

**THE COUNTY COUNCIL OF DURHAM
(NORTH TERRACE, SEAHAM)
(PROHIBITION OF WAITING AND LOADING ONLY)
ORDER 2023**

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2, 4, 32 and 35 of the Road Traffic Regulation Act 1984, as amended, ("the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:-

**Part I
GENERAL**

Citation & Commencement

1. This Order may be cited as The County Council of Durham (North Terrace, Seaham) (Prohibition of Waiting and Loading Only) Order 2023 and shall come into operation on 25 May 2023.

Revocation

2. The County Council of Durham (North Terrace, Seaham) (Prohibition of Waiting and Loading Only) (Experimental) Order 2022 has been revoked in its entirety.

Interpretation

3. In this Order the following expressions have the meanings hereby respectively assigned to them:-

Exemptions

"civil enforcement officer" means a person pursuant to the provisions of section 76 of the Traffic Management Act 2004, as amended";

"disabled person's badge" has the same meaning as in the Disabled Person's (Badge's for Motor Vehicles) (England) Regulations 2000 (as amended);

"disabled person's parking disc" has the same meaning as in the Disabled Person's (Badge's for Motor Vehicles) (England) Regulations 2000 (as amended);

"enforcement officer" means a uniformed police officer, police community support officer or any subsequent designation of these officers;

"liveried vehicle" means a vehicle having a distinctive design and colour scheme used to distinguish a police, fire brigade or ambulance vehicle;

"motor vehicle" has the same meaning as in Section 136 of the Act;

"parking disc" means a device which:

- (a) is 125 millimetres square coloured blue, if issued on or after 1 April 2000, or orange if issued before that date
- (b) has been issued by a local authority and has not ceased to be valid; and
- (c) is capable of showing the quarter hour during which a period of waiting began

“penalty charge” means a charge set by the Council under the provisions of section 77 of the Traffic Management Act 2004, as amended, in accordance with the relevant statutory regulations or guidance given by the Secretary of State for Transport”;

“penalty charge notice” means a notice issued by a civil enforcement officer pursuant to the provisions of section 78 of the Traffic Management Act 1978, as amended”;

“universal service provider” has the same meaning as in the Postal Services Act 2000

“loading bay” means an area of highway designated as a loading bay under the provisions of this Order;

“loading place” means an area on a highway where vehicles may be drive and parked for the purpose of being loaded or unloaded in connection with a trade or business carried on, on or in the vicinity of the land, as defined by Section 161 of the Act;

Part II

Prohibition of Waiting At Any Time

4. Save as provided in Article 4 of this Order no person shall, except upon the direction or with the permission of an enforcement officer or a civil enforcement officer, cause or permit any vehicle to wait at any time on any of the lengths of roads or sides of lengths of roads identified within the individual plans detailed in Schedule 1 to this Order.

Part III

Exemptions

5. (1) Nothing in Article 3 of this Order shall render it unlawful to cause or permit any vehicle to wait or stop in the lengths of roads or sides of lengths of roads referred to therein for so long as may be necessary to enable:-
 - (a) 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, demolition or excavation;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said roads;
 - (iv) the laying, erection, alteration or maintenance in or in land adjacent to the said lengths of roads of any sewer, main, pipe or apparatus for the supply of gas, water or electricity or any telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (b) 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 water authority in pursuance of statutory duties;

- (c) the vehicle to be used for the purpose of delivering or collecting postal packets in the service of a universal service provider ;
 - (d) any vehicle being used in the service of the local authority or highway authority in pursuance of any statutory powers or duties;
- (2) Nothing in Article 3 of this Order shall apply to a liveried vehicle being used for police, fire brigade or ambulance purposes in pursuance of statutory duties.
 - (3) Nothing in Article 3 of this order shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled person's badge and parking disc (on which the driver or other person in charge of the vehicle, has marked the quarter hour period during which the period of waiting began) to wait in any of the lengths of roads or the sides of roads 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 of road on the same day).
 - (4) Nothing in Article 3 of this Order shall render it unlawful to cause or permit any vehicle to wait in the lengths of road referred to therein, for so long as it may be necessary to enable:
 - (a) the picking up or setting down of passengers;
 - (b) goods to be loaded onto or unloaded from the vehicle;

Part IV

Loading only

- 6. (1) The areas of highway identified within the individual plans detailed in Schedule 2 to this Order are hereby designated to be used as loading bays, subject to the provisions of this Order, for the waiting of vehicles for the purpose of loading or unloading goods
- (2) Save as provided in Article 4 of this Order no person shall, except upon the direction or with the permission of an enforcement officer or a civil enforcement officer, cause or permit any vehicle, other than a vehicle loading or unloading goods, to wait in a loading bay as identified within the individual plans detailed in Schedule 2 to this Order.
- (3) The limits of each restricted bay shall be indicated, by the Council, on the highway by the appropriate traffic signs and road markings.
- (4) Every vehicle using a loading bay shall so stand so that every part of the vehicle is wholly within the loading bay AND in those cases where special provision is made is identified within the individual plan(s) detailed in Schedule 2 to this Order, in accordance with those provisions.

PART V

Contravention and Enforcement

- 7. If a vehicle is in contravention of any provision of this Order a penalty charge shall be payable.

