

NORTH YORKSHIRE COUNTY COUNCIL
(PROHIBITION OF WAITING AND LOADING AND PROVISION OF PARKING)
(DISTRICT OF HAMBLETON)
(AMENDMENT NO 9) MINOR ORDER 2014

North Yorkshire County Council (hereinafter referred to as "the County Council") in exercise of their powers under Sections 1(1), 2(1) to (3), 4(2), 32(1) and 35(1) of the Road Traffic Regulation Act 1984 ("the 1984 Act") and Part IV of Schedule 9 to the 1984 Act and under the Traffic Management Act 2004 ("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 1984 Act, hereby make the following Order:

- 1 This Order shall come into operation on 30 May 2014 and shall be cited as "North Yorkshire County Council (Prohibition of Waiting and Loading and Provision of Parking) (District of Hambleton) (Amendment No 9) Minor Order 2014".
- 2 This Order hereby amends "North Yorkshire County Council (Prohibition of Waiting and Loading and Provision of Parking) (District of Hambleton) Consolidation Order 2013" in so far as it relates to the lengths of road specified in the Schedule to this Order and revokes in its entirety "North Yorkshire County Council (C27, Osmotherley to Swainby) (Clearway) Order 2005".
- 3 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

- 4 (1) In this Order the following expressions have the meanings hereby respectively assigned.

"Ambulance" means a vehicle which—

- (a) is constructed or adapted for, and used for no other purpose than, the carriage of sick, injured or disabled people to or from welfare centres or places where medical or dental treatment is given; and
- (b) is readily identifiable as a vehicle used for the carriage of such people by being marked 'Ambulance' on both sides;

"Ambulance Keep Clear" means part of the carriageway outside an ambulance station where vehicles should not stop and which is comprised within and indicated by a road marking complying with diagram 1027.1 in Schedule 6 to the 2002 Regulations;

"Ambulance parking bay" means any area of carriageway designated as a parking bay reserved for ambulances and which is comprised within and indicated by a road marking complying with diagram 1028.2 in Schedule 6 to the 2002 Regulations;

"Borough Council" means Scarborough Borough Council;

"Bus" has the same meaning as in Regulation 22(2) of the 2002 Regulations;

"Bus stop" means any area of carriageway intended for the waiting of Buses and which is comprised within and indicated by a road marking complying with diagram 1025.1, 1025.3 or 1025.4 in Schedule 6 to the 2002 Regulations;

"Cause" includes permit;

"Charge Certificate" means the statement that the penalty charge has been increased in accordance with Regulation 21 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"Civil Enforcement Officer" means any person authorised by the Borough Council to supervise and control vehicles in a Parking Place and enforce the provisions of this Order pursuant to Section 76 of the 2004 Act and Section 63A of the 1984 Act;

"Controlled Hours" means those hours and on those days so specified in the Schedule to this Order during which there are restrictions and limitations on parking, waiting, stopping, loading and unloading;

“Disabled person’s badge” means a badge in the form prescribed by Regulation 11 of the 2000 Regulations 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 and includes a replacement badge issued in accordance with Regulation 7 of the 2000 Regulations;

“Disabled Bay” has the same meaning as **“Disabled parking place”**;

“Disabled parking place” means any area of carriageway designated as a Parking Place reserved for disabled persons’ badge holders and which is comprised within and indicated by a road marking complying with diagram 1028.3, 1032 or 1033 in Schedule 6 to the 2002 Regulations;

“Disc parking bay” has the same meaning as **“Disc Parking Place”**;

“Disc Parking Place” means a Parking Place reserved for vehicles displaying a Parking Disc;

“Dual-purpose vehicle” has the same meaning as in Regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986 (SI 1986/1078);

“Enactment” means any enactment whether public general or local, and includes any order, bye law, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“Fire station keep clear” means part of the carriageway outside a fire station where vehicles should not stop and which is comprised within and indicated by a road marking complying with diagram 1027.1 in Schedule 6 to the 2002 Regulations;

