



**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
(Magdala Street & Yanwath Street)
(Revocation, Prohibition of Waiting, Prohibition of Loading and Unloading & Parking Places for
Goods Vehicles Only for Loading and Unloading)
Order, 2015**

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

**LS Ref N° ex-TRO 8676
TM TRO N° TM 3199
ECM Ref N° 2052.1913**



The City Council of Liverpool
(Magdala Street & Yanwath Street) (Revocation, Prohibition of Waiting,
Prohibition of Loading and Unloading & Parking Places for Goods Vehicles Only
for Loading and Unloading) Order, 2015

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 2nd day of **March 2015** and may be cited as: - **The City Council of Liverpool (Magdala Street & Yanwath Street) (Revocation, Prohibition of Waiting, Prohibition of Loading and Unloading & Parking Places for Goods Vehicles Only for Loading and Unloading) Order, 2015.**

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.

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

"**goods vehicle loading and unloading only bay**" means any area of highway described in the **Schedule** of this Order.

"**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.

"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;

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

"trailer" means a vehicle other than a motor vehicle.

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 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 – Revocation, In Full Or In Part Of Existing Traffic Regulation Orders Which Are Necessary To Accommodate This Order

4. **The City Council of Liverpool (Yanwath Street) (Prohibition of Waiting) Order 1973**, is hereby revoked in its entirety.

5. **The City Council of Liverpool (Smithdown Road/Lodge Lane Area) (Restriction of Waiting) Order 1973**, is hereby revoked insofar as it relates to the **prohibition of waiting at any time** on: - (a) **Yanwath Street**, south side, from its junction with Magdala Street to a point 15m west of that junction; & (b) **Magdala Street** – (i) west side, from its junction with Yanwath Street to a point 15m south of that junction; (ii) east side, from its junction with Smithdown Road to a point 15 metres south of that junction; & (iii) from its junction with River Avon Street for a distance of 13.7m.

6. **The City Council of Liverpool (Yanwath Street) (Restriction of Waiting) Order 1976**, is hereby revoked in its entirety.

Section Three – The Prohibitions Of Waiting & Waiting For The Purposes Of Loading & Unloading To This Order

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 at any time on: - (a) **Magdala Street** – (i) south-east side, from its junction with Smithdown Road for a distance of 21m in a south-westerly direction; & (ii) north-west side, from its junction with Yanwath Street for a distance of 8 metres in a south-westerly direction; & (b) **Yanwath Street** – (i) north-west side, From its junction with Smithdown Road for a distance of 17 metres in south-westerly direction; & (ii) both sides, from its junction with Lodge Lane for a distance of 10m in a north-easterly direction.

8. 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: - (a) **Magdala Street** – (i) south-east side, from its junction with Smithdown Road for a distance of 21m in a south-westerly direction; & (ii) north-west side, from its junction with Yanwath Street for a distance of 8 metres in a south-westerly direction; & (b) **Yanwath Street** – (i) north-west side, From its junction with Smithdown Road for a distance of 17 metres in south-westerly direction; & (ii) both sides, from its junction with Lodge Lane for a distance of 10m in a north-easterly direction.

Section Four – The Exemptions From The Waiting Restrictions To This Order

9. (1) Nothing in **Article 7** shall render it unlawful to cause or permit any vehicle to wait in **the said 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 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 **Article 8**);

9. (2) Nothing in **Article 7** 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 Five – Parking Places For Goods Vehicles For Loading And Unloading Only

10. No person shall leave a vehicle at any time at a Goods Vehicle Loading and Unloading Only Bay:-

(i) 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

(ii) Unless the Goods Vehicle is left at the Goods Vehicle Loading and Unloading Only Bay specified in **Column 1 of the Schedule** of this Order during the hours specified in the corresponding part of **Column 4 of the Schedule** of this Order during the days specified in the corresponding part of **Column 3 of the Schedule** of this Order, for a maximum period not exceeding that specified in **Column 5 of the Schedule** of this Order, and if a period of time less than that specified in **Column 6 of the Schedule** of this Order has elapsed since the termination during the said hours of the last period of loading and/or unloading (if any) by that vehicle on the same side of length of road.

(iii) During the maximum period for which goods vehicles may load and/or unload goods the driver, or other person in charge of a vehicle using a loading bay, shall not cause such vehicle to wait thereon during the hours of operation other than whilst goods are being continuously loaded or unloaded from the vehicle.

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

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

12. 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 24th day of February 2015.



Principal
ASSISTANT CITY SOLICITOR



Seal No.
20.15

Schedule

Areas Of Highway Designated As Parking Places For Goods Vehicles For Loading and Unloading Only. 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

Part Of Road Authorised To Be Used As Parking Places For Goods Vehicles For Loading And Unloading Only	Position In Which Vehicles May Wait	Days Of Operation Of Parking Place	Hours Of Operation Of Parking Place	Maximum Period For Which Vehicles May Load And/Or Unload	No Return For A Period Of
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Magdala Street , south-east side, from a point 21m south-west of its junction with Smithdown Road for a distance of 23m in south-westerly direction with a width throughout of 2.4m.	Wholly within the limits of the loading bay and parallel to the edge of the carriageway.	Monday to Sunday	24 hours	TWO hour	One Hour

Schedule (Continued)

Areas Of Highway Designated As Parking Places For Goods Vehicles For Loading and Unloading Only. 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

Part Of Road Authorised To Be Used As Parking Places For Goods Vehicles For Loading And Unloading Only	Position In Which Vehicles May Wait	Days Of Operation Of Parking Place	Hours Of Operation Of Parking Place	Maximum Period For Which Vehicles May Load And/Or Unload	No Return For A Period Of
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Yanwath Street , south-east side, from a point 54m north-east of its junction with Lodge Lane for a distance of 23m in a north-easterly direction with a width throughout of 2.4m.	Wholly within the limits of the loading bay and parallel to the edge of the carriageway.	Monday to Sunday	24 hours	Two hour	One Hour