



**2008 No. 38**

**EIGHTH CONSOLIDATED  
TRAFFIC MANAGEMENT ORDER**

**FOR**

**WAITING AND LOADING  
RESTRICTIONS  
(CIVIL ENFORCEMENT AREA)**

Made: 23 June 2008

Operative Date: 1 July 2008



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**THE LONDON BOROUGH OF RICHMOND UPON THAMES  
(WAITING AND LOADING RESTRICTION) (CIVIL ENFORCEMENT AREA)  
(CONSOLIDATION No. 8) ORDER 2008**

Made: 23 June 2008

Coming into operation: 1 July 2008

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The Council of the London Borough of Richmond upon Thames, having consulted the Commissioner of Police of the Metropolis, in exercise of the powers conferred by Sections 6 and 124 of and Part III and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984(a) (“the Act of 1984”), as amended by the Local Government Act 1985(b), the New Roads and Street Works Act 1991(c) and the Traffic Management Act 2004(d) (“the Act of 2004”) and all other enabling powers hereby make the following Order—

## **PART I PRELIMINARY**

### **Commencement and citation**

1. This Order shall come into operation on 1 July 2008 and may be cited as the London Borough of Richmond upon Thames (Waiting and Loading Restriction) (Civil Enforcement Area) (Consolidation No. 8) Order 2008.

### **Revocation**

2. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the London Borough of Richmond upon Thames (Waiting and Loading Restriction) (Special Parking Area) (Consolidation) Order 2006(e), as amended, is hereby revoked.

### **Interpretation**

3. (1) In this Order, except where the context otherwise requires:

"bus" and "bus lane" have the same meanings as in the Traffic Signs Regulations and General Directions 2002(f);

"bus lane restriction", in relation to a bus lane, means the restriction by virtue of which the particular road, or the particular part of the width of a road, is a bus lane;

"civil enforcement officer" means a person appointed by or on behalf of the Council for the enforcement of road traffic contraventions;

"Council" means the Council of the London Borough of Richmond upon Thames;

“designated parking place” means a parking place designated by an order made under Section 45 of the Act of 1984;

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(a)	1984 c. 27.	(b)	1985 c. 51.	(c)	1991 c. 22.
(d)	2004 c. 18.	)			
(e)	2006/1 - as amended by.2006/05, 2006/11, 2006/22, 2006/23, 2006/25, 2006/29, 2006/31, 2006/33, 2006/35, 2006/37, 2006/42, 2006/43, 2006/45, 2006/47, 2006/50, 2006/51, 2006/53, 2006/57, 2007/04, 2007/07, 2007/15, 2007/18, 2007/25, 2007/27, 2007/31, 2007/37, 2007/42, 2007/44, 2007/46, 2007/50, 2007/51, 2007/52, 2007/54, 2007/55, 2007/61, 2008/02, 2008/03, 2008/04, 2008/13, 2008/15, 2008/17, 2008/23, 2008/27, 2008/30 and 2008/34.				
(f)	S.I. 2002 No. 3113.	(g)	S.I. 2000 No. 682.		
		)			

"disabled person's badge" and "disabled person" have the same meanings as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000(g);

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- (a)** 1984 c. 27.
  - (b)** 1985 c. 51.
  - (c)** 1991 c. 22.
  - (d)** 2004 c. 18.
  - (e)** 2006/1 - as amended by.2006/05, 2006/11, 2006/22, 2006/23, 2006/25, 2006/29, 2006/31, 2006/33, 2006/35, 2006/37, 2006/42, 2006/43, 2006/45, 2006/47, 2006/50, 2006/51, 2006/53, 2006/57, 2007/04, 2007/07, 2007/15, 2007/18, 2007/25, 2007/27, 2007/31, 2007/37, 2007/42, 2007/44, 2007/46, 2007/50, 2007/51, 2007/52, 2007/54, 2007/55, 2007/61, 2008/02, 2008/03, 2008/04, 2008/13, 2008/15, 2008/17, 2008/23, 2008/27, 2008/30 and 2008/34.
  - (f)** S.I. 2002 No. 3113.
  - (g)** S.I. 2000 No. 682.

"disabled person's vehicle" means a vehicle which displays in the relevant position a disabled persons badge;

"enactment" means any enactment, whether public, general or local and includes any order, by-law, rule, regulation, scheme or other instrument having effect by virtue of an enactment:

"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 includes checking the goods for the purpose of their delivery or collection:

"licenced taxi cab" means a vehicle being used under a licence under Section 6 of the Metropolitan Public Carriage Act 1869**(a)**;

"motor-cycle parking area" means that part of a restricted street specified in Schedule 6;

"parking disc" has the same meaning as given in Regulation 8(5) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000**(b)**;

"penalty charge" means the charge set by the Council under the provisions of the Road Traffic Act 1991**(c)** or the Act of 2004 and following approval of the Secretary of State or the Mayor of London, as the case may be, which is to be paid to the Council following the issue of a penalty charge notice and within 28 days of the issue of that notice:

