

DATED 12 JULY 2012

THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE DERBYSHIRE COUNTY COUNCIL

**(CAVENDISH AVENUE AND GIRDON CLOSE,
BUXTON)**

**(SCHOOL KEEP CLEAR RESTRICTIONS AND
PROHIBITION OF WAITING) ORDER 2012**

J McELVANEY

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THE DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
(CAVENDISH AVENUE AND GIRDON CLOSE,
BUXTON)
(SCHOOL KEEP CLEAR RESTRICTIONS AND
PROHIBITION OF WAITING) ORDER 2012

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 Twenty-third day of July Two Thousand and Twelve and may be cited as "The Derbyshire County Council (Cavendish Avenue and Girdon Close, Buxton) (School Keep Clear Restrictions and Prohibition of Waiting) Order 2012".

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 "Owner" in relation to a Vehicle, means the person by whom such Vehicle is kept and used.

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

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

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

2.7 "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.

2.8 "Pedal Cycle" means a cycle (which has the same meaning as that ascribed to it in Section 192 of The Road Traffic Act 1988).

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

2.10 "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.

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

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

2.13 "Electronic Communications Apparatus", "Electronic Communications Network" and any "Electronic Communications Line" shall have the same meaning as in the Communications Act 2003.

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 "Traffic Sign" means a sign of any size, colour and type prescribed or authorised or having effect pursuant to Section 64 of the Act.

2.17 "The 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002 SI 2002/3113

3 WAITING RESTRICTIONS

3.1 Save as provided in Articles 4.1 and 4.2 of this Order, no Vehicle, except upon the direction or with the permission of a Police Constable in uniform, or a CEO, shall stop or wait on the School Keep Clear Markings indicated by road markings complying with diagram 1027.1 in Schedule 6 of the 2002 Regulations when it is used on conjunction with Traffic Sign diagram 642.2A in Schedule 2 of the 2002 Regulations, or permitted variants thereof, between the hours of 8:30am and 9:30am and 2:30pm and 4pm, (Monday to Friday Only), on the lengths of road specified in Schedule 1 to this Order.

3.2 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 lengths of road specified in Schedule 2 to this Order.

4 GENERAL EXEMPTIONS

4.1 The controls specified in Article 3 do not apply in the respect of a Vehicle stopping or waiting;

- a) if the person in control of the Vehicle is
 - (i) required by law to stop or not to proceed;
 - (ii) obliged to stop so as to avoid an accident;
 - (iii) prevented from proceeding by circumstances beyond the person's control;

- b) for so long as may be necessary to enable the Vehicle, if it cannot conveniently be used for such purpose in any other road, to be used
 - (i) in connection with any building operation or demolition;
 - (ii) in connection with the removal of any obstruction to traffic;
 - (iii) opening or closing a gate or other barrier at the entrance to premises to which the Vehicle is being driven from or from which it has emerged if it is not reasonably practicable to cause the Vehicle to stop elsewhere for the purpose;
 - (iv) using the Vehicle for fire brigade, ambulance or police purposes;
 - (v) using the Vehicle in connection with the maintenance, improvement or reconstruction of the highway comprising or including the Carriageway;
 - (vi) using the Vehicle in the service of a local authority or of a water company in pursuance of statutory duties or powers.
 - (vii) in connection with the laying, erection, alteration or repair in or near such 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;

4.2 The controls specified in Article 3 of this Order do not apply in respect of a Vehicle which is waiting at the edge of the carriageway for as long as may be necessary for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000.

4.3 Nothing in Article 3.2 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 to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths of road;
- (iii) 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
- (iv) 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, 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 3.2 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.

SCHEDULE 1

SCHOOL KEEP CLEAR RESTRICTIONS
NO STOPPING 8:30 AM TO 9:30 AM AND 2:30 PM TO 4 PM
MONDAY TO FRIDAY
ON SCHOOL KEEP CLEAR MARKINGS

Cavendish Avenue and Girton Close, Buxton

From the end of Girton Close on the north side in a westerly direction onto Cavendish Avenue for a distance of 44.5 metres.

From the end of Girton Close on the south side in a westerly direction onto Cavendish Avenue for a distance of 26.5 metres.

