

THE NORFOLK COUNTY COUNCIL
(GREAT YARMOUTH, REGENT ROAD)
(PROHIBITION OF DRIVING, PEDESTRIAN ZONES AND RESTRICTED ZONES)
ORDER 2015

The Norfolk County Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1(1), 2(1) to (3), 3(2), 4(1) and 4(2), 32, 35, 45 and 46 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:

PART 1 – CITATION AND INTERPRETATION

1. This Order shall come into operation on the 27th day of March 2015 and may be cited as The Norfolk County Council (Great Yarmouth, Regent Road)(Prohibition of Driving, Pedestrian Zones and Restricted Zones) Order 2015.

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.

"Agent" means any period in which there is in force an Agreement under The Local Government Act 2000 between Norfolk County Council and Great Yarmouth Borough Council, The Borough Council of King's Lynn and West Norfolk and South Norfolk District Council to administer functions conferred by that Agreement on the Council's behalf, failing which it shall mean Norfolk County Council;

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

"bus" has the same meaning as in Regulation 22 of the "General Directions";

"Church Parking Permit" means a Parking Permit issued under Article 16 of this Order;

"Church Permit Parking Place" means the length of road specified in Article 13 of this Order;

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

"Council" means The Norfolk County Council or their Agent;

"cycle" has the same meaning as in section 192 of the Road Traffic Act 1988;

"Driver" in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place, or the person deemed to be the driver under the terms of this Order;

"Enforcement Authority" means the Council or their Agent;

"excursion or tour" has the same meaning as in section 137(1) Transport Act 1985(a);

"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;

'Heavy Commercial Vehicle' shall have the same meaning as in section 138 of the Act.

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

"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;

"private hire vehicle" has the same meaning as in Section 80, and licensed as specified in Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

PART II – PEDESTRIAN ZONES

3. Save as provided in Articles 4, 5, 6, and 7 of this Order no person shall, except upon the direction of, or with the permission of a police constable in uniform, cause or permit any vehicle to proceed along the lengths of road specified in Schedules 1 and 2 to this Order.
4. Nothing in Article 3 of this Order shall apply so as to prevent any person from causing a vehicle to proceed along the lengths of road specified in that Article if the vehicle being used:
 - (a) is for fire brigade, police or ambulance purposes;
 - (b) is in the service of a local authority or water authority in pursuance of statutory powers or duties;
 - (c) is in connection with the maintenance, improvement or reconstruction of that length of road or the laying, erection, alteration or repair in or adjacent to that length of road of any sewer, water, gas, or electricity apparatus or of any

telecommunications apparatus as defined in the Telecommunications Act 1984;

- (d) is for the provision of a universal postal service as defined in the Postal Services Act 2000;
- (e) 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;
- (f) is an unriden pedal cycle.

- 5. Nothing in Article 3 of this Order shall apply so as to prevent any person from causing a vehicle to proceed along the length of road specified in Schedules 1 and 2 to this Order from 0600 hours to 1000 hours and from 1800 hours to 2300 hours if the vehicle being used requires access for the purposes of loading and unloading.
- 6. Nothing in Article 3 of this Order shall apply so as to prevent any person from causing a vehicle to proceed along the lengths of road specified in Schedule 2 to this Order if the vehicle, being a vehicle authorised to use the Church Permit Parking Place for St Mary's Roman Catholic Church, requires authorised access to that permit place.
- 7. Nothing in Article 3 of this Order shall apply so as to prevent any person from causing or permitting a bus being used as a private hire vehicle as part of an excursion or tour to proceed along the C629 Regent Road from its junction with Wellesley Road to its junction with the C629 Marine Parade.

