

REF NO.: 2427

**Delegated Powers of the Assistant Executive Director (Highways):-
Thursday 25th September 2003**



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
(Saint Mary's Road)
(Revocation, Prohibition and Restriction of Waiting)
Order, 2003**

**Graeme Creer,
City Solicitor,
Liverpool.**

**LS Ref N° ex-TRO 3600A
DC TRO N° TM 2427
ECM Ref N° 1109.564**



The City Council of Liverpool (Saint Mary's Road) (Revocation, Prohibition and Restriction of Waiting) Order, 2003

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:-

1. This Order shall come into operation on the **17th day of November 2003** and may be cited as: - **The City Council of Liverpool (Saint Mary's Road) (Revocation, Prohibition and Restriction of Waiting) Order, 2003.**

2. (1) In this Order:-

"**authorised cab rank**" means any area of carriageway which is comprised with and indicated by a road marking complying with **diagram 1028.1 in Schedule 2 of The Traffic Signs Regulations and General Directions, 1981;**

"**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;

"**disabled person**" means a disabled person of a description prescribed by **Regulation 5 of The Disabled Persons (Badges for Motor Vehicles) Regulations, 1982; Regulation 6 of The Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1991; and 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 3(1) of The Disabled Persons (Badges for Motor Vehicles) Regulations 1982; Regulation 6 of The Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1991; and Regulation 2(1) of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations, 2000.**

"**disabled person's vehicle**" means a vehicle lawfully displaying 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 **Regulation 3 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England & Wales) Regulations 1986** 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.

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"hackney carriage" has the same meaning as in **Section 38(1)** of the **Vehicles (Excise) Act 1971**;

"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.

"parking attendant" means a person authorized by or on behalf of the City of Liverpool under **Section 63A** of the Act of 1984 to supervise and enforce the restrictions imposed by this Order.

"penalty charge" and **"reduced penalty charge"** means a charge set by the City of Liverpool under the provisions of **Section 74** of **The Road Traffic Act 1991** 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 within **28 days** of the date of the notice or **14 days** of the date of the notice in the case of a reduced penalty charge.

"penalty charge notice" means a notice issued by a parking attendant pursuant to the provisions of **Section 66** of **The Road Traffic Act 1991**.

2. (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.

3. **The City Council of Liverpool (Saint Mary's Road, Seddon Road, Dock Road) (Prohibition and Restriction of Waiting and Loading) Order, 1970**, is hereby revoked in so far as it relates to Saint Mary's Road.

4. Save as provided in **Article 6** no person shall, except upon the direction or with the permission of a police officer in uniform or of a traffic attendant, cause or permit any vehicle to wait at any time on the sides of lengths of road specified in **Column One** of **Schedule One** to this Order, to the extent specified in **Column Two** of the said Schedule.

Schedule One	
Column One	Column Two
Saint Mary's Road (South West Side)	From its junction with Church Road in a north-west direction to its junction with Wainwright Grove.
Saint Mary's Road (North East Side)	From its junction with Wainwright Grove in a south-easterly direction to a point 2 metres south-east of its junction with Bennett Street.
Saint Mary's Road (North East Side)	From a point 2 metres north-west of its junction with McBride Street in a south-easterly direction to a point 2 metres south-east of its junction with McBride Street.

Schedule One (Continued)	
Column One	Column Two
Saint Mary's Road (North East Side)	From a point 2 metres north-west of its junction with Clifton Street in a south-easterly direction to a point 2 metres south-east of its junction with Clifton Street.
Saint Mary's Road (North East Side)	From a point 3 metres north-west of its junction with Moss Street in a south-easterly direction to a point 22 metres south-east of its junction with Heald Street.
Saint Mary's Road (North East Side)	From a point 2 metres north-west of its junction with Wellington Street in a south-easterly direction to a point 4 metres south-east of its junction with Wellington Street.
Saint Mary's Road (North East Side)	From a point 11 metres north-west of its junction with James Street in a south-easterly direction to its junction with Church Road.

5. Save as provided in **Article 6** no person shall, except upon the direction or with the permission of a police officer in uniform or of a traffic attendant, cause or permit any vehicle to wait at any time on the sides of lengths of road specified in **Column One** of **Schedule Two** to this Order, to the extent specified in **Column Two** of the said Schedule: - (a) for a longer period than **30 minutes**; or (b) if a period of less than **30 minutes** 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.

Schedule Two	
Column One	Column Two
Saint Mary's Road (North East Side)	From a point 2 metres south-east of its junction with Bennett Street in a south-easterly direction to a point 2 metres north-west of its junction with McBride Street.
Saint Mary's Road (North East Side)	From a point 2 metres south-east of its junction with McBride Street in a south-easterly direction to a point 2 metres north-west of its junction with Clifton Street.
Saint Mary's Road (North East Side)	From a point 2 metres south-east of its junction with Clifton Street in a south-easterly direction to a point 3 metres north-west of its junction with Moss Street.
Saint Mary's Road (North East Side)	From a point 22 metres south-east of its junction with Heald Street in a south-easterly direction to a point 2 metres north-west of its junction with Wellington Street.
Saint Mary's Road (North East Side)	From a point 4 metres south-east of its junction with Wellington Street in a south-easterly direction to a point 11 metres north-west of its junction with James Street.

6. (1) Nothing in **Article 4** or in **Article 5** shall render it unlawful to cause or permit any vehicle to wait in the said sides of lengths of road referred to in those Articles, for so long as may be necessary to enable:-

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- (a) A person to board or alight from the vehicle;
- (b) Goods to be loaded on to or unloaded from the vehicle;
- (c) 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 road**;
 - (iv) The laying, erection, alteration or repair in, or in land adjacent to, **the said sides of lengths of road** of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined in **The Telegraph Act 1878**.
- (d) 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;
- (e) The vehicle to be used for the purpose of delivering or collecting postal packets as defined in **Section 87 of The Post Office Act 1953**;
- (f) The vehicle to take in petrol, oil, water or air from any garage situated in or adjacent to **the said sides of lengths of road**;
- (g) The vehicle to be used in connection with any wedding or funeral;
- (h) The vehicle to be used for fire brigade, ambulance or police purposes; or
- (i) The vehicle being a disabled person's vehicle displaying a disabled person's badge to be used by a disabled person as defined in **The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986**, or **The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000**.

6. (2) Nothing in **Article 4** or in **Article 5** 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 an authorised cab rank.

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

8. In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by **Section 66** of **The Road Traffic Act 1991** may then be issued by a parking attendant in accordance with the requirements of **Section 66** of that Act.

9. 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.

GIVEN under the Common Seal of the Council of the City of Liverpool this 14th day of November 2003.

**GRAEME CREER
CITY SOLICITOR**



Seal No.
102:03