"prescribed hours" in relation to a restricted street, means the time specified in column 2 of Schedule 3 in relation to the letter set out in column 1 of that Schedule and which letter is the letter set out in column 3 of Schedule 1 in relation to that street;

"reduced penalty charge" means the charge set by the Council under the provisions of the Road Traffic Act 1991 or the Act of 2004 and following approval of the Secretary of State or the Mayor of London, as the case may be, which is to be paid following the issue of a penalty charge notice within 14 or 21 days of the issue of that notice;

"restricted hours" in relation to any street specified in Schedule 2 means the time specified in column 2 of Schedule 3 in relation to the number set out in column 3 of that Schedule and which number is the number set out in column 3 of Schedule 2 in relation to that street;

"restricted street" means any street within the London Borough of Richmond upon Thames specified in Schedule 1 (hereinafter referred to as a "scheduled

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**(a)** 1869 c. 115.

**(b)** S.I. 2000 No. 683.

**(c)** 1991 c. 40.

street”) and includes, except where the context otherwise requires, so much of every other

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**(a)** 1869 c. 115.

**(b)** S.I. 2000 No. 683.

**(c)** 1991 c. 40.



street which is not a scheduled street or a street specified in Schedule 4 and which joins any scheduled street as lies between the kerb-line of the scheduled street and a point 18 metres distant there from, and any reference in this Order to any restricted street shall be construed accordingly;

provided that the expression "restricted street" shall not, for the purposes of this Order, include:

- (a) any area of the highway or any place within the London Borough of Richmond upon Thames for the time being designated or described as a parking place by any Order made or having effect as if made under Section 6, Section 9 or Section 45 of the Act of 1984 or, where such parking place consists of a number of parking spaces or parking bays separated by a length or lengths of highway or place in which no vehicles may park, such parking spaces or parking bays; or
- (b) in its application to a street specified in column 2 of Schedule 7, that length of street which extends 18 metres measured in the direction specified in column 3 of that Schedule from the kerb-line of the scheduled street specified in column 4 of that Schedule,

and in this definition the expression "kerb-line" in relation to a scheduled street shall mean that imaginary line which is the projection of the line formed by the edge of the main carriageway of the scheduled street adjacent to its junction with the side in question of any other street;

"Schedule" means a Schedule to this Order;

"street" includes any part of a street;

"telecommunications system" has the same meaning as in the Telecommunications Act 1984<sup>(a)</sup>.

- (2) For the purposes of this Order a vehicle shall be deemed to wait:
  - (a) in a restricted street if any point in that street is below the vehicle or its load (if any) and the vehicle is stationary; or
  - (b) for more than a specified period in the same place in a restricted street if any one point in that street is below the vehicle or its load (if any) throughout a period exceeding the specified period whether or not the vehicle is moved during that period.
- (3) 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.

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<sup>(a)</sup> 1984 c. 12.

- (4) Any reference in this Order to a length of street shall, unless otherwise specified, be construed as a reference to the whole width of that length of street.
- (5) The restrictions, prohibitions and requirements imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption from the provisions of this Order is without prejudice to the provisions of any other enactment.
- (6) For the purposes of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when it is so regarded for the purpose of Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

### **Application of Order**

4. The restrictions imposed by Part II of this Order are subject to the exceptions and exemptions set out in Part III of this Order and any such exceptions and exemptions are subject to the provisions of Part IV of this Order.

## **PART II RESTRICTIONS**

### **Restrictions applicable to streets specified in Schedule 1 or Schedule 2**

5. (1) No person shall cause or permit any vehicle to wait during the prescribed hours in any restricted street except, subject to the provisions of the next paragraph, for so long as may be necessary for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the street.
- (2) No person shall cause or permit any vehicle to wait for the purpose of delivering or collecting goods or loading or unloading the vehicle -
  - (a) in any street specified in Schedule 2 during the restricted hours; or
  - (b) without prejudice to the provisions of the last foregoing sub-paragraph; for a period of more than twenty minutes in the same place in any restricted street during the prescribed hours in so far as the same fall between the hours of 11am and 6.30pm.

### **Restrictions applicable to streets specified in Schedule 4**

6. No person shall cause or permit any vehicle to stop or remain at rest on any street specified in Schedule 4.

### **Contravention of restrictions**

7. Except as provided in Article 5, Article 9, Article 10, Article 11, Article 12 or Article 13 if a vehicle waits in any street designated in Schedule 1 or Schedule 2 during the prescribed hours or stops or remains at rest in any street designated in Schedule 4 during the prescribed hours a contravention shall have occurred and a penalty charge shall be payable. A penalty charge notice may then be issued by a civil enforcement officer or served by the Council.

