

DATED 23rd FEBRUARY 2023

THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE DERBYSHIRE COUNTY COUNCIL

(A623 CALVER ROAD, BASLOW)

(PROHIBITION OF WAITING) ORDER 2023

Simon Hobbs

MATLOCK

Z3287

CONTROLLED

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THE DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
(A623 CALVER ROAD, BASLOW)
(PROHIBITION OF WAITING) ORDER 2022

The Derbyshire County Council in exercise of its powers under Sections 1(1), and 2(1) to (3) 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 of the Act hereby makes the following Order:

1 CITATION AND COMMENCEMENT

1.1 This Order shall come into operation on the Sixth day of March Two Thousand and Twenty-Three and may be cited as "The Derbyshire County Council (A623 Calver Road, Baslow) (Prohibition of Waiting) Order 2023".

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 "Delivering and Collecting" in relation to any Goods includes checking the Goods for the purpose of their delivery or collection;
- 2.5 "Disabled Person's Badge" has the same meaning as prescribed in Regulation 2(1) of the The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI 2000 No. 682);
- 2.6 "Disabled Person's Vehicle" means a Vehicle displaying a Disabled Persons Badge in the relevant position as set out under Regulation 12 of the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000 (SI 2000 No. 683);

- 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 the 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; and
 - c) where the Vehicle is a Pedal Cycle, the person (being a user) riding, pushing by hand or otherwise in charge of the Pedal Cycle at the time it was left in the Parking Place;
- 2.8 "Dual Purpose Vehicle" has the same meaning as defined in Part 1 Regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986;
- 2.9 Electronic Communications Apparatus, Electronic Communications Network and any Electronic Communications Line shall have the same meaning as in the Communications Act 2003;
- 2.10 "Enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment shall be constructed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;
- 2.11 "Footway" means a way comprised in a road which also comprises a Carriageway, being a way over which the public have a right of way on foot only as defined in Section 329(1) Highways Act 1980. Footways are pedestrian paths alongside a Carriageway, and often referred to as a pavement;
- 2.12 "Goods" means goods or burden of any description;
- 2.13 "Goods Vehicle" means a Motor Vehicle which is constructed or adapted for use for the carriage of Goods, or a trailer so constructed or adapted, as defined in Section 192(1) of the Road Traffic Act 1988;
- 2.14 "Junction" means, for measurement purposes only, the point where the prolongation of two kerb lines intersect with measurements taken along the line of the kerb for the said length of road otherwise stated;
- 2.15 "Loading and Unloading" means the transference, from or to a Vehicle, to or from premises, of Goods;
- 2.16 "Motor Vehicle" has the same meaning as ascribed in Section 136 of the Act;
- 2.17 "Owner", in relation to a Vehicle, means the person who is named in the Vehicle registration document as the registered keeper of a goods or passenger Vehicle or has the use of such Vehicle in the course of his employment and who is entitled to use such a Vehicle as though they were the registered keeper thereof;

- 2.18 "PCN" means a Penalty Charge Notice issued or served by a civil enforcement officer pursuant to the provisions of Part 2 of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;
'Discounted Level for a Penalty Charge' has the same meaning as in The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022
"penalty charge" has the same meaning as in The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;
- 2.19 "Penalty Charge" and "Discounted Level for a Penalty Charge" means a charge set by the Council under Section 77 and Schedule 9 of the 2004 Act in accordance the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.
- 2.20 "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;
- 2.21 "Relevant Position" in respect of:-
- a) a Disabled Persons' Badge means in the manner as prescribed in Regulation 12 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI 2000 No. 682); and
 - b) a Parking Disc means in the manner as prescribed in Regulation 4 of The Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (SI 2000 No. 683);
- 2.22 "Special Forces" has the meaning ascribed to it by Regulation 1(1) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011 (SI 2011 No. 935);
- 2.23 "The 2004 Act" refers to the Traffic Management Act 2004;
- 2.24 "The 2016 Regulations" refers to The Traffic Signs Regulations and General Directions 2016 (SI 2016 No. 362)
- 2.25 "Traffic Sign" means a sign of any size, colour and type prescribed or authorised or having the effect pursuant to Section 64 of the Act;

- 2.26 The Interpretation Act 1978 shall apply to its interpretation as it applies to Acts of Parliament;
- 2.27 Any reference to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

3 PROHIBITION OF WAITING

- 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 Officer 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.

