

NOTTINGHAMSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE NOTTINGHAMSHIRE COUNTY COUNCIL (REMPSTONE ROAD, EAST
LEAKE)(PROHIBITION OF DRIVING) TRAFFIC REGULATION ORDER 2020 (8300)

DRAFT

Coming into operation: xxxxxxxx

Authority: **This requires the County Council Delegation**

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2	<i>Not Used in This Order</i>
3	<i>Not Used in This Order</i>

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THE NOTTINGHAMSHIRE COUNTY COUNCIL (REMPSTONE ROAD, EAST LEAKE)(PROHIBITION OF DRIVING) TRAFFIC REGULATION ORDER 2020 (8300)

Nottinghamshire County Council ("the Council") in exercise of its powers under Sections 1 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act"), as amended, and of all other enabling powers, and after consultation with the Chief Constable for the Nottinghamshire Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

PART I – PRELIMINARY

Citation and Commencement

1. This Order shall come into force for all purposes on the # day of # and may be cited as "**THE NOTTINGHAMSHIRE COUNTY COUNCIL (REMPSTONE ROAD, EAST LEAKE)(PROHIBITION OF DRIVING) TRAFFIC REGULATION ORDER 2020 (8300)**".

Interpretation

Definitions

- 2.1 In this Order except where the context otherwise requires, the following words and phrases have the meanings ascribed to them as follows: "At Any Time" means all days and all hours.

"Authorised Officer" means a person authorised by or on behalf of the Council to record, detects and acts on contraventions to this Order by means of an Approved Device.

"Approved Device" has the meaning ascribed to it by Regulation 2 of the Approved Devices Regulations

"Bus" includes a Tramcar and has the meaning ascribed to it by Regulation 22 of the Traffic Signs Regulations.

"Bus Lane" means an area of Road which this Order or another Order provides that it may be used:

- (1) only by Buses or a particular description of Bus; or
- (2) only by Buses or a particular description of Bus and some other class or classes of vehicular traffic.

"Bus Only Street" shall have the same meaning as Bus Lane.

"Bus Gate" shall have the same meaning as Bus Lane.

"Car" means a Motor Vehicle, not being a Motor Cycle or Invalid Carriage, which is constructed to carry a load or passengers and whose maximum unladen weight does not exceed 3 tonnes

“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” or “CEO” has the meaning ascribed to it by section 76 of the 2004 Act.

“Cycle Lane” means a length of Road specified in this Order as a Cycle Lane and bounded by delineating road markings as prescribed under the Traffic Signs Regulations.

"Cycle Track" has the meaning ascribed to it by Section 329 of the Highways Act

"Director" means the Council's Corporate Director - Place.

“Disabled Person's Vehicle” means a vehicle displaying a disabled persons' badge.

“Disabled Person's Badge” has the meaning ascribed to it by the Disabled Person's Exemption Driver Regulations

“Dual Purpose Vehicle” has the same meaning as Regulation 3(1) of the Motor Vehicles Regulations.

“Exemptions” means a category of exemption defined in paragraph 2.2

“Footway” means that part of a Road forming a way for the passage of pedestrians in a Road which also comprises a Carriageway.

“Goods” means articles and property of any description, including postal packets of any kind that have been purchased and are ready for collection, provided that it would be unreasonable for an individual to carry such Goods, further than a reasonable distance for the purpose of loading them into a Vehicle.

“Goods Vehicle” has the meaning ascribed to it by section 192(1) of the 1988 Traffic Act

“Hackney Carriage” means a vehicle licensed and being lawfully used as a hackney carriage under the provisions of the 1847 Act and the 1976 Act

“Highway” means land over which the public have a right to pass and repass

“Hirer” has the meaning ascribed to it by Regulation 5 of the Bus Lane Regulations

“Invalid Carriage” means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person,

"Junction" means:

- (1) in relation to measurement only, the point where the prolongation of two kerblines intersect and where measurements are taken along the line of kerb for the said length of Road unless otherwise stated;
- (2) in relation to its location, the point at which two or more highways intersect.

