**Norfolk County Council**

**(Horsford, Memorial Road and Flag Cutters Way)**

 **(Prohibition Of Waiting and Bus Gate) Order 2024**

The Norfolk County Council in exercise of their powers under Sections 1(1) and (2), 2(1) to (3), 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 (Horsford, Memorial Road & Flag Cutters Way) (Prohibition of Waiting and Bus Gate) Order 2024 and shall come into effect for all purposes on the xxxxxxxx day of xxxxxxxxx 2024.

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 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 2016;

 "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 Schedule 1 of the Traffic Signs Regulations and General Directions 2016;

“bus lane” has the same meaning as in Schedule 1 of Traffic Signs Regulations and General Directions 2016;

 “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 2016;

 “General Regulations 2022” shall mean The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;

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

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

 “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;

 “Penalty Charge” and “Penalty Charge Notice” have the same meaning as in Section 2 of the General Regulations 2022;

**Prohibition of Waiting**

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 at any time along the lengths of road specified in Article 3 to this Order.

4.(1) Nothing in Article 3 of this Order shall prohibit a person to cause or permit any vehicle to wait in 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 taxi rank or authorised parking place.

(2) 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 -

1. 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;

(h) 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;

(3) 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.

(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.

**Bus Gate**

5. No person shall cause any vehicle other than a bus, to enter, wait or proceed along the section of land between the cul-de-sac ends of Memorial Road and Flag Cutters Way marked in accordance with diagram 1048.5 of the Traffic Signs Regulations and General Directions 2016 as a ‘Bus Gate’.

6. Nothing in Article 5 of this Order shall apply so as to prevent any person from causing a vehicle to proceed in the length of road specified in Article 3 if the vehicle is being used:

1. for fire brigade, police or ambulance purposes;

(b) in the service of a local authority or water authority in pursuance of statutory powers or duties;

(c) 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 electronic communications apparatus as defined in the Communications Act 2003;

(d) is for the removal of any obstruction to traffic;

(e) is required to do so under the direction of a Police Constable in uniform or a Civil Enforcement Officer in uniform.

5. Nothing in Article 5 of this Order shall apply to the driving of any mechanical road cleansing vehicle.

6. 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.

7. 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 Parish of Horsford

Prohibition of Waiting – At Any Time

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| --- | --- | --- |
| 51642/10 Memorial Road All sides | - | from a point 26 metres north of the centre line of its junction with 51644/10 Harvey Close for a distance of 16 metres north up to and including its cul-de-sac end. |
| 5P321/12 Flag Cutters Way All sides | - | from a point 64 metres north of the centre line of its junction with 51644/10 Harvey Close for a distance of 16 metres south up to and including its cul-de-sac end. |

Dated this day of 2024

Director of Legal Services (NPLaw)

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