

DATED 25 OCTOBER 2012

THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE DERBYSHIRE COUNTY COUNCIL

**(PEVERIL ROAD AND CLIFTON ROAD,
BUXTON)**

(PROHIBITION OF WAITING) ORDER 2011

J McELVANEY

MATLOCK

**THE DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
(PEVERIL ROAD AND CLIFTON ROAD,
BUXTON)**

(PROHIBITION OF WAITING) ORDER 2011

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 Fifth day of November Two Thousand and Twelve and may be cited as "The Derbyshire County Council (Peveril Road and Clifton Road, Buxton) (Prohibition of Waiting) Order 2011".

2 INTERPRETATION

In this Order:-

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

2.2 "Cycle" means a bicycle, tricycle or a cycle having four or more wheels, not being in any case a Motor Vehicle.

2.3 "Vehicle" for the purposes of this Order means a "Motor Vehicle" or "Cycle".

2.4 "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 of carrying passengers.

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

2.6 "Disabled Person's Vehicle" means a Vehicle displaying a Disabled Person's Badge in the relevant position as set out under Regulation 4 of the Local Authorities Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

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

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

2.9 "Goods" means goods or burden of any description

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

2.11 The Interpretation Act 1978 shall apply to its interpretation as it applies to Acts of Parliament

2.12 Any reference to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment

2.13 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 WAITING RESTRICTIONS

3.1 Save as provided in articles 4, 5 and 6 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 the Schedule to this Order.

4 GENERAL EXEMPTIONS

4.1 Nothing in Article 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 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 on 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.

5 DISABLED PERSONS' EXEMPTIONS

5.1 Nothing in Article 3.1 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).

5.2 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.

5.3 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.

5.4 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".

6 PUBLIC SERVICE VEHICLES

6.1 Nothing in Article 3 shall apply to a Public Service 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.

8 REVOCATIONS OF PREVIOUS ORDERS

8.1 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

NO WAITING AT ANY TIME

Peveril Road, Buxton

West side

From its junction with Clifton Road in a southerly direction for a distance of 23 metres.

Mill Cliff, Buxton

East side

From its junction with Peveril Road in a northerly direction for a distance of 10 metres.

Clifton Road, Buxton

North side

From the northern corner of its junction with Mill Cliff in a westerly direction for a distance of 44 metres.

South side

From its junction with Peveril Road in a westerly direction for a distance of 49 metres.

As shown for illustration purposes only on the attached plan.

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

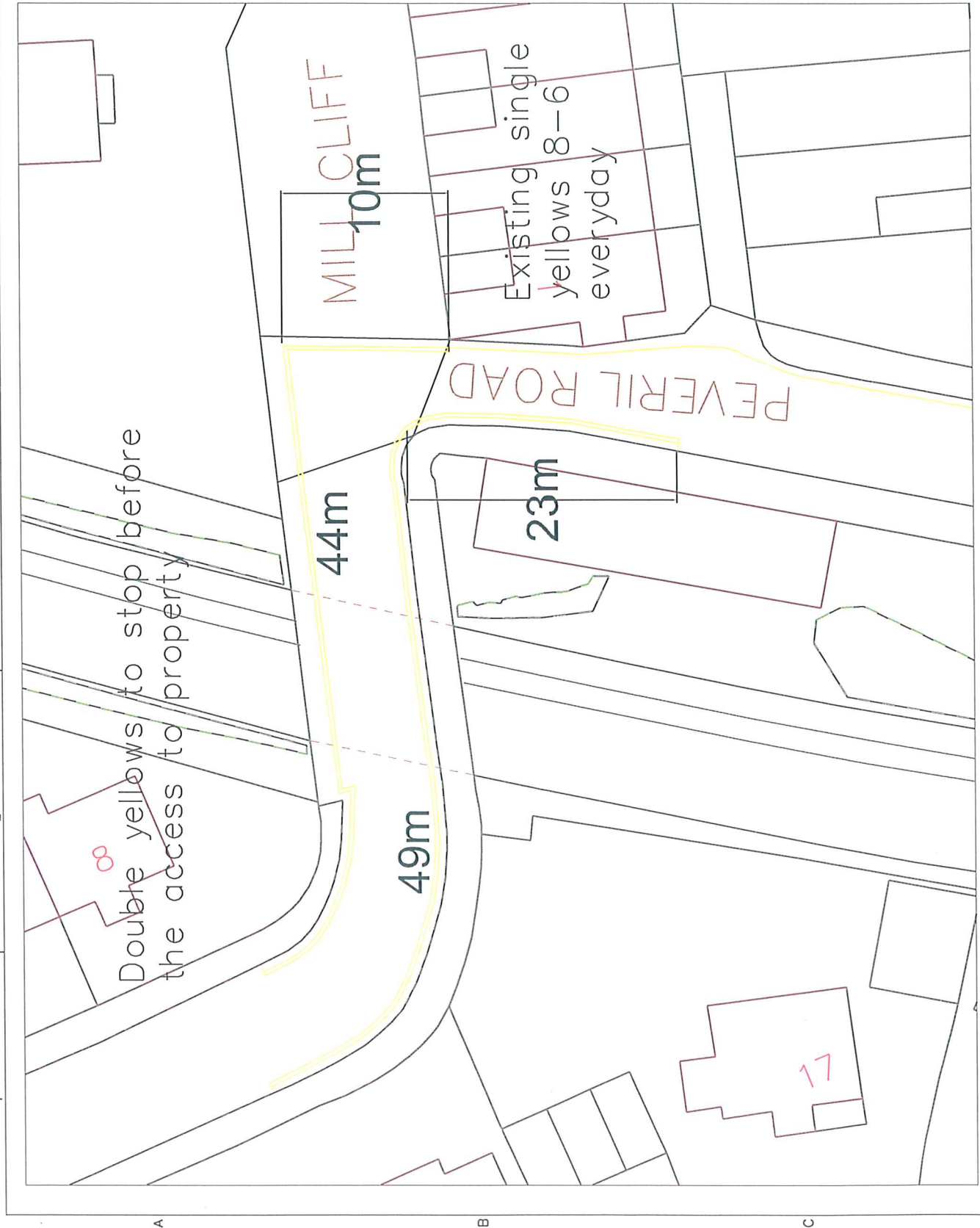
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Director of Legal Services