“Lay-By” means any area of Carriageway lying at the side of the main Carriageway for the parking, loading or waiting of Vehicles

"Local Bus" has the meaning ascribed to it in Regulation 4 of the Traffic Signs Regulations.

"Main Carriageway" means that part of a Carriageway used primarily by through traffic and which includes any Carriageway of a slip road, but excludes any lay-by.

"Motor Cycle" has the meaning ascribed to it by section 136 of the 1984 Act.

"Motor Vehicle" means a mechanically propelled vehicle, intended or adapted for use on the Road

"One-Way Street" means a highway in which Vehicles are prohibited at all times from proceeding in any other than one direction.

"Owner" in relation to a vehicle, means the registered keeper of that vehicle for the time being shown on the register as registered keeper in the register kept in accordance with Section 21 of the 1994 Excise Act.

"Passenger Vehicle" means a motor vehicle other than a motor cycle constructed or adapted solely for the carriage of passengers and their effects to carry not more than 8 passengers exclusive of the driver, and not drawing a trailer.

"Pedal Cycle" has the meaning ascribed to it by section 192 of the 1988 Traffic Act.

"Permit" means a Restricted Access Permit which entitles the holder to enter a Restricted Road.

"Permit Fee" shall be a fee payable to the Council by an applicant for a Permit the level of which shall be set by the Council.

"Police Vehicle" means a Vehicle being used for police purposes or operating under the instructions of the Chief Constable for Nottinghamshire Police Authority.

"Private Hire Vehicle" means a vehicle licensed under section 51 of the 1976 Act.

"Public Holidays" being Christmas Day, Good Friday and any Bank Holiday.

"Relevant Position"

- (1) In relation to the display of a Disabled Person's Badge, has the meaning ascribed to it by the Disabled Person's Exemption Regulations.
- (2) In the case of a Vehicle fitted with a windscreen, a position on the inside surface of the windscreen or on the dashboard so that the date and time of issue or expiry (as appropriate) of the Permit may be read by a CEO or Authorised Officer.
- (3) In the case of a Vehicle not fitted with a front windscreen, a conspicuous position on the Vehicle so that the date and time of issue or expiry (as appropriate) of the Permit may be read by a CEO or Authorised Officer.

"Residents Parking Permit" is a permit issued by Nottinghamshire County Council to a resident for parking in either the Rosebery Avenue, West Bridgford residents parking zone or for parking in the Thoroton Road Area, West Bridgford residents parking zone.

"Restricted Road" (save as the context requires in Part I of this Order) means any Road or part of a Road specified in Schedule 2 or Schedule 8.

"Road" means the area between two highway boundaries excluding any Footway or Lay-By and "Road" shall include any length or part thereof.

"Road Marking" means a Traffic Sign consisting of a line or mark or legend on the surface of the Road.

"Solo Motor Cycle" means a Motor Cycle without a sidecar and having two wheels.

"Special Access Permit Holders' Vehicles" means a vehicle in respect of which a permit has been issued under established criteria governing the issue of such permits (in respect of persons having particular mobility difficulties) as determined by the Director and as amended from time to time.

"Street Works" shall have the meaning ascribed to it by section 48 of the 1991 Act.

"Taxi" has the same meaning in this Order as Hackney Carriage.

"Taxi Clearway Hours" means the hours specified in each relevant Schedule in relation to a length of Road and where days are specified they are inclusive days.

"Taxi Rank" means an area of Carriageway reserved for use by taxis waiting to pick up passengers.

"Telegraphic Line" has the same meaning as the expression "electronic communications apparatus" (which expression has the same meaning as that ascribed to it in the Telecommunications Act 1984).

"Traffic Manager" shall have the meaning ascribed to it by section 17(2) of the 2004 Act.

"Traffic Sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act.