“Goods” includes goods or burden of any description;

“Goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description, or a trailer so constructed or adapted;

“Higher Level Contraventions” are as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

“Invalid carriage” has the same meaning as in Section 136(5) of the 1984 Act;

“Length of Road” means any length of road between the termination points so specified in the Schedule to this Order;

“Light goods vehicle” means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and which has a maximum laden weight not exceeding 3.5 tonnes;

“Loading bay” means any area of carriageway designated as a Parking Bay reserved for loading and unloading goods and which is comprised within and indicated by a road marking complying with diagram 1028.3 or 1032 in Schedule 6 to the 2002 Regulations;

“Lower Level Contraventions” means all parking contraventions which are not higher level contraventions as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

“Motor cycle” has the same meaning as in Section 136(4) of the 1984 Act;

“Motor cycle parking bay” means any area of carriageway designated as a parking bay reserved for motor cycles and which is comprised within and indicated by a road marking complying with diagram 1028.4 in Schedule 6 to the 2002 Regulations;

"Motor Vehicle" means a mechanically propelled vehicle intended or adapted for use on roads;

"Owner" in relation to a Motor Vehicle means the person by whom such Motor Vehicle is kept and used;

"Parking Disc" means a device which:-

- (a) is 125 millimetres square and coloured blue, issued on or after 1st 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 period during which a period of waiting has begun;

"Parking Bay" has the same meaning as **"Parking Place"**;

"Parking Place" means an area on a highway described or designated as a Parking Place in the Schedule to this Order which is comprised within and indicated by a road marking complying with diagram 1032 or 1033 in Schedule 6 to the 2002 Regulations and which is authorised to be used by passenger vehicles, dual-purpose vehicles, light goods vehicles, motor cycles or invalid carriages within the positions marked for them;

"Parking Space" means a space in a Parking Place that is provided for the leaving of vehicles;

"Passenger vehicle" means a vehicle constructed solely for the purpose of carrying passengers and their effects;

"Penalty Charge" means a charge set by the County Council in accordance with charges set by the Secretary of State under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Borough Council in the manner set out in the Penalty Charge Notice;

"Penalty Charge Notice" means a notice issued or served by a Civil Enforcement Officer or posted by the Borough Council pursuant to the provisions of Section 78 of the 2004 Act and The Civil Enforcement of Parking Contraventions (England) Regulations 2007;

"Permit" means a permit issued by the County Council in accordance with their rules and includes resident permits;

"Post office" and any reference to "post office vehicle" or "postal packets" shall be construed in the context of the Postal Services Act 2000 and the Postal Services Act 2000 (Consequential Modifications to Local Enactments No. 1) Order 2001 (SI No. 2001/648) and shall include therefore references to "universal service providers", as the context shall require;

"Prescribed hours" in relation to a Disc Parking Place means the period between 8.00 am and 6.00 pm, Monday to Saturday, any such day not being Christmas Day, Good Friday or a Bank Holiday being a public holiday;

"Public service vehicle" means a vehicle as defined in Section 1 of the Public Passenger Vehicles Act 1981;

"Reduced Penalty Charge" means a charge set by the County Council in accordance with charges set by the Secretary of State under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Borough Council in the manner set out in the Penalty Charge Notice;

“Relevant Position” means:-

- (a) in relation to a disabled person’s badge, if
 - (i) the badge is exhibited on the dashboard or fascia of the vehicle, or
 - (ii) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle, so that the front of the badge is clearly legible from the outside of the vehicle;
- (b) in relation to a Parking Disc, if:-
 - (i) the disc is exhibited on the dashboard or fascia of the vehicle; or
 - (ii) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle, so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle;
- (c) in relation to a permit, if:-
 - (i) the permit is exhibited on the dashboard or fascia of the vehicle, or
 - (ii) where the vehicle is not fitted with a dashboard or fascia, the permit is exhibited in a conspicuous position on the vehicle, so that the front of the permit is clearly legible from the outside of the vehicle;

