

THE NORFOLK COUNTY COUNCIL
(TROWSE WITH NEWTON AND KIRBY BEDON, WHITLINGHAM LANE)
(MAIN CARRIAGEWAY CLEARWAY AND PROHIBITION OF STOPPING ON VERGE)
ORDER 2014

The Norfolk County Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1(1) and (2), 2(1) to (3), 3(2), 4(1), 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 19th day of September 2014, and may be cited as The Norfolk County Council (Trowse with Newton and Kirby Bedon, Whitlingham Lane) (Main Carriageway Clearway and Prohibition of Stopping on Verge) Order 2014

2. In this Order –

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.

"Civil Enforcement Officer" has the same meaning as in s76 of the 2004 Act;

"Driver" in relation to a vehicle waiting in contravention of an Order, means the person driving the vehicle at the time it was left at that contravention;

"General Directions" shall mean The Traffic Signs Regulations and General Directions 2002"

"General Regulations 2007" shall mean The Civil Enforcement of Parking Contraventions (England) General Regulations 2007";

"Penalty Charge" has the same meaning as in section 2 of the General Regulations 2007;

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

"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;

"lay-by" means any area of carriageway intended for the waiting of vehicles and bounded partly by a traffic sign of the type shown in diagram 1010 in Schedule 6 to The Traffic Signs and General Directions 2002, and partly by the outer edge of that carriageway on the same side of the road as that on which the sign is placed;

"main carriageway" means any carriageway used primarily by through traffic, and includes any carriageway of a slip road, but excludes any lay-by;

“passing areas of main carriageway” means the areas of widened main carriageway necessary to permit the safe passing of vehicles travelling in opposite directions along the narrow road;

"verge" means any part of a road which is not a carriageway.

3. Save as is provided in Article 4 of this Order, no person shall, except upon the direction of or with the permission of a police constable in uniform or a Civil Enforcement Officer, cause or permit any vehicle to stop along the main carriageway including the passing areas of the main carriageway of the U78185 Whitlingham Lane from a point 90 metres north-east of its junction with Trowse BOAT 1, Old Whitlingham Lane, to a point 30 metres east of the boundary of Property No 1 Riversdale Cottages and Property No 2 Riversdale Cottages, a distance of 2170 metres.
4. Nothing in Article 3 of this Order shall prohibit a person to cause or permit any vehicle to stop along the length of main carriageway and passing areas of main carriageway specified in that Article for so long as may be necessary to enable 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:
 - (a) fire brigade, ambulance or police purposes;
 - (b) in the service of a local authority or of a water authority in pursuance of statutory powers or duties;
 - (c) any building operation or demolition;
 - (d) the removal of any obstruction to traffic;
 - (e) the maintenance, improvement or reconstruction of the road comprising or including that carriageway;


or

 - (f) 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;
 - (g) the provision of a universal postal service as defined in the Postal Services Act 2000;
 - (h) a vehicle waiting on the main carriageway referred to in Article 3 while any gate or other barrier at the entrance to premises to which the vehicle requires access, or from which it has emerged, is opened or closed, if it is not reasonably practicable for the vehicle to wait otherwise than on that carriageway; or
 - (i) a vehicle waiting when the person in control of the vehicle is required to stop by law, or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstance outside their control.

5. Save as is provided in Article 6 of this Order, no person shall, except upon the direction of or with the permission of a police constable in uniform or a Civil Enforcement Officer, cause or permit any vehicle to stop along the verge of the U78185 Whitlingham Lane from a point 90 metres north-east of its junction with Trowse BOAT 1, Old Whitlingham Lane, to a point 30 metres east of the boundary of Property No 1 Riversdale Cottages and Property No 2 Riversdale Cottages, a distance of 2170 metres.
6. Nothing in Article 5 of this Order shall prohibit a person to cause or permit any vehicle to stop along the length of verge specified in that Article for so long as may be necessary to enable 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:
 - (a) fire brigade, ambulance or police purposes;
 - (b) in the service of a local authority or of a water authority in pursuance of statutory powers or duties;
 - (c) any building operation or demolition;
 - (d) the removal of any obstruction to traffic;
 - (e) the maintenance, improvement or reconstruction of the road comprising or including that carriageway; or
 - (f) 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;
 - (g) the provision of a universal postal service as defined in the Postal Services Act 2000;
 - (h) a vehicle waiting on the verge while any gate or other barrier at the entrance to premises to which the vehicle requires access, or from which it has emerged, is opened or closed, if it is not reasonably practicable for the vehicle to wait otherwise; or
 - (i) a vehicle waiting when the person in control of the vehicle is required to stop by law, or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstance outside their control.
7. Insofar as any provision of this Order conflicts with any previous Order relating to the lengths of road specified in Articles 3 and 5 of this Order, that provision of this Order shall prevail.

DATED this 15th day of September 2014

THE COMMON SEAL of the
NORFOLK COUNTY COUNCIL
Is hereunto affixed
In the presence of:-

)
)
) 
)
authorised to sign
on behalf of: HEAD OF LAW
Head of Law



LP/JR/Masters/Trowseclearway2014

37009