SCHEDULE 2


NO WAITING AT ANY TIME

Cavendish Avenue, Buxton

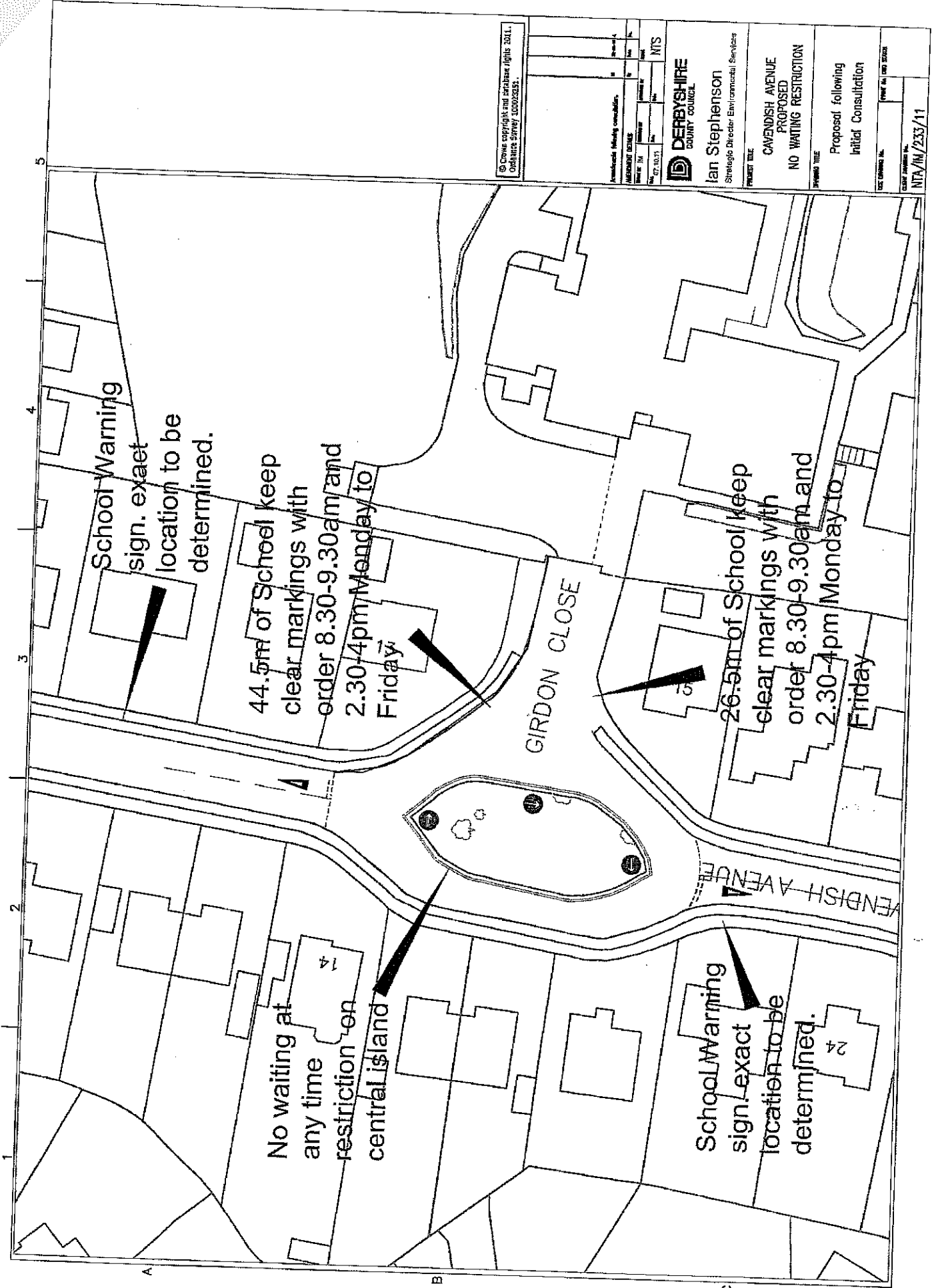
The whole of the central island at the end of Girton Close.

As shown for illustration purposes only on the attached plan.

