

DATED 07 NOVEMBER 2013

THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE DERBYSHIRE COUNTY COUNCIL

**(SMITHY AVENUE AND
UPPER MANTLE CLOSE, CLAY CROSS)**

(PROHIBITION OF WAITING) NO.2 ORDER 2013

J McELVANEY

MATLOCK

THE DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
(SMITHY AVENUE AND
UPPER MANTLE CLOSE, CLAY CROSS)
(PROHIBITION OF WAITING) NO.2 ORDER 2013

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") 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

This Order shall come into operation on the Eighteenth day of November Two thousand and Thirteen and may be cited as "The Derbyshire County Council (Smithy Avenue and Upper Mantle Close, Clay Cross) (Prohibition of Waiting) No.2 Order 2013".

2 INTERPRETATION

In this Order:-

- 2.1 "Vehicle" for the purposes of this Order means a "Motor Vehicle" or "Cycle".
- 2.2 "Motor Vehicle" means any mechanically propelled Vehicle intended or adapted for use on roads.
- 2.3 "Cycle" means a bicycle, tricycle or a cycle having four or more wheels, not being in any case a Motor Vehicle.
- 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 or 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

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 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 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 REVOCATION

8.1 The Derbyshire County Council (Smithy Avenue and Upper Mantle Close, Clay Cross) (Prohibition of Waiting) Order 2013 is hereby revoked in its entirety.

SCHEDULE

No Waiting At Any Time

Smithy Avenue, Clay Cross

East Side

From a point 55 metres north of its junction with Eldon Street in a northerly direction to a point 81 metres north of its junction with Eldon Street.

Upper Mantle Close, Clay Cross

North East Side

From a point 40 metres north west of its junction with Bridge Street in a north westerly direction to a point 80 metres north west of its junction with Bridge Street.

South West Side

From a point 47 metres north west of its junction with Bridge Street in a north westerly direction to a point 63 metres north west of its junction with Bridge Street.

As shown for illustration purposes only on the attached plan.

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


Director of Legal Services

Number in Seal
Book

2013/1119

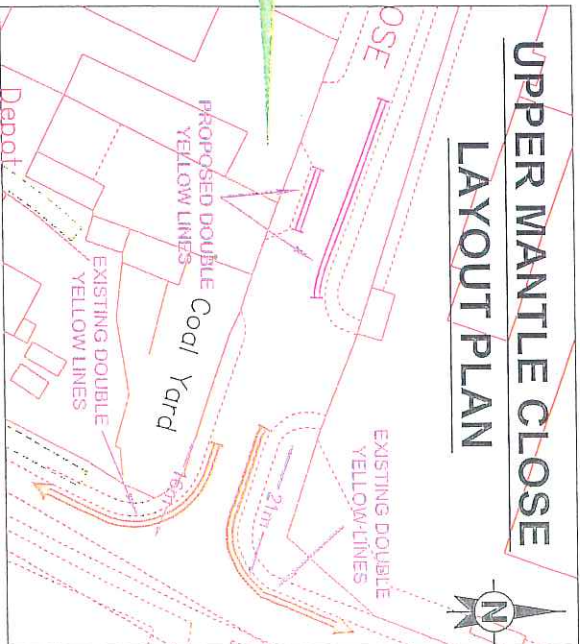
LOCATION PLAN

NOT TO SCALE



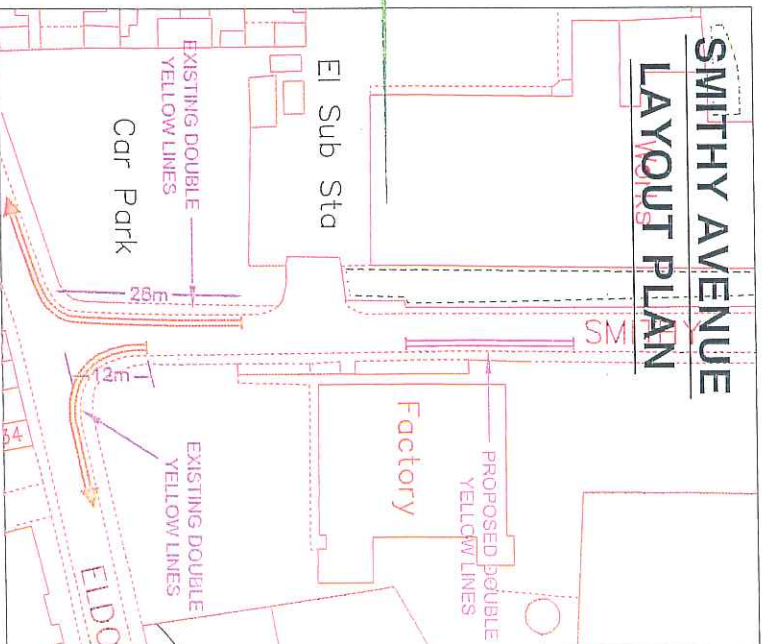
UPPER MANTLE CLOSE

LAYOUT PLAN



SMITHY AVENUE

LAYOUT PLAN



KEY

- Existing double yellow lines
- Proposed double yellow lines

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AMENDMENT DETAILS By Date No.

