



**THE COUNTY COUNCIL OF DURHAM
(BLACKHILL AND SHOTLEY BRIDGE)
(PROHIBITION OF WAITING AND LOADING & RESTRICTION OF WAITING)
ORDER 2010 (AMENDMENT NO. 1) ORDER 2015**

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2, 4, 32 and 35 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended ("the Act") and 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:-

General

This Order may be cited as The County Council of Durham (Blackhill and Shotley Bridge) (Prohibition of Waiting and Loading & Restriction of Waiting) Order 2010 (Amendment No. 1) Order 2015 and shall come into operation on the 9th day of February 2015.

Amendments

The under-noted amendments have been made to the following Order:

The County Council of Durham (Blackhill and Shotley Bridge) (Prohibition of Waiting and Loading & Restriction of Waiting) Order 2010

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Purpose of Amendments

The following brief synopsis of amendments should be viewed in conjunction with the plans identified within the Schedules to the above Order, however the plan(s) should prevail in the event of any discrepancy:

1. Extend a purpose built lay-by on Cutlers Hall Road (west side of the road) and introduce Parking Mon-Sat 8am-6pm 2 hours no return before 6pm (Plan CN176); and
2. Introduce a length of Restricted Waiting of approx. 10m on Cutlers hall Road directly opposite the pedestrian island (east side of the road). (Plan CN176).

Articles

The following amendments have been made to the under-noted Articles:

Article 2: Interpretation

- The following definitions have been inserted:

"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

"council" means The County Council of Durham;

"driver" in relation to a vehicle parked in a parking place means the person driving or riding the vehicle at the time it was left in the parking place;

"parking bay" and "parking place" means an area of highway designated as such under the provisions of this Order;

"parking contravention" has the same meaning assigned to it by Section 73 and Part 1 of Schedule 7 to the Traffic Management Act 2004.

"penalty charge" means a 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.

- The following definitions have been 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);

"relevant position" in respect of a disabled person's badge or disabled person's parking disc has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

- The definition for "Masterplan" has been removed.

New Articles 3 & 4 have been inserted which read:

3. 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.
4. The Interpretation Act 1978 shall apply for the interpretation of this Order.

Articles 6 & 8 (previously 4 & 8) : These Articles have been amended as follows:

- Reference to Article 12 now reads Article 13
- Reference to civil enforcement officer has been inserted
- Reference to the Masterplan has been removed

Articles 7, 8 & 9 (previously 5, 6 & 7) have been consolidated into one Article which now reads:

Restricted Waiting

7. Save as provided in Article 13 of this Order no person shall, except upon the direction or with the permission of an enforcement officer or civil enforcement officer, cause or permit any vehicle to wait, on such days and/or during such hours, on any of the lengths of roads, or sides of lengths of roads identified within the individual plans detailed in Schedule 2 to this Order.

Article 9:

- The heading has been amended to read "Parking Places (Restricted Bays).
- Reference to the Masterplan has been removed throughout.
- Reference to Schedule 6 has been removed and reference to Schedule 3 inserted throughout.

Article 10 (1):

- Reference to Masterplan has been removed.
- Reference to Article 6 has been removed and reference to Schedule 3 inserted.

Article 11(3): This Sub-Article has been amended to read:

- (3) Any person closing or suspending the use of a parking place or any part thereof, in accordance with paragraph (1) or (2) of this Article shall, thereupon, place or cause to be placed in or adjacent to the parking place or part thereof, as the case may be, a notice or sign indicating that the use of that parking place or parking bay, or part thereof, is closed or suspended and that parking by vehicles is prohibited.

Article 11(4): This Sub-Article has been inserted:

- (4) No person shall cause or permit a vehicle to be left in a parking place or parking bay, or any part thereof, during such periods that the use of that parking place or parking bay or that part thereof is closed or suspended or during such period as there is in or adjacent thereto a notice or sign placed by or on behalf of the Council in pursuance of paragraph (3) of this Article.

Article 11(6): This Sub-Article has been inserted:

- (6) Provided that nothing in this paragraph shall apply to any vehicle waiting in the parking place or part thereof, which is suspended, with the permission of the person suspending the parking place, or part thereof, in pursuance of paragraph (1) or (2) of this Article.

Article 12 : A new Article 12 has been inserted which reads:

Removal of Vehicles and Other Equipment from Parking Places & Parking Bays

12. (1) If a vehicle is left within a parking place or parking bay in a position other than in accordance with the provisions of this Order the Council may alter or cause to be altered the position of that vehicle so that it is accordance with those provisions.
- (2) The terms and conditions shall apply equally to any other equipment deposited in the parking place which in the opinion of a person authorised by the Council constitutes a contravention of the provisions of this Order and these provisions are extended to include for the disposal of the equipment where it is deemed appropriate by the Council.
- (3) If a vehicle is left in a parking place or parking bay in contravention of any of the provisions of the Order a person authorised by the Council in that respect may remove the vehicle from the parking place or arrange for such removal.
- (4) If an emergency occurs, an enforcement officer, may alter or cause to be altered the position of a vehicle in a parking place or parking bay or remove or arrange for the removal of a vehicle from a parking place or parking bay.
- (5) Any person altering or causing the alteration of the position of a vehicle or removing or causing the removal of a vehicle may do so by towing, lifting or driving the vehicle or using such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
- (6) The provisions of paragraph (1) of this Article shall also apply to builders' skips or any other equipment which in the opinion of an enforcement officer or a civil enforcement officer constitutes a contravention of this Order.

Article 13 (previously 12): This has been amended as follows:

- Sub Articles (1), (2), (3) & (5) – reference to Articles 4 & 5 have been removed.
- Sub Articles (4) – reference to Articles 4, 5, 6, 7 and 9 have been removed.

