

DATED

19th April

2016

THE BOROUGH COUNCIL OF GATESHEAD

TRAFFIC REGULATION ORDER

relating to Durham Road, Low Fell, Gateshead

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

File Ref: TH/1420

**THE BOROUGH COUNCIL OF GATESHEAD
(DURHAM ROAD LOW FELL GATESHEAD) (NO WAITING AT ANY TIME) TRAFFIC
REGULATION ORDER 2016**

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 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

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 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 Persons (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 Service Director, 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;

"goods vehicle" means a vehicle which is constructed or adapted for use for the carriage of goods of any description and is not drawing a trailer;

"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;

"penalty charge notice" means a notice issued by a Civil Enforcement Officer pursuant to the provisions of Section 78 Traffic Management Act 2004 and Regulations made thereunder;

“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 parking disc, 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 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

Revocations

1. The Borough Council of Gateshead (Durham Road Gateshead) (Disabled Parking Place) Traffic Regulation Order 1996 is hereby revoked in its entirety.
2. Articles 3 to 10 (relating to disabled parking bays) of Schedule 3 to the Borough Council of Gateshead (Old Durham Road/Durham Road Gateshead) Traffic Regulation Order 2007 are hereby revoked in their entirety.

PART III

Waiting Restrictions

No 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 anytime in or on the lengths of roads specified in Schedule 1 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 the 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 III Article 1 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 a previous period of waiting by the same vehicle in the same length of road on the same day).

PART IV

Contraventions

1. (1) If a vehicle is left in contravention of an 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 then be issued by a civil enforcement officer or the Council in accordance with the requirements of Section 78 of the 2004 Act.

PART V

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 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 Act, or by or under any other enactment, THEN the provisions of THIS ORDER shall prevail.
2. This Order shall come into operation on 25th day of April 2016 and may be cited as The Borough Council of Gateshead (Durham Road Low Fell Gateshead) (No Waiting at Any Time) Traffic Regulation Order 2016.

Given under the Common Seal of the Borough Council of Gateshead this 19th day of April 2016.

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



2016/191

Mayor

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Solicitor to the Council

A.E.H.

SCHEDULE 1

No Waiting at Anytime

Road	Location	
Durham Road, Low Fell	i	west side from a point 35 metres south of its junction with Enfield Road in a southern direction for 96.5 metres
	ii	west side from a point 150.5 metres south of its junction with Enfield Road in a southern direction for 207 metres
	iii	west side from a point 382.5 metres south of its junction with Enfield Road in a southern direction for 8 metres
	iv	west side from its junction with the southern kerb line of The Drive in a southern direction to a point 94.3 metres north of its junction with Joicey Road