



**The Road Traffic Regulation Act 1984  
Section 9**

**The City Council of Liverpool (Riverside Drive) (Coach Parking Place) (Experimental) Order, 2015**

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

**LS Ref N° ETRO 8842  
TM TRO N° TM 3249  
ECM Ref N° 2052.2111**





**The City Council of Liverpool (Riverside Drive)  
(Coach Parking Place) (Experimental) Order, 2015**

The City Council of Liverpool (hereinafter referred to as "**the Council**") in exercise of its powers under **Section 9 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 **Experimental Traffic Regulation Order**:-

**Commencement, Citation, General Articles and Power To Suspend Or Modify This Experimental Traffic Regulation Order (If Necessary)**

1. This **Experimental Traffic Regulation Order** shall come into operation on the **6<sup>th</sup>** day of **July 2015** and may be cited as: - **The City Council of Liverpool (Riverside Drive) (Coach Parking Place) (Experimental) Order, 2015.**

2. This **Experimental Traffic Regulation Order** shall remain in force for a **maximum period** of up to **eighteen months** expiring on the **2<sup>nd</sup>** day of **January 2017.**

3. As provided by **Section 10(2) (Supplementary Provisions As To Experimental Traffic Orders)** of the Act of 1984 this **Experimental Traffic Regulation Order** includes the provision to empower the **Divisional Manager (Highways & Transportation)** of the Council, or a person authorised by the **Divisional Manager**, to modify or suspend the operation of this **Experimental Traffic Regulation Order** or any provision of it if it appears to him essential: - (a) in the interests of the expeditious, convenient and safe movement of traffic; (b) in the interests of providing suitable and adequate on-street parking facilities; or (c) for preserving or improving the amenities of the area through which any road affected by the **Experimental Traffic Regulation Order** runs. The power conferred by such this provision shall be exercised only after consulting the appropriate **Chief Officer of Police** and giving such public notice as the **Secretary of State** may direct.

4. (1) In this **Experimental Traffic Regulation Order**, save as otherwise defined within this **Experimental Traffic Regulation Order**, each and every expression shall have the meaning assigned to it by **The Traffic Signs Regulations and General Directions 2002**: -

**"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.

**"coach parking place"** means any area of highway described in the **Schedule** to this Order (see **Article 7** and the **Schedule**).

**"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 area on a highway designated as a parking place by **Articles 5-6** of this Order.

**"parking space"** means a space provided for a vehicle to park within a parking place where the limits of the space are marked by white lines.

**"permitted hours"** means at any time during which parking is permitted at a coach parking place described within **Column 1** of the **Schedule** to this Order.

**"public service vehicle"** means a motor vehicle (other than a tram car) which is being used to operate a local service as defined by **The Transport Act 1985**, and - (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.

“**traffic sign**” means any object or device (whether fixed or portable) for conveying, to traffic on roads or any specified class of traffic, warnings, information, requirements, restrictions or prohibitions of any description: - (a) specified by regulations made by the Secretaries of State charged with general responsibility under the Act of 1984 in relation to England and Wales and Scotland respectively acting jointly; or (b) authorised by the Secretary of State and any line or mark on a road for so conveying such warnings, information, requirements, restrictions or prohibitions.

4. (2) Except where otherwise stated, any reference in this **Experimental Traffic Regulation Order** to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this **Experimental Traffic Regulation Order**.

#### **Designation Of Parking Place**

5. Each area on a highway which is described as a designated parking place in the **Schedule** to this Order is designated as a parking place.

6. Except as provided in this Order, the driver of a vehicle shall not cause or permit a vehicle to wait in or be parked in a parking place.

#### **Coach Parking Place**

7. No person shall leave a vehicle during the permitted hours at a coach parking place as specified in the **Schedule** to this Order other than a coach.

#### **Placing Of Traffic Signs**

8. The Council shall: - (a) cause the limits of each parking place to be indicated on the carriageway by placing and maintaining thereon the appropriate traffic signs; and (b) place and maintain on or in the vicinity of each parking place appropriate traffic signs for indicating that such parking place may be used during the permitted hours for the leaving only of the vehicles specified in **Article 7** of this Order; and (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

#### **Manner Of Standing In Parking Places**

9. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand: - (a) in the case of a parking place in relation to which special provisions as to the manner of standing of vehicles in that place are specified in **Column 3** of the **Schedule** so as to be in accordance with those provisions; and (b) in the case of any other parking place: - (i) if the parking place is not in a one-way street, that the left or near side of the vehicle is adjacent to the left hand edge of the carriageway; (ii) if the parking place is in a one-way street, that the left or near side of the vehicle is adjacent to the left hand edge of the carriageway or that the right or off side of the vehicle is adjacent to the right hand edge of the carriageway; and (iii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres; and (c) that every part of the vehicle is within the limits of a parking space (where marked).

#### **Alteration Of Position Of Vehicle In Parking Places**

10. Where any vehicle is standing in a parking place in contravention of the provisions of **Article 9** and **Article 16** of this Order a Civil Enforcement Officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

#### **Removal Of Vehicles From Parking Places**

11. (a) Where a Civil Enforcement Officer is of the opinion that **Article 15(3)** of this Order has been contravened or not complied with in respect of a vehicle left in a parking place, he may remove or cause



to be removed the vehicle from the parking place, and where it is so removed, shall provide for the safe custody of the vehicle.

11. (b) The Council may as respects a vehicle which has been removed from a Parking Place in pursuance of **Article 11(a)** of this Order, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle after having made reasonable enquiry to ascertain the name and address of the owner of the vehicle in accordance with the procedure set out in **The Refuse Disposal (Amenity) Act, 1978**, or regulations made there under.

