

**DATED 24 NOVEMBER 2011**

**THE DERBYSHIRE COUNTY COUNCIL**

**ROAD TRAFFIC REGULATION ACT 1984**

**THE DERBYSHIRE COUNTY COUNCIL  
(MARKET PLACE, CHAPEL EN LE FRITH)  
(WAITING RESTRICTIONS) ORDER 2011**

**J McELVANEY**

**MATLOCK**

**Z2949**

**THE DERBYSHIRE COUNTY COUNCIL**  
**ROAD TRAFFIC REGULATION ACT 1984**  
**(MARKET PLACE, CHAPEL EN LE FRITH)**  
**(WAITING RESTRICTIONS) 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"), 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 AND COMMENCEMENT**

This Order shall come into operation on the Fifth day of December Two Thousand and Eleven and may be cited as "The Derbyshire County Council (Market Place, Chapel en le Frith) (Waiting Restrictions) 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 "Parking Bay" and "Parking Space" means a part of a Parking Place marked out or provided for the leaving of a Vehicle of the classes specified in this Order under the provisions of this Order.

### **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 between the hours of 8am and 6pm on any day (other than a Sunday), for longer than 1 hour, (no return within 2 hours) on the lengths 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 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;

or

(viii) Goods to be Loaded or Unloaded from the Vehicle.

## **5 DISABLED PERSONS' EXEMPTIONS**

5.1 Nothing in Article 3.2 shall render it unlawful to cause or permit a Disabled Person's Vehicle which displays in the relevant position a Disabled Person's Badge to wait in the lengths of road referred to in that Article.

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 DISABLED PERSONS PARKING BAY**

7.1 The Parking Bay specified in Schedule 2 to this Order is available only for a Disabled Person's Vehicle, the driver of a Vehicle shall not permit it to wait, between the hours of 8am and 6pm on any day (other than a Sunday), for longer than 3 hours, in that Parking Bay unless it is a Disabled Person's Vehicle with a valid and correctly displayed Disabled Persons Badge.

7.3 Nothing in this Order shall render it unlawful for a Disabled Person's Vehicle to wait in a Disabled Badge holder's only Parking Bay provided that such a Vehicle is parked within the limits of the Bay.

## 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 "The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) High Peak Consolidation Order 2009" is hereby revoked insofar as it relates to the lengths of road listed in the Schedules to this Order.

# SCHEDULE 1

LIMITED WAITING 1 HOUR, NO RETURN WITHIN 2 HOURS  
8AM TO 6PM, MONDAY TO SATURDAY

Market Place, Chapel en le Frith

North west side

From a point 23 metres north east of a point opposite the centre line of Cross Street in a north easterly direction to its junction with Church Lane.

# SCHEDULE 2

DISABLED PARKING BAY  
8AM TO 6PM, MONDAY TO SATURDAY  
MAXIMUM WAIT 3 HOURS

Market Place, Chapel en le Frith

North west side

From a point 17 metres north east of a point opposite the centre line of Cross Street in a north easterly direction for a distance of 6 metres.

As shown for illustration purposes only on the attached plan.

THE COMMON SEAL of the Derbyshire )  
County Council was hereunto affixed )  
the Twenty-fourth day of November Two )  
Thousand and Eleven in the presence of:-)



Director of Legal Services

Number in Seal  
Book 201/1240



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

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

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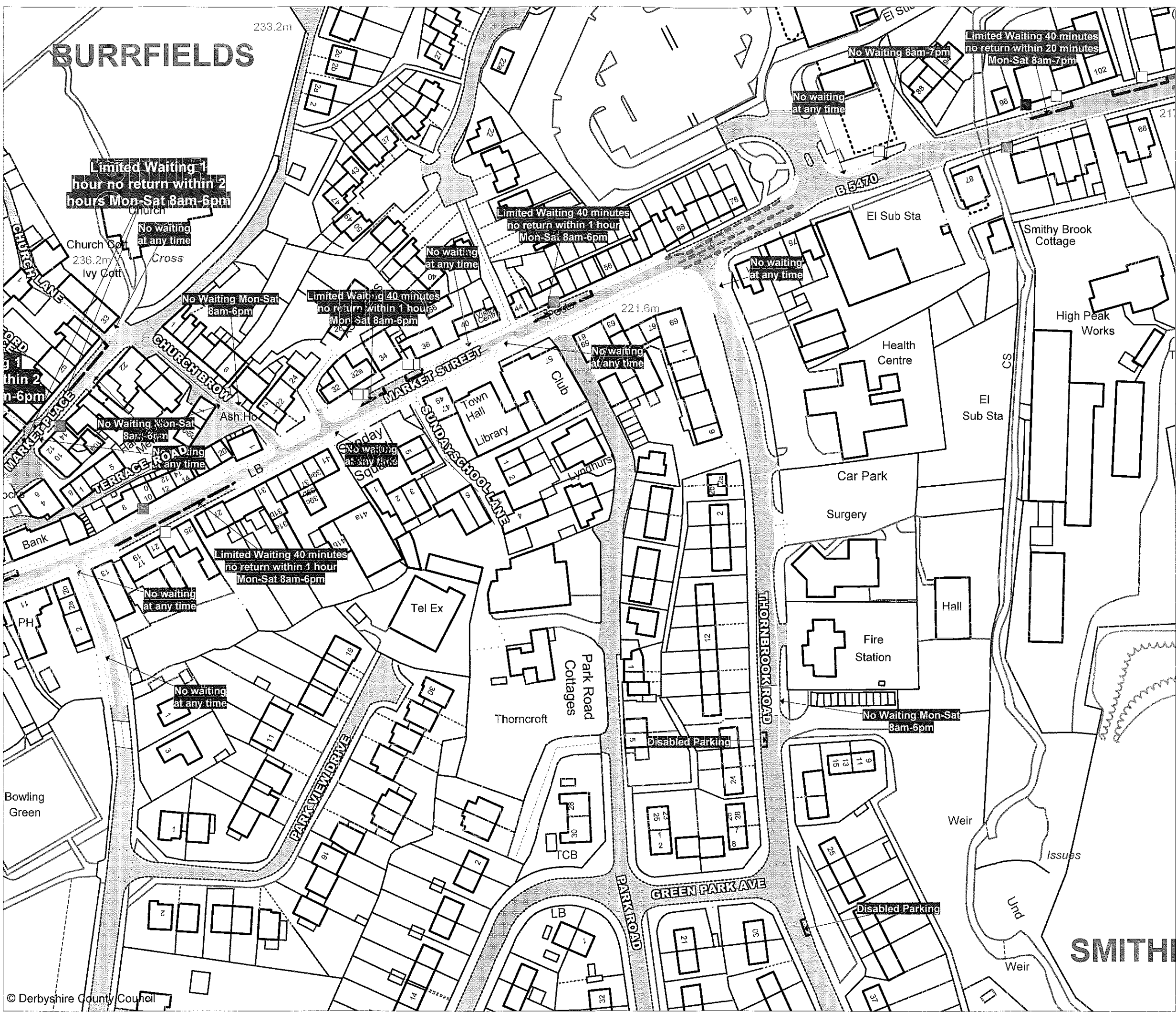
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