

THE NORFOLK COUNTY COUNCIL
(DEREHAM, MARKET PLACE AND CHURCH STREET)
(PROHIBITION OF WAITING AND OF LOADING AND UNLOADING) ORDER 2013

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 20th day of December 2013 and may be cited as The Norfolk County Council (Dereham, Market Place and Church Street) (Prohibition of Waiting and of Loading and Unloading) Order 2013.
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.

"authorised taxi rank" means any area of carriageway which is comprised within and indicated by a road marking complying with diagram 1028.2 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002;

"authorised parking place" and "parking place" means any parking place on a road authorised or designated by 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 2000; 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, 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";

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

"Goods vehicle" has the same meaning as in Regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986;

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

"the regulations" in Article 4(3) 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;

"Penalty Charge" has the same meaning as in Regulation 2 of the General Regulations 2007;

"Penalty Charge Notice" has the same meaning as in Regulation 8 of the General Regulations 2007;

"the 1997 Regulations" shall mean the Zebra, Pelican and Puffin Pedestrian Crossing Regulations 1997;

"market", "market officer", "sell", "sale" and "stall" shall have the same meaning as in the Dereham Town Council Byelaws for Markets Order (2009);

- 3.(1) Save as provided in Articles 4, 5, and 6 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) at any time along the lengths of road specified in Schedule 1 to this Order;
 - (ii) on Tuesday and Friday from 0600 hrs – 1630 hrs along the lengths of road specified in Schedule 2 to this Order;
 - (iii) on Friday from 0600 hrs to 1630 hrs long the lengths of road specified in Schedule 4 to this Order.

- 4.(1) Save as provided in Articles 5 and 6 of this Order, nothing in Article 3(i) of this Order shall prohibit a person to cause or permit any vehicle to wait along the 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 parking place or authorised taxi rank.
- (2) Save as provided in Articles 5 and 6 of this Order, nothing in Article 3(i) of this Order shall prohibit a person to cause or permit any vehicle to wait upon an authorised parking place.
- (3) Save as provided in Articles 5 and 6 of this Order, nothing in Article 3(i) 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 along the lengths of road specified in that Article for a period not exceeding the time specified in the regulations.
5. Save as provided in Article 6 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 load or unload:-
- (i) on Tuesday and Friday from 0600 hrs to 1630 hrs along the lengths of road specified in Schedule 3 to this Order;
 - (ii) on Friday from 0600 hrs to 1630 hrs long the lengths of road specified in Schedule 4 to this Order.
- 6.(1) Nothing in Articles 3 and 5 of this Order shall prohibit a person to cause or permit any vehicle to wait, load or unload along the lengths of road or on the side of roads referred to in the Schedules of this Order 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 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;
 - (v) the provision of a universal postal service as defined in the Postal Services Act 2000;
 - (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 a water authority in pursuance of statutory powers or duties;
7. Nothing in Article 5(i) of this Order shall prohibit a person, authorised by the market officer, to cause or permit a vehicle to wait, load or unload along the lengths of road specified in Schedules 4 and 5 of this Order to assemble a stall and load and unload goods for sale at the market during the days and times specified in that Article.
 8. Nothing in Articles 3(ii), and 5(i) of this Order shall prohibit a person to cause or permit a vehicle authorised by a market officer and which is constructed or modified to include a stall to wait and sell goods during the days and times specified in that Article.
 9. Nothing in Articles 3(iii), or 5(ii) of this Order shall prohibit a person to cause or permit a vehicle, which displays written authorisation (as specified in Articles 3 and 4 of the Dereham Town Council Byelaws for Markets Order (2009 as amended)) and is authorised by the Market Officer, and which vehicle is constructed or modified to include a stall, to wait and sell goods during the day and times specified time in those Articles.
 10. Nothing in Articles 3 and 5 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.
 11. Nothing in Articles 3 and 5 of this Order shall prohibit a person to cause or permit any vehicle being a hackney carriage, to wait upon an authorised taxi rank.
 12. The following Orders will become revoked on the date of commencement of this Order as follows:-

"The Norfolk County Council (Dereham, Market Place and Church Street)(Prohibition of Waiting and of Loading and Unloading) (No 2) Order 2011" – in its entirety.
 13. Insofar as any provision of this Order conflicts with any provision of any previous Order relating to the lengths of road specified in the Schedules to this Order, that provision of this Order shall prevail.

14. Insofar as any provision of this Order conflicts with the effect of markings placed on the carriageway, as specified under Regulation 29(1) of the General Directions conveying the existence of a 'bus stop/clearway' as defined by Part 1 of Schedule 19 of the General Directions then the effect of those markings and the existence of that bus stop/clearway shall prevail.

SCHEDULE 1

In the Town of Dereham

Prohibition of Waiting – At Any Time

- | | |
|--|---|
| U30187 Market Place
South Side | - From the western kerbline of its junction with the C540 Market Place westwards for a distance of 5 metres |
| U30187 Market Place
West Side | - From its junction with the U30127 Ruthen Place southwards to a point in line with the southern kerbline of its junction with the U30187 Red Lion Street |
| Market Place
The area bounded by the C540 Market Place, the U30187 Market Place and the U30127 Ruthen Place | - For the entire perimeter of the Market Place central area except for the marked goods vehicle loading bay situated at the northernmost tip |
| U30125 Church Street
North Side | - From the western kerbline of its junction with the C540 Market Place westwards for a distance of 4.5 metres

- From the eastern kerbline of its junction with the U30127 Quebec Street eastwards for a distance of 4 metres |

SCHEDULE 2

In the Town of Dereham

Prohibition of Waiting – Tuesday and Friday – 0600 hrs – 1630 hrs

- | | |
|--|--|
| U30187 Market Place
South Side | - From a point 5 metres west of the western kerbline of its junction with the C540 Market Place westwards to a point 3 metres east of its westernmost end |
| Market Place
The area bounded by the C540 Market Place, the U30187 Market Place and the U30127 Ruthen Place | - For the entire area of the Market Place central area except for the marked goods vehicle loading bay situated at the northernmost tip |
| U30125 Church Street
North Side | - From a point 4.5 metres west of the western kerbline of its junction with the C540 Market Place westwards to a point 4 metres east of the eastern kerbline of its junction with the U30127 Quebec Street |

SCHEDULE 3

In the Town of Dereham

Prohibition of Loading and Unloading – Tuesday and Friday – 0600 hrs-1630 hrs

- | | |
|---|--|
| U30187 Market Place
South Side | - From its junction with the C540 Market Place westwards to a point 3 metres east of the western kerbline of the U30187 Market Place |
| U30187 Market Place
West Side | - From its junction with the U30127 Ruthen Place southwards to a point in line with the southern kerbline of its junction with the U30187 Red Lion Street |
| Market Place
The area bounded by the
C540 Market Place, the
U30187 Market Place and the
U30127 Ruthen Place | - For the entire perimeter of the Market Place central area

For the entire area of the Market Place central area except for the marked goods vehicle loading bay situated at the northernmost tip |
| U30125 Church Street
North Side | - From its junction with the C540 Market Place westwards to its junction with the U30127 Quebec Street |

SCHEDULE 4

In the Town of Dereham

Prohibition of Waiting, Loading and Unloading – Friday – 0600 hrs-1630 hrs

- | | |
|-----------------------------------|---|
| U30187 Market Place
South Side | - From its westernmost end eastwards for a distance of 3 metres |
| U30187 Market Place
West Side | - From its junction with the southern kerbline of its junction with the U30187 Red Lion Street southwards to its southernmost end |

Dated this 9th day of December 2013

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

Head of Law