

NORTH YORKSHIRE COUNTY COUNCIL

(RESTRICTION OF WAITING) (TOWN END CLOSE, CARLTON) ORDER 2010

North Yorkshire County Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1(1), 2(1) to (3) and 4(2) of the Road Traffic Regulation Act 1984 ("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. (1) When used in this Order each of the following expressions has the meaning assigned to it below: -

"disabled person" means a person who holds a disabled persons' badge in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (No. 682) (and in particular Regulation 4 thereof) or any re-enactment thereto;

"disabled person's badge" means a badge issued in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended) (in particular Regulation 11 and the Schedule thereto) or under regulations having effect in Scotland and Wales under Section 212 of the Chronically Sick and Disabled Persons Act 1970 as referred to currently by the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (No. 683) or any subsequent further re-enactments thereof;

"disabled person's vehicle" means a vehicle driven by a disabled person as defined in Regulation 4(2) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (No. 682);

"goods" shall mean items of any description which cannot easily be carried by one person and do not include goods that are not pre-ordered, shopping, small fragile goods or cash or other valuable securities which are being collected or delivered from a bank/building society;

"loading/unloading" means when a vehicle stops to load or unload bulky or heavy goods;

"parking disc" means in relation to article 4(2) of this Order (Exemptions for Disabled Persons' Vehicles), 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;

"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 Consequential Amendments Order 2001 (No. 2001/648) and shall include therefore references to "universal service providers) such as Royal Mail, as the context shall require;

"relevant position" means (in conformity with Regulation 12 of SI 2000 No. 682 referred to above):-

- (a) in relation to a disabled person's badge,
 - (i) in the case of a vehicle fitted with a dashboard or facia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside

the vehicle; or

- (ii) in the case of a vehicle not fitted with a dashboard or facia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle;
- (b) in relation to a parking device or disc (in conformity with Regulation 4 of SI 2000/1519):-
- (i) in the case of a vehicle fitted with a dashboard or facia panel the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle or
 - (ii) in the case of a vehicle not so fitted the disc is exhibited in a conspicuous position on the vehicle so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle;

"quarter-hour period" means a period of a quarter of an hour starting at any hour or fifteen, thirty or forty-five minutes past the hour which can be shown on the parking disc;

"road" means the full width of the highway including the carriageway and footway.

- (2) 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.
2. For the purposes of this Order any reference to a length of road shall be construed as a reference to the length specified in column 4 of the Schedule to this Order of the side or sides of road specified in respect of that length in column 3 thereof in relation to the road named in respect of that side or those sides in column 2 of that Schedule.

PART 2 **RESTRICTION OF WAITING**

3. Save as provided in article 4 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform cause or permit any vehicle to wait between the hours of 8.00 am to 9.00 am and 3.00 pm to 4.00 pm, Monday to Friday in the lengths of road specified in the Schedule to this Order.

Exemptions

4. (1) Nothing in article 3 of this Order shall render it unlawful to cause or permit any vehicle to wait during the hours prescribed in the said article 3 in any length of road specified in the Schedule to this Order for so long as may be necessary to enable:-
- (a) a person to board or alight from the vehicle or
 - (b) goods to be loaded on or unloaded from the vehicle or
 - (c) the vehicle if it cannot conveniently be used for such purposes in any other road to be used in connection with any of the following operations:-
 - (i) building, industrial or demolition operations
 - (ii) the removal of any obstruction to traffic
 - (iii) the maintenance, improvement or reconstruction of any length of road specified in the said Schedule or
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to, any length of road specified in the said Schedule of any sewer or of any main, pipe, cable or apparatus for the supply of gas, water or electricity or of any telegraphic line or telecommunications apparatus as defined in

the Telecommunications Act 1984 or

- (v) the delivery or collection of postal packets as defined in Section 87 of the Post Office Act 1953 at or from premises fronting any length of road specified in the said Schedule.
 - (d) 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 for the purpose of the performance of the statutory functions of such authority;
 - (e) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to any length of road specified in the said Schedule;
 - (f) the vehicle to wait at or near to any premises situated on or adjacent to any length of road specified in the said Schedule for so long as is reasonably necessary to enable the vehicle to be used for or in connection with the purposes of any wedding or funeral taking or to take place from or at any such premises;
 - (g) the vehicle to be used for fire brigade, ambulance or police purposes.
- (2) Nothing in article 3 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge whilst such vehicle is being used by or for the convenience of a disabled person 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 referred to in that article during the hours prescribed 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 length of road on the same day).

PART 3
OPERATION OF THE ORDER

- 5. 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 Order or regulations made or having effect as if made under the Act or by or under any other enactment.
- 6. This Order shall come into operation on 29 March 2010 and may be cited as "North Yorkshire County Council (Restriction of Waiting) (Town End Close, Carlton) Order 2010".

THE SCHEDULE

Road in Carlton

WAITING PROHIBITED BETWEEN 8.00 AM TO 9.00 AM AND 3.00 PM TO 4.00 PM, MONDAY TO FRIDAY WITH EXEMPTIONS

Column 1 Item	Column 2 Road	Column 3 Side	Column 4 Length
1	Town End Close	West	For a distance of 40 metres south from the projected western kerb line of Town End Avenue.
2	Town End Close	East	For a distance of 35 metres south from the projected eastern kerb line of Town End Avenue

THE COMMON SEAL of NORTH)
YORKSHIRE COUNTY COUNCIL)
was hereunto affixed this 22nd day)
of March 2010 in the presence)
of:-)



A handwritten signature in blue ink, appearing to read 'G. G. Wood'.

**AUTHORISED
SIGNATORY**

