

City of Newcastle upon Tyne

Road Traffic Regulation Act 1984

THE CITY OF NEWCASTLE UPON TYNE
(CITY CENTRE CONTROLLED PARKING ZONE)
RESTRICTION OF WAITING ORDER 2009

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The Council of the City of Newcastle upon Tyne (hereinafter referred to as “the Council”) in exercise of its powers under Sections 1(1), 2(1) to (3), 4(2) and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act”) and of all other powers enabling it in that behalf, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

PART I

GENERAL

Commencement and Citation

1. This Order shall come into operation on 25th February 2009, and may be cited as the City of Newcastle upon Tyne (City Centre Controlled Parking Zone) Restriction of Waiting Order 2009.

Interpretation

2. (1) In this Order the following expressions have the meanings hereby respectively assigned to them:-

“the Act” means the Road Traffic Regulation Act 1984

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

“the Badges Regulations” means the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

“the Exemption Regulations” means the Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000

“the 1998 Regulations” means the Local Authorities (Transport Charges) Regulations 1998

“authorised activity” means:

- (i) furniture removal to or from a property in the restricted street;
- (ii) loading bulky or heavy items onto, or unloading bulky or heavy items from a goods vehicle in circumstances where it would be impossible or impracticable to carry the item from the nearest parking place; or
- (iii) use as a bridal or attendant’s vehicle at a wedding; or
- (iv) any other activity approved by the Council

“civil enforcement officer” means a person authorised by the Council pursuant to section 76 of the Traffic Management Act 2004

“the Council” means the Council of the City of Newcastle upon Tyne

“disabled person’s badge” has the same meaning as in the Badges Regulations

“dispensation certificate” means a certificate issued under section 4(2) of the Act in accordance with the procedure set out in Article 6

“parking disc” has the same meaning as in the Exemption Regulations

“penalty charge” means a charge set by the Council pursuant to the provisions of section 77 and Schedule 9 of the Traffic Management Act 2004 and any regulations made thereunder and in accordance with any guidance given by the Secretary of State

“penalty charge notice” means a notice issued by a civil enforcement officer pursuant to the provisions of section 78 of the Traffic Management Act 2004 and any regulations made thereunder

“postal packet” has the same meaning as in section 125 of the Postal Services Act 2000

“public service vehicle” has the same meaning as in the Traffic Signs Regulations and General Directions 2002

“registration mark” means a mark indicating the registered number of the vehicle assigned to the vehicle by Secretary of State pursuant to section 23 of the 1994 Act upon its registration under section 21 of the 1994 Act

“relevant information” means:

- (i) The registration mark of the vehicle or company name in respect of which the dispensation certificate has been issued;
- (ii) The start date and expiry date of the dispensation certificate;
- (iii) The restricted road for which the dispensation certificate has been issued and in which the vehicle may wait;
- (iv) The authorised activity for which the vehicle is permitted to wait in the restricted road;
- (v) An authentication that the dispensation certificate has been issued by the Council; and
- (vi) A dispensation certificate number

“relevant position” has the same meaning as in the Exemption Regulations

“specified position” means a prominent and conspicuous position on the vehicle so that the relevant information is clearly visible from outside the vehicle

“statutory undertaker” has the same meaning as defined in section 48 of the New Roads and Street Works Act 1991

“valid dispensation certificate” means a dispensation certificate:

- (i) Issued in respect of the vehicle on which it is displayed in the relevant position;
- (ii) Which states on its face that it is valid on the date when the vehicle is waiting in the restricted road;
- (iii) Which has been issued in respect of the restricted road in which the vehicle is waiting;
- (iv) Which has been issued in respect of the authorised activity in which the vehicle is involved while it is waiting in the restricted road;
- (iv) Which is authenticated as having been issued by the Council; and
- (v) Which contains a dispensation certificate number.

- (2) Any reference in this Order to any enactment or to any regulations shall be construed as a reference to that enactment or those regulations as amended by any subsequent enactment or regulations.

