

THE NOTTINGHAMSHIRE COUNTY COUNCIL

THE NOTTINGHAMSHIRE COUNTY COUNCIL (DEFINITIONS, CIVIL ENFORCEMENT AREA AND SPECIAL ENFORCEMENT AREA) TRAFFIC REGULATION ORDER 2008 (601)

The Nottinghamshire County Council ("the Council") in exercise of its powers under Sections 1, 2, 3, 4, 19, 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act"), Traffic Management Act 2004 ("the 2004 Act"), and by virtue of The Civil Enforcement of Parking Contraventions (County of Nottinghamshire) Designation Order 2008 (Statutory Instrument 2008 No. 1086) and of all other enabling powers and after consultation with the Chief Officer of Police for the Nottinghamshire Police Authority in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following Order:-

1. This Order shall come into force on **12th day of May 2008** and may be cited as "The Nottinghamshire County Council (Definitions, Civil Enforcement Area and Special Enforcement Area) Traffic Regulation Order 2008".
2. In this Order, the phrase "relevant orders" means all those traffic regulation orders made, or having effect as if made, under the 1984 Act (which specify roads, for which the Council is the Traffic Authority) insofar as they have the effect of parking controls, waiting prohibitions and restrictions and loading restrictions on roads within the Council's area and which are in force on the date that this Order comes into force.
3. The relevant orders are amended as follows:-
 - (a) Under the heading "General" and after the fourth paragraph but before the heading "Definitions" the following paragraph shall appear:-

"In this Order headings are included for ease of reference only and shall not affect the interpretation or construction of this Order."
 - (b) All of the definitions under the sub-heading "Definitions" shall be deleted and in their place shall appear the following:-
 - "D1. "At Any Time" means all days and all hours.
 - D2. "Bank Holiday" has the same meaning as described in the Banking and Financial Dealings Act 1971. The first Monday of May shall be treated as if it were a Bank Holiday for the purposes of this Order.
 - D3. "Bus" has the same meaning as in Regulation 22 of the Traffic Signs Regulations and General Directions.

- D4. "Bus Lane" means any length of road specified in this Order and bounded by delineating road markings as prescribed under Regulations for use as a Bus Lane.
- D5. "Bus Stop Area" means any area of carriageway of a road (which is specified and intended for the waiting of a local bus) which is comprised within and indicated by a road marking complying with either diagram 1025.1, 1025.3 or 1025.4 in Schedule 6 to the Traffic Signs Regulations and General Directions.
- D6. "Bus Stop Clearway Hours" means the hours specified in each relevant Schedule in relation to a length of road.
- D7. "Carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles.
- D8. "CEO" means Civil Enforcement Officer which has the same meaning as in Section 76 of the 2004 Act.
- D9. "Cycle Lane" means a length of road specified in this Order as a Cycle Lane and bounded by delineating road markings as prescribed under Regulations.
- D10. "Day Access Permit" means a vehicle in respect of which a permit has been issued under established criteria governing the issue of the aforesaid permit and as amended from time to time.
- D11. "Director" means the Nottinghamshire County Council's Strategic Director of Communities.
- D12. (a) "Disabled Person's Vehicle" means a vehicle displaying a disabled persons' badge.
- (b) "Disabled Persons' Badge" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.
- D13. "Doctor Parking Permit" means a valid permit issued for use within the relevant Doctor Parking Place.
- D14. "Doctor Parking Place" means a parking place (specified in Schedule 1 to Part II, or in Schedule 4 to Part III, or in Schedule 5 to Part IV of this Order) which may only be used by a vehicle displaying a Doctor Parking Permit.
- D15. "Driver" in relation to a vehicle waiting in a parking place means:-

