

THE BOROUGH OF LUTON
(PROHIBITION AND RESTRICTION OF
WAITING AND LOADING)
(CONSOLIDATION)

ORDER 2012

Made on 10th December 2012

Operative 7th January 2013

Highway Services
Town Hall
Luton LU1 2BQ

**THE BOROUGH OF LUTON
(PROHIBITION AND RESTRICTION OF WAITING AND LOADING)
(CONSOLIDATION) ORDER 2012**

Article No

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THE BOROUGH OF LUTON
(PROHIBITION AND RESTRICTION OF WAITING AND LOADING)
(CONSOLIDATION) ORDER 2012

The Council of the Borough of Luton ("the Council") in exercise of its powers under Sections 1(1), 2(1) to (4), 3(2), 4(1) and (2) of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984 as amended ("the Act of 1984"); the Traffic Management Act 2004 and of all other enabling powers and after consultation with the Chief Officer of Bedfordshire Police in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

Commencement and Title

1. This Order shall come into operation on 7th January 2013, and may be cited as the Borough of Luton (Prohibition and Restriction of Waiting and Loading) (Consolidation) Order 2012.

Interpretation

2. In this Order:-

"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;

"bus" has the same meaning as in Regulation 22(2) of the Traffic Signs Regulations and General Directions 2002;

"bus lane" has the same meaning as in Regulation 23(2) of the Traffic Signs Regulations and General Directions 2002;

"bus stop area" means any area of carriageway in any road, in the Schedules to this Order, intended for the waiting of buses, which is comprised within and indicated by a road marking complying with either diagram 1025.1, 1025.3 or diagram 1025.4 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002;

"carriageway" has the same meaning as in the Highways Act 1980 but does not include lay-bys;

"Chief officer" means the Chief Constable of the Bedfordshire Police;

"civil enforcement officer" means a civil enforcement officer in relation to parking contraventions, provided by the council under section 76 of the Traffic Management Act 2004;

"disabled person's badge" has the same meaning as in The Local Authorities Traffic Orders (Exemptions for Disabled Persons)(England)Regulations 2000;

"dispensation certificate" means a certificate issued under section 45(2) of the Traffic Management Act 1984 as amended in accordance with the procedure set out in Article 6 of the Principal Order;

"valid dispensation certificate" means a dispensation certificate:

- (i) issued in respect of the vehicle on which it is displayed in the relevant position;
- (ii) which states on its face that it is valid on the date when the vehicle is waiting in the restricted road;
- (iii) which has been issued in respect of the restricted road in which the vehicle is waiting;
- (iv) which has been issued in respect of the authorised activity in which the vehicle is involved while it is waiting in the restricted road;
- (v) which displays a dispensation certificate number

"electronic communications network" has the same meaning as in the Communications Act 2003(c.21);

"enactment" means any enactment, whether public, general or local, and includes any order, byelaw, rule, regulation, scheme or other instrumental having effect by virtue of an enactment;

"footway" means any paved or hardened area separated from the highway carriageway for use by pedestrians;

"goods" means goods of any kind whether animate or inanimate and includes postal packets of any description; and "delivering" and "collecting" in relation to any goods;

"goods vehicle" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002;

"heavy commercial vehicle" has the same meaning as in Section 138 of the Act of 1984;

"main carriageway" in relation to a road means any carriageway of that road used primarily by through traffic but excludes any lay-by;

"owner" in relation to a vehicle means the person by whom such vehicle is kept which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 (c.22); is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered;

"parking disc" shall have the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"postal packet" has the same meaning as in Section 125(1) of the Postal Services Act 2000;

"relevant position" in relation to a disabled persons' badge and parking disc/clock has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"road", when reference is made to a road in any Article in this Order, shall mean the road, length of road, side of road or side of length of road referred to in that entry as being identified by the plans attached to this Order;

"school entrance" means any area of carriageway of a specified road which is comprised within and indicated by a road marking complying with diagram 1027.1 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002;

"standard exemptions" shall mean those exemptions specified in Schedule 1 to this Order;

"taxi" has the same meaning as in Regulation 4 of The Traffic Signs Regulations and General Directions 2002;

"taxi rank" means any area of carriageway in any road, in the Schedules to this Order, intended for the waiting of taxis, which is comprised within and indicated by a road marking complying with diagram 1028.2 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002, and

"verge" means any part of a road not being a carriageway and includes road margins central reservations and those areas laid to grass or for ornamental purposes maintained by Luton Borough Council but does not include lay-bys.