“Road” means any length of highway or of any other road to which the public has access, including the carriageway and footway, and includes any bridge over which a road passes;

“School entrance area” means part of the carriageway outside a school entrance where vehicles should not stop and which is comprised within and indicated by a road marking complying with diagram 1027.1 in Schedule 6 to the 2002 Regulations;

“School Keep Clear” has the same meaning as **“School entrance area”**;

“Service” in respect of a Penalty Charge Notice means the forms of service specified in regulations 9 and 10 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any amendment or re-enactment thereof;

“Taxi” means a vehicle licensed to ply for hire within the District of Hambleton and does not include private hire vehicles;

“Taxi rank” means an area of carriageway reserved for use by taxis plying for hire and which is comprised within and indicated by a road marking complying with diagram 1028.2 in Schedule 6 to the 2002 Regulations;

“the 2000 Regulations” means The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI 2000/682);

“the 2002 Regulations” means the Traffic Signs Regulations and General Directions 2002 (SI 2002/3113);

“Timing point” means a place where a Public service vehicle may wait for the purpose of synchronising its journey time with the published schedule.

- (2) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.
- (3) Any reference in this Order to an enactment shall be construed as a reference to that enactment as amended, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.

- (4) Under a Deed of Arrangement dated 12 September 2013 the County Council has agreed and arranged with the Borough Council that the Borough Council will discharge on behalf of the County Council the enforcement function conferred on the County Council in respect of the lengths of Road specified in the Schedule to this Order.
- (1) Nothing in this Order shall render it unlawful to cause any vehicle to wait during the Controlled Hours for the lengths of Road, on the side of Road referred to therein, or in any part of a Parking Place, if the use of that part has not been suspended, for a period no longer than is necessary for:
- (a) a person to board or alight from the vehicle or load thereon or unload therefrom his or her personal luggage;
 - (b) goods to be loaded on or unloaded from a vehicle, where the vehicle is necessary for the collection or delivery of those goods, (except in those Roads or lengths of Road and during those hours where loading and unloading is prohibited);
 - (c) a vehicle directly used in connection with any of the following operations, namely:
 - (i) the removal of any obstruction to traffic;
 - (ii) the maintenance, improvement or reconstruction of any of the said lengths of Road or sides of Road; or
 - (iii) the laying, erection, alteration or repair in, or in land adjacent to any of the said lengths or sides of Road of any sewer or of any main, pipe, cable or apparatus for the supply of gas, water or electricity or of any electronic communications apparatus as defined in Schedule 2 to the Telecommunications Act 1984;
 - (d) a vehicle, not being a passenger vehicle, being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;
 - (e) a vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125(1) of the Postal Services Act 2000;
 - (f) a vehicle to wait at or near to any premises situated on or adjacent to said side or any of the said lengths of Road or Parking Place for so long as such waiting by that vehicle is reasonably necessary in connection with a wedding or funeral; or
 - (g) a vehicle being used for fire brigade, ambulance or police purposes;
 - (h) a vehicle displaying a valid dispensation;
 - (i) a vehicle to be used in connection with the feeding of livestock or the repairing of fences or for the purposes of agriculture or forestry on land adjacent to the said Road or length of Road.
- (2) Nothing in this Order shall render it unlawful to cause any Taxi to wait upon a Taxi Rank while plying for hire.
- (3) Nothing in this Order shall render it unlawful to cause a vehicle displaying a Disabled person's badge to wait in accordance with the provisions contained in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (SI 2000 No. 683) and any amendments thereto.
- (4) Nothing in this Order shall render it unlawful for a driver of a Public service vehicle to allow that vehicle to wait at a recognised Timing point.
- (5) Nothing in this Order shall render it unlawful for the driver of a Bus to cause the Bus to wait or stop at a Bus stop for so long as may be necessary to maintain a published timetable for the service, to enable passengers to board or alight from the Bus or to enable the crew of the Bus to be changed.