"Tramcar" means any vehicle (whether or not used for the carriage of passengers) carried on flanged wheels on any railway forming part of the light rapid transport system as defined in section 2 of the 1994 Greater Nottingham Act.

"Tramway" has the meaning ascribed to it by the NET Order.

"Tram Lane" shall have the same meaning as "Bus Lane".

"Tram Gate" shall have the same meaning as "Bus Lane".

"Transition Point" means the junction between Highway and land which is not Highway

"Vehicle" means:-

- (1) a mechanically propelled vehicle, intended or adapted for use on the Road, or
- (2) a Pedal Cycle in actual use for the purpose of cycling or
- (3) a horse drawn vehicle, intended or adapted for use on the Road,

“Wheelchair Accessible Taxi” means a Hackney Carriage constructed or adapted to carry a mobility impaired person seated in a wheelchair located within the passenger compartment.

“Verge” means any part of a Road which is not a Carriageway or a Footway.

Exemptions

2.2 In the Schedules the following exemptions (where used) shall apply where the relevant letter (and digit where used) is specified in that part of the Schedule: -

“A” Not allocated

“B” Means any Vehicle which is being used in connection with the maintenance, improvement or reconstruction of any of the Roads or in connections with Street Works in any of the Roads PROVIDED THAT the Vehicle cannot be relocated to an unrestricted Road.

“B1” Means any Vehicle which is being used in connection with the maintenance, improvement or reconstruction of any of the Roads or the laying, erection, alteration or repair in or near any of the Roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus PROVIDED THAT the Vehicle cannot be relocated to an unrestricted Road.

“B2” Means any Vehicle which is being used in connection with the maintenance or other works of any railway level crossing which crosses the length of Road PROVIDED THAT the Vehicle cannot be relocated to an unrestricted Road.

“B3” Means a Royal Mail liveried Vehicle engaged in the collection and/or delivery of letters in accordance with the statutory provisions as defined in the Postal Services Act 2000 PROVIDED THAT this exemption shall not apply during any times specified in Column 5 of Schedule 2.

“B4” Means any Vehicle which is being used in connection with the removal of any obstruction to traffic PROVIDED THAT the Vehicle cannot be relocated to an unrestricted Road.

“B5” Means any Vehicle which is being used in connection with any building operation or demolition PROVIDED THAT the Vehicle cannot be relocated to an unrestricted Road.

“B6” Means any Vehicle which is being used by Statutory Undertakers for emergency works.

“C” Means any Vehicle which is being used or is to be used in the service of a Local Authority or Water Company in pursuance of statutory powers or duties PROVIDED THAT the Vehicle cannot be relocated to an unrestricted Road.

“D1” Means a Bus.

“E1” Means any Vehicle being used for Police, Fire Service or Ambulance purposes where the restriction would be likely to hinder the use of that Vehicle in fulfilling

that emergency purpose, and is making use of both visual and/or audible warning devices, and which is taking all reasonable precautions.

"E2" Means any Police, Fire Service or Ambulance Vehicle which is being used for Police, Fire Service or Ambulance purposes where the restriction would be likely to hinder the use of that Vehicle in fulfilling that purpose, and which is taking all reasonable precautions.

"E3" Means any Vehicle being used for Police, Fire Service or Ambulance purposes.

"F" Means a Goods Vehicle.

"F1" Means any Vehicle which is being used to enable Goods to be loaded or unloaded, (during times specified in Column 3 of Schedule 2) at premises to which access may only be gained by proceeding in that Road PROVIDED THAT when the aforementioned purposes have been completed the Vehicle must immediately proceed out of that Road ALWAYS PROVIDED THAT this exemption shall not apply during any times specified in Column 5 of Schedule 2.

"F1a" Means any Vehicle which is being used to enable Goods to be loaded or unloaded at premises to which access may only be gained by proceeding in that Road PROVIDED THAT when the aforementioned purposes have been completed the Vehicle must immediately proceed out of that Road.

