

**THE NORFOLK COUNTY COUNCIL (UPWELL, VARIOUS ROADS)**  
**(PROHIBITION OF WAITING) CONSOLIDATION ORDER 2019**

The Norfolk County Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1(1), 2(1), 2(2) and 4(2) 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 1<sup>st</sup> day of April 2019 and may be cited as The Norfolk County Council (Upwell, Various Roads) Prohibition of Waiting) Consolidation Order 2019.

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. Where the context otherwise requires the following expressions have the meaning hereby respectively assigned to them.

"authorised taxi rank" means any area of carriageway which is comprised within and indicated by a road marking complying with diagrams 1028.2 in Schedule 7 Part 4 to the Traffic Signs and Regulations and General Directions 2016;

"authorised parking place" means any parking place on a road authorised or designated by an order made or having effect as if made under the Act;

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

"Disabled Person's Badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2013; and

"Parking Disc" means a disc, issued by a local authority, complying with the requirements of the British Standard Specification for Parking Discs (BS No. 4631: 1970), but coloured blue and capable of showing the quarter hours period during which a period of waiting begins; and

for the purpose of this Order a vehicle shall be regarded as displaying

- (a) a disabled person's badge in the relevant position, when
- (i) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen, and
  - (ii) in the case of a vehicle not fitted with a front windscreen the badge is exhibited in a conspicuous position on the front or near side of the vehicle, and

- (b) a parking disc in the relevant position, when the disc is exhibited thereon with the side which shows the time facing forwards or outwards and immediately behind the windscreen or side window nearest to the kerb;

“Disabled Person’s Vehicle” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“Driver” in relation to a vehicle waiting in contravention of an Order, meaning 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 2016;

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

“Hackney Carriage” has the meaning as in section 38 of the Town Police Clauses Act 1847;

“Motor Car”, “Motor Cycle” and “Invalid Carriage” have the same meaning as in Section 136 of the Act;

“the regulations” in Article 4(5) of this Order means “The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 and the Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000, and any statutory modifications or re-enactments thereof;

“Penalty Charge” has the same meaning as in section 2 of the General Regulations 2007;

“Penalty Charge Notice” has the same meaning as in section 8 of the General Regulations 2007;

3. Save as provided in Article 4 of this order no person shall, except upon the direction or with the permission of a police constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to wait:-

(i) on Monday to Saturday from 0830 hours to 1800 hours along the lengths of road specified in Schedule 1 to this Order;

(ii) at any time along the lengths of road specified in Schedule 2 to this Order.

- 4.(1) Nothing in Article 3 of this Order shall prohibit a person to cause or permit any vehicle to wait in any lengths of road or on the side of roads referred to therein for so long as may be necessary to enable –

(a) goods to be loaded on to or unloaded from the vehicle;

(b) a person to board or alight from the vehicle;

provided that the length of road is not an authorised taxi rank or authorised parking place.

- (2) Nothing in Article 3 of this Order shall prohibit a person to cause or permit any vehicle to wait in the length of road or on the side of roads referred to therein for so long as may be necessary to enable –
- (a) 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, namely –
    - (i) building, industrial or demolition operations;
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction of the said lengths of road or side of roads; or
    - (iv) the laying, erection, alteration or repair in, or in land adjacent to, the said lengths of road or side of the roads, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications apparatus as defined in the Communications Act 2003;
    - (v) the provision of a universal postal service as defined in the Postal Services Act 2011;
  - (b) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority or water authority in pursuance of statutory powers of duties;
- (3) Nothing in Article 3 of this Order shall apply to any vehicle owned by a funeral director or owner of funeral vehicles when in use as part of a funeral cortege.
- (4) Nothing in Article 3 of this Order shall prohibit a person to cause or permit any vehicle –
- (a) to wait upon an authorised parking place, or
  - (b) being a hackney carriage, to wait upon an authorised taxi rank.
- (5) Nothing in Article 3 of this Order shall prohibit a person to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge, and a parking disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in the lengths of road or on the side of the roads referred to in that Article for a period not exceeding the time specified in the regulations.
5. Insofar as any provision of this Order conflicts with any provision of any previous Order relating to the lengths of road specified in the Schedule to this Order, that provision of this Order shall prevail.
6. Insofar as any provision of this Order conflicts with:-

- (a) the effect of markings placed on the carriageway, conveying the existence of a 'bus stop/ clearway' complying with diagram 1025.1 in Schedule 7 Part 4 of the General Directions; or
- (b) the effect of markings placed on the carriageway and signs, conveying the existence of a toucan or equestrian crossing or an adjacent controlled area as specified in Schedule 14 of the General Directions; or
- (c) the effect of markings placed on the carriageway and signs, as specified in Schedule 14 of the General Directions conveying the existence of a:-
  - (i) Zebra Pedestrian Crossing or Zebra controlled area; or
  - (ii) Pelican Pedestrian Crossing or Pelican controlled area; or
  - (iii) Puffin Pedestrian Crossing or Puffin controlled area

and established as specified in s23(2) of the Act;

the effect of those markings shall prevail.

7. The following Orders will become revoked and consolidated into this Order on the date of commencement of this Order as follows:-

"The Norfolk County Council (Upwell, Various Roads) (Prohibition of Waiting) Order 2011";

"The Norfolk County Council (Upwell, Various Roads) (Prohibition of Waiting) Amendment Order 2018"

### SCHEDULE 1

#### In the Parish of Upwell

#### Prohibition of Waiting – Monday to Saturday – 0830 hours to 1800 hours

- |                                 |   |   |
|---------------------------------|---|---|
| B1412 Town Street<br>Both Sides | - | From a point 47 metres west of the centreline of its junction with the A1101 New Road eastwards for a distance of 99 metres |
| A1101 New Road<br>Both Sides    | - | From its junction with the B1412 Town Street southwards for a distance of 12 metres   |

### SCHEDULE 2

#### In the Parish of Upwell

#### Prohibition of Waiting – At Any Time

- |                                |   |   |
|--------------------------------|---|---|
| A1101 Town Street<br>West side | - | From a distance 6 metres south-west of the centre point of its junction with 2P158 Millfield Road south-westwards for a distance of 47 metres |
|--------------------------------|---|---|

A1101 Town Street  
West side

- From a distance 59 metres south-west of the centre point of its junction with 2P158 Millfield Road south-westwards for a distance of 27 metres

A1101 Town Street  
East side

- From a distance 6 metres south-west of the centre point of its junction with 2P158 Millfield Road south-westwards for a distance of 86 metres

Dated this 25<sup>th</sup> day of March 2019

THE COMMON SEAL of the  
NORFOLK COUNTY COUNCIL  
was hereunto affixed  
in the presence of:-

)  
)  
)  
)  
  
CHRIS WAKTON  
Chief Legal Officer

Authorised to sign on behalf of Chief Legal Officer



43501

56195/UpwellConsolidationOrder

