



**The Road Traffic Regulation Act 1984  
Sections 1, 2, 4 & Part IV of Schedule 9**

**The City Council of Liverpool (Smithdown Road Corridor Area) (Revocation, Prohibition & Restriction of Waiting, Prohibition of Loading & Unloading and Parking Places For Goods Vehicles For Loading And Unloading Only) (Order, 2018) (Amendment) Order, 2019**

**Jeanette McLoughlin,  
City Solicitor,  
Liverpool.**

**LS Ref N° TRO 10012  
TM TRO N° TM 3519  
Civica Ref N° 2052.3228**



**(Smithdown Road Corridor Area) (Revocation, Prohibition & Restriction of Waiting, Prohibition of Loading & Unloading and Parking Places For Goods Vehicles For Loading And Unloading Only) (Order, 2018) (Amendment) Order, 2019**

The **City Council of Liverpool** (hereinafter referred to as "**the Council**") in exercise of its powers under **Sections 1, 2, 4 and Part IV of Schedule 9 of The Road Traffic Regulation Act 1984** (which said Act of 1984 is 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 makes the following Order:-

**Section 1: Commencement, Citation, Interpretations and General Articles**

1. This Order shall come into operation on the **25 day of March 2019** and may be cited as: - **The City Council of Liverpool (Smithdown Road Corridor Area) (Revocation, Prohibition & Restriction of Waiting, Prohibition of Loading & Unloading and Parking Places For Goods Vehicles For Loading And Unloading Only) (Order, 2018) (Amendment) Order, 2019.**

2. (1) In this Order, save as otherwise defined within this Order, each and every expression shall have the meaning assigned to it by **The Traffic Signs Regulations and General Directions 2016**: -

"**authorised cab rank**" means any area of carriageway which is comprised with and indicated by a road marking complying with **diagram 1028.2 in Schedule 2 of 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 of 1984;

"**civil enforcement officer**" means a person authorized by or on behalf of the City of Liverpool under **Section 76 of The Traffic Management Act 2004** to supervise and enforce the restrictions imposed by Traffic Regulation Orders made by the Council.

"**disabled person**" means a disabled person of a description prescribed by **Regulation 2(1) of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations, 2000.**

"**disabled person's badge**" has the same meaning as in **Regulation 2(1) of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations, 2000**, as amended by **Regulation 10 of The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations, 2007**, and issued by a local authority for display on a Motor Vehicle driven by a Disabled Person or used for the carriage of a Disabled Person or of several Disabled Persons including a duplicate badge issued pursuant to the above Regulations.

"**disabled person's vehicle**" means a vehicle lawfully displaying in a conspicuous position a disabled person's badge and which is a vehicle, which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by **The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000** to be included in an Order under the 1984 Act, has been or is to be driven by a disabled person or, as the case maybe, has been or is to be used for carrying disabled persons as passengers.

"**goods vehicle**" means a motor vehicle or trailer constructed or adapted for use for the carriage or haulage of goods or burden of any description.

"**hackney carriage**" means a vehicle standing or plying for hire and holding a licence for the same under **The Town Police Clauses Act, 1847.**

"**hackney carriage stand**" means any area of carriageway designated as such by the Council under **Section 63 of The Local Government (Miscellaneous Provisions) Act, 1976.**

"**loading and unloading**" means the transference from (or to) a vehicle to (or from) premises adjacent to where the vehicle is parked of heavy or unmanageable Goods that are not designed to be carried by hand other than over a very short distance.



**“Order of 2018”** means **The City Council of Liverpool (Smithdown Road Corridor Area) (Revocation, Prohibition & Restriction of Waiting, Prohibition of Loading & Unloading and Parking Places For Goods Vehicles For Loading And Unloading Only) Order, 2018.**

**“penalty charge”** and **“reduced penalty charge”** means a charge set by the City of Liverpool under the provisions of **Section 77 of The Traffic Management Act 2004** in accordance with guidance given by the Secretary of State for Transport which is to be paid in the manner described in the penalty charge notice not later than the last day of the period of 28 days beginning with the date on which the Penalty Charge Notice was served or 14 days of the date the notice was served in the case of a reduced penalty charge;

**“penalty charge notice”** means a notice issued by a civil enforcement officer pursuant to the provisions of **The Traffic Management Act 2004** and any Statutory Instruments made by the Secretary of State there under.