"F2" Means any Vehicle which is being used to gain access to off-street garaging or parking.

"F2a" Means any Vehicle, which is being used to gain access to the Highway from off-street garaging or parking.

"F2b" Means any vehicle being used to take on petrol at a petrol station.

"G" Not allocated

"H" Not allocated

"I" Not allocated

"J" Not allocated

"K2" Means a Motor Vehicle which is being used by a person who hold a Disabled Person's Badge.

"K3" Means a Motor Vehicle which is being used by a person who holds a Disabled Person's Badge and also holds a residents parking permit for either the Roseberry Avenue, West Bridgford Residents Parking Zone or the Thoroton Road Area, West Bridgford Residents Parking Zone.

"L1" Means a Pedal Cycle.

"L2" Means a solo motor cycle

"M" Not allocated

- “N1” Means a Hackney Carriage.
- “N4” Means a Wheelchair Accessible Taxi.
- “O” Not allocated
- “P” Not allocated
- “Q” Means any vehicle which is being used to gain access to or egress from premises and land adjacent to that Road (which access can only be gained by proceeding in the said length of Road) provided that when the purposes, for which the aforementioned access has been required, have been completed the vehicle must immediately proceed out of that length of Road.
- “R1” Means any Vehicle in respect of which a current valid Restricted Access Permit has been issued and is being used in accordance with the conditions of issue.
- “R2” Means any Vehicle in respect of which a current valid Restricted Access Permit has been issued and is being used in accordance with the conditions of issue, which also displays in the Relevant Position a valid Disabled Person's Badge.
- “R3” Means any Vehicle in respect of which a current valid Restricted Access Permit has been issued and is being used in accordance with the conditions of issue, which is being used to enable Goods to be loaded or unloaded PROVIDED THAT when the aforementioned purposes have been completed the Vehicle must immediately proceed out of that Road.
- “R4” Means any Vehicle in respect of which a current valid Special Access Permit has been issued and is being used in accordance with the conditions of issue, for gaining access to the Special Access Permit bays and also displays that permit in the Relevant Position.
- “S” Means a Special Access Permit.
- “T” Means any vehicle displaying a day access permit authorised and issued by the Council or Nottinghamshire Police.
- “T1” Means a Tramcar.
- “T2” Means Tramway operator Vehicles undertaking essential maintenance of the Tramway system.
- “T3” Means Tramway operator Vehicles undertaking routine maintenance of the Tramway system.
- “U1” Means a Local Bus.
- “V” Means any Vehicle, being a purpose built or specially adapted security Vehicle which by distinctive external markings and/or trade signs may be easily identified as a security Vehicle, operated by uniformed security personnel and which is being used for the purposes of delivery or collection of:-
- (1) bullion, or
 - (2) substantial quantities of money in the form of cash ,or
 - (3) high value commodities.

“W” Not allocated

“X” Means any of the following vehicles: -

- (1) a highway cleansing Vehicle being used for highway cleansing purposes.
- (2) or a gritting Vehicle used to carry out its statutory duty.
- (3) or an authorised tow away Vehicle being used on behalf of the Council as highway authority in pursuance of its statutory duty.

“Y” Means a Private Hire Vehicle

“Z1” Means any Vehicle used to cross over a Bus Lane or Cycle Lane in order to gain access to or egress from premises and/or any side Road adjacent to that length of Road over which the lane passes.

“Z2” Means any Vehicle proceeding so as to avoid an accident.