### **Movement Of Vehicles In Parking Places In Emergencies**

12. A police constable in uniform or a Civil Enforcement Officer may in case of emergency move or cause to be moved any vehicle left in a parking place to any place he thinks fit.

### **Power To Suspend Use Of Parking Places**

13. (1) Any person authorised by the Council may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary: - (a) for the purpose of facilitating the movement of traffic or promoting its safety; or (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus or traffic sign; or (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository; or (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.

13. (2) A police constable in uniform may suspend for **not longer than twenty-four hours** the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

13. (3) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall thereupon place or caused to be placed in or adjacent to that parking place or the part thereof the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.

13. (4) No person shall cause or permit a vehicle to be left in any parking place or part of a parking place during such period as there is in or adjacent to that parking place or part of a parking place a traffic sign placed in pursuance of paragraph (3) of this Article;

Provided that nothing in paragraph (4) of this Article shall render it unlawful to cause or permit any vehicle being used for any purpose specified in **Article 15(1)(b)**, **Article 15(1)(c)**, **Article 15(1)(d)** or **Article 15(1)(e)** of this Order to be left in the parking place or part of a parking place during any such period, or to any other vehicle so left if that vehicle is left with the permission: - (i) of the person suspending the use of the parking place or the part thereof in pursuance of paragraph (1) of this Article; or (ii) of a police constable in uniform; or (iii) of a Civil Enforcement Officer.

### **Restriction Of Use Of Vehicles At Parking Places**

14. While any vehicle is left in a parking place during the permitted hours, no person shall use the vehicle in connection with the sale of any article to any person in or near the parking place or in connection with the selling or offering for sale of his skill or services.

Provided that nothing in this Article shall prevent the sale of goods from a vehicle: - (a) if the vehicle is a passenger vehicle, a dual purpose vehicle, a goods vehicle or a motor cycle (or an



invalid carriage) and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is affected; or (b) if the vehicle is one to which the provisions of **Article 15(1)(h)** or **Article 15(1)(j)** of this Order apply.

### **Restriction Of Waiting Of Vehicles In Parking Places**

15. (1) Notwithstanding the foregoing provisions of this Order, any vehicle may wait during the permitted hours anywhere on the carriageway in a parking place (other than a parking place or part of a parking place the use of which has been suspended under **Article 13** of this Order) for so long as may be necessary if: - (a) the vehicle is waiting to enable a person to board or alight from the vehicle; or (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident; or (c) the vehicle is a vehicle used for police, fire brigade or ambulance purposes, or a vehicle (other than a passenger vehicle) in the service of a local authority which is being used in pursuance of statutory powers or duties; or (d) 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 roads, lengths of roads or sides of lengths of roads; (iv) the laying, erection, alteration or repair in, or in land adjacent to, the said roads, 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; or (e) 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 road; or (f) the vehicle (not being a passenger vehicle) is waiting to enable it to be used for any purpose specified in **Article 13(1)(b)** of this Order; or (g) the vehicle (not being a passenger vehicle) is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository; or (h) the vehicle is waiting if goods are being sold or offered for sale from the vehicle by a person who is licensed by the Council to sell goods from a stationary pitch situated in the parking place; (i) the vehicle is waiting to enable it to be used in connection with lawfully posting or removing advertising material in the form of posters on or from, or cleaning windows or chimneys in, premises adjacent to the parking place in which the vehicle is waiting; or (j) in any other case the vehicle is waiting, for so long as may be necessary, for the purpose of delivering or collecting goods including, so far as a Bank is concerned, cash or other valuables or valuable securities, or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting.

15. (2) No charge specified in the foregoing provisions of this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the foregoing provisions of this Article.

15. (3) Except as provided in the foregoing provisions of this Order, the driver of a vehicle shall not cause or permit the vehicle to wait in a parking place.

15. (4) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act of 1984.

### **Manner Of Waiting In Parking Places**

16. (1) A person causing or permitting a vehicle to wait in a parking place by virtue of the provisions of **Article 15(1)(e)**, **Article 15(1)(f)**, **Article 15(1)(g)**, **Article 15(1)(h)**, **Article 15(1)(i)** or **Article 15(1)(j)** of this Order shall take all steps as are necessary to ensure (subject to paragraph (2) below): - (a) in the case of a parking place in relation to which special provisions as to the manner of standing of vehicles in that place are specified in **Column 3** of the **Schedule** this Order; and (b) in the case of any other parking place, that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres.



16. (2) Where the length of a vehicle is such that if it stood in a parking place referred to in paragraph (1)(a) of this Article in the special manner of standing prescribed for that parking place, some part or parts of the vehicle would be outside the limits of the parking place, that vehicle may stand in that parking place in the manner indicated in paragraph (1)(b) of this Article.

**Contravention Of The Order, Penalty Charge And Penalty Charge Notice**

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

18. 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 23<sup>rd</sup> day of June 2015.**



PRINCIPAL

ASSISTANT CITY SOLICITOR



Seal No.

62.15

**Schedule**

**Areas of Highway Designated as Coach Parking Places**

Road/Side of Road	Area forming part of the carriageway of a specified highway designated as a Coach Parking Place	Special Manner of Standing of vehicles in Parking Places	Permitted Days & Hours
Column 1	Column 2	Column 3	Column 4
Layby located off north east side of Riverside Drive	both the north east and south west side of the lay by, from a point 160m south east of the junction with Ellerman Road, in a south easterly direction for a distance of 170m, with a width throughout of 3.6m	Parallel to kerb (both sides)	At any time