

DATED 13 NOVEMBER 2014

THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE DERBYSHIRE COUNTY COUNCIL

**(RESIDENTS PARKING ZONE B,
CROSS STREET AND ST MARGARET'S DRIVE,
CHESTERFIELD)**

(AMENDMENT) ORDER 2014

J McELVANEY

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THE DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
(RESIDENTS PARKING ZONE B,
CROSS STREET AND ST MARGARET'S DRIVE,
CHESTERFIELD)
(AMENDMENT) ORDER 2014

The Derbyshire County Council in exercise of its powers under Sections 1, 2, 4, 32, 35, 35A, 45, 46, 46A, 47, 48, 49, 51, 52 and 53 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

- 1.1 This Order shall come into operation on the Twenty-fourth day of November Two Thousand and Fourteen and may be cited as "The Derbyshire County Council (Residents Parking Zone B, Cross Street and St Margaret's Drive, Chesterfield) (Amendment) 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 "CEO" means Civil Enforcement Officer and has the same meaning as in Section 76 of The 2004 Act.
- 2.4 "Cycle" means a bicycle, tricycle or a cycle having four or more wheels, not being in any case a Motor Vehicle.
- 2.5 "Disabled Person's Badge" has the same meaning as in the Disabled Persons (Exemption for Disabled Persons) (England) Regulations 2000.
- 2.6 "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.

- 2.7 "Driver" in relation to a Vehicle waiting in a Parking Place or on a road or length of road, means:-
- a) the person driving the Vehicle or responsible for the Vehicle at the time it was left in that Parking Place or road or length of road;
 - b) the registered keeper of the Vehicle shall be deemed to have been the Driver unless evidence to the contrary is shown;
 - c) where the Vehicle is a Cycle the person (being a user) riding, pushing by hand or otherwise in charge of the Cycle at the time it was left in the Parking Place;
- 2.8 "Motor Vehicle" means any mechanically propelled vehicle intended or adapted for use on roads.
- 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 "Vehicle" for the purposes of this Order means a "Motor Vehicle" or "Cycle".
- 2.11 "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.
- 2.13 "Permit" means a Permit issued under the provisions "The Derbyshire County Council (Residents Parking Zone B) Chesterfield Order 2010.
- 2.14 "Permit Fee" means the charge payable for a Permit in accordance "The Derbyshire County Council (Residents Parking Zone B) Chesterfield Order 2010 as amended by Notice of Variation on 14th May 2012 for permit parking charges in the Borough of Chesterfield;
- 2.15 "Permit Holder" means a person to whom a Permit has been issued under the provisions of "The Derbyshire County Council (Residents Parking Zone B) Chesterfield Order 2010.
- 2.16 "The 2004 Act" means the Traffic Management Act 2004.

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 length of road specified in Schedule 1 to this Order.
- 3.2 Save as provided in articles 4, 5, 6 and 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 wait between the hours of 8am and 6pm on any day (other than a Sunday) for longer than 1 hours (no return within 1 hour) on the length of road specified in Schedule 2 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 3.1 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 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.
- 5.3 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 PERMIT HOLDER EXEMPTIONS

7.1 Nothing in Article 3.2 shall render it unlawful to cause or permit any Vehicle displaying a valid Permit issued and displayed in accordance with "The Derbyshire County Council (Residents Parking Zone B) Chesterfield Order 2010 to wait for a period in excess of 1 hours, in the lengths of road specified in Schedule 2 of this Order, provided that such a Vehicle is parked in accordance with "The Derbyshire County Council (Residents Parking Zone B) Chesterfield Order 2010.

8 PERMIT HOLDERS ONLY PARKING PLACES

8.1 Subject to the Articles of this Order, the lengths of road specified in Schedule 3 to this Order shall be designated Permit Holders Parking Places. 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 Vehicle displaying a valid Permit to park in a Permit Holders Only Parking Place on the lengths of road specified in Schedule 3 of this Order

8.2 Nothing in this Order shall render it unlawful to cause or permit a Vehicle, displaying a valid permit in accordance with The Derbyshire County Council (Residents Parking Zone B) Chesterfield Order 2010 to wait in a Permit Holders Parking Place between the hours of 8am and 6pm on any day, other than a Sunday, provided it is parked in the manner specified in The Derbyshire County Council (Residents Parking Zone B) Chesterfield Order 2010, on the lengths of road specified in Schedule 3 to this Order.

8.3 Exemptions to this restriction are as specified in "The Derbyshire County Council (Residents Parking Zone B) Chesterfield Order 2010,

9 EFFECT OF ORDER

- 9.1 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.

10 REVOCATIONS OF PREVIOUS ORDERS

- 10.1 The Derbyshire County Council The Derbyshire County Council (Residents Parking Zone B) Chesterfield Order 2010 is hereby revoked insofar as it relates to the lengths of road listed in the Schedules to this Order.

SCHEDULE 1

NO WAITING AT ANY TIME

St Margaret's Drive, Chesterfield

West side

From its junction with cross Street in a southerly direction for a distance of 14.5 metres.