In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may then be issued by a civil enforcement officer in accordance with the requirements of section 78 of the Traffic Management Act 2004, as amended

Part VI

Saving

9. In so far as any provision of this Order conflicts with any provision which is contained in an Order made or having effect as if made under the Act or by or under any other enactment then the provisions of THIS Order shall prevail.
10. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

SCHEDULE 1

No Waiting at Any time

Item No	Location		Description	Side of Road
1	Seaham	North Terrace	From the existing No Waiting at Any time restrictions outside Number 3 North Terrace in a north westerly direction for 58 metres.	West Side
2	Seaham	North Terrace	From the northern end of the loading bay outside numbers 11 and 12 North Terrace, in a north westerly direction for 120 metres to join the existing No Waiting At anytime restrictions.	West Side

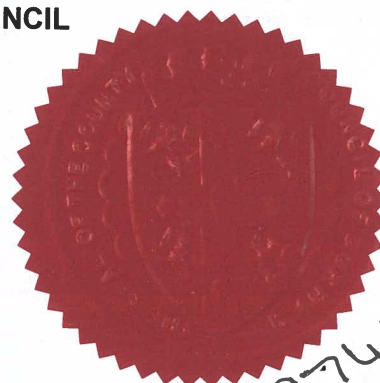
SCHEDULE 2

Loading Only Bay

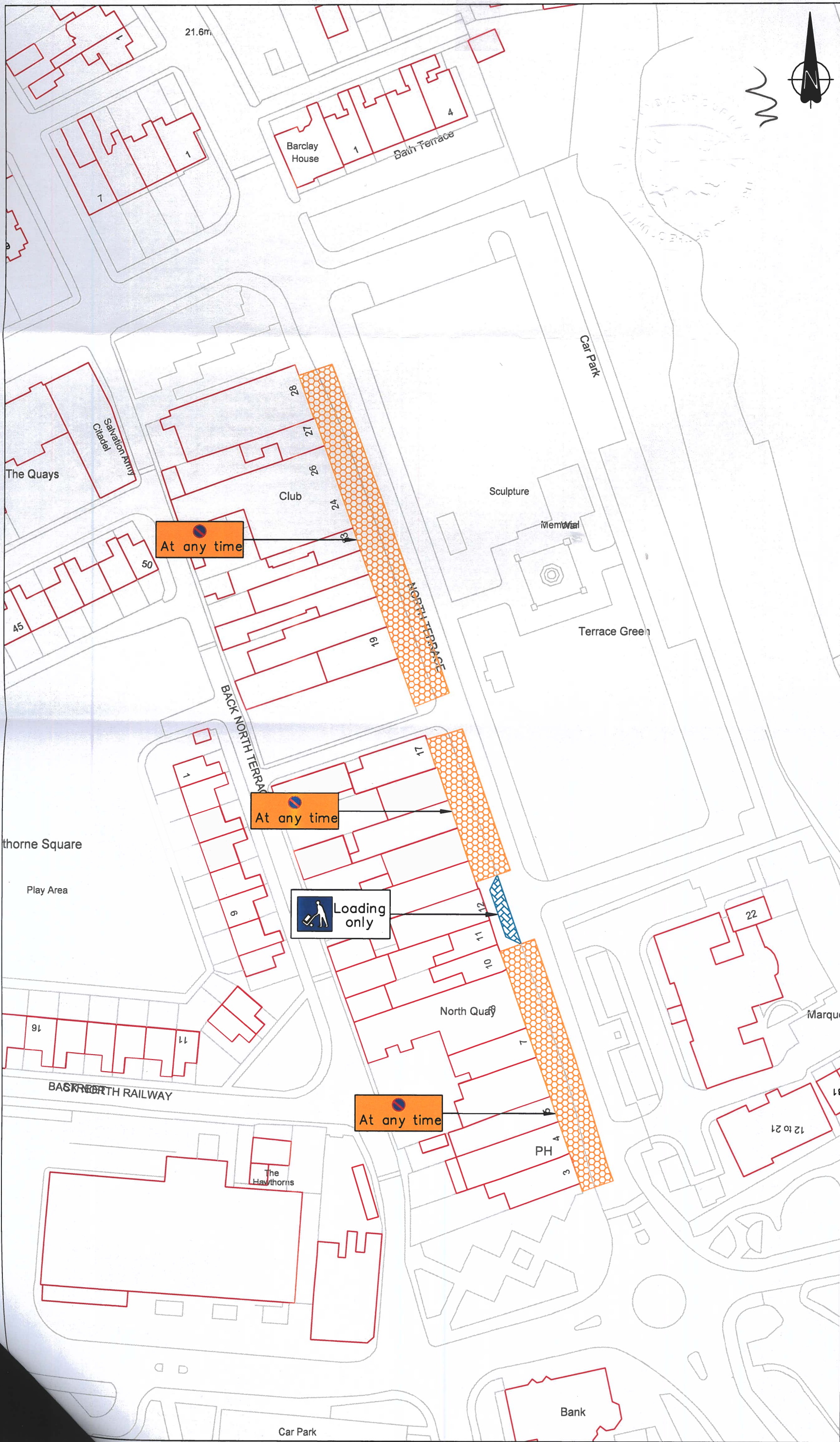
Item No	Location		Description	Side of Road
1	Seaham	North Terrace	Outside Numbers 11 and 12 North Terrace for 16 metres	West Side

MADE THIS 12th DAY OF MAY 2023 BY
THE AFFIXING OF THE COMMON SEAL OF THE COUNTY COUNCIL
OF DURHAM BY ORDER:

.....
AUTHORISED SIGNATORY
(A PERMANENT OFFICER OF THE COUNTY COUNCIL)



597463



LEGEND:

- Proposed No Waiting At Any Time
- Proposed Restricted Bay

Project: MM19024 North Terrace, Seaham

Drawing: Experimental TRO - Proposed Layout

Drawn by: D.Morgan	Approved by: L.Mowbray
Scale: 1:500 @ A3	Date: 06/04/22
Dwg No: TM/40038/22/1098	Rev: 0/A

Durham
County Council

**Regeneration, Economy
and Growth**

Strategic Traffic Management
County Hall, Durham DH1 5UQ

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