4 GENERAL EXEMPTIONS

- 4.1 Nothing in Articles 3 shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road referred to therein during the operative period of a prohibition specified in Article 3, for so long as may be necessary to enable:-
- a) a person to board or alight from the Vehicle or to enable personal luggage to be loaded on to or unloaded from the vehicle;
 - b) 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:-
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths of road; or
 - (iv) 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 Apparatus;
 - c) 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;
 - d) the Vehicle of a Universal Service Provider (as defined in Section 4 of the Postal Services Act 2000) to be used for the purposes of Delivering or Collecting mail;
 - e) the Vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths of road;

- f) 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 cortège) at a church or place of worship;
- g) the Vehicle to be used for fire and rescue, ambulance, police or Special Forces purposes; or
- h) goods to be Loaded to or Unloaded from the Vehicle;

5 DISABLED PERSONS' EXEMPTIONS

- 5.1 Nothing in Article 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, 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).

6 PUBLIC SERVICE VEHICLES

- 6.1 Nothing in Articles 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.

SCHEDULE 1

PROHIBITION OF WAITING AT ANY TIME

A623 CALVER ROAD, BASLOW

Southwest side

From a point 19 metres north-west of its junction with Bubnell Bridge for a distance of 29 metres in a north-westerly direction.

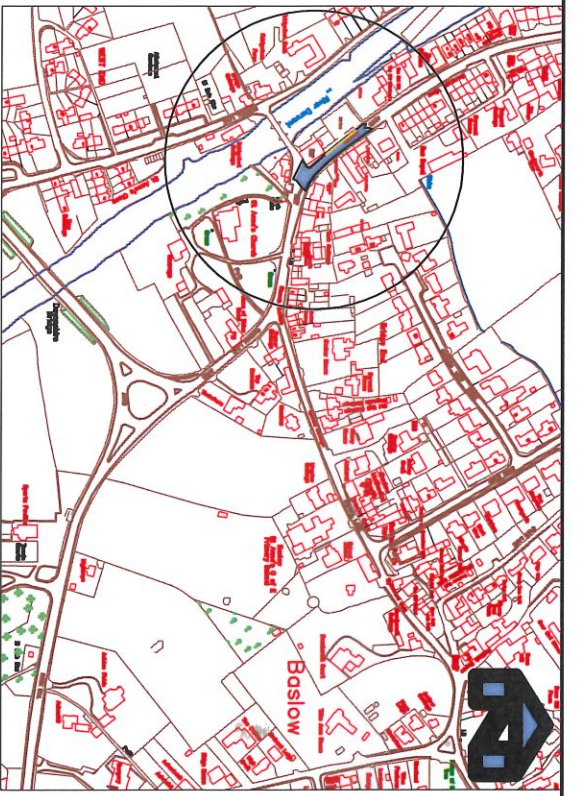
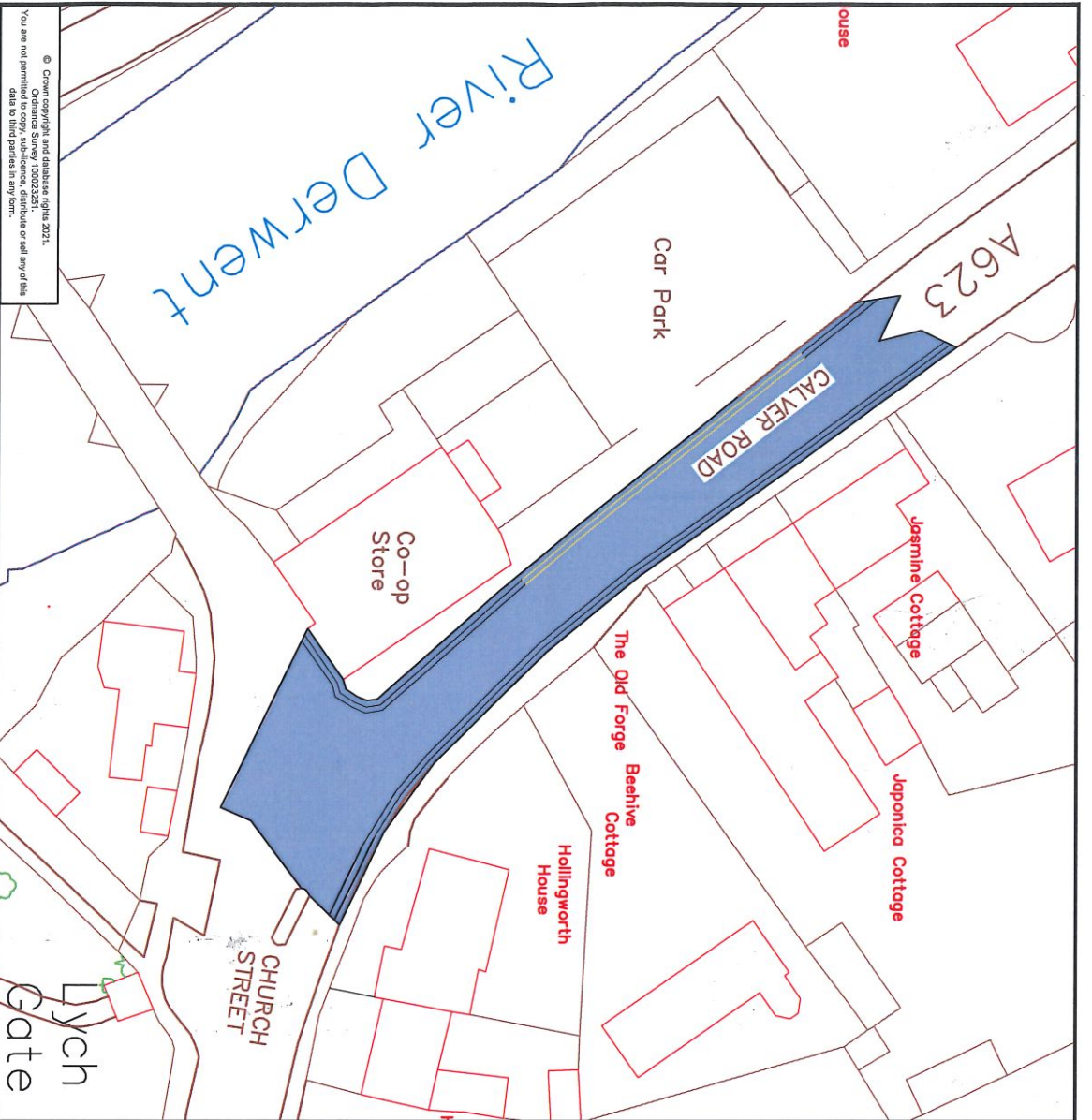
As shown for illustration purposes only on the attached plans.

THE COMMON SEAL of the Derbyshire)
County Council was hereunto affixed)
the Twenty-third day of February Two Thousand)
and Twenty Three in the presence of:-)


PP Director of Legal Services

Number In Seal
Book 2023/226

CONTROLLED



Existing 'no waiting at any time' to remain in situ and unaltered

Proposed prohibition of waiting at any time



CHRIS HENNING
Executive Director, Place,
County Hall, Matlock Derbyshire DE4 3AG



FM641223 / FM641224

AMENDMENT DETAILS

BY	CHD	APD	DATE	NO.

PROJECT TITLE

Proposed No Waiting At Any Time
Calver Road, Baslow

DRAWING TITLE

Consultation Drawing

DRAWN

MSN

CHECKED

NS

APPROVED

SA

Date 12/11/2021

Date 15/11/2021

Date 15/11/2021

Project / Confirm Reference No. 32603674

SCALE

Drawing Number HMT/MSN/614/21

NTS

ORIGINAL DRAWING SIZE 297 x 210 (A0)