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THE COUNTY OF DURHAM (UNCLASSIFIED ST. OSWALD'S DRIVE, DURHAM)
(PROHIBITION OF WAITING) ORDER 1994

The Durham County Council in exercise of their powers under Sections 1(1) and (2), 2(1) to (3) and 4(2) of The Road Traffic Regulation Act 1984 (which said Act of 1984 is hereinafter referred to as "the Act of 1984"), and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby make the following Order:-

1. This Order may be cited as The County of Durham (Unclassified St. Oswald's Drive, Durham) (Prohibition of Waiting) Order, 1994 and shall come into operation on 28th December, 1994.

2. (1) In this Order -

"authorised cab rank" means any area of carriageway which is comprised within and indicated by a road marking complying with diagram 1028.1 in Schedule 2 of The Traffic Signs Regulations and General Directions 1981;

"authorised parking place" means any parking place on a road authorised or designated by an Order made or having effect as if made under the Act of 1984;

"bus stop area" means any area of carriageway in any of the lengths of road or on the sides of road specified in the Schedule hereto intended for the waiting of buses, which is comprised within and indicated by a road marking complying with either diagram 1025.1 or diagram 1025.3 in Schedule 2 to The Traffic Signs Regulations and General Directions 1981;

"disabled person's badge" means a badge in the form prescribed by Regulation 4 of The Disabled Persons (Badge for Motor Vehicles) Regulations 1982 issued by a local authority for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person or several disabled persons;

"disabled person's vehicle" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) (Amendment) Regulations 1986;

"hackney carriage" has the same meaning as in Section 38(1) of the Vehicles (Excise) Act 1971;

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copy of the original

...R. S. HUMPHRIES.....

County Hall
Durham

Dated 3rd January 1995

"parking disc" means a disc, issued by a local authority, complying with the requirements of the British Standard Specification for Parking Discs (BS No. 4631: 1970), but coloured orange, and capable of showing the quarter hour period during which a period of waiting begins.

- (2) For the purpose of this Order a vehicle shall be regarded as displaying -
 - (a) a disabled person's badge in the relevant position, when -
 - (i) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the front facing forwards on the near side of and immediately behind the windscreen, and
 - (ii) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the front or near side of the vehicle, and
 - (b) a parking disc in the relevant position, when the disc is exhibited thereon with the side which shows the time facing forwards or outwards and immediately behind the windscreen or side window nearest to the kerb.
- (3) Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
3. Save as provided in Articles 4, 5 and 6 no person shall, except upon the direction or with the permission of a police constable in uniform or of a traffic warden, cause or permit any vehicle to wait in the lengths of road specified in the Schedule hereto at any time on any day.
4. (1) Nothing in Article 3 shall render it unlawful to cause or permit any vehicle to wait in the lengths of road or on the sides of road referred to therein for so long as may be necessary to enable -
 - (a) a person to board or alight 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 sides of road; or
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to the said lengths of road or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus as contained in Schedule 2 to the Telecommunication Act 1984;
- (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 to be used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953;
- (e) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths of road or sides of road;
- (f) the vehicle to wait at or near to any premises situated on or adjacent to the said sides or any of the said lengths of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral; or
- (g) the vehicle to be used for fire brigade, ambulance or police purposes.
- (2) Nothing in Article 3 shall render it unlawful to cause or permit any vehicle to wait for so long as may be necessary for the purpose of enabling goods to be loaded on or unloaded from the vehicle on the lengths of road specified in the Schedule at any time on any day.
- (3) Nothing in Article 3 shall render it unlawful to cause or permit any vehicle -
- (a) to wait upon an authorised parking place, or

(b) being a hackney carriage, to wait upon an authorised cab rank.

(4) 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 any of the lengths of road or on the sides of road referred to in that Article for a period not exceeding two 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).

5. Insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act of 1984, and existing at the time when this Order comes into operation, and which imposes a restriction or prohibition on waiting by vehicles other than stage carriages or express carriages in a bus stop area or grants an exemption from such restriction or prohibition, that provision of that Order shall prevail.

6. 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 of 1984 or by or under any other enactment.

DATED 22nd December, 1994

THE COMMON SEAL of THE)
COUNTY COUNCIL OF DURHAM)
was affixed to this deed)
BY ORDER:-)

L. M. Walker

ASSISTANT COUNTY SOLICITOR



29740

SCHEDULE

No Waiting At Any Time on the following lengths
of road in Durham

- A.177 - On the west side, from a point 5 metres north of St. Oswald's Drive, in a southerly direction for a distance of 16 metres. 7
- St. Oswald's Drive - On both sides of the road, from its junction with A.177, in a westerly direction for a distance of 13 metres on the north side, and 25 metres on the south side. X