

# NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



## **The Borough of North East Lincolnshire (24 Hour Clearway) (A1173 & Manby Road) (No. 23-14) Order 2023**

North East Lincolnshire Council, hereinafter referred to as “the Council”, in exercise of powers conferred upon it under Sections 1, 2, and 4 and Part IV of the Road Traffic Regulation Act 1984 as amended (hereinafter referred to as “The Act of 1984”), 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 of 1984 hereby make the following Order

## 1 Title

- 1.1 This Order shall come into operation on the 22<sup>nd</sup> day of September, 2023 and may be cited as The Borough of North East Lincolnshire (24 Hour Clearway) (A1173 & Manby Road) (No. 23-14) Order 2023

## 2 Definitions

In this Order all expressions, except as otherwise herein provided, shall have the meanings assigned to them by the Act of 1984:

**“THE ACT OF 1984”** means The Road Traffic Regulation Act 1984;

**“THE ACT OF 2004”** means the Traffic Management Act 2004;

**“ARTICLE”** means the Article of this Order unless otherwise stated and includes reference to any paragraph to that Article referred to by number or letter;

**“BUS”** means a public transport bus service based on a regular operation of transit buses along a route calling at agreed bus stops according to a published public transport timetable;

**“BUS STOP CLEARWAY”** means a clearway on which the words “BUS STOP” are marked;

**“CIVIL ENFORCEMENT OFFICER”** means a person employed by, or on behalf of, the Council under the provisions of Part 6 of The Act of 2004 and in accordance with Section 76 of The Act of 2004 authorised to enforce the restrictions imposed by this Order and to carry out the functions therein;

**“COUNCIL”** means The Borough of North East Lincolnshire and includes any parking services contractors or authorised agents appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

**“DRIVER”** in relation to the vehicle left Stopped within any Clearway Area, means the person driving the vehicle at the time it was left Stopped within any Clearway Area, or the person deemed to be the Driver by a Police Officer in uniform or a Civil Enforcement Officer in uniform acting under the terms of this Order;

**“EMERGENCY”** means a situation that poses an imminent risk to health, life, property or environment which requires immediate intervention.

**“EMERGENCY VEHICLE”** has the same meaning as in Regulation 3(2) of the Road Vehicle Lighting Regulations 1989 (as modified or superseded from time to time);

**“ENACTMENT”** means any enactment, whether public, general or local, and includes any order, bylaw rule, regulation, scheme or other instrument having effect by virtue of an enactment;

**“LAY-BY”** means any part of the carriageway intended for the waiting of vehicles;

**“MAIN CARRIAGEWAY”** means that part of a public highway listed in Schedule 2 to this Order which is used primarily for through traffic provided that the expression Main Carriageway shall not include any Lay-By;

**“STOP” OR “STOPPING”** refer to the stopping of a vehicle and it remaining at rest for some time whether or not the Driver is still in the vehicle;

**“TELECOMMUNICATION SYSTEM”** has the same meaning as defined in the Telecommunications Act 1984;

**“THE CLEARWAY”** means all parts of the Main Carriageway including any slip roads and any acceleration and deceleration splays;

**“THE PLANS”** means the schedules and drawings attached to this Order indicating the extents of parking restrictions;

**“VERGE”** means any land forming part of the road which is neither Main Carriageway nor footway;

### **3 Revocations**

- 3.1 The North East Lincolnshire Borough Council (Prohibition and Restriction of Waiting, Clearways and On Street Parking) (Consolidation) Order 2010 (as amended) shall from the date this Order comes into operation be revoked in part so that the said Order shall not impose those restrictions in the lengths of roads as described in Schedule 1.
- 3.2 The Borough of North East Lincolnshire (24 Hour Clearway) (A1173) No.17-07) Order 2017 shall from the date this Order comes into operation be revoked in full so that the said Order shall not impose those restrictions in the lengths of roads as described in Schedule 1.

### **4 Prohibition of Stopping on the Clearway**

- 4.1 Save as provided in Articles 5.1 to this Order no Driver shall except upon the direction of or with the permission of a police officer in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to stop at any time on any day of the week on any part of the Clearway specified in Schedule 2 to this Order.