**“postal operator”** means a person who provides the service of conveying postal packets from one place to another by post or any of the incidental services of receiving, collecting, sorting and delivering such packets.

**“postal packet”** means a letter, parcel, packet or other article transmissible by post.

**“telecommunications apparatus”** has the same meaning as in **The Telecommunications Act 1984.**

3. (2) Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.

4. The prohibitions and 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 of 1984 or by or under any other enactment.

## **Section 2: Amendments To The Original Order Of 2018**

5. **The City Council of Liverpool (Smithdown Road Corridor Area) (Revocation, Prohibition & Restriction of Waiting, Prohibition of Loading & Unloading and Parking Places For Goods Vehicles For Loading And Unloading Only) Order, 2018**, is hereby amended as follows: -

To revoke –

(A) from **Article 3 (Interpretations)** of the Order of 2018 - **“goods vehicle loading and unloading only bay”**

(B) from **Article 6 (Prohibition of Waiting at any time)** of the Order of 2018 - (i) **Fallowfield Road, north west side**, from its junction with Smithdown Road in a north easterly direction for a distance of 8m; (ii) **Smithdown Road, north side**, from - (a) its junction with Gainsborough Road in a south easterly direction to a point 10m east of its junction with Earlsfield Road; & (b) a point 38m east of its junction with Earlsfield Road to a point 10m east of its junction with Fallowfield Road; & (iii) **Smithdown Road, south side**, from a point 46m east of its junction with Ramilies Road in a south easterly direction to its junction with Allerton Road.

(C) from **Article 7 (Prohibition of loading & unloading at any time)** of the Order of 2018 - (i) **Smithdown Road, north side**, from a point - (a) 24.5m east of its junction with Patterdale Road in an easterly direction to a point 10m east of its junction with Earlsfield Road; (b) 38m east of its junction with Earlsfield Road in an easterly direction to a point 10m east of its junction with Fallowfield Road; & (ii) **Smithdown Road, south side**, from a point - (a) 46m east of its junction with Ramilies Road in an easterly direction to a point 10m east of its junction with Dudley Road; & (b) 66m east of its junction with Dudley Road in a south easterly direction to its junction with Allerton Road.

(D) from **Article 8 (Prohibition of loading & unloading - 7am-9.30am & 4pm-6.30pm)** of the Order of 2018 - (i) **Fallowfield Road, north west side**, from its junction with Smithdown Road in a north easterly direction for a distance of 8m; & (ii) **Smithdown Road, south side**, from a point 10m east of its junction with Dudley Road in an easterly direction for a distance of 56m.

(E) from **Article 9 (Prohibition of Waiting 9.30am-4pm, Mondays-Sundays inclusive - (i) for a longer period than 2 hours; or (ii) if a period of less than one hour has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same side of length of road)** of the Order of 2018 -



**Smithdown Road, north side**, from a point 10m east of its junction with Earlsfield Road in an easterly direction for a distance of 28m.

(F) **Article 11 (Exemptions from the waiting restrictions to this Order)** in full.

(G) **Article 12 (Parking Places for Goods Vehicles for loading & unloading only)** in full.

To include -

(H) in **Article 3 (Interpretations)** of the Order of 2018, the following - "**goods vehicle loading and unloading only bay**" means any area of highway described in the **Schedule** to this Order.

