

DATED 11 JULY 2013

THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE DERBYSHIRE COUNTY COUNCIL

(RYKNELD SQUARE, CHESTERFIELD)

**(PROHIBITION OF WAITING AND LOADING
RESTRICTION) ORDER 2012**

J McELVANEY

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THE DERBYSHIRE COUNTY COUNCIL ROAD TRAFFIC REGULATION ACT 1984

(RYKNELD SQUARE, CHESTERFIELD)

(PROHIBITION OF WAITING AND LOADING RESTRICTION) ORDER 2012

The Derbyshire County Council in exercise of its powers under Sections 1, 2 4 and 32 of the Road Traffic Regulation Act 1984 (as amended) ("the Act"), Part IV of Schedule 9 of 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

1.1 This Order shall come into operation on the Twenty-second day of July Two Thousand and Thirteen and may be cited as "The Derbyshire County Council (Rykneld Square, Chesterfield) (Prohibition of Waiting and Loading Restriction) Order 2012".

2 INTERPRETATION

In this Order:-

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

2.02 "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.

2.03 "Disabled person's badge" has the same meaning as in the Disabled Persons (Exemptions for Disabled Persons) (England) Regulations 2000.

2.04 "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.

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

- 2.06 "CEO" means Civil Enforcement Officer and has the same meaning as in Section 76 of the 2004 Act.
- 2.07 "Goods" means goods or burden of any description.
- 2.08 "Loading and Unloading" means the transference, from or to a Vehicle, to or from premises, of Goods.

3 WAITING RESTRICTIONS

- 3.1 Save as provided in Articles 4 and 5 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 Schedule 1.

4 GENERAL EXEMPTIONS TO WAITING RESTRICTIONS

- 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 St. Mary's and All Saints Church (Crooked Spire) 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, unless a Loading Prohibition is in place on the same length of road.

5 DISABLED PERSONS' EXEMPTIONS

- 5.1 Nothing in Article 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) from 4pm to 10am the following day.

6 LOADING PROHIBITION

- 6.1 Save as provided in Article 7 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 load or unload between 10am to 4pm on any day on the length of road specified in Schedule 2.

7 GENERAL EXEMPTIONS TO LOADING PROHIBITIONS

- 7.1 Nothing in Article 6 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) 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;
 - (ii) 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;
 - (iii) the Vehicle to be used for the purpose of delivering or collecting postal packets as defined in The Postal Services Act 2000;
 - (iv) the Vehicle to wait at or near to St. Mary's and All Saints Church (Crooked Spire) for so long as such waiting by that Vehicle is reasonably necessary in connection with any wedding or funeral;
 - (v) the Vehicle to be used for fire brigade, ambulance or police purposes;
 - (vi) loading/ unloading by Goods Vehicles to premises whose sole means of vehicular access is Rykneld Square.

8 EFFECT OF ORDER

- 8.1 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.

9 REVOCATIONS OF PREVIOUS ORDERS

- 9.1 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

NO WAITING AT ANY TIME

Rykneld Square

North side

From its junction with Church Way in an easterly direction for a distance of 29 metres to its eastern side.

South side

From its junction with Church Way in an easterly direction for a distance of 23 metres to its eastern side.

East side

From the northern side in a southerly direction for a distance of 17 metres.

SCHEDULE 2

NO LOADING 10AM TO 4PM

Rykneld Square

North side

From its junction with Church Way in an easterly direction for a distance of 29 metres to its eastern side.

South side

From its junction with Church Way in an easterly direction for a distance of 23 metres to its eastern side.

East side

From the northern side in a southerly direction for a distance of 17 metres.