### **5 Exemptions**

- 5.1 Nothing in Article 4.1 of this Order shall apply :
  - (1) so as to prevent a vehicle Stopping on any Clearway referred to in that Article for so long as may be necessary to enable the vehicle to be used in connection with:
    - (a) the removal of any obstruction to any part of the Clearway or Verge;
    - (b) the maintenance, improvement or reconstruction of the road comprising or including that Clearway or Verge;
    - (d) the laying, erection, alteration or repair in or near such Clearway or Verge of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or of any Telecommunication System.

- (2) to an Emergency Vehicle to be used in the course of an Emergency;
- (3) to a vehicle Stopping on any Clearway or Verge referred to in that Article while any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is opened or closed, if it is not reasonably practicable for the vehicle to Stop otherwise than on that Carriageway or Verge;
- (4) to a vehicle Stopping when the person in control of the vehicle –
  - (a) is required by law to Stop;
  - (b) is obliged to Stop so as to prevent or avoid an accident;
  - (c) is prevented from proceeding by circumstances beyond his control;
- (5) to a Bus Stopping within a Bus Stop Clearway.

## **6 Miscellaneous**

- 6.1 Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order and any reference to the Schedules or Plans is a reference to the Schedules or Plans incorporated into this Order.
- 6.2 Any reference in this Order 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.
- 6.3 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- 6.4 The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the 1984 Act or by or under any other enactment.
- 6.5 If a court, the Department of Transport, the Traffic Penalty Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or un-enforceable, such declaration shall not invalidate the remainder of the Order.

**SCHEDULE 2**

**“24 Hour Clearway”**

<b>STREET</b>	<b>SIDES</b>	<b>LENGTHS OF ROAD</b>
A1173	BOTH	A section of the A1173 commencing from its roundabout junction with the A160 extending in a south-easterly direction for approx. 1.6 miles to its roundabout junction with Pelham Road, Immingham.
Manby Road, Immingham	BOTH	From the south-eastern property boundary of 46 Manby Road, Immingham, in a north-westerly direction for a distance of 206.5 metres
The north-eastern extent of Manby Road, Immingham	BOTH	The full extent up to it's junction with A1173

**THE COMMON SEAL OF THE  
NORTH EAST LINCOLNSHIRE  
BOROUGH COUNCIL**

was hereunto affixed this

23<sup>rd</sup> Day of August

2023

*W. Thompson*



In the presence of

**Authorised Officer**

## SCHEDULE 1 - Revocations

### The Borough of North East Lincolnshire (24 Hour Clearway) (A1173) No.17-07) Order 2017

<u>Road</u>	<u>Restriction</u>	<u>Extent</u>
A1173	24 Hour Clearway	The full extent

### The Borough of North East Lincolnshire (Prohibition and Restriction of Waiting, Clearways and On Street Parking) (Consolidation) (Amendment Order 13-29) Order 2014

<u>Road</u>	<u>Restriction</u>	<u>Side</u>	<u>Extent</u>
A1173	24 Hour Prohibition of Waiting	Both	From it's roundabout junction with Pelham Road, Immingham up to the roundabout junction with the A160
Manby Road, Immingham	24 Hour Prohibition of Waiting	Both	From it's junction with A1173 (including the northern spur providing access to ATS Depot) to the south-eastern property boundary of 46 Manby Road, Immingham



**24hr**  
 Extent of existing 24hr Rural Clearance  
 Proposed extension of 24hr Rural Clearance

 <b>Working in Partnership</b> <small>with</small>  <b>North East Lincolnshire Council</b>		<b>PROJECT</b> MANSBY ROAD, BURGESSHAM  <b>WORK</b> 24-HOUR RURAL CLEARWAY EXTENSION  <b>DATE</b> 28.04.25 <b>SCALE</b> A3 (297 x 420) 1 : 500	
<b>Author</b> AS (297 x 420)		<b>Checked</b> AS (297 x 420)	
<b>Drawn</b> AS (297 x 420)		<b>Scale</b> 1 : 500	
<b>Revision</b> 1 28.04.25		<b>Revision</b> 1 28.04.25	
<b>Project No</b> TR-23-14		<b>Project No</b> TR-23-14	

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