

DATED

9th October

2013

THE BOROUGH COUNCIL OF GATESHEAD

---

TRAFFIC REGULATION ORDER

---

Relating to Tower Gardens, Ryton

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

File Ref: TH/1032

## THE BOROUGH COUNCIL OF GATESHEAD (TOWER GARDENS RYTON) (WAITING RESTRICTIONS) ORDER 2013

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 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 Gateshead Council under Section 76 of the Traffic Management Act 2004 to supervise and enforce the road traffic contraventions for which Gateshead 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 vehicle"** has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (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 1<sup>st</sup> 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 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;

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

**"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 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 Road Traffic Regulation 1984 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 Anytime**

1. Save as provided in Part II Article 3 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 road specified in Schedule 1 to this Order.

#### **No Waiting between the hours of 8am to 6pm Monday to Sunday (inclusive)**

2. Save as provided in Part II Article 3 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 between the hours of 8am to 6pm Monday to Sunday (inclusive) in or on the lengths of road specified in Schedule 2 to this Order.

## Exemptions

3. (1) Nothing in Part II Articles 1 and 2 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) the vehicle to wait upon an authorised parking place or being a hackney carriage waiting at a duly authorised cab rank;
- (g) any police, fire brigade or ambulance vehicle on emergency call or being used for such purposes;
- (h) any vehicle used in pursuance of statutory powers or duties;
- (i) a vehicle 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
- (j) any vehicle displaying a valid exemption certificate in the relevant position.

(2) Nothing in Part II Articles 1 and 2 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**


#### **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 19th day of October 2013 and may be cited as The Borough Council of Gateshead (Tower Gardens Ryton) (Waiting Restrictions) Order 2013.

Given under the Common Seal of the Borough Council of Gateshead this 9th day of October 2013.

**THE COMMON SEAL OF THE BOROUGH  
COUNCIL OF GATESHEAD**

was hereunto affixed in the presence of:-

  
**DEPUTY Mayor**



**Solicitor to the Council**



504/13

**SCHEDULE 1**  
**No Waiting at Anytime**

- |                               |  |
|-------------------------------|--|
| <b>1. Tower Gardens Ryton</b> | i) west side from its junction with Main Road in a northerly direction for 35 metres.  |
|                               | ii) east side from its junction with Main Road in a northerly direction for 27 metres. |

**SCHEDULE 2**  
**No Waiting between the hours of 8am to 6pm Monday to Sunday**  
**(inclusive)**

- |                               |   |
|-------------------------------|---|
| <b>1. Tower Gardens Ryton</b> | i) both sides from its junction with Whitewell Lane in an easterly direction for 30 metres. |
|-------------------------------|---|