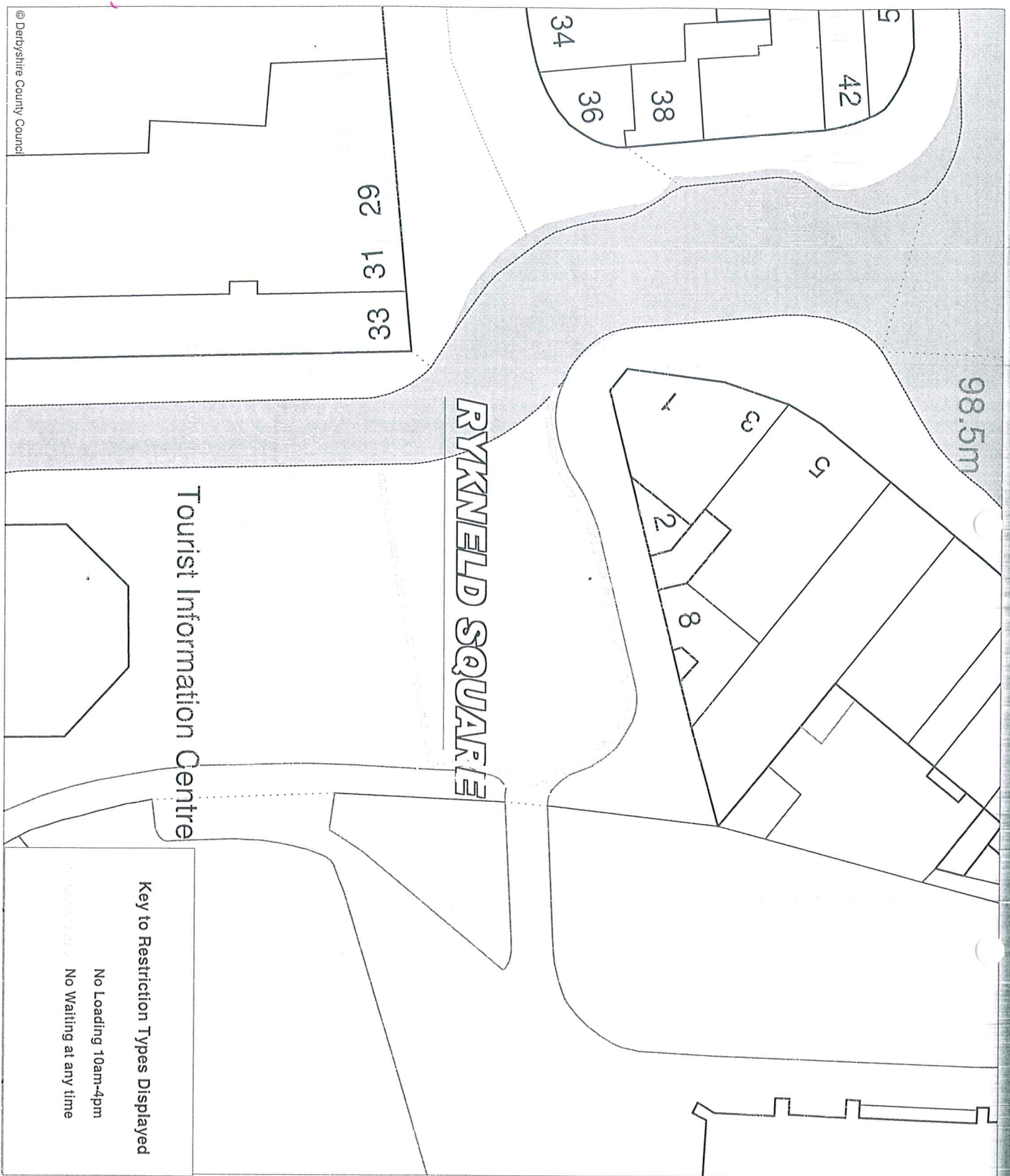
As shown for illustration purposes on the attached plan.

