

DATED

23 November

2022

THE BOROUGH COUNCIL OF GATESHEAD

TRAFFIC REGULATION ORDER

relating to Whickham Highway, Gateshead
(Waiting and Loading Restrictions)

Mike Barker
Solicitor to the Council
Gateshead Council
Civic Centre
Regent Street
Gateshead
NE8 1HH

File Ref: IKEN/4519

**THE BOROUGH COUNCIL OF GATESHEAD
(WHICKHAM HIGHWAY, GATESHEAD) (WAITING AND LOADING RESTRICTIONS)
TRAFFIC REGULATION ORDER 2022**

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(2), and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the 1984 Act"), as amended and by virtue of the Traffic Management Act 2004 ("the 2004 Act") 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 1984 Act, hereby make the following Order:-

**PART I
General**

Interpretation

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 Gateshead Council under Section 76 of the 2004 Act to supervise and enforce the road traffic contraventions for which Gateshead Council is the enforcement authority;

"exemption certificate" means an authorisation in writing granted by the Head of Transport Strategy of the Council 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;

"parking place" means a place on a length of road designated under this Order which is provided for the leaving of a vehicle and is indicated by road markings compliant with Traffic Signs Regulations and General Directions 2016;

"penalty charge" means charge set by the Council in accordance with the provisions of Section 77 and Schedule 9 of the 2004 Act 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 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 exemption certificate is exhibited in a conspicuous position on the vehicle

so that the front of the 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

Waiting and Loading Restrictions

Prohibition of Waiting and Loading at Any Time

1. Save as provided in Part II 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, load or unload at any time in or on the lengths of road specified in the Schedule to this Order.

Exemptions

2. (1) Nothing in Part II Articles 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) 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) any 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 powers or 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;
 - (i) any vehicle displaying a valid exemption certificate in the relevant position.

PART III

Revocations

The Borough Council of Gateshead (Whickham Highway, Gateshead)(Waiting and Loading Restriction) Traffic Order 2022 is hereby revoked in its entirety.

PART IV

Contraventions

- 1 (1) If a vehicle is left in contravention of any Article of this Order a penalty Charge shall be payable.
- (2) In the case of a vehicle in respect of which a penalty charge is payable a penalty charge notice may be issued by a civil enforcement officer or the Council in accordance with the requirements of Section 78 of the 2004 Act.

PART VI

Savings and Commencement

1. (1)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 regulations made or having effect as if made under the 1984 Act, or by or under any other enactment.
- (2) 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 1984 Act, or by or under any other enactment, THEN the provisions of THIS ORDER shall prevail.
2. This Order shall come into operation on 28 day of November 2022 and may be cited as The Borough Council of Gateshead (Whickham Highway, Gateshead) (Waiting and Loading Restrictions) Traffic Regulation Order 2022.

Given under the Common Seal of the Borough Council of Gateshead this 23 day of November 2022.

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

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6/11/22


Mayor

Solicitor to the Council



SCHEDULE

Prohibition of Waiting and Loading at Any Time

Item No.	Road Name	Location	Description
1.	Whickham Highway (B6317)	(i)south west	(a) from a point 11 metres north west of its junction with Lobley Hill Road in a north-westerly direction for a distance of 222 metres.
		(ii) north east	(a) from a point 11 metres north west of its junction with Lobley Hill Road in a north-westerly direction for a distance of 109 metres.
2.	Malvern Gardens	(i)Both	(a) From its junction with Whickham Highway in a south-easterly direction to the access into Immaculate Heart of Mary Church approximately 16 metres inclusive of junctions.