

DATED

THE BOROUGH COUNCIL OF GATESHEAD

T R A F F I C R E G U L A T I O N O R D E R

Relating to Market Lane, Swalwell, Gateshead
- Amendments to Waiting Restrictions

Mike Barker
Strategic Director, Corporate Services and Governance
Gateshead Council
Civic Centre
Regent Street
Gateshead
NE8 1HH

File Ref: TS/011924

THE BOROUGH COUNCIL OF GATESHEAD
(MARKET LANE, SWALWELL) (WAITING RESTRICTIONS)
TRAFFIC REGULATION ORDER

The Borough Council of Gateshead (“hereinafter referred to as the Council”) in exercise of their powers under Sections 1(1), 2(1) to (3), 4 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (“the Act”), by virtue of the Traffic Management Act 2004 and all other enabling powers and after consultation with the Chief Officer of Northumbria Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:-

PART I

Definitions

1. In this Order the following expressions have the meanings hereby respectively assigned to them:-

Civil Enforcement Officer means a person authorised by or on behalf of the Council under Section 76 of the Traffic Management Act 2004 to supervise and enforce the road traffic contraventions for which the Council is the enforcement authority;

Disabled Person's Badge has the same meaning as in the Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000;

Disabled Person's Parking Disc means a disc issued by a local authority (125 millimetres square) coloured blue if issued on or after 1st April 2000 or orange if issued before that date and is capable of showing the quarter hour period during which a period of waiting has begun;

Exemption Certificate means an authorisation in writing granted by the Strategic Director for Housing, Environment and Healthy Communities or their duly authorised representative allowing a vehicle to wait in contravention of the provisions of this Order subject to and in accordance with any specified conditions or limitations contained within that authorisation;

Penalty Charge means a charge set by the Council in accordance with the provisions of Section 77 and Schedule 9 of the Traffic Management Act 2004 and Regulations made thereunder and in accordance with any guidance given by the Secretary of State;

Postal Operator means a person who provides the service of conveying postal packets from one place to another by post or any of the related services of receiving, collecting, sorting and delivering of such packets as defined in Section 125 of the Postal Services Act 2000;

Postal Service means the service of conveying postal packets from one place to another by post and the related services of receiving, collecting and delivering of such packets and any other service which relates to any of those services and is provided in conjunction with any of them as defined in Section 125 of the Postal Services Act 2000;

Relevant Position means –

- (a) the disabled person's parking disc, disabled person's badge or exemption certificate is exhibited on the dashboard or fascia of the vehicle; or
- (b) in the case of a vehicle not fitted with a dashboard or fascia, the disabled person's parking disc, disabled person's badge or exemption certificate is exhibited in a conspicuous position on the vehicle;

So that the front of the disabled person's badge or exemption certificate is clearly legible from outside of the vehicle.

Vehicle means any motor car, motor cycle and invalid carriage having the same meaning respectively as in Section 136 of the 1984 Act and any goods vehicle (being a motor vehicle not exceeding 30 unit unladen weight) which is constructed or adapted for use for carriage of goods of any description.

PART II

Amendments

Tyne and Wear County Council (The Metropolitan Borough of Gateshead) Traffic Regulation (Consolidation) Order 1982

2. Tyne and Wear County Council (The Metropolitan Borough of Gateshead) Traffic Regulation (Consolidation) Order 1982 is amended as follows:

3. In Schedule 25 'Prohibition of Waiting 8:00am to 6:00pm – Monday to Saturday' item 43 Market Lane A6081, Swalwell – both sides, between its junctions with Hexham Road and Napier Road is hereby revoked in its entirety.

4. In Schedule 25 'Prohibition of Waiting 8:00am to 6:00pm – Monday to Saturday' insert the following new item:

Item No	Road Name	Description
43	Market Lane	South Side, between its junctions with Hexham Road and Napier Road.

PART III

Waiting Restrictions

Prohibition of Waiting at Any Time

1. Save as provided in Part III Article 2 to this Order no person shall, except upon the direction or with the permission of a police officer in uniform or a civil enforcement officer, cause or permit any vehicle to wait at any time in or on the lengths of road specified in the Schedule to this Order.

Exemptions

2. (1) Nothing in Part III Article 1 to this Order shall render it unlawful to cause or permit any vehicle to wait in or on the lengths of road referred to therein for so long as may be necessary to enable:-

- (a) the picking up or setting down of passengers;
- (b) goods to be loaded onto or unloaded from the vehicle;
- (c) the vehicle, if it cannot be conveniently be used for such purpose in any other road, to be used in connection with any of the following operations namely –
 - (i) building or demolition;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said roads;
 - (iv) the laying, erection, alteration or maintenance in or on land adjacent to the said length of road of any sewer, main pipe or apparatus for the supply of gas, water or electricity or any telecommunications apparatus as defined in the Telecommunications Act 1984;
- (d) the vehicle if it cannot conveniently be used for such purpose in any other road be used in the service of a local authority or water authority in pursuance of statutory duties;
- (e) to enable a vehicle to be used by a postal operator in provision of a postal service;
- (f) any police, fire brigade or ambulance vehicle on emergency call or being used for such purposes;
- (g) any vehicle used in pursuance of statutory powers or duties;
- (h) any vehicle displaying a valid exemption certificate in the relevant position.

(2) Nothing in Part II Article I to this Order shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled persons badge and disabled persons parking disc (on which the driver or other person in charge of the vehicle, has

marked the quarter hour period during which the period of waiting began) to wait in the lengths of roads referred to in that Article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from the previous period of waiting by the same vehicle in the same length of road on the same day).

PART IV

Savings and Commencement

1. In so far as any provision of this Order conflicts with any provision which is contained in an Order made or having effect as if made under the Act, or by or under any other enactment, THEN the provisions of THIS ORDER shall prevail.
2. This Order shall come into operation on day of and may be cited as The Borough Council of Gateshead (Market Lane, Swalwell) (Waiting Restrictions) Traffic Regulation Order xxxx.

Given under the Common Seal of the Borough Council of Gateshead this day of XXXX

THE COMMON SEAL of the)
BOROUGH COUNCIL OF GATESHEAD)
 was hereunto affixed in the presence of:-)

Mayor

Solicitor to the Council

Schedule
Prohibition of Waiting At Any Time

Road Name	Side	Description
Market Lane	(i) North Side	(a) from the centre of the junction for the unnamed side road to The Sun (public house) extending in an easterly direction for a distance of 162 metres.
	(ii) South Side	From the centre of the junction for Napier Road extending in an easterly direction for a distance of 16.8 metres.
Napier Road	(i) Both Sides	From the junction with Market Lane extending in a southerly direction for a distance of 10 metres.