**Delegated Powers of the Assistant Executive Director (Transportation):- Monday 7th, August 2009**

The City of Liverpool

**The Road Traffic Regulation Act 1984**
**Sections 1(1) and (2), 2(1) to (3), 4(2) and Part IV of Schedule 9**

# The City Council of Liverpool (Allerton Drive, Lyndon Drive and Tanat Drive) (Prohibition of Waiting) Order, 2010

**Paul Evans,**
**City Solicitor,**
**Liverpool.**

**LS Ref N° ex-TRO 5734**
**TM TRO N° TM 2891**
**ECM Ref N° 2052.3**

| The City of Liverpool | **The City Council of Liverpool (Allerton Drive, Lyndon Drive and Tanat Drive) (Prohibition of Waiting) Order, 2010** |
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The **City Council** of **Liverpool** (hereinafter referred to as "**the Council**") in exercise of its powers under **Sections 1(1) and (2), 2(1) to (3), 4(2)** and **Part IV** of **Schedule 9** to **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 One – Commencement, Citation, Interpretations and General Articles

1. This Order shall come into operation on the **22nd** day of **March 2010** and may be cited as: -

**The City Council of Liverpool**
**(Allerton Drive, Lyndon Drive and Tanat Drive)**
**(Prohibition of Waiting)**
**Order, 2010**

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 2002**: -

"**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, 2002**;

"**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.

"**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.

"**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**.

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

3. The prohibition 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 Two – The Prohibition Of Waiting At Any Time To This Order

4. Save as provided in **Article 5** 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 at any time on: - (i) Allerton Drive - (a) from a point 13.7 metres south east of its junction with Lyndon Drive in the north westerly direction for a distance of 40.4 metres; and (b) from a point 13.7 metres south east of its junction with Tanat Drive in the north westerly direction for a distance of 38.3 metres; (ii) Lyndon Drive (both sides) - from its junction with Allerton Drive in the north easterly direction for a distance of 5 metres; and (iii) Tanat Drive (both sides) - from its junction with Allerton Drive in the north easterly direction for a distance of 5 metres.

## Section Three – The Exemptions From The Waiting Restrictions To This Order

5. (1) Nothing in **Article 4** shall render it unlawful to cause or permit any vehicle to wait in **the said lengths of road or sides of lengths of roads** referred to in that Article, 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 lengths of road or sides of lengths of roads**; (iv) the laying, erection, alteration or repair in, or in land adjacent to, **the said lengths of road or 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 lengths of road or sides of lengths of roads**; (e) the vehicle to take in petrol, oil, water or air from any garage situated in or adjacent to **the said lengths of road or sides of lengths of roads**; (f) the vehicle to be used in connection with any wedding or funeral; (g) the vehicle to be used for fire brigade, ambulance or police purposes; or (h) the vehicle which displays a 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**";

5. (2) Nothing in **Article 4** shall render it unlawful to cause or permit any vehicle to wait in **the said lengths of road or sides of lengths of roads** referred to in that Article, for so long as may be necessary to enable goods to be loaded on to or unloaded from the vehicle;

5. (3) Nothing in **Article 4** 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.

## Section Four – Contravention Of The Order, Penalty Charge And Penalty Charge Notice

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

7. 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 19th day of March 2010.**

J. G. Magh

**ASSISTANT CITY SOLICITOR**

Seal No. 2910