



Nottinghamshire County Council

THE NOTTINGHAMSHIRE COUNTY COUNCIL **(ASKHAM ROAD, EAST MARKHAM) (NO STOPPING ON ENTRANCE** **CLEARWAY) TRAFFIC REGULATION ORDER 2023 (1295)**

The Nottinghamshire County Council ("the Council") in exercise of its powers under Sections 1(1) and (2), 2(1) to (3), 4(2), 9, 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act"), Traffic Management Act 2004 ("the 2004 Act"), and of all other enabling powers and after consultation with the Chief Officer of Police for the Nottinghamshire Police Authority in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

COMMENCEMENT

This Order shall come into force for all purposes on the **xx** day of **xxxx 2023** and may be cited as "**The Nottinghamshire County Council (Askham Road, East Markham) (No Stopping on Entrance Clearway) Traffic Regulation Order 2023 (1295)**".

ARRANGEMENT OF SECTIONS

Parts and Sections Allocated: -

PART A (Waiting and Parking Control)

Section 8 : Entrance Clearways (Article 31 to 32)

PART C (Revocations and Suspensions)

PERMANENT

Section 1 : Permanent Revocation in Part (Article 1)

PART D Definitions of Category Letters

GENERAL

- G1. All lengths of road specified in this Order are lengths of road at East Markham in the District of Bassetlaw in the County of Nottinghamshire.
- G2. 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 the Act as amended aforesaid or by or under any other enactment.
- G3. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

- G4. In this Order, where the context requires, the singular shall be interpreted as being the plural and vice versa.
- G5. In this Order headings are included for ease of reference only and shall not affect the interpretation or construction of the Order.

Definitions:-

In this Order the following words and phrases (where used) have the meanings ascribed to them as follows:-

- D1. "At Any Time" means all days and all hours.
- D2. "Bank Holiday" has the same meaning as described in the Banking and Financial Dealings Act 1971. The first Monday of May shall be treated as if it were a Bank Holiday for the purposes of this Order.
- D3. "Bus" has the same meaning as in Schedule 1 Regulation 2 of the Traffic Signs Regulations.
- D4. "Bus Lane" means any length of road specified in this Order and bounded by delineating road markings, prescribed under Regulations for use as a Bus Lane.
- D5. "Bus Stop Area" means any area of carriageway of a road (which is specified and intended for the waiting of a local bus) which is comprised within and indicated by a road marking complying with either diagram 1025.1, 1025.3 or 1025.4 in Schedule 7 to the Traffic Signs Regulations.
- D6. "Bus Stop Clearway Hours" means the hours specified in each relevant Schedule in relation to a length of road.
- D7. "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.
- D8. "CEO" means Civil Enforcement Officer which has the same meaning as in Section 76 of the 2004 Act.
- D9. "Cycle Lane" has the same meaning as in Schedule 1 Regulation 2 of the Traffic Signs Regulations.
- D10. "Day Access Permit" means a vehicle in respect of which a permit has been issued under established criteria governing the issue of the aforesaid permit and as amended from time to time.
- D11. "Director" means the Nottinghamshire County Council's Corporate Director of Place.
- D12. (a) "Disabled Person's Vehicle" means a vehicle displaying a Disabled Persons' Badge in a relevant position.
(b) "Disabled Persons' Badge" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

- D13. "Doctor Parking Permit" means a valid permit issued for use within the relevant Doctor Parking Place.
- D14. "Doctor Parking Place" means a parking place (specified in Schedule 3 to Part A, of this Order) which may only be used by a vehicle displaying a Doctor Parking Permit.
- D15. "Driver" in relation to a vehicle waiting in a parking place means:-
(a) The person driving the motor vehicle at the time it was left in the parking place or
(b) where the vehicle is a pedal cycle, the person (being a user) riding, pushing by hand or otherwise in charge of the pedal cycle at the time it was left in the parking place.
(c) Where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and "drive" and "driving" shall be construed accordingly and that if such person contravenes this Order, that person shall be treated as the owner.
- D16. "Dual Purpose Vehicle" has the same meaning as in Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1986.
- D17. "EVENT DAY" means a day on which an event is taking place at Nottingham Forest Football Club and authorisation for operation of restrictions has been granted by the Traffic Authority, and that day is displayed on Zone Entry Signs.
- D18. "Goods" includes postal packets of any description.
- D19. "Goods Vehicle" has the same meaning as in Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1986.
- D20. "Junction" means (in the Schedules to this Order) for measurement purposes only: The point where the prolongation of two kerblines intersect (measurements are taken along the line of kerb for the said length of road unless otherwise stated).
- D21. "Lay-By" means any area of carriageway intended for the waiting of vehicles and lying at the side of the road and bounded partly by a traffic sign of the type shown in Diagram 1010 of the Traffic Signs Regulations and partly by the outer edge of that carriageway on the same side of the road as that on which the sign is placed.
- D22. "Loading Vehicle" means a vehicle whilst being used in a length of road 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 length of road.
- D23. "Local Bus" has the same meaning as in Schedule 1 Regulation 2 of the Traffic Signs Regulations.
- D24. "Main Carriageway" means any carriageway used primarily by through traffic, includes any carriageway of a slip road, but excludes any lay-by.
- D25. "Motor Cycle" has the same meaning as in Section 136 of the Act.
- D26. "Motor Vehicle" has the same meaning as in Section 136 of the Act.