- 6 Every vehicle left in a Parking Space in accordance with the provisions of this Order shall stand so that its wheels are wholly within the Parking Space and it does not obstruct the premises adjacent to the side of the Road on which the vehicle is standing.
- 7 During the period of operation of a Parking Place specified in this Order no person shall without the written consent of the Borough Council and subject to such conditions as the Borough Council from time to time decide use any vehicle while it is in the Parking Place, in connection with any commercial activities, or the advertisement or sale of any article to persons in or near the Parking Place, or in connection with the selling or offering for hire of his skill or services.
- 8 No person shall use any part of a Parking Place or any vehicle parked in a Parking Place-
- (a) for sleeping or camping or cooking; or
 - (b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the Parking Place.
- 9 (1) Any person duly authorised by the Borough Council may suspend the use of a Parking Place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of:
- (a) facilitating the movement of traffic;
 - (b) promoting its safety;
 - (c) preventing obstruction;
 - (d) the undertaking of works in or adjacent to the Parking Place; or
 - (e) for the convenience of occupiers of premises adjacent to the Parking Place.
- (2) When the Parking Place or any part thereof has its operation suspended pursuant to paragraph (1) of this Article no person shall cause any vehicle to wait or load or unload in that Parking Place or part thereof for the duration of the suspension, provided that nothing in this paragraph shall render it unlawful to cause an ambulance or any vehicle being used for fire brigade or police purposes, to enter or be left in that Parking Place or part thereof during the period of suspension, or to any other vehicle so left, if that vehicle is displaying a valid dispensation issued by the Borough Council.
- 10 Where a Civil Enforcement Officer is of the opinion that any of the provisions of this Order have been contravened or not complied with in respect of a vehicle he may remove or cause to be removed the vehicle and, where it is so removed, shall provide for the safe custody of the vehicle.
- 11 Where a Civil Enforcement Officer is of the opinion that any of the provisions of this Order have been contravened or not complied with in respect of a vehicle he may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.
- 12 A Police Constable in uniform or Civil Enforcement Officer may move or cause to be moved, in case of emergency, to any place he thinks fit any vehicle left in a Parking Place.

Prohibition of Waiting, Loading and Unloading

- 13 Save as provided in Article 5 of this Order no person shall, except upon the direction or with the permission of a Civil Enforcement Officer, cause any vehicle to wait or allow goods to be loaded on or unloaded from the vehicle in any length of Road during the Controlled Hours so specified in the Schedule to this Order.

Parking Places

- 14 Save as provided in Article 5 of this Order no person shall, except upon the direction or with the permission of a Civil Enforcement Officer, cause any vehicle to wait in any length of Road described or designated as a Parking Place during the Controlled Hours so specified in the Schedule to this Order and which are thereby authorised for use as Parking Places, other than Parking Places reserved for a specific use or class of vehicle, unless it is of the class of vehicle authorised to use that Parking Place or is displaying in the Relevant Position a permit valid for that Parking Place at that time, nor may a vehicle return to any such Parking Space in the same Parking Place until the expiry of the time specified for that Parking Place in the Schedule.

Disc Parking

- 15 A vehicle that is parked in a Parking Place during the Prescribed Hours in any length of Road so specified in the Schedule to this Order as being a Disc Parking Place and does not display in the Relevant Position a valid permit must display a Parking Disc in the Relevant Position and set the disc so that it indicates the quarter of an hour period during which the vehicle arrived at the Disc Parking Place, nor may a vehicle return to any such Parking Space in the same Disc Parking Place until the expiry of the time specified for that Parking Place in the Schedule.

Disabled Parking Places

- 16 Save as provided in Article 5 of this Order no person shall, except upon the direction or with the permission of a Civil Enforcement Officer, cause any vehicle to wait in any Disabled parking place described in the Schedule to this Order during the Controlled Hours unless it is displaying a Disabled person's badge and disc (parking clock) in the Relevant Position and has set the disc so that it indicates the quarter of an hour period during which the vehicle arrived at the Parking Place in the Relevant Position.