THE COMMON SEAL of the Derbyshire)
County Council was hereunto affixed)
the Eleventh day of July Two thousand)
and Thirteen in the presence of:-)


Director of Legal Services

Number in Seal
Book

2013/687



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

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Ryknield Square

Proposed Prohibition of Waiting and Loading Restriction Order



IAN W. STEPHENSON BSc., CEng, MICE, MAE

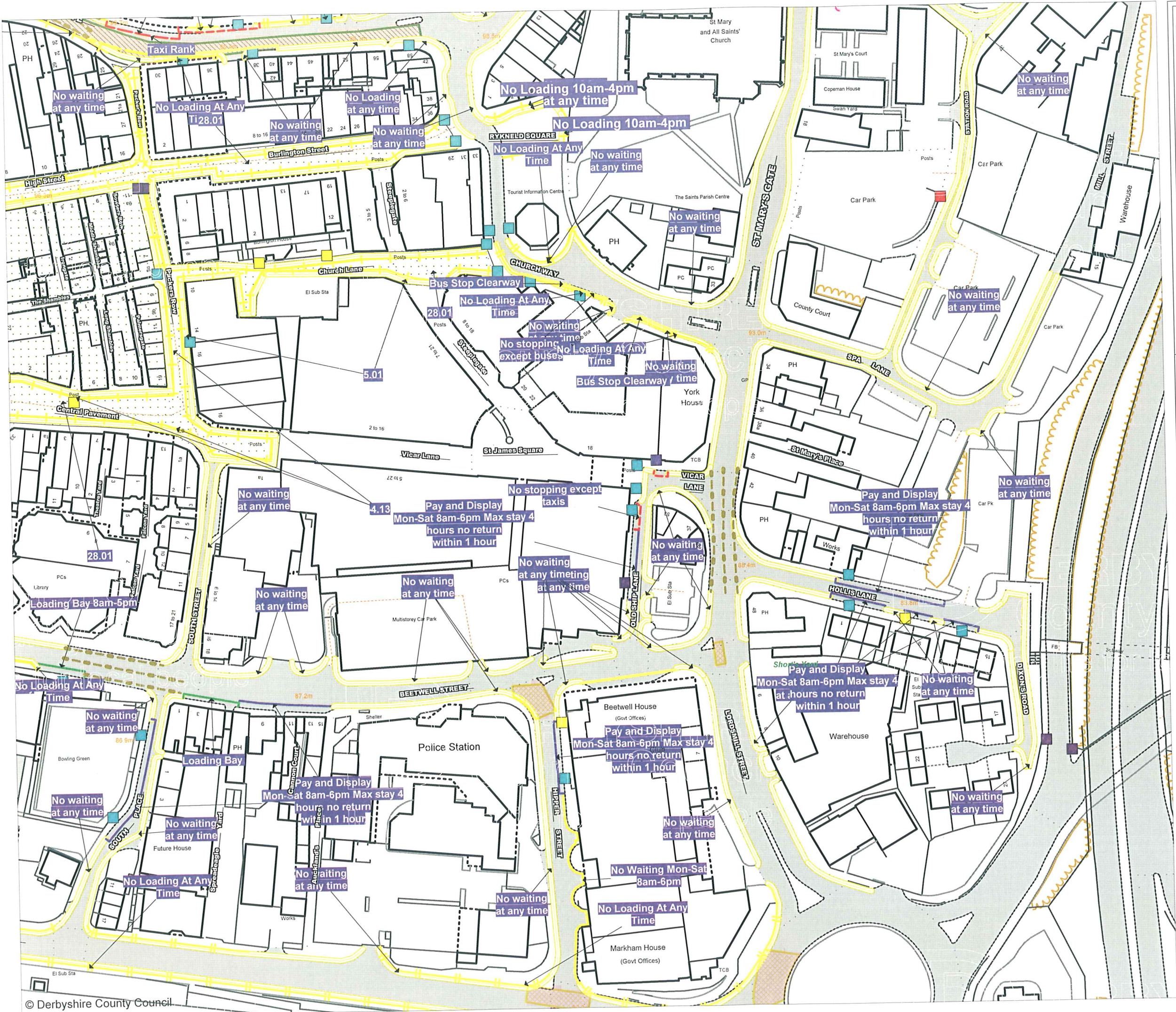
Drawing Title

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Date

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

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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: CT104

SCALE	1 : 1250
DATE	22/07/2013
DRAWING No.	8
DRAWN BY	