Revocation

3. The following Orders are hereby revoked:-

- (i) The City of Newcastle upon Tyne (Restriction of Waiting) Order 2001
- (ii) The City of Newcastle upon Tyne (Laing Square Area) Traffic Regulation Order 2002
- (iii) The City of Newcastle upon Tyne (Neville Street Area) Traffic Regulation Order 2003

PART II

WAITING RESTRICTIONS

Restriction of Waiting of Vehicles in Restricted Roads

4. (1) Save as provided in Article 5 of this Order no person shall, except in the case of an emergency upon the direction or with the permission of a uniformed police officer cause or permit any vehicle to wait at any time in any of the roads or parts of roads described in Schedule 1 to this Order

PROVIDED THAT the provisions of this paragraph shall not apply to any part of a road designated as a parking place.

- (2) Any road or part of a road in which waiting is restricted under paragraph (1) of this Article is hereinafter called a "restricted road".
- (3) Reference to a restricted road in Column 1 of Schedule 1 shall be a reference to both sides of the road and the whole length of the road (footways and verges included) except as may be otherwise specified in Column 2 of Schedule 1.

Exemptions from Waiting Restrictions

5 (1) Nothing in Article 4 of this Order shall prevent any person from causing or permitting a vehicle to wait in any restricted road for so long as may be necessary:-

- (a) to enable a person to board or alight from the vehicle.
- (b) to enable the vehicle, if it cannot conveniently be used for such purpose in any unrestricted road, to be used in connection with:
 - (i) A funeral, as a hearse or the vehicle of a chief mourner;
 - (ii) The removal of any obstruction to traffic in any restricted road;
 - (iii) The maintenance, improvement or reconstruction of any restricted road;
 - (iv) Any statutory undertaker or their authorised agent or local authority carrying out its duties on the highway; or

- (v) Any excavation or demolition works to properties fronting onto the restricted road..
 - (c) to enable goods to be:
 - (i) Loaded onto the vehicle from premises situated in the restricted road; or
 - (ii) Unloaded from the vehicle to premises situated in the restricted road.
 - (d) if the vehicle is a vehicle used by emergency services for an essential matter and in pursuance of statutory powers or duties.
 - (e) if the vehicle is waiting because the driver is being prevented from proceeding by circumstances beyond his control or if it is necessary to wait in order to avoid accident.
 - (f) if the vehicle is waiting in a restricted road and is at that time engaged in the collection or delivery of postal packets to or from premises or posting boxes adjacent to that restricted road and the vehicle is waiting only so long as is necessary to enable the delivery or collection of those postal packets.
 - (g) if the vehicle is waiting in a restricted road and is at that time engaged in connection with the servicing of a telephone kiosk on that restricted street, and the vehicle is waiting only for so long as is necessary to enable the telephone kiosk to be serviced.
 - (h) if the vehicle is a public service vehicle operating a local service waiting at a bus stop to set down and/or pick up passengers.
- (2) Nothing in Article 4 of this Order shall render it a contravention of this Order to cause or permit any vehicle which displays in the relevant position a valid disabled person's badge, and a valid 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 any of the restricted roads referred to in the said Schedule to this Order, for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road on the same day)

PROVIDED THAT such period of waiting shall not be within a period during which the loading or unloading of vehicles is prohibited or restricted

PROVIDED THAT such badge and parking disc are being used in accordance with any regulations made for their use as may be in force from time to time.

- (3) Nothing in Article 4 of this Order shall render it a contravention of this Order to cause or permit any vehicle which displays, in the specified position, a valid dispensation certificate to wait in the restricted road specified on that dispensation certificate.

- (4) Notwithstanding anything in the preceding provisions of this Article, the driver of a vehicle shall move the vehicle on the instruction of a police constable in uniform whenever it may be reasonably necessary to do so for the purpose of preventing obstruction.

