

The County Council of Durham (Staindrop) (Parking and Waiting Restrictions) Order 2021

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2, 3, 4, 34 and 35 and Part IV of Schedule 9 to 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 1

General

1. This Order may be cited as The County Council of Durham (Staindrop) (Parking and Waiting Restrictions) Order 2021 and shall come into operation on 17th Day November of 2021.

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 (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;

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads, as defined in Section 136 of the Act;

"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 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;

"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;

"contractor" means a person or persons working at the address of a resident.

"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;

"owner" in relation to a vehicle, shall mean the person by whom it is kept or used;

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

Revocation

6. The following Order shall be revoked, part:-

The County Council of Durham (Frosterley Community School & Staindrop C of E School) (No Stopping on School Entrance Markings) Order 2009

Part III

Prohibition of Waiting At Any Time

7. Save as provided in Article 10 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 identified within the individual plan(s) detailed in Schedule 1 to this Order.

No Waiting & No Loading/Unloading - Monday to Friday 8am to 9am and 2pm to 4pm

8. Save as provided in Article 10 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 between the hours of 8.00am and 6.00pm Monday to Friday on any of the lengths of roads or sides of roads identified in the Masterplan and within the individual plans detailed in Schedule 2 to this Order.

No Stopping on School Entrance Markings Mon – Fri 8am to 6pm

9. Save as provided in Article 10 of this Order no person shall, except upon the direction or with the permission of an enforcement officer, cause or permit any vehicle to stop between the hours of 8.00 a.m. to 6.00 p.m. other than a Saturday or Sunday on the lengths of road within the individual plan(s) detailed in the Schedule 3 to this Order.

Part IV

Exemptions

10. (1) Nothing in Articles 7, 8 & 9 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 within the appropriate Schedules, 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 7, 8 & 9 of this Order shall apply to any vehicle being used for police, fire & rescue service or ambulance purposes in pursuance of statutory duties.

(3) Nothing in Article 7, 8 & 9 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).

Part V

Contravention and Enforcement

11. If a vehicle is in contravention of a provision of this Order a penalty charge shall be payable.
12. 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

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.
14. 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

Plan reference number(s):

CV58

Schedule 2

No Waiting and No Loading – Mon – Fri 8am-9pm and 2pm-4pm

Plan reference number (s)

CV58

Schedule 3
No Stopping on School Entrance Markings Monday – Friday 8am – 6pm

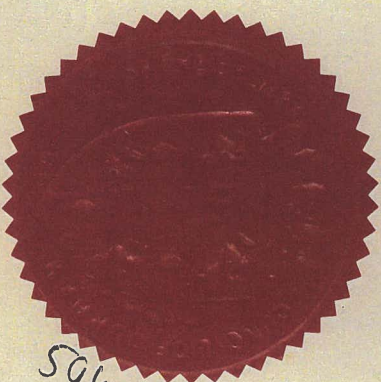
Plan reference number(s)

CV/58

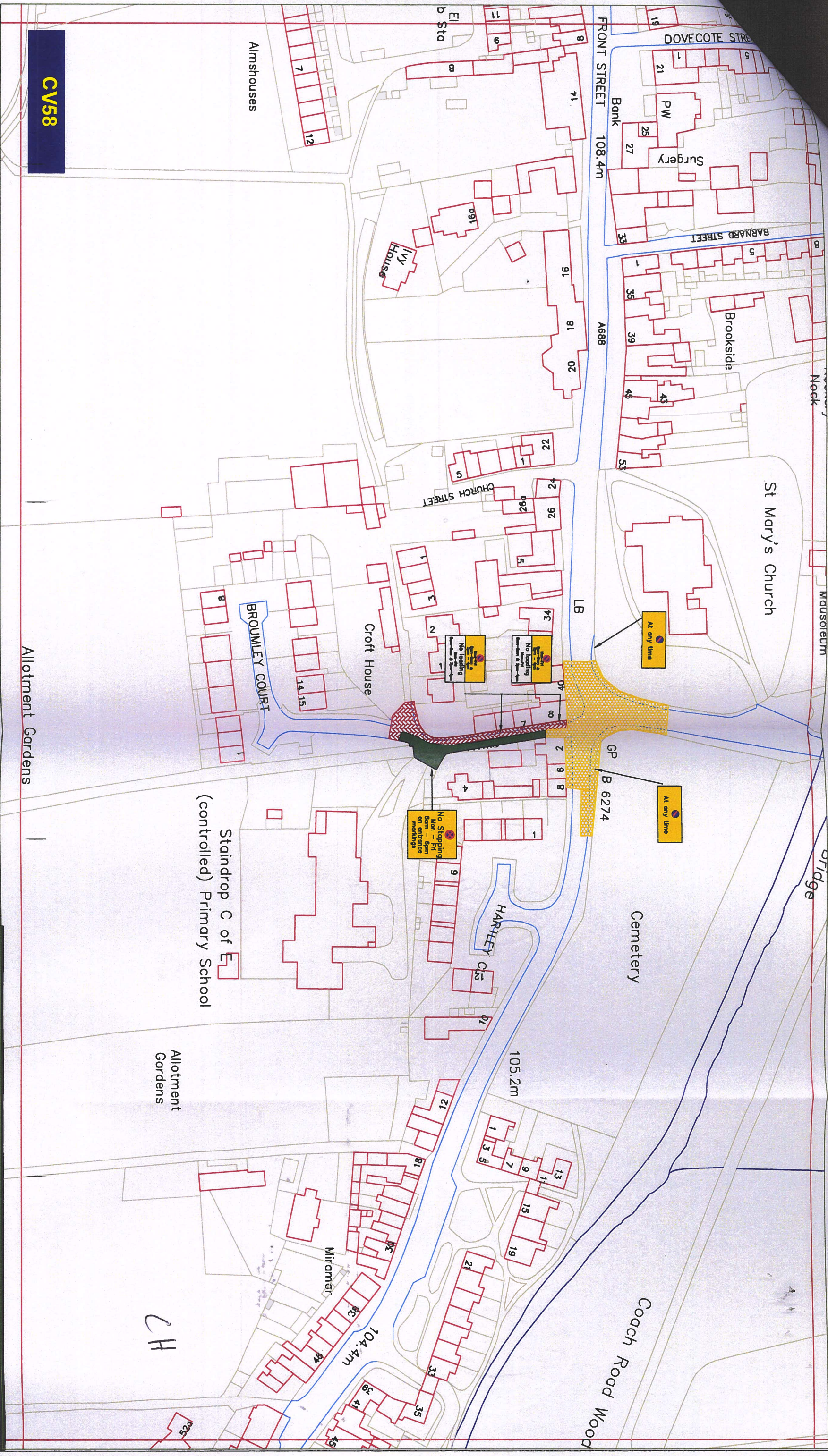
MADE THIS 5th DAY OF NOVEMBER 2021 BY
THE AFFIXING OF THE COMMON SEAL OF THE COUNTY COUNCIL
OF DURHAM BY ORDER:

(Signature)

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



596932



Key to Types of Restriction

- No Waiting At Any Time
- No Waiting and No Loading/Unloading
Mon - Fri 8am-9am and 2pm-4pm
- No Stopping Mon -Fri 8am-6pm on
entrance markings