Reference to enactments

3. (1) the restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the Road Traffic Regulation Act 1984, as amended or by or under any other enactment.
- (2) any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.

Restriction of Waiting

4. Save as provided by Articles 5 and 10 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a civil enforcement officer, cause or permit any vehicle to wait in any road identified and during the periods identified by the plans attached to this Order.

Exemptions from Restriction of Waiting

5. (1) nothing in Article 4 of this Order shall render it unlawful to cause or permit any vehicle to wait in any road referred to therein in compliance

with any of the standard exemptions 1(a) (i) to (iv), (b), (c), 2(a), (b) (c) or (d).

- (2) Nothing in Article 4 of this Order shall render it unlawful to cause or permit any vehicle:-

(a) to wait upon an unauthorised parking place; or

(b) being a taxi, to wait upon an authorised taxi rank whilst plying for hire.

- (3) Nothing in Article 4 of this Order shall render it a contravention of this Order to cause or permit any vehicle to wait in any prohibited or restricted road if it is displaying in the relevant position a valid dispensation certificate issued by the council and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

Issue of Dispensation Certificates

6.

- (1) Any person may at any time make an application to the Council for a dispensation certificate.

- (2) An application for a dispensation certificate shall:

(a) be made in writing on a form issued by the Council which is to be returned to the Council completed in every material respect.

(b) without prejudice to sub-paragraph (a) shall contain the following information:

(i) the name of the person making the application and their address;

(ii) the property in the restricted road in respect of which a dispensation certificate is sought;

(iii) the make, model, colour and registration mark of the vehicle or company name in respect of which the dispensation certificate is sought;

(iv) the dates for which the dispensation certificate is sought ;

(iv) the purpose for which the dispensation certificate is sought.

(c) Include a remittance for any charge requested by the Council pursuant to the 1998 Regulations.

- (3) Without prejudice to paragraph (2) the Council may at any time require any person who has made an application for a dispensation certificate to produce to the Council such evidence in respect of the application as the Council may reasonably require to verify any particulars or information given in the application.

- (4) The Council may issue a dispensation certificate in respect of an

authorised activity, whether pursuant to an application made in accordance with paragraphs (1) and (2) of this Article, or otherwise.

- (5) A dispensation certificate issued pursuant to paragraph (4) shall be issued in writing and shall contain the relevant information.
- (6) The Council may cancel a dispensation certificate by service of a notice in writing on the person to whom the dispensation certificate was issued and, upon the service of such notice (or upon such other time or date as may be specified in the said notice), the dispensation certificate shall cease to be a valid dispensation certificate.

Restriction of Loading and Unloading

7.

- (1) Nothing in Article 4 of this order shall apply in relation to any vehicle waiting for the purpose of enabling goods to be loaded on or unloaded from that vehicle at premises adjacent to or in the near vicinity of that vehicle:
 - (a) In any road identified by the plans attached to this Order, other than a road specified in paragraph (1)(b) of this Article, during the periods identified by those plans: or
 - (b) In any length of road described in Columns 1 and 2 of Schedule 2 to this Order, for the purpose only as described opposite that length of road in Column 3 of that schedule:
 - (c) Provided that nothing in paragraph (1) of this Article shall apply to any vehicle waiting for the purpose of enabling goods to be loaded on or unloaded from that vehicle, if notice is given not less than 24 hours in advance to the Councils Director of Environment and Regeneration, their consent is obtained and such conditions and requirements as they may impose are complied with.
- (2) Nothing in the preceding paragraphs of this Article shall enable any person to cause or permit any vehicle other than a goods vehicle to wait for the purposes of enabling goods to be loaded or unloaded from the vehicle in any road identified and for the maximum period identified and during any period identified by the plans attached to this Order or to return to that place after departure therefrom within the period identified by the said plans.
- (3) Nothing in the preceding paragraphs shall render it unlawful for any person to cause or permit any ribboned wedding or funeral cortege to wait for as long as necessary in part of the road or bay as identified by the plans attached to this order.