Loading Bays

- 17 Save as provided in Article 5 of this Order no person shall, except upon the direction or with the permission of a Civil Enforcement Officer, cause any vehicle other than a Goods vehicle to wait other than to allow goods to be loaded on or unloaded from the vehicle in any length of Road so specified as a loading bay in the Schedule to this Order during the Controlled Hours.

Motor Cycle Parking Bays

- 18 Save as provided in Article 5 of this Order no person shall, except upon the direction or with the permission of a Civil Enforcement Officer, cause any vehicle other than a motor cycle to wait in any length of Road so specified as a motor cycle parking bay in the Schedule to this Order during the Controlled Hours.

School Entrance Areas

- 19 No person shall, except upon the direction of a Civil Enforcement Officer, cause any vehicle to stop or remain at rest on any of the sides of lengths of Road so specified as school entrance areas in the Schedule to this Order during the Controlled Hours, except as may be necessary to avoid an accident or is prevented from proceeding by circumstances outside his control.

Ambulance and Fire Keep Clear Areas

- 20 No person shall, except upon the direction of a Civil Enforcement Officer, cause any vehicle to stop or remain at rest on any of the sides of lengths of Road so specified as ambulance and fire keep clear areas in the Schedule to this Order during the Controlled Hours, except as may be necessary to avoid an accident or is prevented from proceeding by circumstances outside his control.

Penalty Charge and Payment

- 21 (1) Where a Motor Vehicle
- (a) waits, parks or is left on a Road in contravention of the foregoing provisions of this Order or otherwise contravenes or fails to comply with the provisions of this Order, insofar as it relates to a Motor Vehicle waiting, parking or being left on a Road; or
 - (b) waits, parks or is left on a Road in contravention of any other Traffic Regulation Order the provisions of which are not consolidated into this Order or fails to comply with the provisions of any such Order insofar as it relates to a vehicle waiting, parking or being left on a Road; or
 - (c) parks in contravention of the provisions of Sections 19 or 21 of the Road Traffic Act 1988 (prohibition of parking of HGVs on Verges, central reservations and footways and driving or parking on Cycle Tracks) a Penalty Charge shall be payable by the Owner for each day of the said contravention or non-compliance.

- (2) The Penalty Charge or Reduced Penalty Charge shall be in accordance with Band 2 as set out in the Schedule to The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007:-

Higher Level Penalty Charge	Lower Level Penalty Charge	Higher Level Penalty Charge Paid Early	Lower Level Penalty Charge Paid Early	Higher Level Penalty Charge paid after service of Charge Certificate	Lower Level Penalty Charge paid after service of Charge Certificate
£70	£50	£35	£25	£105	£75

SCHEDULE

PROHIBITION OF WAITING AND LOADING AND PROVISION OF PARKING

Location	Road	Side	From	To	Nature of Restriction
Osmotherley to Swainby road (Cod Beck/Sheepwash area)	C27	Both	A point 35 metres north of its junction with the end of the kerb on the northern side of the vehicular access to 'Cote Ghyll Caravan Park'	North eastwards to a point 20 metres south of the south side of the Cattle Grid at Scarth Nick (an approximate distance of 2 miles)	Clearway (No stopping or waiting at any time)

