

THE NORFOLK COUNTY COUNCIL (GREAT YARMOUTH, MARINE PARADE)
(RESTRICTED ZONE) ORDER 2016

The Norfolk County Council (hereinafter referred to as "the Council") in exercise of its powers under Sections 1(1), 2(1), 2(2) and 4(1) and (2), 32(1) and 35(1), 45 and 46 and 122 and Parts III and IV of Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") and the Traffic Management Act 2004 (hereinafter referred to as "the 2004 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:-

1. This Order shall come into operation on the 26th August 2016 and may be cited as The Norfolk Council (Great Yarmouth, Marine Parade) (Restricted Zone) Order 2016.
2. Any reference 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. Where the context otherwise requires the following expressions have the meaning hereby respectively assigned to them.

"authorised taxi rank" means any area of carriageway which is comprised within and indicated by a road marking complying with diagram 1028.2 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002;

"Council" means The Norfolk County Council, their Permit Agent or their Enforcement Agent as defined in this Order;

"Civil Enforcement Officer" has the same meaning as in section 76 of the Traffic Management Act 2004;

"Driver" in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place, or the person deemed to be the driver under the terms of this Order;

"Disabled Person's Vehicles" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"Disabled Persons Badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000; and

"Parking Disc" means a disc, issued by a local authority, complying with the requirements of the British Standard Specification for Parking Discs (BS No 3551 : 1970), but coloured blue and capable of showing the quarter hours period during which a period of waiting begins; and

for the purposes of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position, when

- (a) in the case of a vehicle fitted with a front windscreen

- (i) the badge is exhibited facing forwards of the near side of and immediately behind the windscreen, and
- (ii) the parking disc is exhibited in the relevant position with the side which shows the time facing forwards or outwards and immediately behind the windscreen, and
- (b) in the case of a vehicle not fitted with a front windscreen the badge or disc is exhibited in a conspicuous position on the side of the vehicle;

“Enforcement Agent” means Norfolk County Council or their appointed person to administer such functions on their behalf pursuant to an Agreement under The Local Government Act 2000;

“Enforcement Authority” means the Council;

“General Directions” means the Traffic Signs Regulations and General Directions 2002;

“General Regulations 2007” means The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Hackney Carriage” has the meaning as in Section 38 of the Town Police Clauses Act 1847;

“Motor Car”, “Motor Cycle” and “Invalid Carriage” shall have the same meaning as in section 136 of the Act;

“Penalty Charge” has the same meaning as in section 2 of the General Regulations;

“Penalty Charge Notice” has the same meaning as in section 8 of the General Regulations 2007;

“Prohibited Area” in relation to a specified road, shall mean all that area of a specified road which is comprised within and indicated by a road marking complying with the General Directions;

“the regulations” in Article 3 of this Order means The Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000” and The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons)(England) Regulations 2000;

the effect of those markings shall prevail.

PART 1 Restricted Zone

3. In this Order:-

“Road train” means a Public Transport Road Train of 2500cc or less and licensed as a public transport service vehicle for up to 60 persons.

4. Save as provided in Article 5, no person shall, except upon the direction of, or with the permission of a police constable in uniform or of a traffic warden, cause any motor vehicle to proceed along the lengths of carriageway specified in the Schedule to this Order to be known as the Slow Lane and the Slow Lane (The Broadway).
5. Nothing in Article 4 of this Order shall apply so as to prevent any person from causing a vehicle to proceed in the lengths of road specified in that Article if the vehicle is being used:
- (a) for fire brigade, police or ambulance purposes;
 - (b) in the service of a local authority or water authority in pursuance of statutory powers or duties;
 - (c) in connection with the maintenance, improvement or reconstruction of that length of road or the laying, erection, alteration or repair in or adjacent to that length of road of any sewer, water, gas, or electricity apparatus or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (d) as a road train.
6. The following Order will become amended on the date of commencement of this Order as follows:-
- “The Norfolk County Council (Great Yarmouth, U60468/C629 Marine Parade West Side) (On Street Parking Places and Pay and Display Parking Places) Consolidation Order 2012”.
7. Insofar as any provision of this Order conflicts with any provision of any previous Order relating to the lengths of road specified in the Schedule to this Order, the provision of this Order shall prevail.

PART 2 – PROHIBITION OF STOPPING

8. Save as provided in Article 7 of this order no person shall, except upon the direction of or with the permission of a police constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to wait (load/unload) at any time along the lengths of road specified in Schedule 1 to this Order.
- 9.(1) Nothing in Article 6 of this Order shall prohibit a person to cause or permit any vehicle to wait in the lengths of road or on the side of roads referred to therein for so long as may be necessary to enable –
- (a) goods to be loaded on to or unloaded from the vehicle;
 - (b) a person to board or alight from the vehicle;
 - (c) maintenance work for businesses
 - (d) maintenance

provided that the length of road is not an authorised taxi rank or authorised parking place.