From a point 25 metres south of its junction with Cross Street in a southerly direction for a distance of 8 metres.

From a point 42 metres south of its junction with Cross Street in a southerly direction for a distance of 7 metres.

From a point 57 metres south of its junction with Cross Street in a southerly direction for a distance of 3.5 metres.

SCHEDULE 2

LIMITED WAITING 1 HOURS NO RETURN WITHIN 1 HOUR **MONDAY TO SATURDAY 8AM TO 6PM** **ZONE B PERMIT HOLDERS EXEMPT**

St Margaret's Drive, Chesterfield

West side

From a point 33 metres south of its junction with Cross Street in a southerly direction for a distance of 9 metres.

From a point 49 metres south of its junction with Cross Street in a southerly direction for a distance of 8 metres.

SCHEDULE 3

ZONE B PERMIT HOLDERS ONLY PARKING PLACE **MONDAY TO SATURDAY 8AM TO 6PM**

St Margaret's Drive, Chesterfield

West side

From a point 14.5 metres south of its junction with Cross Street in a southerly direction for a distance of 10.5 metres.

From a point 60 metres south of its junction with Cross Street in a southerly direction for a distance of 11 metres.

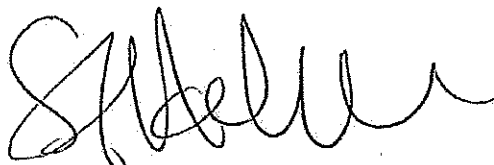
Cross Street, Chesterfield

South side

From a point 20 metres east of its junction with Compton Street in an easterly direction for a distance of 11 metres.

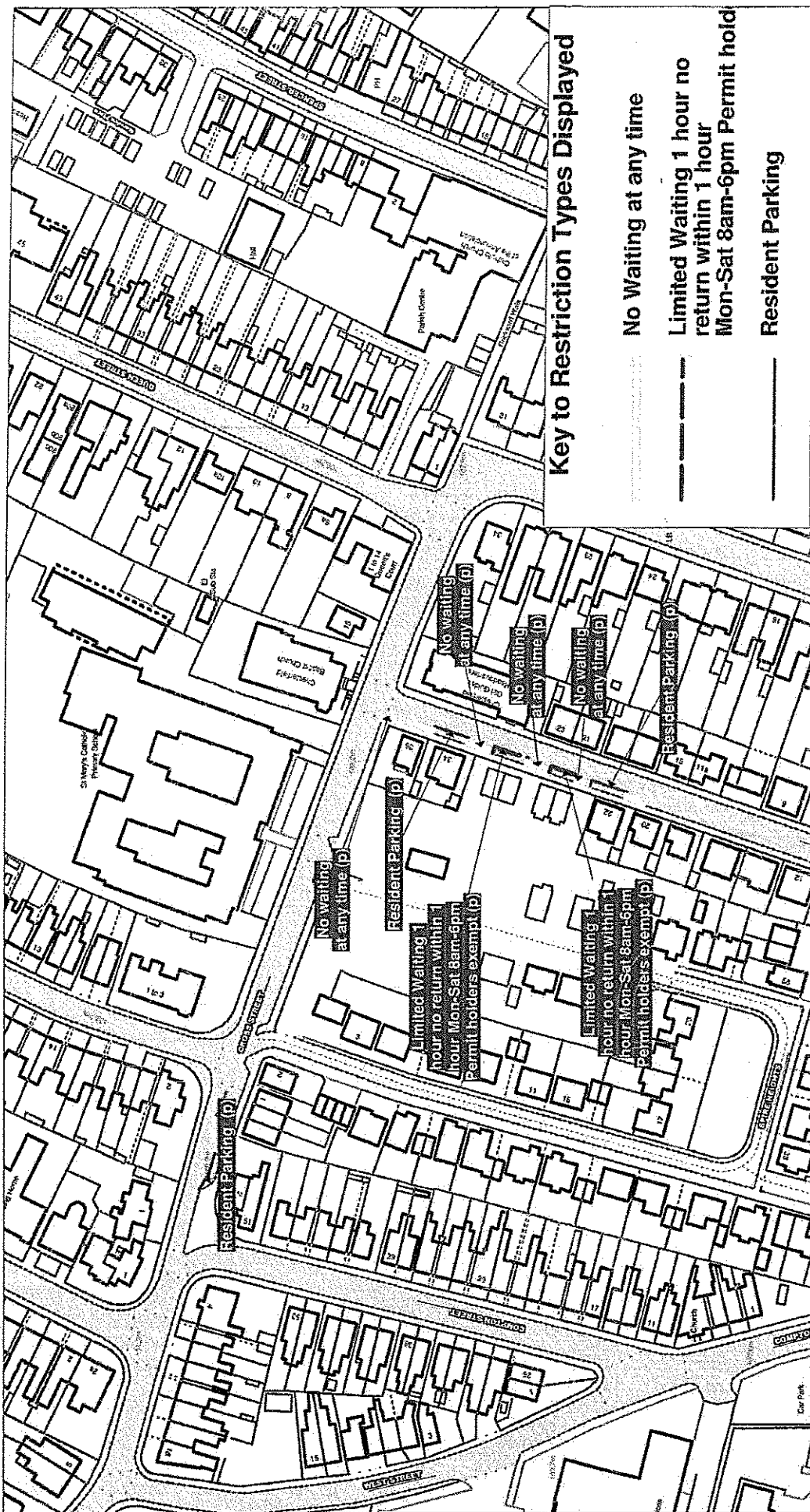
As shown for illustration purposes only on the attached plan.

