

DATED 17 JULY 2014

THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE DERBYSHIRE COUNTY COUNCIL

(VARIOUS ROADS, BOLSOVER TOWN CENTRE)

**(PROHIBITION AND RESTRICTION OF WAITING
AND DISABLED PARKING PLACES)
ORDER 2014**

J McELVANEY

MATLOCK

THE DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
(VARIOUS ROADS, BOLSOVER TOWN CENTRE)

**(PROHIBITION AND RESTRICTION OF WAITING AND
DISABLED PARKING PLACES) ORDER 2014**

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, Section 73 and Schedule 7 of the Traffic Management Act 2004 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-eighth day of July Two Thousand and Fourteen and may be cited as "The Derbyshire County Council (Various Roads, Bolsover Town Centre) (Prohibition and Restriction of Waiting and Disabled Parking Places) Order 2014".

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 "Pavement" means the remainder of the surfaced highway that is not constructed and used as Carriageway.
- 2.4 "Owner" in relation to a Vehicle, means the person by whom such Vehicle is kept and used.
- 2.5 "Motor Vehicle" means any mechanically propelled vehicle intended or adapted for use on roads.
- 2.6 "Cycle" means a bicycle, tricycle or a cycle having four or more wheels, not being in any case a Motor Vehicle.
- 2.7 "Vehicle" for the purposes of this Order means a "Motor Vehicle" or "Cycle".
- 2.8 "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.

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

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

2.11 "Disabled Person's Vehicle" means a Vehicle displaying A 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.

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

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

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

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

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

2.17 "Parking Place" means a part of the highway set aside for stationary vehicles of the classes specified in this Order under the provisions of this Order, usually indicated by a parking bay marked on the carriageway.

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 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 between the hours of 8am and 6pm, Monday to Friday, on the lengths of road specified in Schedule 2 to this Order.

3.3 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 9am and 8pm on any day, for longer than 40 minutes (no return within 1 hour) on the lengths of road specified in Schedule 3 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 Articles 3.1 and 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 Nothing in Article 3.3 shall render it unlawful to cause or permit a Disabled Person's Vehicle which displays in the relevant position a Disabled Person's Badge to wait in the lengths of road referred to in that Article.

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 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.

5.4 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.

5.5 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 BADGE HOLDERS ONLY PARKING PLACES

7.1 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, other than a Disabled Person's Vehicle to park in a Disabled Badge Holders Only Parking Place specified in Schedule 4 of this Order for a period not exceeding 3 hours between the hours of 9am to 6pm on any day.

7.2 Where there is a sign and surface marking which indicates that the Parking Place is available only for a Disabled Person's Vehicle, the Driver of a Vehicle shall not permit it to wait in that Parking Place 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 park in a Disabled Badge Holders Only Parking Place 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 Any permanent Traffic Regulation Orders made prior to this Order, insofar as they relate to waiting restrictions on the lengths of road listed in the Schedules of this Order, are hereby revoked.

SCHEDULE 1

NO WAITING AT ANY TIME

Castle Lane, Bolsover

North side

From a point 38 metres east of its junction with New Station Road in an easterly direction for a distance of 14 metres.

South east side

From its junction with New Station Road in a north easterly direction for a distance of 11 metres.

From its junction with Castle Street in a southerly direction for a distance of 9 metres.

New Station Road, Bolsover

North side

From its junction with Castle Lane in an easterly direction for a distance of 11metres.

Market Place, Bolsover

North west side

From its junction with the main carriageway of Market Place in a south westerly direction for a distance of 13 metres.

South west side

For its entire length.

South east side

From a point 12 metres north east of its junction with Middle Street in a north easterly direction for a distance of 40 metres.

Welbeck Road, Bolsover

South east side

From its junction with Town End in a north westerly direction for a distance of 41 metres.

North west / west side

From its junction with Town End in a north easterly then northerly direction to a point 15 metres north of its junction with Oxcroft Lane.

Oxcroft Lane, Bolsover

North east side

From its junction with Welbeck Road in north westerly direction for a distance of 18 metres.

South west side

From its junction with Welbeck Road in a north westerly direction for a distance of 221 metres.

SCHEDULE 2

NO WAITING 8AM TO 6PM MONDAY TO FRIDAY

Oxcroft Lane, Bolsover

North east side

From a point 18 metres north west of its junction with Welbeck Road in a north westerly direction to a point 43 metres south of its junction with Longlands.

From its junction with Longlands in a southerly direction for a distance of 21 metres.

