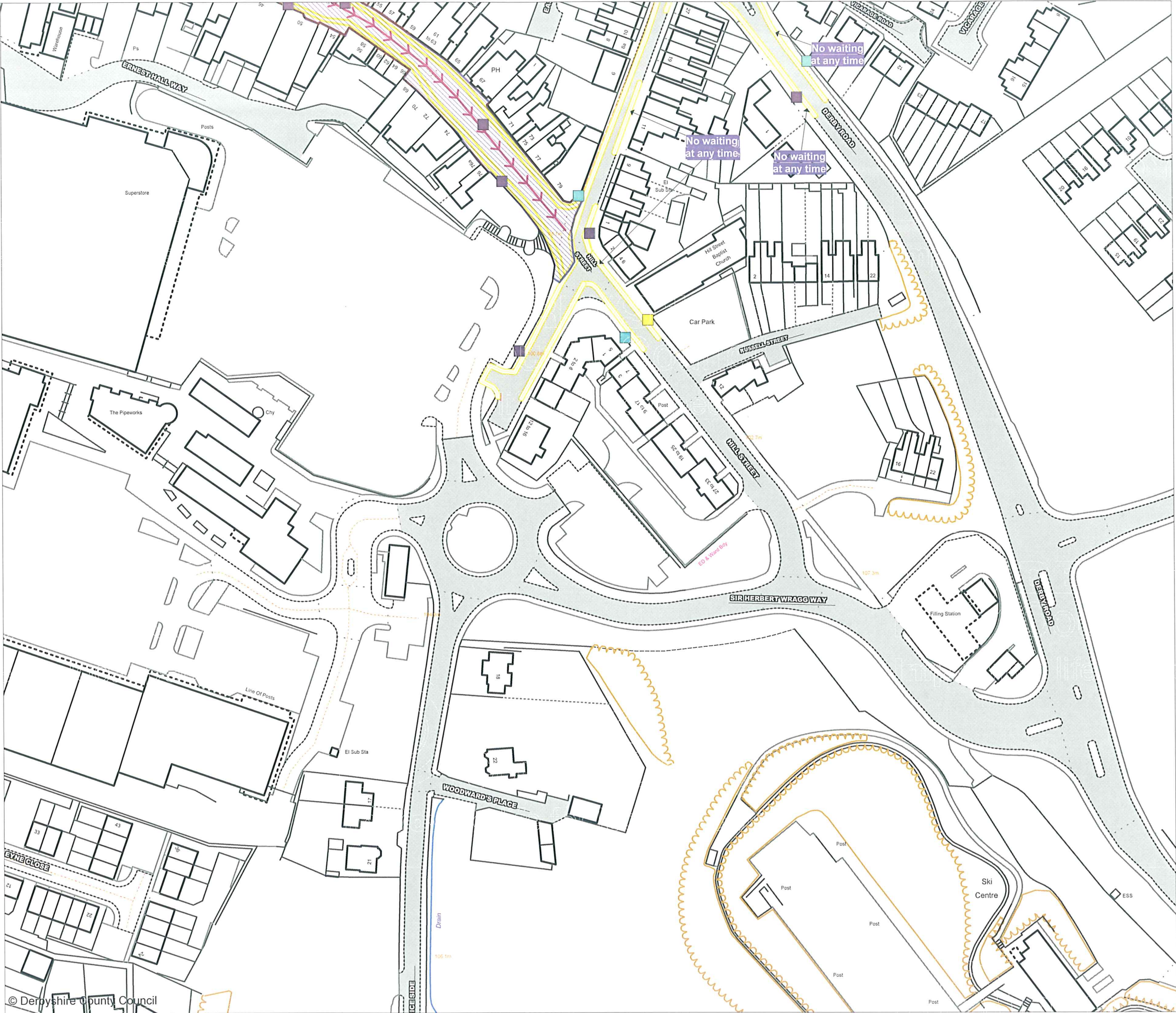
DERBYSHIRE
County Council
Improving life for local people

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

DRAWING TITLE

Tile Ref: IR82

SCALE	1 : 1250
DATE	11/04/2011
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Prohibition and Restriction of Waiting, On Street Parking and Clearways.

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