- D27. "Non Event Day" means any day other than an Event Day.
- D28. "One-Way Street" means a road in which vehicles are prohibited at all times from proceeding in any other than one direction.
- D29. "Owner" in relation to a vehicle, means the registered keeper of that vehicle namely the person for the time being shown on the register as registered keeper in the register kept in accordance with Section 21 of the Vehicle Excise and Registration Act 1994.
- D30. "Parking Disc" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.
- D31. "Parking Place" means (subject to Section 3 of Part A of this Order) any area of road authorised by this Order to be used as a parking place.
- D32. "Passenger Vehicle" means a motor vehicle other than a motor cycle constructed solely for the carriage of passengers and their effects and adapted to carry not more than 8 passengers exclusive of the driver, and not drawing a trailer.
- D33. "Pedal Cycle" means a cycle (which has the same meaning as that ascribed to it in Section 192 of the Road Traffic Act 1988).
- D34. "Pedestrian Crossing" means a crossing for pedestrians established:-
(a) by a local authority under Section 23 of the Act, or
(b) by the Secretary of State in the discharge of the duty imposed on him by Section 24 of the Act.
- D35. "Police Vehicle" means a vehicle being used for police purposes or operating under the instructions of a Chief Officer of Police for Nottinghamshire Police Authority.
- D36. "Prescribed Hours" has the meanings ascribed in each particular Part of this Order and shall be construed accordingly.
- D37. "Private Hire Vehicle" means a vehicle which has been issued a licence under The Local Government (Miscellaneous Provisions) Act 1976.
- D38. "Public Holidays" being Christmas Day, Good Friday and any Bank Holiday.
- D39. "Relevant Position"
(1) In relation to the display of Disabled Person's Badge, has the same meaning as that ascribed to it in The Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.
(2) In relation to a permit or authorisation, means the front nearside of the vehicle so that all the particulars are readily visible from the front nearside of the vehicle.
- D40. "Resident"
(1) In Part A of this Order means a person whose usual place of abode is premises the postal address of which is in any road or part of a road being a part of a controlled zone described in Schedule 1 to Part A or this Order, or any person deemed to be a resident by the Council.

(2) In Part A of this Order means a person whose usual place of abode is premises the postal address of which is in any road or part of a road specified in Schedule 5 to Part A of this Order, or any person deemed to be a resident by the Council.

- D41. "Residents' Permit" means a permit issued under the provisions of Article 19 of Part A of this Order.
- D42. "Residents' Permit Holder" means a person to whom a permit has been issued under the provisions of Article 19 of Part A of this Order.
- D43. "Residents' Parking Place" means any part of a road specified in Article 17 of Part A of this Order.
- D44. "Residents' Parking Space" means a space in a Residents' Parking Place which is provided for the leaving of a vehicle of the classes specified in Article 20 of Part A of this Order.
- D45. "Residents' Visitors Parking Permit" means a permit issued, under the provisions of Article 11 of Part A of this Order.
- D46. "Residents' Visitors Parking Permit Holder" means a person to whom a permit has been issued under the provisions of Article 19 of Part A of this Order.
- D47. "Restricted Road" means any road or part of a road specified in Schedule 1 to Part A of this Order.
- D48. "Road Marking" has the same meaning as in the Traffic Signs Regulations.
- D49. "Solo Motor Cycle" has the same meaning as in the Traffic Signs Regulations.
- D50. "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.
- D51. "Taxi" means in England and Wales, a vehicle licensed under Section 37 of the Town Police Clauses Act 1847.
- D52. "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.
- D53. "Taxi Rank" means an area of carriageway reserved for use by taxis waiting to pick up passengers.
- D54. "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 Act.
- D55. "Traffic Signs Regulations" means the Traffic Signs Regulations and General Directions 2016, as amended from time to time.

- D56. "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 Greater Nottingham Light Rapid Transit Act 1994.
- D57. "Tram Gate" shall have the same meaning as "Bus Lane".
- D58. "Transition Point" means the junction between Highway and land which is not Highway.
- D59. "Verge" means any part of a road which is not a carriageway or a footway.
- D60. "Virtual Parking Permit" means an electronic record of Parking Permit or Dispensation Permit of any kind, issued and confirmed by Nottinghamshire County Council.