Issue of Dispensation Certificates

6. (1) Any person may at any time make an application to the Council for a dispensation certificate.
- (2) An application for a dispensation certificate shall:
 - (a) Be made in writing on a form issued by the Council which is returned to the Council completed in every material respect.
 - (b) Without prejudice to sub-paragraph (a) shall contain the following information:
 - (i) The name of the person making the application and their address;
 - (ii) The property in the restricted road in respect of which a dispensation certificate is sought;
 - (iii) The make, model, colour and registration mark of the vehicle or the company name in respect of which the dispensation certificate is sought;
 - (iv) The dates for which the dispensation certificate is sought; and
 - (iv) The purpose for which the dispensation certificate is sought.
 - (c) Include a remittance for any charge requested by the Council pursuant to the 1998 Regulations.
- (3) Without prejudice to paragraph (2) the Council may at any time require any person who has made an application for a dispensation certificate to produce to the Council such evidence in respect of the application as the Council may reasonably require to verify any of the particulars or information given in the application.
- (4) The Council may issue a dispensation certificate in respect of an authorised activity, whether pursuant to an application made in accordance with paragraphs (1) and (2) of this Article, or otherwise.
- (5) A dispensation certificate issued pursuant to paragraph (4) shall be issued in writing and shall contain the relevant information.
- (6) The Council may cancel a dispensation certificate by service of a notice in writing on the person to whom the dispensation certificate was issued and, upon the service of such notice (or upon such other time or date as may be specified in the said notice), the dispensation certificate shall cease to be a valid dispensation certificate.

Evidence Provisions

7. The particulars given in any penalty charge notice issued as a result of a contravention of any the Articles of this Order shall be treated as evidence of those particulars in any proceedings arising as a result of the issue of that penalty charge notice.

Savings

8. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act, or by or under any other enactment.

Given under the Common Seal of the Council of the City of Newcastle upon Tyne this
23rd day of February 2009

THE COMMON SEAL of THE)
COUNCIL OF THE CITY OF)
NEWCASTLE UPON TYNE)
was hereunto affixed in the)
presence of:-)

Lord Mayor

Head of Legal Services

SCHEDULE 1

RESTRICTED ROADS

(Waiting Restricted At Any Time except at Designated Parking Places)

<u>Road Name</u>	<u>Description</u> (if less than whole road)
1 Akenside	
2 Akenside Hill	
3 Amen Corner	
4 Barras Bridge	
5 Bath Lane	St James Boulevard to Westgate Road
6 Bath Lane - Unnamed access road to Citygate	
7. Bells Court	
8 Bewick Street	
9 Bigg Market	
10 Black Gate	
11 Blackett Place	
12 Blackett Street	
13 Blackfriars Court	
14 Broad Chare	
15 Brunswick Place	
16 Carliol Place	
17 Carliol Square	
18 Carliol Street	
19 Castle Garth	
20 Central Library Service Area	
21 Charlotte Square	
22 Churchill Street	St James Boulevard to Marlborough Crescent
23 Claremont Road	Queen Victoria Road to Barras Bridge
24 Clavering Arch	
25 Clavering Place	
26 Clayton Street	
27 Clayton Street West	
28 Close	

	<u>Road Name</u>	<u>Description</u> (if less than whole road)
29	Cloth Market	
30	College Lane	
31	College Street	
32	Collingwood Street	
33	Cowgate	
34	Cox Chare	
35	Croft Street	
36	Croft Street - Unnamed access road to the east	
37	Cross Carliol Street	
38	Cross Street	
39	Dalrymple Court	
40	Dean Street	
41	Devonshire Terrace	
42	Dispensary Lane	
43	Dog Bank	
44	Drury Lane	
45	Durant Road	
46	Durant Road - Unnamed access road to Higham Place	
47	Eldon Lane	
48	Ellison Place	
49	Erick Street	
50	Erick Street (south)	
51	Falconars Court	
52	Fenkle Street	
53	Forster Street	
54	Forth Banks	
55	Forth Lane	
56	Forth Place	
57	Forth Place (Back)	
58	Forth Street	
59	Friars	
60	Friars Street	
61	Gallowgate	
62	Grainger Street	
63	Grey Street	

<u>Road Name</u>	<u>Description</u> (if less than whole road)
64	Grey's Court
65	Groat Market
66	Hancock Street
67	Handyside Place
68	Hanover Square
69	Hanover Street
70	Haymarket
71	Haymarket Bus Station
72	Heath Court
73	High Bridge
74	High Bridge Service Road
75	High Bridge Square
76	High Friar Lane
77	High Level Bridge approach
78	Higham Place
79	Higham Place (Back)
80	Hood Street
81	John Dobson Street
82	John Dobson Street - Unnamed access road to Northumberland Street Service Road
83	Kensington Terrace
84	Kensington Terrace (Back)
85	King Street
86	Leazes Crescent
87	Leazes Lane
88	Leazes Lane (south)
89	Leazes Park Road
90	Leazes Park Road (north)
91	Leazes Terrace
92	Lisle Street
93	Liverpool Street
94	Lombard Street
95	Low Friar Street
96	Manor Chare
97	Manors
98	Market Lane