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


Director of Legal Services

Number in Seal
Book

2014/1084



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Amendments to Traffic Regulation Order
Zone B Residents Parking Scheme St Margarets Drive
Chesterfield



IAN W. STEPHENSON with CD, MS, MCL, MMT
Strategic Director of Environmental Services

SCALE	1 : 1500
DATE	27/08/2014
DRAWING No.	Proposal Drawing
DRAWN BY	RJH



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

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

DRAWING TITLE

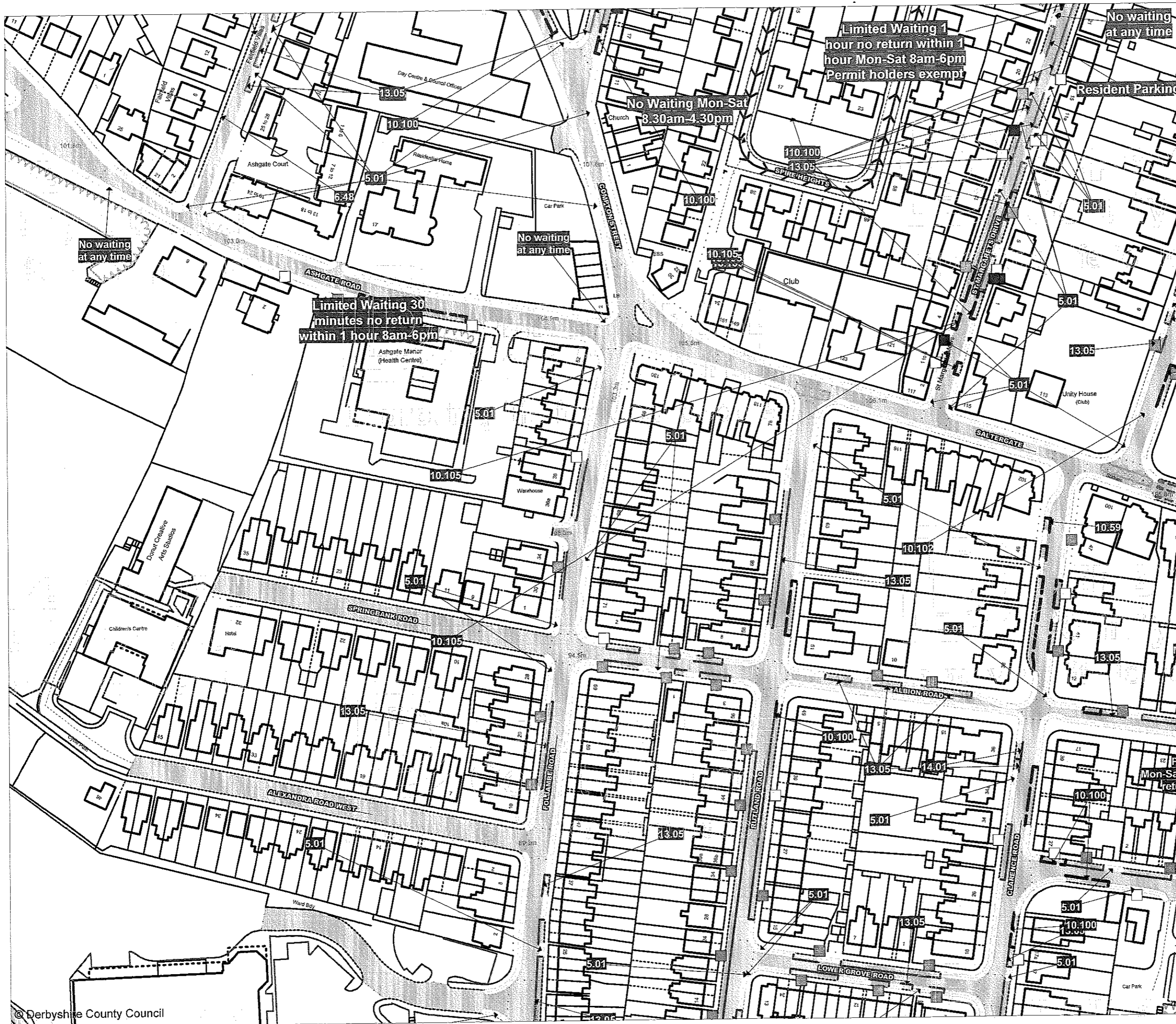
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DATE 24/11/2014

DRAWING No. 11

DRAWN BY




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, MBHT
Strategic Director of Environmental Services

DRAWING TITLE	
Tile Ref: CS102	
SCALE	1 : 1250
DATE	24/11/2014
DRAWING No.	18
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