

THE NORFOLK COUNTY COUNCIL (CAISTER-ON-SEA, CAISTER BYPASS)
(MAIN CARRIAGE CLEARWAY) ORDER, 2011

The Norfolk County Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1(1) and (2), 2(1) to (3), 3(2), 4(1), and 122 and parts III and IV of Schedule 9 of the Road Traffic Regulation Act, 1984, (hereinafter referred to as "the Act") and the Traffic Management Act 2004 (hereinafter referred to as "the 2004 Act") and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

1. This Order shall come into operation on the 11th day of November 2011, and may be cited as The Norfolk County Council (Caister Bypass) (Main Carriageway Clearway) Order 2011.

2. In this Order:

Any reference to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.

"Civil Enforcement Officer" has the same meaning as in section 76 of the 2004 Act;

"Driver" in relation to a vehicle waiting in contravention of an Order, means the person driving the vehicle at the time it was left at that contravention;

"General Directions" shall mean The Traffic Signs Regulations and General Directions 2002"

"General Regulations 2007" shall mean The Civil Enforcement of Parking Contraventions (England) General Regulations 2007";

"Motor Car", Motor Cycle" and Invalid Carriage" have the same meaning as in section 136 of the Act;

"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;

"lay-by" means any area of carriageway intended for the waiting of vehicles and bounded partly by a traffic sign of the type shown in diagram 1010 in Schedule 6 to The Traffic Signs and General Directions 2002, and partly by the outer edge of that carriageway on the same side of the road as that on which the sign is placed;

"main carriageway" means any carriageway used primarily by through traffic, and includes any carriageway of a slip road, but excludes any lay-by;

"verge" means any part of a road which is not a carriageway.

3.(1) Save as is provided in Article 4 of this Order, no person shall, except upon the direction of which the permission of a police constable in uniform or a Civil Enforcement Officer, cause or permit any vehicle to stop or wait along any of the main carriageway or any verge adjacent to the main carriageway of the A149 Caister Bypass from its junction with the C484 Yarmouth Road to its junction with the C483 Norwich Road.

3.(2) The following Order will become revoked on the date of commencement of this Order as follows:-

“The County of Norfolk (Caister By-Pass)(24 hour Main Carriageway Clearway) Order 1980” – in its entirety.

4. Nothing in Article 3 of this Order shall prohibit a person to cause or permit any vehicle to wait in the length of road for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations:

- (a) fire brigade, ambulance or police purposes;
- (b) in the service of a local authority or of a water authority in pursuance of statutory powers or duties;
- (c) any building operation or demolition;
- (d) the removal of any obstruction to traffic;
- (e) the maintenance, improvement or reconstruction of the road comprising or including that carriageway;

or

- (f) the laying, erection, alteration or repair in, or in land adjacent to, the said lengths of road or side of roads, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
- (g) the provision of a universal postal service as defined in the Postal Services Act 2000;
- (h) a vehicle waiting on the main carriageway referred to in Article 3 while any gate or other barrier at the entrance to premises to which the vehicle requires access, or from which it has emerged, is opened or closed, if it is not reasonably practicable for the vehicle to wait otherwise than on that carriageway; or
- (i) a vehicle waiting when the person in control of the vehicle is required to stop by law, or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstance outside their control.

5. Insofar as any provision of this Order conflicts with any previous Order relating to the lengths of road specified in the Schedule to this Order, that provision of this Order shall prevail.

DATED this 4th day of November 2011

THE COMMON SEAL of the)
NORFOLK COUNTY COUNCIL)
Is hereunto affixed)

Head of Law

LP/JR/Caisteronsea/MainCarriageClearway