BRAN BY SMP SCALE

DATE 17/6/13 NTS

ORIGINAL DRAWING SIZE 297 x 420 (A3)

DERBYSHIRE
COUNTY COUNCIL

IAN W STEPHENSON

SECC CENG MADE WALT

STRATEGIC DIRECTOR OF ENVIRONMENTAL SERVICES

PROJECT TITLE

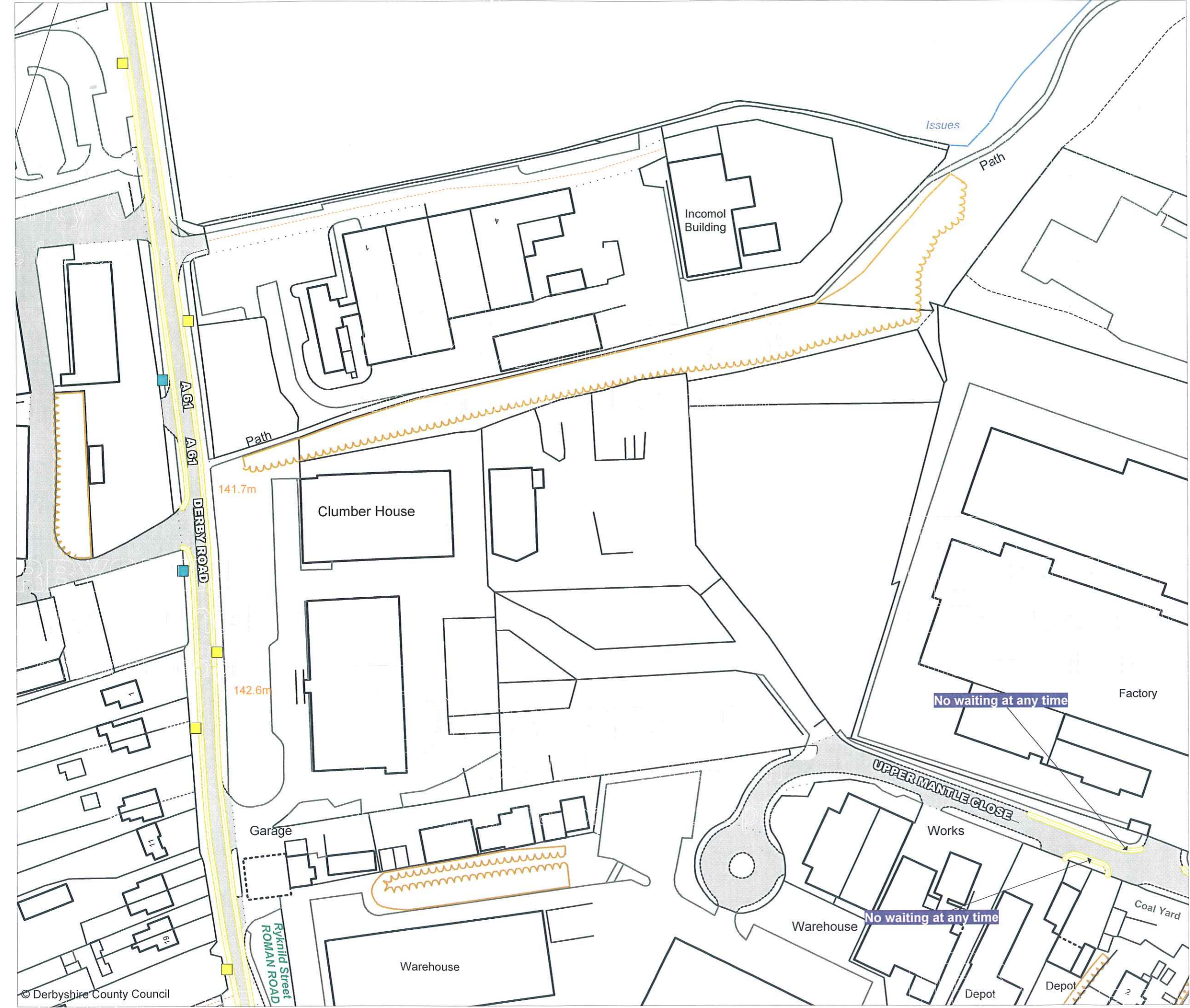
SMITHY AVENUE AND
UPPER MANTLE CLOSE
CLAY CROSS

DRAWING TITLE

PROPOSED
NO WAITING AT ANY
TIME RESTRICTIONS

DRAWING No.

NTA/SMP/22/13



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

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CONFIRMED





DERBYSHIRE
County Council
Improving life for local people

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

DRAWING TITLE	
Tile Ref: DO106	
SCALE	1 : 1250
DATE	18/11/2013
DRAWING No.	1
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