Notes:-

- N1. In this Order all times and days are inclusive.
- N2. In the Schedules to this Order, each length of road specified in Column 2 and itemised by number in Column 1 shall be related only to the specified instructions, times and exemptions (given under Columns 3, 4, 5 and 6) relating to that number.

PART A

PART A SECTION 8: - NO STOPPING ON ENTRANCE CLEARWAYS

Interpretation

In this Section of this Order—

- (a) "carriageway" has the same meaning as in section 329(1) of the Highways Act 1980;
- (b) "causing" includes permitting;
- (c) "during school term times" has the same meaning as determined by Nottinghamshire County Council under Section 32 of the Education Act 2002.
- (d) "the clearway" means the lengths of road specified in Column 2 of Schedule 9 to Part A of this Order;
- (e) "vehicle" includes part of a vehicle;

General prohibition of stopping

31. No person shall cause or permit any vehicle to stop, during school term times, in the clearway

Exemptions

32. (1) Nothing in Article 31 of this Article shall render it unlawful for a person to cause or permit a vehicle to stop on entrance clearway marking :-
- (a) in any case where the person in control of the vehicle
 - (i) is required by law to stop or not to proceed;
 - (ii) obliged to stop the vehicle so as to avoid an accident;

- (iii) prevented from proceeding in the vehicle by circumstances beyond the person's control;
- (iv) getting or giving help in consequence of an accident or an emergency, or otherwise taking action for public safety;
- (v) opening or closing a gate or other barrier at the entrance to premises to which the vehicle is being driven or from which it has emerged if it is not reasonably practicable to cause the vehicle to stop elsewhere for the purpose;
- (vi) using the vehicle for fire brigade, ambulance or police purposes;
- (vii) using the vehicle in connection with the removal of any obstruction to traffic;
- (viii) using the vehicle in connection with the maintenance, improvement or reconstruction of any length of road specified in Column 2 of Schedule 8 to Part A of this Order.

(2) The prohibition specified on Article 31 of this Section do not apply in respect of a vehicle which is waiting at the edge of a carriageway for as long as may be necessary for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000.

(3) The prohibition specified in Article 31 of this Section does not apply to anything done with the permission or at the direction of a police constable in uniform or a CEO in uniform.

(4) The prohibition specified in Article 31 of this Section does not apply to any Bank Holiday.

(5) If the Council are satisfied that, for facilitating the passage of vehicular traffic on the roads specified in Schedule 8 to Part A of this Order, it is requisite that Section 3(1) of the Act should not apply in relation to this Article of this Order.

PART C SECTION 1 : PERMANENT REVOCATION IN PART

Each Order specified in Schedule 1 to Part C of this Order is hereby revoked insofar as it relates to any lengths of road specified in the other Schedules in this Order.

SCHEDULES

Schedules Allocated:-

Schedule 8 to Part A of this Order.

Schedule 1 to Part C

**PART A SCHEDULE 8
NO STOPPING ON ENTRANCE CLEARWAYS**

Column 1	Column 2	Column 3
Item No.	Length of Road (containing entrance clearway)	Days and Hours of Operation
1.	<u>Askham Road, East Markham</u> (the north-west side)	
(i)	From a point opposite a point 71 metres south of its junction with A57 East Markham Bypass in a southerly direction for 69 metres.	Mon-Fri 8am-4.30pm
2.	<u>Askham Road, East Markham</u> (the south-east side)	
(i)	From a point 71 metres south of its junction with A57 East Markham Bypass in a southerly direction for 80 metres.	Mon-Fri 8am-4.30pm

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PART C SCHEDULE 1
ORDER(S): PERMANENT REVOCATION in Part

The following Order is Revoked in Part:

“The Nottinghamshire County Council (Askham Road, and High Street, East Markham) (Prohibition of Waiting) Traffic Regulation Order 2021 (1244)”

Part A Schedule 2

Items

1 (i), (ii) & (iv)

“The Nottinghamshire County Council (Bassetlaw District Consolidation) (Static Restrictions and Prohibitions) Traffic Regulation Order 2019 (1237)”

Part A Schedule 8

2 (i) & (ii)

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<p><u>THE COMMON SEAL</u> of <u>THE</u>))) <u>NOTTINGHAMSHIRE COUNTY COUNCIL</u>))) was hereunto affixed this <i>(Insert)</i> day))) of <i>(Insert month/year)</i> in the presence of:-)</p>	<p>Affix Seal:</p>
<p>SEAL REGISTER NO:</p>	
<p>Authorised Signatory:</p>	<p>Sign: Authorised Signatory</p>

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