- (a) The person driving the motor vehicle at the time it was left in the parking place or
 - (b) where the vehicle is a pedal cycle, the person (being a user) riding, pushing by hand or otherwise in charge of the pedal cycle at the time it was left in the parking place.
 - (c) Where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and "drive" and "driving" shall be construed accordingly and that if such person contravenes this Order, that person shall be treated as the owner.
- D16. "Dual Purpose Vehicle" has the same meaning as in Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1978.
- D17. "Goods" includes postal packets of any description.
- D18. "Goods Vehicle" has the same meaning as in Section 104(9) of the 1991 Act.
- D19. "Junction" means (in the Schedules to this Order) for measurement purposes only: The point where the prolongation of two kerblines intersect (measurements are taken along the line of kerb for the said length of road unless otherwise stated).
- D20. "Lay-By" means any area of carriageway intended for the waiting of vehicles and lying at the side of the road and bounded partly by a traffic sign of the type shown in Diagram 1010 of the Traffic Signs Regulations and General Directions and partly by the outer edge of that carriageway on the same side of the road as that on which the sign is placed.
- D21. "Loading Vehicle" means a vehicle whilst being used in a length of road to enable goods to be loaded or unloaded provided that when the aforementioned purposes have been completed, the vehicle must immediately proceed out of that length of road.
- D22. "Local Bus" has the same meaning as that ascribed to it in the Traffic Signs Regulations and General Directions.
- D23. "Main Carriageway" means any carriageway used primarily by through traffic, includes any carriageway of a slip road, but excludes any lay-by.
- D24. "Motor Cycle" has the same meaning as in Section 136 of the Act.

- D25. "Motor Vehicle" has the same meaning as in Section 136 of the 1984 Act.
- D26. "One-Way Street" means a highway in which vehicles are prohibited at all times from proceeding in any other than one direction.
- D27. "Owner" in relation to a vehicle, means the registered keeper of that vehicle namely the person for the time being shown on the register as registered keeper in the register kept in accordance with Section 21 of the Vehicle Excise and Registration Act 1994.
- D28. "Parking Disc" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.
- D29. "Parking Place" means (subject to Section 4 of Part III and Sections 4 and 5 of Part IV of this Order) any area of highway authorised by this Order to be used as a parking place.
- D30. "Passenger Vehicle" means a motor vehicle other than a motor cycle constructed solely for the carriage of passengers and their effects and adapted to carry not more than 8 passengers exclusive of the driver, and not drawing a trailer.
- D31. "Pedal Cycle" means a cycle (which has the same meaning as that ascribed to it in Section 192 of the Road Traffic Act 1988).
- D32. "Pedestrian Crossing" means a crossing for pedestrians established:-
- (a) by a local authority under Section 23 of the 1984 Act, or
 - (b) by the Secretary of State in the discharge of the duty imposed on him by Section 24 of the 1984 Act.
- D33. "Police Vehicle" means a vehicle being used for police purposes or operating under the instructions of a Chief Officer of Police for Nottinghamshire Police Authority.
- D34. "Prescribed Hours" has the meanings ascribed in each particular Part of this Order and shall be construed accordingly.
- D35. "Private Hire Vehicle" means a vehicle which has been issued a licence under The Local Government (Miscellaneous Provisions) Act 1976.
- D36. "Relevant Position"

- (1) In relation to the display of Disabled Person's Badge, has the same meaning as that ascribed to it in The Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.
- (2) In relation to a permit or authorisation, means the front nearside of the vehicle so that all the particulars are readily visible from the front nearside of the vehicle.

D37. "Resident"

- (1) In Part III of this Order means a person whose usual place of abode is premises the postal address of which is in any road or part of a road being a part of a controlled zone described in Schedule 1 to Part III or this Order, or any person deemed to be a resident by the Council.
- (2) In Part IV of this Order means a person whose usual place of abode is premises the postal address of which is in any road or part of a road specified in Schedule 3 to Part IV of this Order, or any person deemed to be a resident by the Council.

D38. "Residents' Permit" means a permit issued under the provisions of Article 7 of Part III or Article 7 of Part IV of this Order.

D39. "Residents' Permit Holder" means a person to whom a permit has been issued under the provisions of Article 7 of Part III or Article 7 of Part IV of this Order.