Statutory References

2.3 In this Order the following statutory references shall have the meanings ascribed to them as specified:

“the 1847 Act” means the Town Police Clauses Act 1847

“the 1976 Act” means the Local Government (Miscellaneous Provisions) Act 1976

“the Highways Act” means the Highways Act 1980

“the 1984 Act” means the Road Traffic Regulation Act 1984

“the 1988 Traffic Act” means the Road Traffic Act 1988

“the 1988 Offenders Act” means the Road Traffic Offenders Act 1988

“the 1991 Act” means the New Roads and Street Works Act 1991

“the 1994 Excise Act” means the Vehicle Excise and Regulation Act 1994

“the 1992 Act” means the Transport and Works Act 1992

“the 1994 Greater Nottingham Act” means the Greater Nottingham Light Rapid Transit Act 1994

“the 2000 Act” means the Transport Act 2000

“the 2004 Act” means the Traffic Management Act 2004

“the Traffic Signs Regulations” means the Traffic Signs Regulations and General Directions 2002 (SI No. 3113) as amended from time to time

“the Bus Lane Regulations” means the Bus Lane Contraventions (Penalty Charge, Adjudication and Enforcement) (England) Regulations 2005 (SI No. 2757)

“the Disabled Person’s Exemption Regulations” means the Local Authorities Traffic Orders (Exemptions for Disabled Persons)(England) Regulations 2000 (SI No. 683)

“the NET Order” means the Nottingham Express Transit System Order 2009 (SI No.1300)

General

3. In interpreting this Order the following shall apply:-

- (1) All Roads specified in this Order are Roads in the Borough of Rushcliffe in the County of Nottinghamshire.
- (2) The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under any enactment.
- (3) Unless otherwise provided, any reference in this Order to any legislation shall be construed to include any amendment replacement or re-enactment thereof for the time being in force and to include any delegation, legislation, orders, notices and directions made thereunder.
- (4) In this Order where the context requires, the masculine includes the feminine and the neuter and vice versa, the singular includes the plural and vice versa.
- (5) In this Order heading are included for ease of reference only and shall not affect the interpretation or construction of the Order.
- (6) References to an Article, Schedule, Section, Paragraph or Part is a reference to an article, schedule, section, paragraph or part contained in or annexed to this Order.
- (7) In the Schedules all times and days are inclusive.

PART II – MOVING RESTRICTIONS AND PROVISIONS

(Articles)

PART 2 SECTION 2 : PROHIBITION OF DRIVING

4. (1) Save as provided in this Article, no person shall, except with the permission of a Police Constable in uniform, cause any vehicle to proceed (in any of the lengths of road specified in Column 2 of Schedule 2 to Part 2 of this Order) in
 - (a) the direction specified, or
 - (b) any direction, where no direction is specified, in relation to a length of road specified in Column 2.
- (2) Nothing in paragraph (1) of this Article shall apply to any vehicle which is of one or more of the categories specified, in Column 3 of Schedule 2 to Part 2 of this Order, in relation to each road or length of road specified in Column 2 of the said Schedule. Provided that where times are specified in Column 4 (in relation to a length of road specified in Column 2), this paragraph shall not apply, during those times, to that length of road.

5. In Column 3 of Schedule 2 to Part 2 of this Order, the reference letters categorise and have the meanings hereunder ascribed to them in Part 1 of this Order.

SCHEDULES

Schedules Allocated:-

Schedule 2 to Part II.

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PART II – MOVING RESTRICTIONS AND PROVISIONS

SCHEDULE 2

PROHIBITION OF DRIVING

Column 1	Column 2	Column 3	Column 4
Item No.	Length of Road	Exemptions	Exemption inoperative
1	<u>REMPSTONE ROAD (EAST LEAKE)</u> from its junction with Loughborough Road in a south-easterly direction for a distance of 349 metres.	B, B1,E3, L1,Q	

<p><u>THE COMMON SEAL</u> of <u>THE</u></p> <p><u>NOTTINGHAMSHIRE COUNTY COUNCIL</u></p> <p>was hereunto affixed this ##th day</p> <p>of ##### 2020 in the presence of:-</p>	<p>Affix Seal:</p>
<p>SEAL REGISTER NO:</p>	
<p>Authorised Signatory:</p>	<p>Sign:</p> <p>Authorised Signatory</p>