SCHEDULE 3

40 MINUTES LIMITED WAITING, NO RETURN WITHIN 1 HOUR, 9AM TO 8PM

Welbeck Road, Bolsover

East side

From a point 54 metres north of its junction with Town End in a northerly direction for a distance of 21 metres.

From a point 89 metres north of its junction with Town End in a northerly direction for a distance of 22 metres.

Castle Street, Bolsover

South west side

From a point 6 metres north west of its junction with Market Place in a north westerly direction for a distance of 6 metres.

From a point 18 metres north west of its junction with Market Place in a north westerly direction for a distance of 5 metres.

From a point 51 metres north west of its junction with Market Place in a north westerly direction for a distance of 16 metres.

SCHEDULE 4

DISABLED BADGE HOLDERS ONLY PARKING PLACES
3 HOURS LIMITED WAITING, 9AM TO 6PM

Castle Street, Bolsover

South west side

From a point 31 metres north west of its junction with Market Place in a north westerly direction for a distance of 13 metres.

As shown for illustration purposes only on the attached plan.

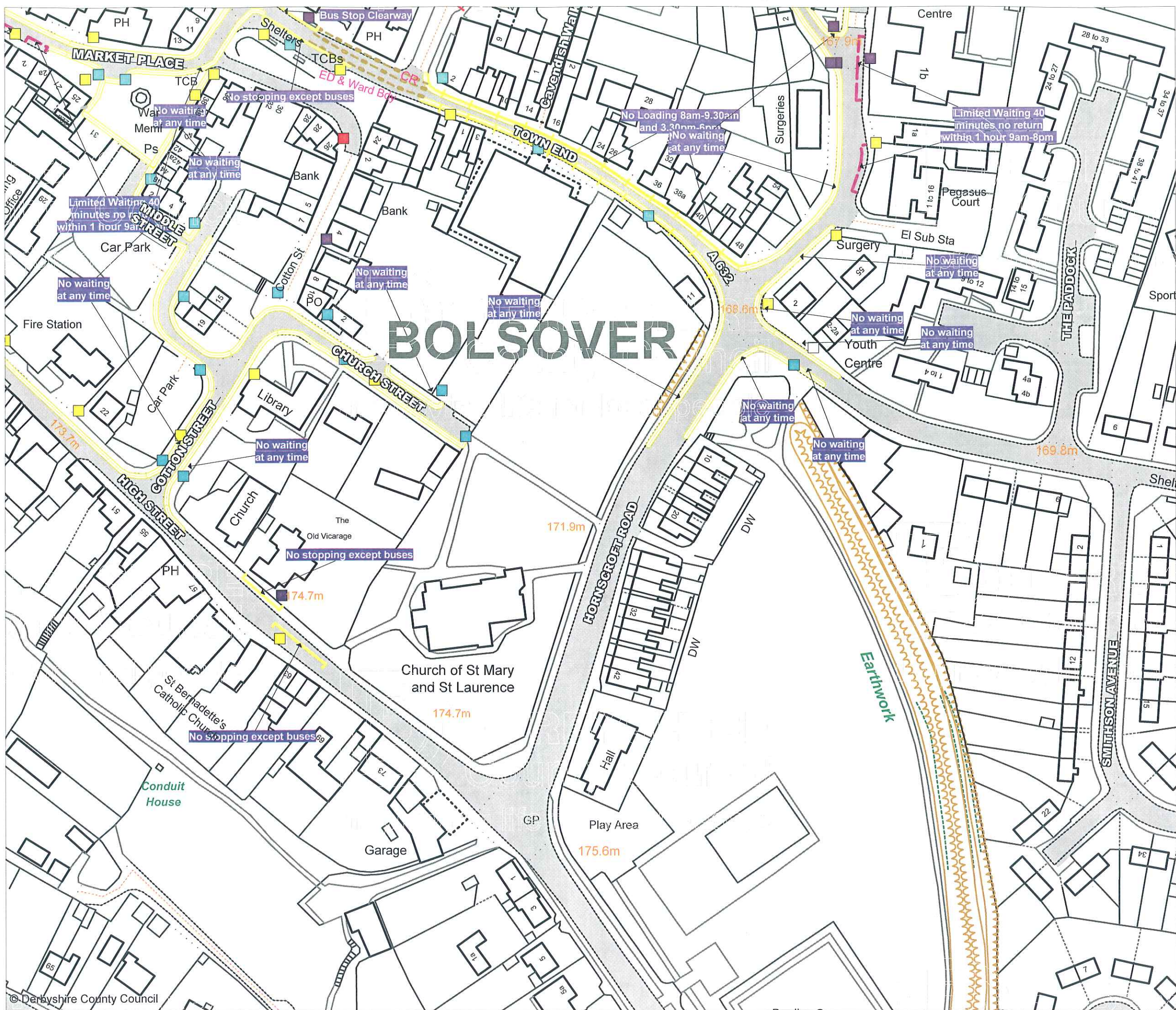
THE COMMON SEAL of the Derbyshire
County Council was hereunto affixed
the Seventeenth day of July Two Thousand
and Fourteen in the presence of:-

