DATED **19th September** **2018**

THE BOROUGH COUNCIL OF GATESHEAD

TRAFFIC REGULATION ORDER

Relating to Orchard Road and Park Drive, Whickham, Gateshead – No Waiting at Any Time Restrictions

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THE BOROUGH COUNCIL OF GATESHEAD (ORCHARD ROAD AND PARK DRIVE, WHICKHAM, GATESHEAD) (NO WAITING AT ANY TIME) TRAFFIC REGULATION ORDER 2018

The Borough Council of Gateshead (hereinafter referred to as "the Council") in exercise of its powers under Sections 1(1), 2(1) to (3), 4(2) of The Road Traffic Regulation Act 1984 ("the 1984 Act") and Part IV of Schedule 9 to the 1984 Act and by virtue of the Traffic Management Act 2004 ("the 2004 Act") and of all other enabling powers and after consultation with the Chief Constable of Northumbria Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes 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 2004 Act 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, Development, Public Protection and 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 bay" means any area within a parking place which is provided for the leaving of vehicles and is indicated by road markings compliant with The Traffic Signs Regulations and General Directions 2002;

"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 complaint with The Traffic Signs Regulations and General Directions 2002;

"penalty charge" means a 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 disabled person's parking disc, disabled person's badge or exemption certificate is exhibited on the dashboard of 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 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 Restrictions

No Waiting 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 at any time in or on the lengths of road specified in the Schedule to this Order.

Exemptions

2. (1) Nothing in Part II 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) a vehicle waiting on a parking place duly authorised by an Order made under the 1984 Act provided that the vehicle is parked in accordance with the provisions of such an Order;

(i) any vehicle displaying a valid exemption certificate in the relevant position.

(2) Nothing in Part II 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 III

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 then be issued by a civil enforcement officer or the Council in accordance with the requirements of Section 78 of the 2004 Act.

PART IV

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 26th day of September 2018 and may be cited as The Borough Council of Gateshead (Orchard Road and Park Drive, Whickham, Gateshead) (No Waiting at Any Time) Traffic Regulation Order 2018.

Given under the Common Seal of the Borough Council of Gateshead this19th day of September 2018.

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

1.	**Orchard Road**	(i)south and west side	(a) From the roundabout junction with Lambton Avenue in an easterly direction on Orchard Road then continuing round the corner onto Park Drive in a northerly direction for a distance of 185.5 metres.
2.	**Park Drive**	(i)east and north side	(a) From a point 153 metres south of its junction with Elm Avenue in a southerly direction along Park Drive then continuing round the corner in an easterly direction on Orchard Road for a distance of 24 metres.