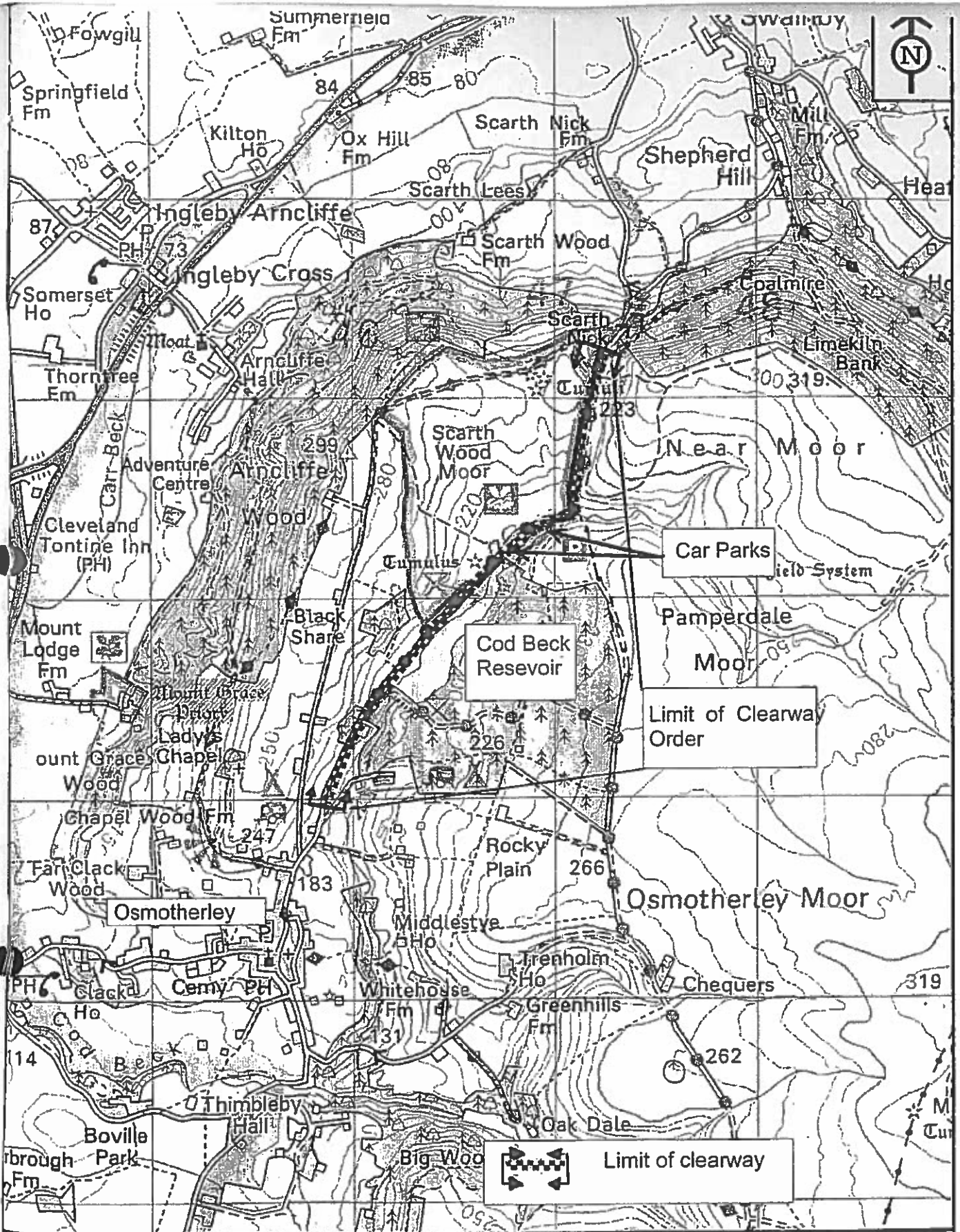
THE COMMON SEAL of NORTH
YORKSHIRE COUNTY COUNCIL was
hereunto affixed this 12th day of May
2014 in the presence of:-

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A handwritten signature in black ink, appearing to read 'M J [unclear]', written over a horizontal line.

**AUTHORISED
SIGNATORY**



North Yorkshire County Council
Environmental Services
 Corporate Director:- M O Moore OBE CEng FICE FIHT DMS
Highways North Yorkshire
 David Bowe, Assistant Director Highways North Yorkshire

Project:- Experimental Clearway Order

Drawing Title:- Osmotherley To Swainby Road Cod Beck/Sheepwash

Area 1	Division 2	Drawn By:- J Charlton	Date:- 16 November 2004	Scale 1:25000	Drawing No.:- APPENDIX A
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