



**The Road Traffic Regulation Act 1984
Sections 1(1) and (2), 2(1) To (3), 32(1) and 35(1)**

**The City Council of Liverpool
(High Street & Dudley Road)
(Disabled Persons Parking Places)
Order, 2013**

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

**LS Ref N° TRO 8197E
TM TRO N° TM 3141
ECM Ref N° 2052.1374**



The City Council of Liverpool
(High Street & Dudley Road) (Disabled Persons Parking Places)
Order, 2013

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), 32(1) and 35(1) 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 One – Commencement, Citation, Interpretations and General Articles

1. This Order shall come into operation on the 4th day of November 2013 and may be cited as: - **The City Council of Liverpool (High Street & Dudley Road) (Disabled Persons Parking Places) Order, 2013.**

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**: -

"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.

"driver" in relation to a vehicle left at or waiting in a Parking Place means the person who was: - (a) driving the vehicle at the time it was left at; (b) is waiting at the Parking Place; or (c) by legal presumption may be regarded as the driver at such time.

"parking place" means any part of a road authorised by this Order to be used as a parking place.

"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.

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 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 Two –The Disabled Persons Parking Places To This Order

4. (1) The part of the road specified in **Column One** of the **Schedule** to this Order: - (a) is authorised to be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such positions and on such days and during such hours as are specified in relation to that part of road in the said **Schedule**; and (b) is designated as a parking place for disabled persons' vehicles which display, for a period not exceeding three hours, a valid disabled person's badge and parking disc/clock in the form prescribed in accordance with **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 that same vehicle is to be used by a disabled person whose badge and parking disc/clock is correctly on display in the manner prescribed in the **Department for Transport's** guidebook, "**The Blue Badge Scheme: Rights And Responsibilities In England**"; and

4.(2) Nothing in **paragraph (1)** of this **Article** shall restrict the power of the Council, for preventing obstruction of the streets, by Order on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place.

5. Where in the **Schedule** to this Order, a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place: - (a) unless it is of the specified class; or (b) in a position other than specified.

6. A driver of a vehicle shall not use a parking place: - (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons or so as to be a nuisance; or (b) when for preventing obstruction of the streets, the Council shall by Order made on the occasion of any public procession, rejoicing or illumination, or when the streets are thronged or liable to be obstructed have closed that parking place and exhibited notice of such closing on or near the parking place.

7. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.

8. No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his or her skill or services.

9. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in **Article 5** or in **Article 6** of this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place; provided that when a vehicle is waiting in a parking place in contravention of the provision of **Article 5(b)** of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that permission.

10. Any person removing a vehicle or altering its position by virtue of the last preceding **Article** of this Order may do so by towing or driving the vehicle or in such other manner as he or she may think necessary to enable him or her to remove it or alter its position, as the case may be.

11. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of **Article 9** of this Order, he or she shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

Section Three – 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 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.

GIVEN under the Common Seal of the Council of the City of Liverpool this 29th day of October 2013.



Seal No.
113.13



ASSISTANT CITY SOLICITOR

Schedule

Area of Highway designated as Disabled Persons' Parking Place

The area described below in Column One being an area forming part of the carriageway of a specified highway, is a Designated Disabled Persons' Parking Place for the parking of a Disabled Person's Vehicle, displaying a Disabled Persons Badge by a Disabled Person

<p>Location Of Parking Place</p> <p>Column One</p>	<p>Number Of Parking Places</p> <p>Column Two</p>	<p>Special Manner Of Standing Of Vehicles In Parking Places</p> <p>Column Three</p>	<p>Hours Of Operation Of Parking Place</p> <p>Column Four</p>	<p>Maximum Period of Waiting Within Parking Place</p> <p>Column Five</p>
<p>High Street (north west side) from a point 5m south west of its junction with Church Road North in a south westerly direction for a distance of 13.5m</p>	<p>One</p>	<p>Parallel To Kerb</p>	<p>Twenty Four Hours A Day</p>	<p>Three Hours. Return prohibited within one hour.</p>
<p>Dudley Road (north east side) from a point 5m north west of its junction with Cramond Avenue in a north westerly direction for a distance of 13.5m</p>	<p>One</p>	<p>Parallel To Kerb</p>	<p>Twenty Four Hours A Day</p>	<p>Three Hours. Return prohibited within one hour.</p>