(I) in **Article 6 (Prohibition of Waiting at any time)** of the Order of 2018, the following new roads - (i) **Fallowfield Road, north west side**, from its junction with Smithdown Road in a north easterly direction for a distance of 3.5m; (ii) **Smithdown Road, north side**, from - (a) its junction with Gainsborough Road in a south easterly direction to a point 2.5m east of its junction with Earlsfield Road; & (b) a point 39.5m east of its junction with Earlsfield Road to a point 10m east of its junction with Fallowfield Road; & (iii) **Smithdown Road, south side**, from a point - (a) 46m east of its junction with Ramilies Road in a south easterly direction to a point 3.5m east of the junction with Dudley Road; & (b) 26.5m east of its junction with Dudley Road in a south easterly direction to the junction with Allerton Road.

(J) in **Article 7 (Prohibition of loading & unloading at any time)** of the Order of 2018, the following new roads - (i) **Smithdown Road, north side**, from a point - (a) 24.5m east of its junction with Patterdale Road in an easterly direction to a point 2.5m east of its junction with Earlsfield Road; & (b) 39.5m east of its junction with Earlsfield Road in an easterly direction to a point 10m east of its junction with Fallowfield Road; & (ii) **Smithdown Road, south side**, from a point 46m east of its junction with Ramilies Road in an easterly direction to a point 3.5m east of its junction with Dudley Road.

(K) in **Article 8 (Prohibition of loading & unloading - 7am-9.30am & 4pm-6.30pm)** of the Order of 2018, the following new roads - (i) **Fallowfield Road, north west side**, from its junction with Smithdown Road in a north easterly direction for a distance of 3.5m; & (ii) **Smithdown Road** - (a) **north side**, from a point 2.5m east of its junction with Earlsfield Road in an easterly direction for a distance of 37m; & (b) **south side**, from a point 3.5m east of its junction with Dudley Road in an easterly direction for a distance of 62.5m.

(L) the new **Article 8A (Prohibition of Waiting - 7am-9.30am & 4pm-6.30pm)** into the Order of 2018 -

*8A. Save as provided in **Article 11** no person shall, except upon the direction or with the permission of a police officer in uniform or of a civil enforcement officer, cause or permit any vehicle to wait between 7.00 a.m. to 9.30 a.m. & 4.00 p.m. to 6.30 p.m. on Smithdown Road: - (i) **north side**, from a point - (a) 2.5m east of its junction with Earlsfield Road in an easterly direction for a distance of 37m; & (b) 10m east of its junction with Fallowfield Road in an easterly direction for a distance of 34; & (ii) **south side**, from a point - (a) 10m east of its junction with Russell Road in an easterly direction for a distance of 50m; (b) 10m east of its junction with Ramilies Road in an easterly direction to a point 46m east of the junction with Ramilies Road; & (c) 3.5m east of its junction with Dudley Road in an easterly direction to a point 26.5m east of the junction with Dudley Road.*

(M) in **Article 9 (Prohibition of Waiting 9.30am-4pm, Mondays-Sundays inclusive - (i) for a longer period than 2 hours; or (ii) if a period of less than one hour has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same side of length of road)** into the Order of 2018 - **Smithdown Road**: - (a) **north side**, from a point 17m east of its junction with Earlsfield Road in an easterly direction to a point 39.5m east of the junction with Earlsfield Road; & (b) **south side**, from a point 3.5m east of its junction with Dudley Road in an easterly direction to a point 26.5m east of the junction with Dudley Road.

(N) the new **Article 11 (Exemptions from the waiting restrictions to this Order)** into the Order of 2018:-

*11. (1) Nothing in **Articles 6, 8, 8A, 9 and 10** shall render it unlawful to cause or permit any vehicle to wait in **the said sides of lengths of roads** referred to in those Articles, for so long as may be necessary to enable: - (a) a person to board or alight from the vehicle; (b) the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in connection with any of the following operations, namely: - (i) building, industrial or demolition operations; (ii) the removal of any obstruction to traffic; (iii) the maintenance, improvement or*



