

Delegated Powers of the Assistant Director (Transportation):- Friday 1st, July 2011



**The Road Traffic Regulation Act 1984
Sections 1(1) and (2), 2(1) to (3), 4(2), 19, 32, 35 and Part IV of Schedule 9**

**The City Council of Liverpool (Upper Parliament Street Area) (Revocation,
Prohibition of Waiting, Prohibition of Loading and Unloading, Unrestricted Parking
Places and Reserved Bus Lane) Order, 2011**

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**LS Ref N° ex-TRO 6549
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**The City Council of Liverpool (Upper Parliament Street Area)
(Revocation, Prohibition of Waiting, Prohibition of Loading and
Unloading, Unrestricted Parking Places and Reserved Bus Lane) Order,
2011**

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), 19, 32, 35 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 **24th day of August 2011** and may be cited as: - **The City Council of Liverpool (Upper Parliament Street Area) (Revocation, Prohibition of Waiting, Prohibition of Loading and Unloading, Unrestricted Parking Places and Reserved Bus Lane) Order, 2011.**

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;

"**authorised vehicle**" means a **coach, hackney carriage, licensed private hire vehicle, pedal cycle, public service vehicle**, a vehicle being used by the **Police, Ambulance, Fire Service or Statutory Services, Postal Operator and Local Authority** in pursuance with their essential duties or any vehicle being used by **Her Majesty's Prison Service or their contractors** for the transportation of prisoners.

"**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.

"**coach**" means a public service vehicle but excluding such a vehicle when it is being used to operate a local service as defined by **The Transport Act 1985**;

"**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" has the same meaning as in under **The Town Police Clauses Act, 1847** and applies to such a vehicle proceeding with its passenger(s), standing or plying for hire and holding a licence for the same under the Act.

"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**.

"licensed private hire vehicle" has the same meaning as in **Section 80(1) 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.

"pedal cycle" means a pedal bicycle or pedal tricycle, not being in either case a motor vehicle;

"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.

"private hire vehicle" has the same meaning as in **Section 80(1) of The Local Government (Miscellaneous Provisions) Act, 1976**;

"public service vehicle" means a motor vehicle (other than a tram car) which - (a) being a vehicle adapted to carry more than eight passengers, is being used for carrying passengers

for hire or reward; or (b) being a vehicle not so adapted, is being used for carrying passengers for hire or reward at separate fares in the course of a business of carrying passengers;

“reserved bus lane” means any area of the carriageway bounded on the side kerbline of that carriageway as described in **Article 11** to this Order, and, where that side kerbline is broken by the junction of that road with another road, access way or parking layby, by the opposite side by a road marking complying with **diagram 1049** in **Schedule 6** to **The Traffic Signs Regulations and General Directions 2002**, broken only by the gap opposite the junction of that road on the side of length of road with another road or an access way, by a crossing for foot passengers marked on the road in accordance with Regulations made under Section 25 of the Act of 1984, or by a street refuge.

“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 Revocation In Part Of Existing Traffic Regulation Orders Which Are Necessary To Accommodate This Order

4. **The City Council of Liverpool (Various Streets) (No Waiting) Order, 1964**, is hereby revoked in so far as it relates to the prohibition of waiting on Upper Parliament Street within 37m of its junction with: - (a) Grove Street and Mulgrave Street; & (b) Princes Road and Catharine Street.

5. **The City Council of Liverpool (Upper Parliament Street) (Prohibition and Restriction of Waiting) Order, 1973**, is hereby revoked in so far as it relates to (1) the **no waiting at any time** on: - (a) **Upper Parliament Street (south side)** from a point - (i) 60m west of its junction with Park Way to a point 95m west of that junction; (ii) 13.7m west of its junction with Park Way to a point 13.7m east of that junction; & (iii) 13.7m west of its junction with Amberley Street to a point 37m west of its junction with Mulgrave Street; (b) **Park Way**, for a distance of 13.7m from its junction with Upper Parliament Street; & (c) **Amberley Street**, for a distance of 13.7m from its junction with Upper Parliament Street; (2) the **limited waiting (one hour in any 2 hour period between the hours of 7.00 a.m. to 7.00 p.m. on Mondays to Saturdays inclusive)** on **Upper Parliament Street** from a point - (i) 37m east of its junction with Princes Road to a point 95m west of its junction with Park Way; (ii) 60m west of its junction with Park Way to a point 13.7m west of that junction; & (iii) 13.7m east of its junction with Park Way to a point 13.7m west of its junction with Amberley Street; (3) the **prohibition of loading/unloading between the hours 8.00 a.m. & 9.30 a.m. and 4.30 p.m. & 6.00 p.m. on Mondays to Saturdays inclusive** on **Upper Parliament Street (south side)** from a point - (i) 13.7m west of its junction with Park Way to a point 13.7m east of that junction; (ii) 13.7m west of its junction with Amberley Street to a point 37m west of its junction with Mulgrave Street; (iii) 37m west of its junction with Catharine Street/Berkley Street to

a point 37m east of its junction with Catharine Street/Princes Road; & (iv) 37m west of its junction with Grove Street/Mulgrave Street to a point 37m east of that junction.