Duty to Move On

- 8. Notwithstanding any exception or exemption contained in this Order, the person in control of the vehicle shall move the vehicle on instructions of a police

constable in uniform, whenever such moving may be necessary for the purpose of preventing or removing an obstruction.

Exemptions for vehicles displaying a valid disabled person's parking badge

9.

- (1) Save as provided in paragraph (2) of this Article nothing in Article 4 of this Order, shall render it unlawful to cause or permit a vehicle displaying a valid disabled person's parking badge and a parking disc/clock in the relevant position marked to show the quarter hour period during the which the period of waiting began to wait in any road referred to in Article 4 of this Order for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length or on the same side of road on the same day) provided that in respect of any road or length of road in which the loading or unloading of goods is prohibited such period of waiting lies entirely outside any period during which the prohibition of loading and unloading applies.
- (2) Nothing in paragraph (1) of this Article shall render it lawful for any person to cause or permit a vehicle displaying a valid disabled person's parking badge to wait at any time in any road or length of road identified by the plans attached to this Order as a road or length of road on which a vehicle displaying a valid disabled person's parking badge is not permitted to wait.

Exemptions from waiting restriction on Flowers Way

10. Nothing in Article 4 of this Order shall render it unlawful for any person to cause or permit any vehicle to wait as long as may be necessary in the carriageway on the north side of the length of Flowers Way between Castle Street and Park Street West so far as such waiting is solely and reasonably necessary to enable the vehicle to be used for the transfer of defendants on remand or of prisoners to and from the Crown Court such vehicle being a vehicle duly authorised for such use and of a type that is designed or safely adapted to carry a minimum of six persons.

Restriction of Waiting – Heavy Commercial Vehicles

11. No person shall except upon the direction of a police constable in uniform or of a civil enforcement officer cause or permit any heavy commercial vehicle to wait in any road identified and during the periods identified by the plans attached to this Order other than in compliance with any of the standard exemptions 1(a) (i) to (iv), (b), (c), 2(a) or (b).

Restriction of Waiting and Exemptions on Urban Clearways

12. No person shall except upon the direction or with the permission of a police constable in uniform or of a civil enforcement officer cause or permit any vehicle to wait on any road identified by the plans attached to this Order as an urban

clearway during the periods identified by the said plans other than in compliance with any of the standard exemptions 1(a)(i) to (iv), (b), or (c), 2(a), 2(b), 3(a) to (d) or 4.

Restriction of Waiting on a Bus Stop/Stand Area

13. No person shall except upon the direction or with the permission of a police constable in uniform or of a civil enforcement officer, cause or permit any vehicle, other than a bus to wait in a bus stop area identified by the plans attached to this Order during the periods identified by the said plans provided that where the relevant further restriction is identified by the said plans a bus shall wait in that bus stop area only for so long as for the purpose of the taking up and setting down of passengers.

Exemptions from Restriction of Waiting on a Bus Stop/Stand Area

14. Nothing in Article 13 of this Order shall render it unlawful for a person to cause or permit a vehicle to wait in a bus stop/stand area:-
 - (a) other than in compliance with any of the exemptions described in schedule 19 of The Traffic Signs Regulations and General Directions 2002, or
 - (b) if the vehicle is being used for the purposes described in Column 3 of Schedule 3 to this Order in the lengths of roads described opposite in Columns 1 and 2 of Schedule 3.

