

**THE COUNTY COUNCIL OF DURHAM
(SADDLER STREET AND ELVET BRIDGE)
(EXPERIMENTAL TRAFFIC MANAGEMENT)
ORDER 2011**

The County Council of Durham ("the Council") in exercise of their powers under Sections 9 and 10 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

- 1. This Order may be cited as The County Council of Durham (Saddler Street and Elvet Bridge) (Experimental Traffic Management) Order 2011 and shall come into operation on 6 September 2011.

Interpretation

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

"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)

"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;

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

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

"parking bay" means an area of a parking place which is provided for the leaving of vehicles and indicated by markings on the surface of the parking place;

"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

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

"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";

"taxi" has the same meaning as "Hackney Carriage" as defined in S 80(1) of the Local Government (Miscellaneous Provisions) Act 1996

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

Part II

Prohibition of Waiting At Any Time

3. Save as provided in Article 9 of this Order no person shall, except upon the direction or with the permission of 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 referred to in Schedule 1 to this Order.

Prohibition of Loading/Unloading At Any Time

4. Save as provided in Article 9 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 in the lengths of roads or sides of lengths of roads specified in Schedule 2 to this Order for the purpose of enabling goods to be loaded onto or unloaded from the vehicle, unless the vehicle is in actual use for the purpose of delivering or collecting postal packets in the service of a universal service provider.

Prohibition of Loading/Unloading between the Hours of 11.00 a.m and 6.00 p.m On Any Day

5. Save as provided in Article 9 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 in the lengths of roads or sides of lengths of roads specified in Schedule 2 to this Order for the purpose of enabling goods to be loaded onto or unloaded from the vehicle, unless the vehicle is in actual use for the purpose of delivering or collecting postal packets in the service of a universal service provider.

Loading Bays

6. (1) The areas of highway described in Schedule 2 to this Order is hereby authorised to be used as a loading bay, subject to the provisions of this Order, for the waiting of vehicles for the purpose of

loading or unloading goods on any day only between the hours of 11.00 a.m and 6.00 p.m.

- (2) The limits of each loading bay shall be indicated, by the Council, on the carriageway by the appropriate traffic signs.
- (3) Every vehicle using a loading bay shall so stand so that every part of the vehicle is wholly within the loading bay.

Manner of Standing Loading Bays

7. (1) Any vehicle left in a loading bay, specified in Article 6 of this Order, shall so stand, subject to paragraph (2) of this Article, so that every part of the vehicle is wholly within the limits of the parking place or parking bay within a parking place AND in those cases in which special provision is made in Schedule 2 in accordance with those provisions.
- (2) Where a vehicle has been left in a loading bay, referred to in paragraph (1) of this Article, is too long to comply with the provisions of that paragraph such vehicle shall be deemed to be within the limits of the parking place or loading bay if:-
 - (a) the extreme front or rear portion of the vehicle is within 300 mm of the carriageway indication provided under paragraph (3) of Article 5 of this Order;
 - (b) the vehicle, or any part of it, is not within the limits of any adjoining parking bay

Power to suspend Loading Bays

8. (1) Any person authorised by the Council may suspend the use of a loading bay or any part of it whenever he considers that such suspension is reasonably necessary:-
 - (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the loading bay place or the maintenance, improvement or re-construction of the loading bay or the laying, erection, alteration, removal or maintenance in or adjacent to the loading bay of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (c) for the convenience of occupiers of premises adjacent to the loading bay on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises;

- (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (e) for the convenience of occupiers of premises adjacent to the loading bay at times of weddings, funerals or on other special occasions.
- (2) An enforcement officer may suspend the use of a loading bay or any part thereof, whenever such a suspension is reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
 - (3) Any person suspending the use of a loading bay 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 loading bay, or part thereof, the use of which is suspended, a traffic sign indicating that waiting by vehicles is prohibited.
 - (4) No person shall cause or permit a vehicle to wait in a loading bay or any part thereof, during such period as there is placed in or adjacent to that loading bay, or part thereof, as the case may be, a traffic sign indicating that waiting by vehicles is prohibited.

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

- (5) No person shall use a loading bay in connection with the sale of any article to persons in or near the parking place or loading bay or in connection with the selling or offering for hire of their skill or services.

Part V

Exemptions

- 9. (1) Nothing in Articles 3, 4 or 5 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