<u>Road Name</u>	<u>Description</u> (if less than whole road)
99	Market Lane Service Road
100	Market Street
101	Marlborough Crescent
102	Marlborough Crescent - Unnamed access road to Newcastle Coach Station
103	Marshalls Court
104	Monk Street
105	Morden Street
106	Mosley Street
107	Nelson Street
108	Neville Street
109	Neville Street Service Road
110	New Bridge Street West
111	Newgate Street
112	North Street
113	North Street (east)
114	Northumberland Court
115	Northumberland Place
116	Northumberland Road
117	Northumberland Street
118	Northumberland Street Service Road
119	Northumberland Road - Unnamed access road to College Lane
120	Northumberland Road - Unnamed access road to Trinity Lane
121	Nun Street
122	Nuns Lane
123	Old Assembly Rooms - Unnamed access road to the east
124	Old Assembly Rooms - Unnamed access road to the west
125	Old Eldon Square
126	Old George Yard
127	Orchard Street
128	Oxford Street
129	Pandon
130	Park Terrace
131	Park Terrace - Unnamed access road to Park Terrace (Back)

<u>Road Name</u>	<u>Description</u> (if less than whole road)	
132	Park Terrace (Back)	
133	Peel Lane	
134	Peel Street	
135	Percy Street	
136	Percy Street – Marks & Spencer Access Road	
137	Pilgrim Street	
138	Pilgrim Street (south of All Saints Church)	
139	Pink Lane	
140	Princess Square	
141	Prudhoe Chare	
142	Prudhoe Place	
143	Prudhoe Street	
144	Pudding Chare	
145	Quayside	Guildhall to Sandgate
146	Queen Street	
147	Queen Victoria Road	
148	Queens Lane	
149	Railway Street	Marlborough Crescent to Redheugh Bridge Road
150	Ridley Place	
151	Rosemary Lane	
152	Rutherford Street	
153	Sandhill	
154	Sandyford Road	St Mary's Place to Jesmond Road Link Road
155	Saville Row	
156	Scotswood Road	Marlborough Crescent to St James Boulevard
157	Scotswood Road (Back) - off Churchill Street	
158	Shakespeare Street	
159	Side	
160	South Street	
161	St Andrews Street	
162	St James Street	
163	St James Street (Back)	
164	St John Street	
165	St Mary's Place	

	<u>Road Name</u>	<u>Description</u> (if less than whole road)
166	St Mary's Place East	
167	St Nicholas Churchyard	
168	St Nicholas Square	
169	St Nicholas Street	
170	St Thomas Crescent	
171	St Thomas Crescent / St Thomas Square - Unnamed access road between	
172	St Thomas Square	
173	St Thomas Street	
174	St Thomas Terrace	
175	St Thomas Terrace / St Thomas Square - Unnamed access road between)	
176	Stephensons Lane	
177	Stockbridge	
178	Stowell Square	
179	Stowell Street	
180	Stowell Street (Back)	
181	Strawberry Lane	
182	Strawberry Place	
183	Sunderland Street	Waterloo Street to Waterloo Square
184	Sussex Street	
185	Swing Bridge	
186	Swing Bridge Approach	
187	Temple Street	
188	Terrace Place	
189	Thomas Bewick Square	
190	Thornton Court	
191	Thornton Square	
192	Thornton Street	
193	Thornton Street – Unnamed access road to the east	
194	Trinity Gardens access road	
195	Trinity Lane	
196	Vine Lane	
197	Vine Lane - Unnamed access road to rear of St Mary's Place	
198	Vine Lane (east)	
199	Vine Lane access road	

<u>Road Name</u>	<u>Description</u> (if less than whole road)
200 Watergate	
201 Waterloo Square	
202 Waterloo Street	
203 West Walls	
204 Westgate Road	St James Boulevard to St Nicholas Street
205 Westgate Road - Unnamed road to Neville Street (adjacent Stephenson's Monument)	
206 Westmorland Lane	
207 Westmorland Road	St James Boulevard to Neville Street
208 Worswick Street	