D40. "Residents' Parking Place" means any part of a road specified in Article 4 of Part III or Article 4 of Part IV of this Order.

D41. "Residents' Parking Space" means a space in a Residents' Parking Place which is provided for the leaving of a vehicle of the classes specified in Article 7 of Part III or Article 7 of Part IV of this Order.

D42. "Residents' Visitors Parking Permit" means a permit issued, under the provisions of Article 27 of Part III or Article 37 of Part IV of this Order, by the Director to a resident for the purpose specified in Article 26 of Part III or Article 36 of Part IV of this Order and under guidelines as determined from time to time by the Director.

D43. "Residents' Visitors Parking Permit Holder" means a person to whom a permit has been issued under the provisions of Article 27 of Part III or Article 37 of Part IV of this Order.

- D44. "Residents' Visitors Parking Permit User" means a person using a permit for the purpose specified in Article 26 of Part III or Article 35 of Part IV of this Order in accordance with the provisions of Section 6 of Part III or Section 8 of Part IV of this Order as appropriate.
- D45. "Residents' and Business Visitors Parking Permit" means a permit issued under the provisions of Article 31 of Part III or Article 41 of Part IV of this Order.
- D46. "Residents' and Business Visitors Parking Permit Holder" means a person to whom a permit has been issued under the provisions of Article 31 of Part III or Article 41 of Part IV of this Order.
- D47. "Residents' and Business Visitors Parking Permit User" means a person using a permit for the purposes specified in Article 31 of Part III or Article 41 of Part IV of this Order in accordance with the provisions of Section 7 of Part III and Section 9 of Part IV of this Order.
- D48. "Restricted Access Permit Holders' Vehicles" means a vehicle in respect of which a permit has been issued under established criteria governing the issue of such permits (in respect of persons who would otherwise suffer severe and unavoidable hardship) as determined by the Director (in consultation with the appropriate Members of the Council and the appropriate Members of the Council for the wards in relation to the length of road specified in Column 2 of the relevant Schedule) and as amended from time to time.
- D49. "Restricted Road" (save as the context requires in Parts III and IV of this Order):-
- (1) In Part III of this Order means any road or part of a road specified in Schedule 1 to Part III of this Order.
 - (2) In Part IV of this Order means any road or part of a road specified in Schedule I to Part IV of this Order.
- D50. "Road Marking" has the same meaning as in the Traffic Signs Regulations and General Directions.
- D51. "Solo Motor Cycle" has the same meaning as in the Traffic Signs Regulations and General Directions.

- D52. "Special Access Permit Holders' Vehicles" means a vehicle in respect of which a permit has been issued under established criteria governing the issue of such permits (in respect of persons having particular mobility difficulties) as determined by the Director and as amended from time to time.
- D53. "SI" means a Statutory Instrument.
- D54. "Taxi" means in England and Wales, a vehicle licensed under Section 37 of the Town Police Clauses Act 1847.
- D55. "Taxi Clearway Hours" means the hours specified in each relevant Schedule in relation to a length of road and where days are specified they are inclusive days.
- D56. "Taxi Rank" means an area of carriageway reserved for use by taxis waiting to pick up passengers.
- D57. "Telegraphic Line" has the same meaning as the expression "electronic communications apparatus" (which expression has the same meaning as that ascribed to it in the Telecommunications Act 1984).
- D58. "Traffic Sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act.
- D59. "Traffic Signs Regulations and General Directions" means the Traffic Signs Regulations and General Directions 2002 as amended.
- D60. "Vehicle" (in Sections 2, 3, 4, 5 and 7 of Part I of this Order) means:-
- (a) a pedal cycle in actual use for the purpose of cycling;
 - (b) any vehicle (other than a pedal cycle)."
- (c) The words "Traffic Warden" shall be deleted and in their place shall be appear "CEO".
4. Where a provision of this Order conflicts with a provision within any of the relevant orders, the provision of this Order will prevail.
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