Section Two – The Prohibitions Of Waiting And Prohibitions Of Loading & Unloading Restrictions To This Order

6. Save as provided in **Article 9** 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: - (a) **Upper Parliament Street (south side)** from a point 37m east of its junction with Mulgrave Street, in a westerly direction, to a point 37m west of its junction with Princes Road; (b) **Park Way**, from its junction with Upper Parliament Street, in southerly direction, for a distance of 5m; & (c) **Amberley Street**, from its junction with Upper Parliament Street, in southerly direction, for a distance of 5m.

7. Save as provided in **Article 9** 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 for the purposes of loading and unloading at any time** on the **south side of Upper Parliament Street** from its junction with Princes Road, in an easterly direction, to appoint 18m west of its junction with Park Way.

8. Save as provided in **Article 9** 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 for the purposes of loading and unloading between the hours of 7.30 a.m. and 9.30 a.m. & 4.30 p.m. and 6.00 p.m. on Mondays to Saturdays inclusive** on: - (a) **Upper Parliament Street (south side)**, from a point 18m west of its junction with Park Way, in an easterly direction, to a point 37m east of its junction with Mulgrave Street; & (b) **Park Way**, from its junction with Upper Parliament Street, in southerly direction, for a distance of 5m.

Section Three – The Exemptions From The Waiting & Loading & Unloading Restrictions To This Order

9. (1) Nothing in **Article 6**, **Article 7** or in **Article 8** shall render it unlawful to cause or permit any vehicle to wait in **the said lengths of roads or 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 lengths of roads or sides of lengths of roads**; (iv) the laying, erection, alteration or repair in, or in land adjacent to, **the said lengths of roads 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 roads 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 roads 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, 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**";

9. (2) Nothing in **Article 6** shall render it unlawful to cause or permit any vehicle to wait in **the said side of length of road** 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;

9. (3) Nothing in **Article 6**, **Article 7** or in **Article 8** 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 – Unrestricted Parking Places To This Order

10. Any person may leave a vehicle at any time at any designated unrestricted parking place on **Upper Parliament Street (south side)** from: - (a) a point 4.5m west of its junction with Amberley Street in a westerly direction for a distance of 16.5m, all measured along the said road and which has a width throughout of 2.5m (3 spaces); (b) a point 22.5m west of its junction with Amberley Street in a westerly direction for a distance of 20m, all measured along the said road and which has a width throughout of 2.5m (4 spaces); (c) a point 55.5m west of its junction with Amberley Street in a westerly direction for a distance of 18m, all measured along the said road and which has a width throughout of 2.5m (3 spaces); (d) a point 29.5m east of its junction with Park Way in a easterly direction for a distance of 23m, all measured along the said road and which has a width throughout of 2.5m (4 spaces); (e) its junction with Park Way in a westerly direction for a distance of 16.5m, all measured along the said road and which has a width throughout of 2.5m (3 spaces); (f) a point 18m west of its junction with Park Way in a westerly direction for a distance of 33m, all measured along the said road and which has a width throughout of 2.5m (6 spaces); & (g) a point 91.5m west of its junction with Park Way in a westerly direction for a distance of 21.5m, all measured along the said road and which has a width throughout of 2.5m (4 spaces).

Section Five – Reserved Bus Lane To This Order

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, other than a public service vehicle, coach, pedal cycle, hackney carriage, licensed private hire vehicle, a vehicle being used by the Police, Ambulance, Fire Service or Statutory Services, Postal Operator and Local Authority in pursuance with their essential duties to enter, wait or proceed in the reserved bus lane, other than for the purposes of crossing it to access the junction of that road with another road, access way or parking layby, on the **west bound carriageway of Upper Parliament Street** from a point 55.5m west of its junction with Amberley Street, in a westerly direction, to a point 121.5m west of its junction with Park Way between the hours of **7.30 a.m. and 9.30 a.m. on Mondays to Fridays** inclusive.

**Section Six – Contravention Of The Order,
Penalty Charge And Penalty Charge Notice**

12. If a vehicle is left at any time in contravention of a provision of **Article 6, Article 7, Article 8** or in **Article 11** to this Order a penalty charge shall be payable.

13. 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.

14. Any person who contravenes **Article 11** of this Order, or who uses a vehicle, or causes or permits a vehicle to be used in contravention of **Article 11** of this Order, by entering or proceeding in the reserved bus lane other than for the purposes of crossing it to access the junction of that road with another road, access way or parking layby, shall be guilty of an offence.

GIVEN under the Common Seal of the Council of the City of Liverpool this 23rd day of August 2011.



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