PART III – PROHIBITION OF DRIVING

- 8. Save as provided in Article 9, no person shall, except upon the direction of or with the permission of a police constable in uniform, cause any vehicle to proceed along the U60339 Wellesley Road from a point 5 metres north of its junction with the C629 Regent Road southwards to its junction with the C629 Regent Road.
- 9. Nothing in Article 8 of this Order shall apply so as to prevent a person causing or permitting a vehicle to proceed along the length of road specified in that Article if the vehicle is a bus being a private service vehicle as part of an excursion or tour.
- 10. No person shall cause any vehicle to proceed along the U60452 Apsley Road at its junction with the C629 Regent Road.

PART IV - RESTRICTED ZONE

- 11. Save as provided in Articles 12, 13 and 14 of this Order no person shall, except upon the direction of or with the permission of a police constable in uniform or Civil Enforcement Officer, cause or permit any vehicle to wait, load or unload along the lengths of Restricted Zone 1 and Restricted Zone 2 specified in Schedules 3 and 4 of this Order.

12. Nothing in Article 11 of this Order shall apply so as to prevent any person from causing or permitting a vehicle to wait along the lengths of road specified in Schedules 3 and 4 to this Order if the vehicle being used requires access between the hours of 0600 hours and 1000 hours and between 1800 hours and 2300 hours for the purposes of loading and unloading.
13. Nothing in Article 11 of this Order shall apply so as to prevent any person from causing or permitting a vehicle, authorised by Church Parking Permit, to wait in the Church Permit Parking Place on the south side of the C629 Regent Road from a point 33 metres east of its junction with the eastern channel of the C612 Nelson Road Central north-eastwards (along the centreline of the C629) for a distance of 30 metres.
14. Nothing in Article 11 of this Order shall apply so as to prevent any person from causing a vehicle to wait along the lengths of road specified in that Article if the vehicle being used:
 - (a) is for fire brigade, police or ambulance purposes;
 - (b) is in the service of a local authority or water authority in pursuance of statutory powers or duties;
 - (c) is in connection with the maintenance, improvement or reconstruction of that length of road or the laying, erection, alteration or repair in or adjacent to that length of road of any sewer, water, gas, or electricity apparatus or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (d) is for the provision of a universal postal service as defined in the Postal Services Act 2000;
 - (f) 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.

PART V - CHURCH PERMIT PARKING BAY

15. The length of carriageway specified in Article 13 of this Order is authorised to be used, subject to the following provisions of this Order, by the driver of a vehicle possessing a valid Church Parking Permit as a parking place for such authorised vehicles, in such positions and on such days and during such hours as are specified on the Church Parking Permit in relation to that section of road.
16. The issue of any Church Parking Permit is at the discretion of the Council or its Agent.

17. The driver of a vehicle using a Church Permit Parking Place and
 - (a) which vehicle possesses a windscreen shall display the Church Parking Permit within the vehicle either by attaching it firmly to the front windscreen or by placing it on the dashboard of the vehicle;
 - (b) which vehicle does not possess a windscreen shall display the Church Parking Permit in a conspicuous position,so that the registration details, the period of eligibility and all other particulars appropriate to the Church Parking Permit as specified in this Order are clearly visible from outside the vehicle during the entire period the vehicle is waiting in the Parking Place. A Church Parking Permit which is not displayed in accordance with this clause is not valid.
18. A Church Parking Permit shall not be considered valid for the purposes of this Order if:-
 - (a) the Parking Permit is defaced or obstructed so that the particulars cannot be read from outside the vehicle, or
 - (b) the Parking Permit has expired by effluxion of time, or
 - (c) the Parking Permit has been declared invalid by the Council;
 - (d) the Parking Permit is not displayed as required by Article 17,
19. The driver of a vehicle shall not cause or permit a vehicle to wait in the Church Permit Parking Place if that vehicle displays a Parking Permit which is either for a different vehicle or for a different Parking Place.
20. Where a Church Parking Permit has been used contrary to the conditions of use or is otherwise in breach of the provisions of this Order the Council may declare that Parking Permit invalid.
21. A Church Parking Permit shall not be valid for any vehicle other than the vehicle for which it was issued (whether or not that other vehicle is owned or is under the control of the driver).
22. A Church Parking Permit issued under Article 16 shall be valid for the date specified on the Parking Permit. The date and time of issue for that Parking Permit must be entered, in ink, on the Parking Permit and clearly visible.
23. The driver of a vehicle shall not cause or permit a vehicle to be left in the Church Permit Parking Place in any position other than wholly within that Parking Place, nor cause or permit a vehicle to be left in such a position as to prevent the driving away of any vehicle already standing in the Church Permit Parking Place or in such a position as to cause an obstruction to other vehicles.
24. The driver of a vehicle using the Church Permit Parking Place shall stop the engine as soon as the vehicle is in position in that parking place and shall not start the engine except when about to change the position of the vehicle in that parking place, or to depart from that parking place.
25. Except with the authority of the Council no person shall use a vehicle, whilst it is in the Church Permit Parking Place in connection with the sale of any article to