Restriction of Waiting and Exemptions on a 24-hour Clearway

15. No person shall except upon the direction or with the permission of a police constable in uniform cause or permit any vehicle to stop on any of the main carriageways forming part of any road identified by the plans attached to this Order as a 24-hour Clearway other than in compliance with any of the standard exemptions 1(a)(i) to (iv), (b), or (c), 2(c), 3(a) to (c) or 4.

Selling of Goods Prohibited on a 24-hour Clearway

16. No person shall cause or permit any vehicle to wait on any verge or lay-by immediately adjacent to any of the main carriageways referred to in Article 15 to this Order for the purpose of selling goods from that vehicle unless the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected.

Restriction of Waiting on a School Entrance

17. No person shall during school term time cause or permit any vehicle to stop or wait at any school entrance in any road identified and during the periods identified by the plans attached to this Order other than in compliance with any

of the standard exemptions 1(b), 3 (a) or (d).

Restrictions relating to Taxi Ranks

18.

- (a) Save as provided by paragraphs (b) and (c) of this Article no person shall cause or permit any vehicle other than a taxi to wait in any taxi rank identified by the plans attached to this Order during the hours specified by the said plans.
- (b) No person shall cause a taxi to wait on a taxi rank identified by the plans attached to this Order unless the vehicle is waiting for the purpose of plying for hire and is attended by the taxi driver.
- (c) No person shall cause a taxi to remain at a taxi rank identified by the plans attached to this Order if the maximum number of taxis specified on the attached plans is waiting at the time of its arrival at the taxi rank.

Restrictions on any part of an Urban Road other than a carriageway

19. No person shall except upon the direction or with the permission of a Police Constable in uniform shall cause or permit any vehicle to stop or wait at any time with one or more wheels on any part of the verge or footway in any of the lengths of road identified on the attached plans other than in compliance with any of the standard exemptions 1(a) (b) (c) (d) 3(a – d)

Revocations

20. The Orders specified in Schedule 4 to this Order are hereby revoked.

THE COMMON SEAL of **THE COUNCIL**)
OF THE BOROUGH OF LUTON was)
hereunto affixed the 10th December, 2012 in)
the presence of:-)


Authorised Signatory


Authorised Signatory



MIN. P.C.F.	DELEGATED POWERS
REG. No.	53107.
INIT.	HK

**The Borough of Luton (Prohibition and Restriction of Waiting and Loading) (Consolidation)
Order 2012**

**SCHEDULE 1
Standard Exemptions**

Exemption No.	Details:
1.	<p>In a case where the vehicle, if it can not be used for such purpose in any other road, is being used:-</p> <ul style="list-style-type: none">(a) in connection with the carrying out of any of the following operations, namely:-<ul style="list-style-type: none">(i) building, industrial or demolition works and is of a type that has fixed equipment that is integral to its operation. The vehicle can park for as long as the fixed equipment is in use;(ii) the removal of obstructions to traffic;(iii) the maintenance, improvement or reconstruction of the road;(iv) the laying, erection, alteration or repair in, or in land adjacent to, the road, of any sewer, or any main, pipe or apparatus for the supply of water, gas or electricity, or any electronic communications network;(b) for fire brigade, police or ambulance purposes;(c) in the service of a local authority or water authority in pursuance of statutory powers or duties; or(d) for the purpose of delivering or collecting postal packets.
2.	<p>For as long as may be necessary to enable:-</p> <ul style="list-style-type: none">(a) a person to board or alight from the vehicle; or(b) goods to be loaded onto or unloaded from the vehicle.
3.	<p>In any case where the person in control of the vehicle:-</p> <ul style="list-style-type: none">(a) is required by law to stop;(b) is obliged to stop to prevent an accident;(c) is prevented from proceeding by circumstances beyond his control; or(d) is required to stop by a police constable in uniform.
4.	<p>whilst any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is being opened or closed, if it is not reasonably practicable for the vehicle to wait otherwise than in a restricted road while such gate or barrier is being opened or closed.</p>

