

DATED 2019

**THE DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984**

**THE DERBYSHIRE COUNTY COUNCIL
(VARIOUS ROADS IN HATHERSAGE)
(PROHIBITION AND RESTRICTION OF
WAITING) ORDER 2019**

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THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

(VARIOUS ROADS IN HATHERSAGE)

(PROHIBITION AND RESTRICTION OF WAITING)

ORDER 2019

The Derbyshire County Council in exercise of its powers under Sections 1,2,4, and Part III and IV of Schedule 9 of the Road Traffic Regulation Act 1984("the Act", The Local Authorities' Traffic Orders Procedure England and Wales) Regulations 1996 and all other enabling powers hereby makes the Following Order:-

1 CITATION AND COMMENCEMENT

This Order shall come into operation on the day of Two Thousand and and may be cited as "The Derbyshire County Council (Various Roads in Hathersage) (Prohibition and Restriction of Waiting) Order 2018".

2 INTERPRETATION

In this Order:-

2.1 "the County Council" means Derbyshire County Council;

2.2 "Carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of Vehicles, as in Section 329(1) of the Highways Act 1980;

2.3 "CEO" means Civil Enforcement Officer and has the same meaning as in Section 76 of the 2004 Act;

2.4 "Delivering and Collecting" in relation to any Goods includes checking the Goods for the purpose of their delivery or collection;

2.5 "Disabled Person's Badge" has the same meaning as in the Disabled Persons (Exemption for Disabled Persons) (England) Regulations 2000;

2.6 "Disabled Person's Vehicle" means a Vehicle displaying a Disabled Persons Badge in the relevant position as set out under Regulation 4 of the Local Authorities Orders (Exemption for Disabled Persons) (England) Regulations 2000;

2.7 "Driver" in relation to a Vehicle waiting in a Parking Place or on a road or length of road, means:-

a) the person driving the Vehicle or responsible for the Vehicle at the time it was left in that Parking Place or road or length of road;

b) the registered keeper of the Vehicle shall be deemed to have been the Driver unless evidence to the contrary is shown;

c) where the Vehicle is a pedal cycle, the person (being a user) riding, pushing by hand or otherwise in charge of the Pedal Cycle at the time it was left in the Parking Place;

2.8 “Dual Purpose Vehicle” has the same meaning as defined in Part 1 Regulation 3 (2) of the Road Vehicles (Construction and Use) Regulations 1986;

2.9 Electronic Communications Apparatus, Electronic Communications Network and any Electronic Communications Line shall have the same meaning as in the Communications Act 2003;

2.10 “Footway” means a way comprised in a road which also comprises a carriageway being a way over which the public have right of way on foot only as defined in Section 329 (1) Highways Act 1980. Footways are pedestrian paths alongside a Carriageway, and often referred to as a Pavement;

2.11 “Goods” means goods or burden of any description;

2.12 “Goods Vehicles” means a motor vehicle which is constructed or adapted for use for the carriage of Goods or a trailer so constructed or adapted, as in Section 192 (1) of the Road Traffic Act 1988;

2.13 “Junction” means, for measurement purposes only, the point where the prolongation of two kerb lines intersect with measurements taken along the line of the kerb for the said length of road otherwise stated;

2.14 “Loading and Unloading” means the transference, from or to a Vehicle, to or from premises, of Goods;

2.15 “Motor Vehicle” and “Motorcycle” have the same meaning as in Section 136 of the Act;

2.16 “Owner” in relation to a Vehicle, means the person who is named in the Vehicle registration document as the registered keeper of a goods or passenger Vehicle or who has the use of such Vehicle in the course of his employment and who is entitled to use such a Vehicle as though he were the registered keeper thereof;

2.17 “Parking Bay” and “Parking Space” means a part of a Parking Place marked out or provided for the leaving of a Vehicle of the classes specified in this Order under the provisions of this Order;

2.18 “Parking Place” means a length of road or any area of land authorised to be used as a parking place by this Order, under the provisions defined in Schedule 2 attached to this Order and indicated by signs and markings prescribed in the Traffic Signs Regulations and General Directions 2016;

2.19 “Period of Stay” in relation to a Vehicle left in a Parking Place means the period beginning at the time of arrival or deemed time of arrival of that Vehicle in that Parking Place and extending until the time of its departure;

2.20 “Permitted Hours” means the hours specified in Schedule 2 attached to this Order;

2.21 “Public Service Vehicle” has the meaning ascribed to it by Section 1 of the Public Passenger Vehicles Act 1981, that is to say it shall mean a Motor Vehicle (other than a tramcar) which –

- (i) being a Vehicle adapted to carry more than eight passengers, is used for carrying passengers for hire or reward; or