persons in or near that parking place or in connection with the selling or offering for hire of his skill or services.

26. Except with the authority of the Council no person shall affix or cause to be affixed any advertising material to any vehicle left, in the Church Permit Parking Place.
27. Subject to the proviso hereto, when a vehicle is left in the Church Permit Parking Place in contravention of this Order, or it is necessary to meet the requirements of an emergency, a person authorised on behalf of the Council or a Police Constable in uniform may remove the vehicle or arrange for it to be removed from that parking place, or may alter or cause to be altered the position of the vehicle in order that its position shall comply with the relevant provision or meet the requirements of that emergency.
28. Any person removing or altering the position of a vehicle by virtue of Article 27 of this Order may do so by towing or driving the vehicle or in such other manner as that person may think necessary and may take such measures in relation to the vehicle as that person may think necessary to enable that person to remove or alter its position.
29. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from the Church Permit Parking Place by virtue of Articles 27 and 28 of this Order, that person shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
30. Where a vehicle has been removed in accordance with Articles 27, 28 and 29 of this Order the charges as specified in Schedule 3 of the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges)(England) Order 2007 shall become payable.
31. The driver of a motor vehicle using the Church Permit Parking Place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.
32. No person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in the Church Permit Parking Place other than for the purpose of leaving that vehicle in that parking place in accordance with the provisions of this Order or for the purpose of departing from that parking place.
33. No person shall use any part of the Church Permit Parking Place:
 - a. for sleeping or camping purposes;
 - b. for eating or cooking purposes;
 - c. for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from that parking place.
34. By conspicuous notices to that effect the Council may suspend parking on the Church Permit Parking Place or part thereof and failure to observe such notices shall be a contravention of this Order.

35. A driver of a vehicle shall not use the Church Permit Parking Place so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance.

PART VI – ENFORCEMENT, PENALTY CHARGE AND PENALTY CHARGE NOTICE

36. Where a vehicle is left waiting in the Restricted Zone or Church Permit Parking Place in contravention of this Order a Penalty Charge shall become payable. A Penalty Charge Notice to that effect will be attached to the vehicle or handed to the driver by a Civil Enforcement Officer, in accordance with Article 38 of this Order.
37. A Penalty Charge shall be payable to the Enforcement Authority.
38. A Penalty Charge Notice referred to in Article 36 and issued by a Civil Enforcement Officer shall include the following particulars:
- (a) the enforcement authority,
 - (b) the location at which the contravention occurred,
 - (c) the registration mark or when the vehicle is being used under a trade licence, the registration mark of that trade licence,
 - (d) the date and time at which the Penalty Charge was seen to be payable,
 - (e) the grounds on which the Civil Enforcement Officer serving the Penalty Charge Notice believes that a Penalty Charge is payable,
 - (f) the amount of the Penalty Charge,
 - (g) the manner in which and time within which the Penalty Charge shall be paid,
 - (h) a statement that a reduced charge may be payable if payment is made within fourteen days of the Penalty Charge Notice being incurred,
 - (i) a statement to the effect that if the Penalty Charge is not paid before the end of the period of 28 days a Notice to Owner may be served by the Enforcement Authority on the owner of the vehicle.
39. Where a driver has left a vehicle in the Restricted Zone or Church Permit Parking Place in contravention of this Order and a Penalty Charge Notice could not be issued as specified in Article 36 of this Order a Penalty Charge Notice may be issued by post by the Enforcement Authority in accordance with section 10 of the General Regulations 2007.
40. Any Penalty Charge Notice issued in accordance with Article 36 of this Order shall, in addition to the particulars specified in Article 23(a), (b), (c), (e) and (f) of this Order, include the particulars specified in paragraph 2 of the Schedule to the General Regulations 2007.
41. The driver of a vehicle in respect of which a Penalty Charge Notice has been incurred shall pay the Penalty Charge or provide proof of payment of the Penalty Charge to the Enforcement Authority as detailed on the reverse of the notice within