10. Nothing in Article 6 of this Order shall prohibit a person to cause or permit any vehicle to wait in the length of road or on the side 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, 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 side of roads; or
- (iv) the laying, erection, alteration or repair in, or in land adjacent to, the said lengths of road or side of roads, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of 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 a water authority in pursuance of statutory powers or duties;

11. Nothing in Article 6 of this Order shall prohibit a person to cause or permit any vehicle being a hackney carriage, to wait upon an authorised taxi rank.

Penalty Charge and Penalty Charge Notice

12. Where a vehicle is left waiting within the Restricted Zone in contravention of this Order a Penalty Charge shall become payable. A Penalty Charge Notice to that effect will be attached to the vehicle or handed to the driver by a Civil Enforcement Officer, in accordance with Article of this Order.

13. A Penalty Charge shall be payable to the Enforcement Authority.

14. A Penalty Charge Notice referred to in Article and issued

by a Civil Enforcement Officer shall include the following particulars:

- (a) the enforcement authority,
- (b) the Parking Place at which the contravention occurred,
- (c) the registration mark or when the vehicle is being used under a trade licence, the registration mark of that trade licence,
- (d) the date and time at which the Penalty Charge was seen to be payable,

- (e) the grounds on which the Civil Enforcement Officer serving the Penalty Charge Notice believes that a Penalty Charge is payable,
- (f) the amount of the Penalty Charge,
- (g) the manner in which and time within which the Penalty Charge shall be paid,
- (h) a statement that a reduced charge may be payable if payment is made within fourteen days of the Penalty Charge Notice being incurred,
- (i) a statement to the effect that if the Penalty Charge is not paid before the end of the period of 28 days a Notice to Owner may be served by the Enforcement Authority on the owner of the vehicle.

15. Where a driver has left a vehicle in contravention of this Order and a Penalty Charge Notice could not be issued as specified in Article 5 of this Order a Penalty Charge Notice may be issued by post by the Enforcement Authority in accordance with section 10 of the General Regulations 2007.
16. Any Penalty Charge Notice issued in accordance with Article 8 of this Order shall, in addition to the particulars specified in Article 7 (b), (c), (e) and (f) of this Order, include the particulars specified in paragraph 2 of the Schedule to the General Regulations 2007.
17. The driver of a vehicle in respect of which a Penalty Charge Notice has been incurred shall pay the Penalty Charge or provide proof of payment of the Penalty Charge to the Enforcement Authority as detailed on the reverse of the notice within 28 days of the date on which the Penalty Charge Notice is served. If payment is received within a period of 14 days beginning with the date on which the Penalty Charge Notice is served the amount of the Penalty Charge shall be reduced by 50% (provided that if the fourteenth day falls upon a day on which the Enforcement Authority's offices are closed the period within which payment of the said charge is due shall be extended to 1.00 p.m. on the next full day on which the office is open).
18. Where the driver of a vehicle fails to pay the Penalty Charge as specified in Article 10 of this Order the Enforcement Authority may follow the procedures set out in the General Regulations 2007 to recover the Penalty Charge.
19. The driver of a vehicle who desires to make representation to or appeal against a Penalty Charge Notice issued to him may make representation or appeal to the Enforcement Authority pursuant to the procedures set out in the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
20. Where a Penalty Charge Notice has been attached to a vehicle in accordance with Article 5 of this Order no person, not being the driver of the vehicle or a person duly authorised by the Enforcement Authority shall remove that Notice from the vehicle unless authorised to do so by the driver.
21. No person shall use any part of a Parking Place within the Restricted Zone for:-
 - (a) sleeping or camping purposes;
 - (c) eating or cooking purposes;

- (d) the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from that parking place.

SCHEDULE 1

In the Town of Great Yarmouth

Prohibition of Stopping – At Any Time

- C629 Marine Parade East Footway - From a point 7 metres north of its junction with the U60457 Britannia Road southwards for a distance of 1097 metres.

SCHEDULE 2

In the Town of Great Yarmouth

Restricted Parking Zone – At Any Time

- C629 Marine Parade 'Slow Lane' - For its entire length

Dated this 24th day of August 2016

THE COMMON SEAL of)
THE NORFOLK COUNTY)
COUNCIL was hereunto)
affixed in the presence of:-)

authorised to sign
on behalf of: **HEAD OF LAW**


Head of Law