Number in Seal
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2012/1113

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PROPOSITION DETAILS			
Drawn by	Checked by	Approved by	Date
01/06/11			
SCALE			
1:1	1:2	1:3	1:4



Ian Stephenson

Strategic Director Environmental Services

PROJECT TITLE

PROPOSED
NO WAITING AT ANY TIME
RESTRICTION

DRAWING TITLE

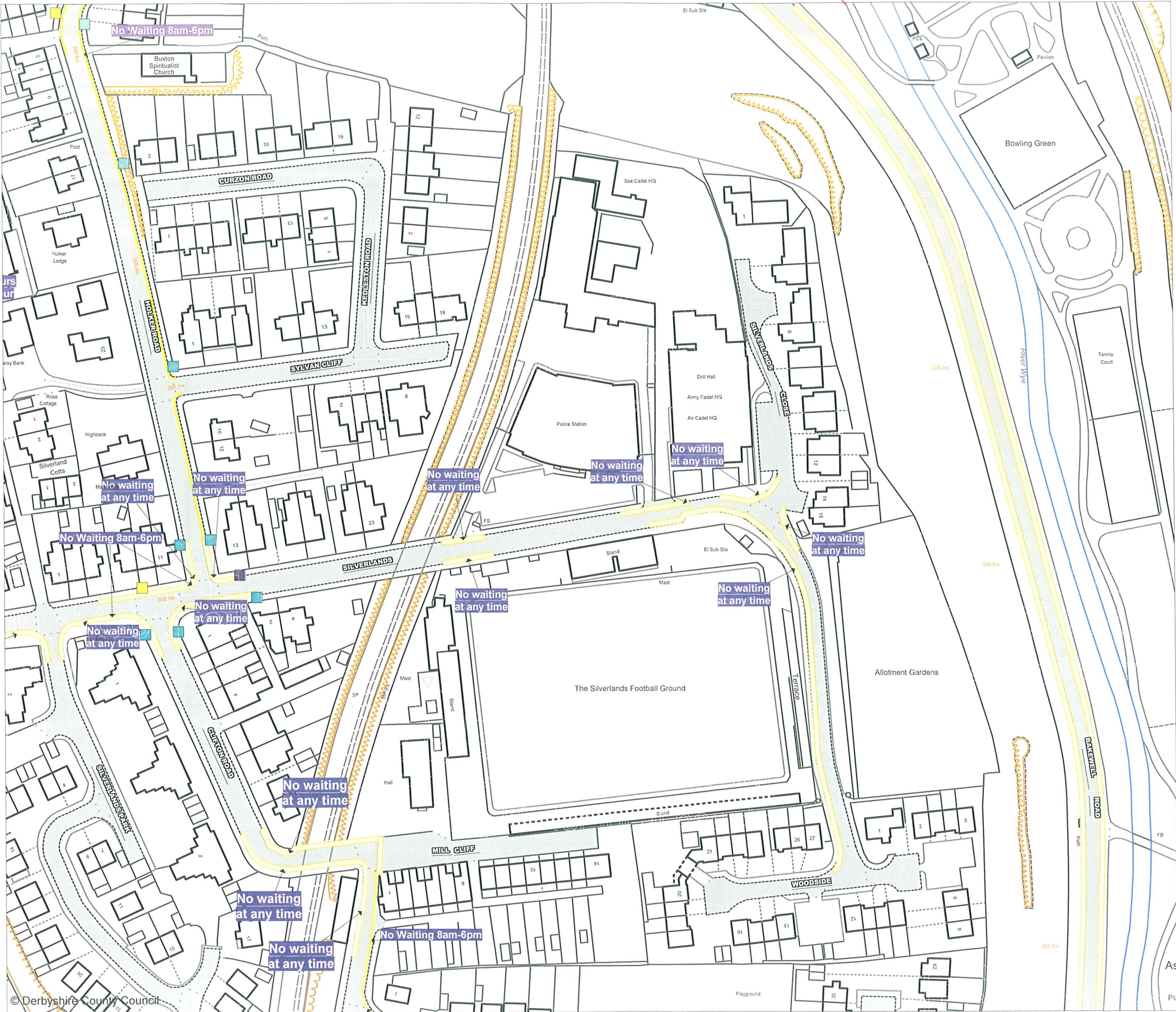
PEVERIL AND CLIFTON ROAD
BUXTON

DATE DRAWING MADE

DATE OF LAST REVISION

DATE OF NEXT REVISION

NTA/IM/108/11



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: CM22

SCALE	1 : 1250
DATE	05/11/2012
DRAWING No.	3
DRAWN BY	