28 days of the date on which the Penalty Charge Notice is served. If payment is received within a period of 14 days beginning with the date on which the Penalty Charge Notice is served the amount of the Penalty Charge shall be reduced by 50% (provided that if the fourteenth day falls upon a day on which the Enforcement Authority's offices are closed the period within which payment of the said charge is due shall be extended to 1.00 p.m. on the next full day on which the office is open).

42. Where the driver of a vehicle fails to pay the Penalty Charge as specified in Article 41 of this Order the Enforcement Authority may follow the procedures set out in the General Regulations 2007 to recover the Penalty Charge.
43. The driver of a vehicle who desires to make representation to or appeal against a Penalty Charge Notice issued to him may make representation or appeal to the Enforcement Authority pursuant to the procedures set out in the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
44. Where a Penalty Charge Notice has been attached to a vehicle in accordance with Article 36 of this Order no person, not being the driver of the vehicle or a person duly authorised by the Enforcement Authority shall remove that Notice from the vehicle unless authorised to do so by the driver.

PART VII - GENERAL

45. The following Orders will become revoked and replaced by this Order on the date of commencement of this Order as follows:-
 - “The Norfolk County Council (Regent Road/Temple Road, Great Yarmouth)(Prohibition of Driving) Order 1984” – in its entirety;
 - “The Norfolk County Council (Great Yarmouth, Market Relief Road Traffic Management Scheme)(Revocation)(No 3) Order 1983” – in its entirety;
 - “The Norfolk County Council (Regent Road, Great Yarmouth)(Prohibition of Driving) Order 1987” – in its entirety;
 - “The Norfolk County Council (Great Yarmouth)(Prohibition of Motor Vehicles) Order 2006” – in its entirety;
 - “The Norfolk County Council (Great Yarmouth, Regent Road and Off-Roman Place)(Prohibition of Driving) Order 2006” – in its entirety.
46. 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.

SCHEDULE 1

In the Town of Great Yarmouth

Pedestrian Zone 1

- C629 Regent Road - From its junction with the B1141 Temple Road/
Alexandra Road north-eastwards to its junction with the
C612 Nelson Road Central

SCHEDULE 2

In the Town of Great Yarmouth

Pedestrian Zone 2

- C629 Regent Road - From its junction with the C612 Nelson Road Central
north-eastwards to its junction with the C629 Marine
Parade
- U62339 Off Roman Place - From its junction with the C629 Regent Road
southwards for a distance of 29 metres

SCHEDULE 3

In the Town of Great Yarmouth

Restricted Zone 1

- C629 Regent Road - From its junction with the B1141 Temple Road/
Alexandra Road north-eastwards to its junction with the
C612 Nelson Road Central

SCHEDULE 4

In the Town of Great Yarmouth

Restricted Zone 2

- C629 Regent Road - From its junction with the C612 Nelson Road Central
north-eastwards to its junction with the C629 Marine
Parade
- U62339 Off Roman Place - From its junction with the C629 Regent Road
southwards for a distance of 29 metres

Dated this 23rd day of March 2015

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

Head of Law

LP/SMC/GreatYarmouthRegentRoadRZPZorder2015