

DATED

24th October

2018

THE BOROUGH COUNCIL OF GATESHEAD

TRAFFIC REGULATION ORDER

Relating to Newbolt Court, Gateshead

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CN/TS/936

THE BOROUGH COUNCIL OF GATESHEAD

(NEWBOLT COURT, GATESHEAD)

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, 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;

“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 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 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

Amendments

Amendment to The Borough Council of Gateshead (Shelley Drive Area Gateshead) (Prohibition of Waiting At Anytime) Order 2011

1. Amendments to The Borough Council of Gateshead (Shelley Drive Area Gateshead) (Prohibition of Waiting At Anytime) Order 2011 are as follows:
2. In Schedule 1 'Prohibition of Waiting at Any Time' within Item 1 (d) relating to 'Shelley Drive' replace the description of road of 'from a point on the south west side 12 metres north west of its junction with the northern kerb line of Kipling Walk in a south easterly direction for 64 metres,' with the new description of the road below:

Shelley Drive	from a point on the south west side 12 metres north west its junction with the northern kerb line of Kipling Walk in a south-easterly direction to its junction with St . James Road
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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 any time in or on the lengths of roads specified in the Schedule 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 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 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 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 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 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 29th day of October 2018 and may be cited as The Borough Council of Gateshead (Newbolt Court, Gateshead) Traffic Regulation Order 2018.

Given under the Common Seal of the Borough Council of Gateshead 24th
October 2018.

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

was hereunto affixed in the presence of:-



Mayor

A handwritten signature in black ink, appearing to be 'J. L. Hill'.

547/18

Solicitor to the Council

A handwritten signature in black ink, appearing to be 'P. A. Hill'.

SCHEDULE

Prohibition of Waiting at Any Time

	Road Name	Sides	Description
1	Shelley Drive	(i) North East	(a) From the junction with St James Road in a south-easterly direction for a distance of 24.5 metres
		(i) South West	(a) From the junction with St James Road in a south-easterly direction for a distance of 65 metres
2	Newbolt Court	(i) Both	(a) From the junction with Shelley Drive in a south-westerly direction for a distance of 20 metres
3	Kipling Walk	(i) Both	(a) From the junction with Shelley Drive in a south- westerly direction for a distance of 8 metres