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


Director of Legal Services

Number in Seal
Book 2012/746



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Approved Working Consultant:	NTS
ALLOCATION DESIGN:	
Scale:	1:1000
Date:	07.10.11

DERBYSHIRE
COUNTY COUNCIL

Ian Stephenson
Strategic Director Environmental Services

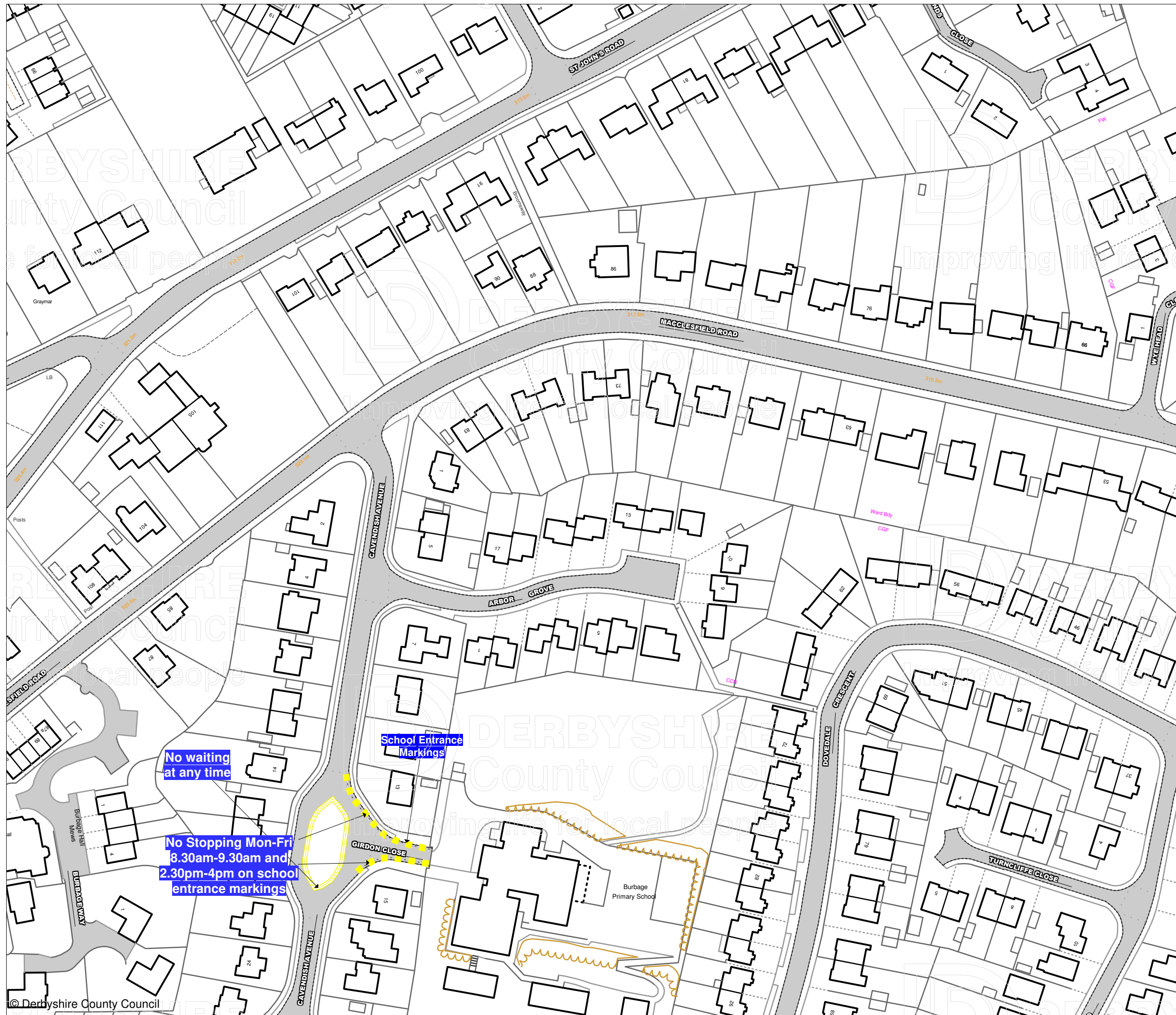
PROJECT TITLE

CAVENDISH AVENUE
PROPOSED
NO WAITING RESTRICTION

PROPOSAL TITLE
Proposed following
Initial Consultation

DATE FORWARDED IN:

DATE FORWARDED IN:
NTA/IN/233/11



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

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CONFIRMED



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

DRAWING TITLE

Tile Ref: CN18

SCALE 1 : 1250

DATE 23/07/2012

DRAWING No. 1

DRAWN BY