

**THE COUNTY COUNCIL OF DURHAM
(C31 HAMSTERLEY)
(PROHIBITION OF WAITING)
ORDER 2015**

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2 & 4 to the Road Traffic Regulation Act 1984, as amended ("the Act"), Part 6 of the Traffic Management Act 2004, as amended; 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

1. This Order may be cited as The County Council of Durham (C31 Hamsterley) (Prohibition of Waiting) Order 2015 and shall come into operation on the 25th day of January 2016.

Interpretation

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

"civil enforcement officer" means a person authorised by or on behalf of the Council pursuant to the provisions of Section 76 of the Traffic Management Act 2004.

"disabled person's badge" and "disabled person's parking disc" have the same meaning as in the Disabled Person's (Badges 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 bay" means an area of highway designated as a parking bay under the provisions of this Order;

"parking place" means an area of highway designed as a parking place under the provisions of this Order;

"penalty charge" means charge set by Durham County Council pursuant to the provisions of Section 77 of the Traffic Management Act 2004.

"penalty charge notice" means a notice issued by a Civil Enforcement Officer pursuant to the provisions of Section 78 of the Traffic Management Act 2004.

"relevant position" has the same meaning as defined by The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"universal service provider" has the same meaning as in the Postal Services Act 2000;

3. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order.
4. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment. Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting persons shall include either gender, bodies corporate, unincorporated associations and partnerships.
5. The Interpretation Act 1978 shall apply for the interpretation of this Order.

Part II

Prohibition of Waiting At Any Time

6. Save as provided in Article 9 of this Order, no person shall, except upon the direction or with the permission of a civil enforcement officer or an 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 specified in Schedule 1 to this Order.

Part III

Exemptions

7. (1) Nothing in Article 6 of this Order shall render it unlawful to cause or permit any vehicle to wait on any of 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:-
 - (i) building or demolition;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or re-construction 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.
- (2) Nothing in Articles 4, 5 or 6 of this Order shall apply to any liveried vehicle being used for police, fire & rescue service or ambulance purposes in pursuance of statutory duties.

- (3) Nothing in Article 6 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 disabled person's 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 any of the lengths of road or on the sides 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 road on the same day).
- (5) Nothing in Article 6 of this Order shall render it unlawful to cause or permit any vehicle to wait 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 picking up or setting down of passengers; or
 - (b) goods to be loaded onto or unloaded from the vehicle.

Part IV

Contravention & Enforcement

8. If a vehicle is left at any time in contravention of a provision of this Order, a penalty charge shall be payable.
9. 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 V

Contravention & Enforcement

10. If a vehicle is left at any time in contravention of a provision of this Order, a penalty charge shall be payable.
11. In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may be issued by a Civil Enforcement Officer.

Saving

12. 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.
13. 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
Prohibition of Waiting At Any Time**

Item No	Plan reference No.
1	CS97

**GIVEN UNDER THE COMMON SEAL OF THE COUNTY COUNCIL OF DURHAM ON THE
14th DAY OF JANUARY 2016**

Choral

.....
Authorised Signatory



584706



Key to Types of Restriction



No Waiting At Any Time



XXXX
Individual Plan Reference Number

PATH:

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Corporate Director
Regeneration & Economic
Development

Strategic Traffic Management
County Hall, Durham DH1 5UQ

HAMSTERLEY PARKING AND WAITING RESTRICTIONS

Scale:	1:1250 @ A3
Date:	August 2015
Drawn by:	S. Thompson
Date Sealed:	14/11/15
Signature:	<i>SA</i>
Map Schedule:	CS97



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