

THE NORFOLK COUNTY COUNCIL
(DOWNHAM MARKET, NURSERY ROAD, WIMBOTSHAM ROAD)
(PROHIBITION OF WAITING, LOADING AND UNLOADING) ORDER 2021

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 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 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. **Citation and Commencement**

This Order may be cited as The Norfolk County Council (Downham Market, Nursery Road, Wimbotsham Road) (Prohibition of Waiting, Loading and Unloading) Order 2021 and shall come into effect for all purposes on the 25th day of October 2021.

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 Parking Place" means any parking place on a road authorised or designated by an order made or having effect as if made under the 1984 Act;

"Authorised Taxi Rank" means any area of carriageway which is comprised within and indicated by a road marking complying with diagram 1028.2 in Part 4 of Schedule 7 of the General Directions;

"Bus" has the same meaning as in Schedule 1 of the General Directions;

"Bus Stop Clearway" means any markings placed on the carriageway specified by diagram 1025.1 in Part 4 of Schedule 7 of the General Directions conveying the existence of a bus stop clearway as defined by Part 6 of Schedule 7 of the General Directions

"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

"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;

"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, 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 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;

“Local Service” has the same meaning as in Section 2 of the Transport Act 1985

“Motor Car”, Motor Cycle” and Invalid Carriage” have the same meaning as in section 136 of the 1984 Act;

"Parking Disc" means a disc, issued by a local authority, complying with the requirements of the British Standard Specification for Parking Discs (BS No. 6571: 1997), 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

“Penalty Charge” has the same meaning as in section 2 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Penalty Charge Notice” has the same meaning as in section 8 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

“Public Service Vehicle” shall have the same meaning as in section 1 of the Public Passenger Vehicles Act 1981;

“Public Passenger Transport Service” shall have the same meaning as in section 63(10)(a) of the Transport Act 1985;

“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 (Exemptions for Disabled Persons) (England) Regulations 2000 and any statutory modifications or re-enactments thereof.

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, load and unload on

Monday to Friday along the lengths of road specified in the Schedule to this Order:-

- (i) between 0800 hrs and 0930 hrs; and
- (i) between 1400 hrs and 1600 hrs.

4.(1) Nothing in Article 3 of this Order shall render it unlawful to cause or permit any vehicle to wait in a length of road specified in the Schedules to this Order for so long as it may be necessary to enable the vehicle to be used in connection with any of the following purposes (provided that it cannot conveniently be used for such purpose in any other road):

- (a) fire brigade, ambulance or police purposes;
 - (b) building, industrial or demolition operations;
 - (c) the removal of any obstruction to traffic;
 - (d) the maintenance, improvement or reconstruction of the said lengths of road or side of roads; or
 - (e) 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 electronic communications apparatus as defined in the Communications Act 2003;
 - (f) the provision of a universal postal service as defined in the Postal Services Act 2011;
 - (g) in the service of a local authority or of a water authority in pursuance of statutory powers or duties;
- (2) 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.
- (3) 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,
 - (b) being a hackney carriage, to wait upon an authorised taxi rank
 - (c) to wait 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;
 - (d) to wait 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

- (4) 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 roads referred to in that Article for a period not exceeding the time specified in the regulations.
- (5) Nothing in Article 3 of this Order shall prohibit a person to cause or permit:
- (a) a public service vehicle in the course of a public passenger transport service to wait at a bus stop flag sign or a bus stop clearway to allow passengers to board and alight only; and
 - (b) a bus being used as a public service vehicle undertaking a local service to wait at an appointed bus stop along that length of road to permit passengers to board or alight the vehicle only.
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) Puffin Pedestrian Crossing or Puffin controlled area; or
 - (iii) Pelican Pedestrian Crossing or Pelican controlled area;established as specified in s23(2) of the 1984 Act;
- the effect of those markings shall prevail.

SCHEDULE

In the Town of Downham Market

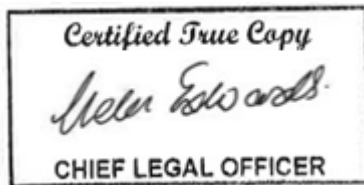
Prohibition of Waiting, Loading and Unloading – Monday to Friday 0800 -0930hrs and 1400 – 1600 hrs

23063/10 Nursery Road Southern Side	-	From a point at the junction markings with Wimbotsham Road to the gateway of Nelson Academy School.
23061/10 Wimbotsham Road Northern Side	-	From a point opposite the centre line of Clackclose Road for 60 metres south, to 6 metres inside the junction of Nursery Road

DATED this 19th day of October 2021

Nigel Edwards

Chief Legal Officer



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