Article 14 – A new Article 14 has been inserted which reads:

14. (1) If a vehicle is in contravention of a provision of this Order a penalty charge shall be payable.
- (2) 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.

Articles 13 & 14 have been renumbered as Articles 15 & 16 respectively.

Schedules

Schedule 1 : Plan reference CN176 has been removed and a plan of the same reference sealed as at the date of this Order inserted.

Schedule 2 : Schedules 2, 3 & 4 have been consolidated and amended as:

- The heading has been amended to read: **Restricted Waiting**
- Plan reference CN176 has been removed and a plan of the same reference sealed as at the date of this Order inserted.

Schedule 3 – this Schedule has been renumbered - previously Schedule 5.

Schedule 4 - previously Schedule 6 has been amended to read:

- The heading has been amended to read: **Parking Places (Restricted Bays)**
- Plan reference CN178 has been removed and a plan of the same reference sealed as at the date of this Order inserted.

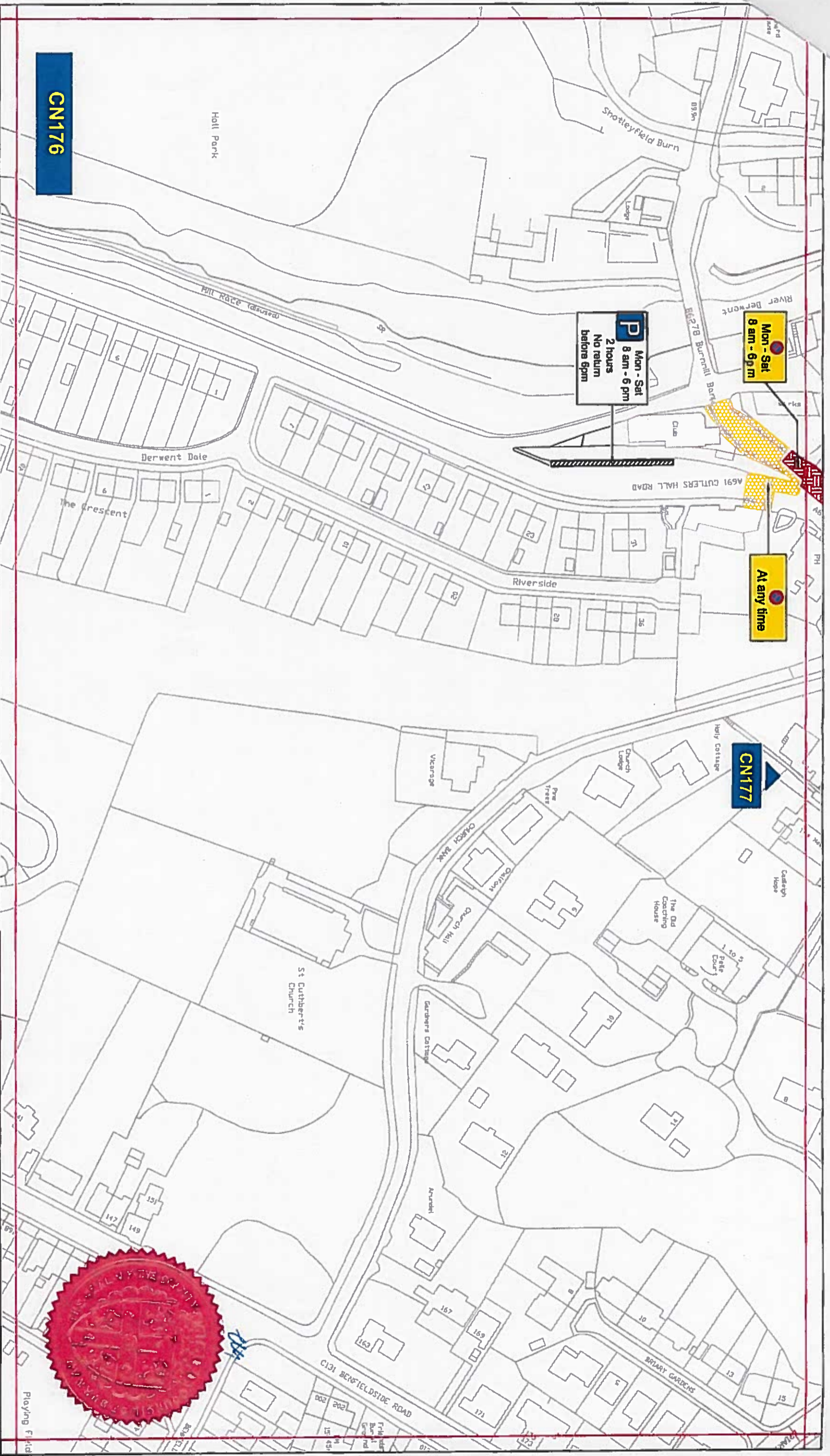
Saving

1. 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.
2. 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.

GIVEN UNDER THE COMMON SEAL
OF THE COUNTY COUNCIL OF DURHAM
ON THE 26th DAY OF FEBRUARY 2015


.....
Authorised Sealing Officer





Key to Types of Restriction

-  No Waiting At Any Time
-  Restricted Waiting
-  Restricted Bay
-  XXXXX Individual Plan Reference

PATN:


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Regeneration & Economic
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**BLACKHILL AND SHOTLEY BRIDGE
PARKING AND WAITING RESTRICTIONS**



Scale:	1:1250 @ A3
Date:	August 2014
Drawn by:	R. Smith
Date Sealed:	26/2/15
Signature:	
Map Scheduler:	CN176

