

DATED

18 March

2009

THE BOROUGH COUNCIL OF GATESHEAD

TRAFFIC REGULATION ORDER

relating to School Street, Whickham

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File Ref: DE/TH/0239

**THE BOROUGH COUNCIL OF GATESHEAD
(SCHOOL STREET WHICKHAM)
(WAITING RESTRICTIONS) ORDER 2009**

The Borough Council of Gateshead ("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 Act") by virtue of the Traffic Management Act 2004 and 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:-

CITATION AND INTERPRETATION

1. This Order may be cited as "The Borough Council of Gateshead (School Street Whickham) (Waiting Restrictions) Traffic Order 2009" and shall come into operation on 23 March 2009.

2. 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 restrictions imposed by this Order

"disabled person's badge" has the same meaning as in the Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000 as amended by the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment No2) Regulations 2007;

"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

"disabled person's vehicle" means a vehicle lawfully displaying a Disabled Persons Badge

"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

"driver" in relation to a vehicle waiting on a road, means the person driving the vehicle at the time it was left on that road

"hackney carriage" has the same meaning as in the Town Police Clauses Act 1847;

"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 twelve passengers exclusive of the driver AND IS NOT drawing a trailer;

"relevant position" means:-

- (i) in the case of a disabled person's badge

- (a) in the case of a vehicle fitted with a dashboard or fascia panel the badge is exhibited thereon; or
- (b) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position in the vehicle

so that the front of the badge is clearly legible from the outside of the vehicle

- (ii) in respect of or a disabled person's parking disc

- (a) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon; or
- (b) where the vehicle is not fitted with a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle so that, when marked to show the quarter hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle;

"traffic sign" means a sign of any size, colour or type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Act;

"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 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 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;

REVOCATION

- 3. (i) On the date on which this Order comes into operation the Borough Council of Gateshead (School Street, Whickham) (Prohibition of Waiting) Order 1982 and the Borough Council of Gateshead (School Street, Whickham) (Prohibition of Waiting) Order 1988 are hereby revoked.
- (ii) Proceedings under the above stated Orders may be commenced in respect of any contravention committed before the date on which this Order comes into operation against the provisions contained in them notwithstanding the fact that the Orders have been revoked.

PROHIBITION OF WAITING

No Waiting at Any Time

- 4. Save as provided in Articles 5 of this Order, no person shall cause or permit any vehicle to wait on any part of the lengths of any of the roads specified in Schedule 1 to this Order at any time, on any day except upon the direction of, or with the permission of a police constable in uniform or of a civil enforcement officer.

AUTHORISATION OF WAITING

5. Subject to Article 6, nothing in Articles 4 of this Order shall apply to prohibit a person from causing or permitting a vehicle to wait on any part of the specified roads for so long as may be necessary:-
- (i) to enable that vehicle to be used for police, ambulance or fire brigade purposes;
 - (ii) to enable the picking up and setting down of passengers;
 - (iii) to enable goods to be loaded onto or unloaded from the vehicle;
 - (iv) to enable that vehicle if it can not conveniently be used for such purpose in any other road, to be used in the services of, or otherwise authorised by, the Council or a water undertaker or sewerage undertaker or the Environment Agency in pursuance of statutory powers or duties;
 - (v) to enable 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, namely:-
 - (a) any building operation or demolition;
 - (b) the removal of any obstruction to traffic;
 - (c) the maintenance improvement or reconstruction of the said roads;
 - (d) the laying erection alteration or maintenance in or near the road of any sewer, main pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in paragraph 1(1) of the Telecommunications Code contained in Schedule 2 to the Telecommunications Act 1984;
 - (vi) where the vehicle is to be used for the purpose of delivering or collecting postal packets by a postal operator in providing a postal service;
 - (vii) where the person in control of the vehicle is required to stop by law;
 - (viii) where the person in control of the vehicle is obliged to stop in order to avoid an accident; or
 - (ix) where the person in control of the vehicle is prevented from proceeding by circumstances outside his or her control.
 - (x) where the vehicle is a hackney carriage (as defined in the Town Police Clauses Act 1847) waiting at a duly authorised cab rank;
 - (xi) where a vehicle is waiting on a parking place duly authorised by an Order made under the Act provided that the vehicle is parked in accordance with the provisions of such an Order.

6. Notwithstanding Article 5, the driver of a vehicle shall move the same on the instruction of a police constable in uniform or a civil enforcement officer whenever such moving shall be reasonably necessary for the purpose of preventing obstruction.

EXEMPTIONS

7. Nothing in Article 4 of this Order shall render it unlawful to cause or permit any vehicle which displays in the relevant position a disabled person's badge and disabled person's 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 the lengths of road referred to therein 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).

SAVINGS AND COMMENCEMENT

- 8.(1) The restrictions and prohibitions 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.

Given under the Common Seal of the Borough Council of Gateshead this 18 March 2009

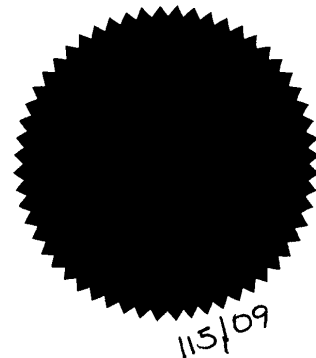
THE COMMON SEAL OF THE BOROUGH)
COUNCIL OF GATESHEAD)
was hereunto affixed in the)
presence of:-)

J. Mitchinson

DEPUTY Mayor

A. E. H.

Solicitor to the Council



**Schedule
No Waiting at Any Time**

School Street, Whickham

- (i) east side from its junction with Front Street in a northerly direction for a distance of 36 metres.
- (ii) East side from the northern kerbline of Back Row in a northerly direction for a distance of 6 metres.
- (iii) West side from its junction with Front Street in a northerly direction for a distance of 30 metres.

Back Row, Whickham

- (i) north side from its junction with School Street in an easterly direction for a distance of 5 metres.