reconstruction of **the said sides of lengths of roads**; (iv) the laying, erection, alteration or repair in, or in land adjacent to, **the said sides of lengths of roads** of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in **Section 4 of The Telecommunications Act, 1984**, including telephone kiosks; (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority in pursuance of statutory powers or duties; (d) the vehicle to be used by a postal operator for the purpose of delivering or collecting postal packets from premises or postal boxes adjacent to **the said sides of lengths of roads**; (e) the vehicle to be used in connection with any wedding or funeral; (f) the vehicle to be used for fire brigade, ambulance or police purposes; or (g) the vehicle which, for a period not exceeding three hours, displays a valid disabled person's badge and parking disc/clock and that same vehicle is to be used by a disabled person whose badge and parking disc/clock is correctly on display in accordance with the **Department for Transport's** guidebook, "**The Blue Badge Scheme: Rights And Responsibilities In England**" (except **Articles 7 & 8**);

11. (2) Nothing in **Articles 6, 8, 8A, 9 and 10** shall render it unlawful to cause or permit any vehicle: - (a) to wait upon an authorised parking place; or (b) being a hackney carriage, to wait upon a hackney carriage stand.

(O) the new **Article 12 (Parking Places for goods vehicles for loading & unloading only)** into the Order of 2018:-

### **Section 5: Parking Places For Goods Vehicles For Loading And Unloading Only**

12.1. No person shall leave a vehicle at any time at a goods vehicle loading and unloading only bay: - (a) Other than a goods vehicle which is left at such a goods vehicle loading and unloading only bay for the purpose of loading and/or unloading goods; and (b) Unless the goods vehicle is left at the goods vehicle loading and unloading only bay specified in **Column 1** of the **Schedule** to this Order during the hours specified in of **Column 4** of the said **Schedule**, during the days specified in **Column 3** of the said **Schedule**, for a maximum period not exceeding that specified in **Column 5** of the said **Schedule**, and if a period of time less than that specified in **Column 6** of the said **Schedule**, has elapsed since the termination during the said hours of the last period of loading and/or unloading (if any) by that goods vehicle on the same side of length of road.

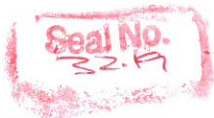
12.2 During the maximum period for which goods vehicles may load and/or unload goods the driver, or other person in charge of a goods vehicle using a goods vehicle loading and unloading only bay, shall not cause such goods vehicle to wait thereon during the hours of operation other than whilst goods, that are not designed to be carried by hand other than over a very short distance, are being loaded or unloaded from the goods vehicle.

### **Section 6: Contravention Of The Order, Penalty Charge And Penalty Charge Notice**

13. If a vehicle is left at any time in contravention of a provision of this Order a penalty charge shall be payable.

14. In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by **The Traffic Management Act 2004** may then be issued by a civil enforcement officer in accordance with the requirements of that Act and any Statutory Instruments made by the Secretary of State there under.

GIVEN under the Common Seal of the Council of the City of Liverpool this 19 day of March 2019.



*Edward Austin*

PRINCIPAL ASSISTANT CITY SOLICITOR

*EDWARD AUSTIN*



<b>Schedule</b>					
<b>Areas Of Highway Designated As Parking Place for Goods Vehicles For Loading And Unloading Only</b>					
<b>Each area described below in Column 1 being an area forming part of the carriageway of a specified highway is a Parking Place for Goods Vehicles For Loading And Unloading Only</b>					
<b>Part Of Road Authorised To Be Used As Parking Places For Goods Vehicles For Loading And Unloading Goods</b>	<b>Position In Which Vehicles May Wait</b>	<b>Days Of Operation Of Parking Place</b>	<b>Hours Of Operation Of Parking Place</b>	<b>Maximum Period For Which Vehicles May Load And/Or Unload</b>	<b>No Return For A Period Of</b>
<b>Col.1</b>	<b>Col.2</b>	<b>Col.3</b>	<b>Col.4</b>	<b>Col.5</b>	<b>Col.6</b>
<b>Smithdown Road, north side</b> , from a point 2.5m east of its junction with Earlsfield Road to a point 17m east of the junction with Earlsfield Road and having a width throughout of 2m	Parallel to kerb	Mon-Sun	9:30 am till 4:00pm	30 Minutes	1 Hour