**The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Consolidation) Order 2012**

SCHEDULE 2

No Loading at Any Time – Exemptions from Provisions

COLUMN 1 ROAD	COLUMN 2 LENGTH OF ROAD	COLUMN 3 EXEMPTED PURPOSE
Castle Street	On its east side (odd numbered side) from a point opposite the southernmost wall of No. 5 Castle street to a point 10 metres north of its junction with Flowers Way.	For the purpose of enabling goods to be loaded or unloaded on behalf of Sceptre House (Crown Prosecution Service) provided that the vehicles used for this purpose are clearly identifiable from their livery as in service for the Crown Prosecution Service.
Chapel Street	That length between a point opposite the southern boundary of No. 7 Chapel Street north eastwards to a point 10 metres south of the north-western corner of No. 27 George Street and including the Service Road adjacent to the northern boundary of No. 1 Chapel Street	The loading or unloading for the purpose of handling cash or valuables for and on behalf of the National Westminster Bank plc provided that vehicles used for this purpose are clearly identifiable from their livery and are only in the service of the National Westminster Bank plc.
Church Street	On its north side for a distance of 12 metres westwards from a point opposite the south east corner of the licensed premises known as "Pizza Express" situated at No. 3 Church Street	For the purpose of enabling goods to be loaded or unloaded from a goods vehicles only for the licensed premises known as " Pizza Express" situated at No. 3 Church Street
George Street West	North west side from a point opposite the south-western flank wall of the licensed premises known as "La Dolce Vita" to a point opposite the north-eastern flank wall of the garage of those premises	For the purpose of enabling goods to be loaded or unloaded from a goods vehicle only for the licensed premises known as "La Dolce Vita"

Ramridge Road	The length adjacent to No. 386 Hitchin Road (Public House) to its junction with Ramridge Road	For the purpose of enabling goods to be loaded and unloaded on behalf of the Public House (No. 386 Hitchin Road) provided that the vehicle is clearly identified from its livery as in service to a hostelry.
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**The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Consolidation) Order 2012**

**SCHEDULE 3
Bus Stop Clearways – Exemptions from Provisions**

COLUMN 1 ROAD	COLUMN 2 LENGTH OF ROAD	COLUMN 3 EXEMPTED PURPOSE
Church Street	The north side for a distance of 12 metres westwards from a point opposite the south east corner of the licensed premises known as "Pizza Express" situated at No. 3 Church Street.	For the purpose of enabling goods to be loaded or unloaded from a goods vehicles for the licensed premises known as " Pizza Express" situated at No. 3 Church Street
Park Street	The south side for that length only of the frontage of the licensed premises known as "La Dolce Vita", No. 38 Park Street	For the purpose of enabling goods to be loaded or unloaded from a goods vehicle for the licensed premises known as "La Dolce Vita", No. 38 Park Street

**The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Consolidation) Order 2012**

**SCHEDULE 4
Revocations**

The Borough of Luton (Prohibition and Restriction of Waiting and Loading) Order 2009 as amended by:-

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 1) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 2) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 3) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 4) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 5) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 6) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 7) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 8) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 9) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 10) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 11) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 12) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 13) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 14) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 15) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 16) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 17) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 18) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 19) Order 2009

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 20) Order 2009

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The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 45) Order 2011

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 46) Order 2011

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 47) Order 2011 and

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 48) Order 2011

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 49) Order 2011

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 50) Order 2011

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No.51) Order 2011

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 52) Order 2011

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 53) Order 2011

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 54) Order 2012

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 55) Order 2012

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 56) Order 2012

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 57) Order 2012

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 58) Order 2012

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 58a) Order 2012

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 59) Order 2012

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 60) Order 2012

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 61) Order 2012

The Borough of Luton (Prohibition and Restriction of Waiting and Loading)
(Amendment No. 62) Order 2012