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Director of Legal Services

Number in Seal
Book

2014/652



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

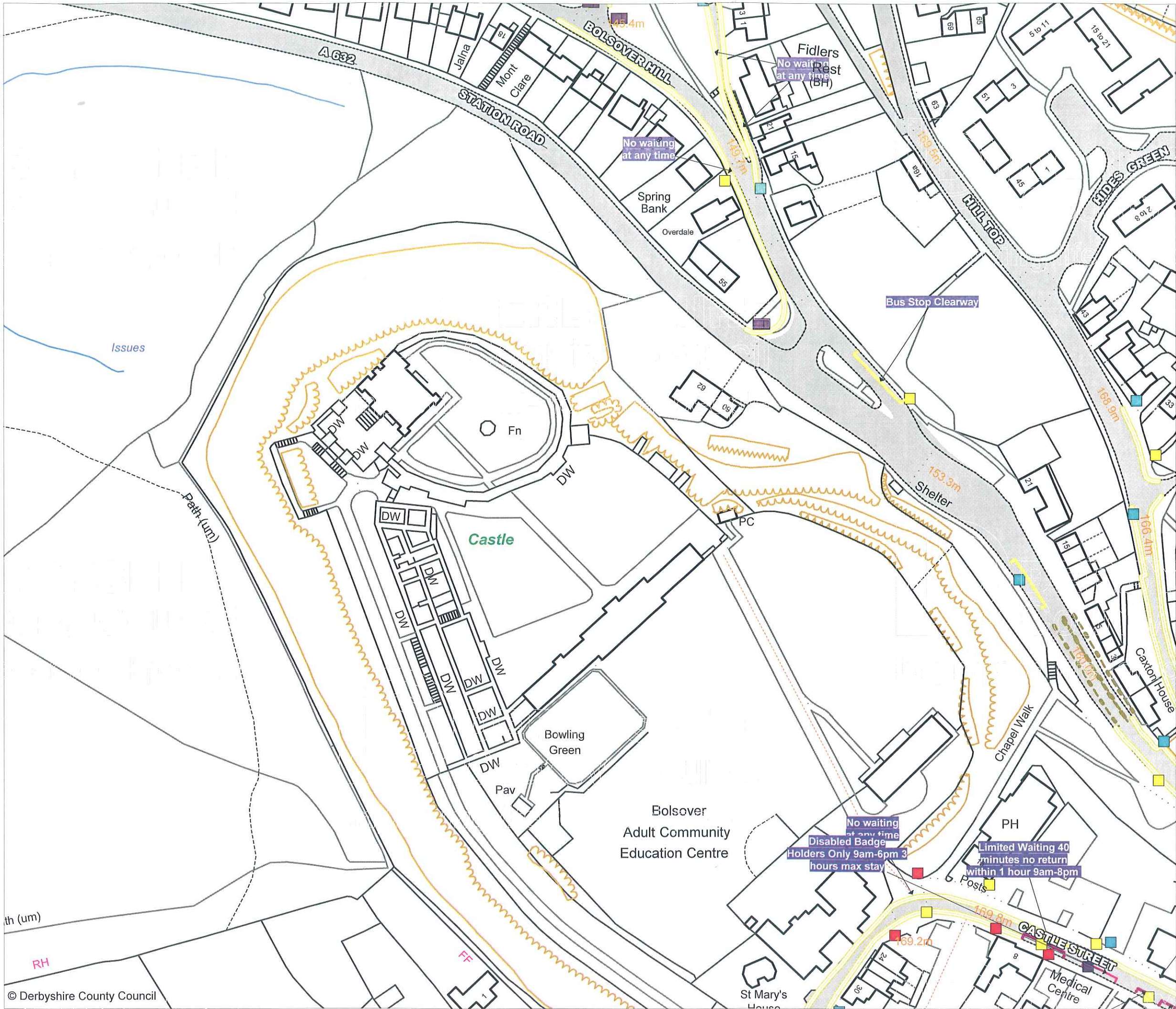
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