### **Manner of payment of the penalty charge**

8. The penalty charge shall be paid to the Council by cash, cheque, postal order or other accepted means which shall be delivered or sent by post to the Council's Payment Office or to the Council's agents' office at the address or addresses indicated on the penalty charge notice and in accordance with instructions on that notice, to arrive no later than 5pm, or be paid by a credit card or debit card by telephone by 5pm:-
- (a) on the fourteenth day in the case of a reduced penalty charge where the notice was issued under Regulation 9 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007(a) beginning on the date the notice was served; or
  - (b) on the twenty-first day in the case of a reduced penalty charge where the notice was issued under Regulation 10 of those Regulations beginning on the date the notice was served; or
  - (c) on the twenty-eighth day in the case of a penalty charge, beginning on the date the notice was served:-

Provided that, if the said fourteenth, twenty-first or twenty-eighth day falls upon a day on which the said Department or agents' offices are closed, the period within which payment of the said charge shall be made to the Council or Council's agents shall be extended until 5pm on the next full day on which the said offices are open.

## **PART III EXCEPTIONS AND EXEMPTIONS FROM RESTRICTIONS**

### **Persons boarding or alighting from vehicles**

9. Nothing in Article 5 of this Order shall render it unlawful to cause or permit a vehicle to wait in any restricted street for so long as may be necessary for the purpose of enabling any person to board or alight from the vehicle or to load thereon or unload therefrom his personal luggage.

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(a) S.I. 2007 No. 3483.

### **Excepted vehicles**

10. The restrictions imposed by Part II of this Order shall not apply in relation to the following vehicles:-
- (a) a bicycle propelled by mechanical power and not having a side-car attached thereto whilst waiting wholly within the limits of a motor-cycle parking area;
  - (b) a bus whilst waiting at an authorised bus stop or at a bus terminal or bus turning point;
  - (c) vehicles when used for fire brigade, ambulance or police purposes;
  - (d) vehicles when used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or the performance of such duties for the vehicle to wait in the place in which it is waiting;
  - (e) licenced taxi cabs whilst waiting upon any duly authorised cab rank;
  - (f) vehicles whilst waiting in any restricted street for so long as may be necessary in connection with the taking in of petrol, oil, water or air if such taking in cannot be effected unless the vehicle waits in the place where it is waiting.

### **Exemptions for vehicles displaying disabled persons' badges**

11. Waiting restrictions applicable to streets specified in Schedule 1 shall not apply to disabled persons' vehicles (provided that no bus lane restriction is in operation):
- (a) in a case where the period of the waiting restriction is for 3 hours duration or less, for the whole of that period; and
  - (b) in a case where the period of the waiting restriction is more than 3 hours duration, for a period of 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same road or part of a road on the same day),
- and provided that the following requirements are satisfied, namely;
- (i) that in all cases a valid disabled person's badge is displayed in the relevant position on the vehicle, and
  - (ii) in the case mentioned at (b) above, a parking disc is displayed in a relevant position on the vehicle, and the driver, or other person in charge of the vehicle, marks on the parking disc the time at which the period of waiting has begun.

### **Furniture removals and other exceptional loading or unloading**

12. (1) Nothing in Article 5 of this Order shall apply so as to restrict the loading or unloading of any vehicle while the vehicle is in actual use in any restricted street in connection with the removal of furniture to or from one office, dwelling-house or depository adjacent to that restricted street from or to another office, dwelling-house or depository.

Provided that this paragraph shall not apply to a vehicle waiting in any restricted street to which the provisions of Article 5(2)(a) of this Order apply, unless notice is given twenty-four hours in advance to the Council, or its agents, their consent is obtained, and such reasonable conditions as they may impose are complied with.

- (2) Without prejudice to the provisions of the last foregoing paragraph, nothing in Article 5 of this Order shall apply so as to restrict the loading or unloading of any vehicle whilst the vehicle is in actual use in any restricted street in connection with the collection or delivery of goods from or to premises in or adjacent to that street if those goods cannot reasonably be loaded or unloaded outside the prescribed hours or within the time (if any) allowed in relation to that street, as the case may be, if notice is given twenty-four hours in advance to the Council, or its agents, their consent is obtained, and such reasonable conditions as they may impose are complied with.

#### **Miscellaneous exemptions**

13. (1) Nothing in Part II of this Order shall render it unlawful to cause or permit a vehicle to wait in any restricted street or remain at rest on any street specified in Schedule 4:-
- (a) whilst postal packets addressed to premises adjacent to any such street in which the vehicle is waiting are being unloaded from the vehicle or, having been unloaded therefrom, are being delivered;
  - (b) whilst postal packets are being collected for loading on the vehicle from premises or posting boxes in or adjacent to any such street in which the vehicle is waiting or, having been so collected, are being loaded thereon;
  - (c) whilst the vehicle is being used in connection with any building operation, demolition or excavation in or adjacent to any such street, the removal of any obstruction to traffic in any street, the maintenance, improvement, reconstruction, cleansing or lighting of any street, the laying, erection, alteration or repair in or adjacent to any street of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications system, or the placing, maintenance or removal of any traffic sign, if the vehicle cannot conveniently and lawfully be used for that purpose in any street not being a street specified in Schedule 4 or a restricted street or outside the prescribed hours;
  - (d) 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 practical for the vehicle to wait in any other place while such gate or barrier is being opened or closed.

- (2) Nothing in Part II of this Order shall apply to anything done with the permission or at the direction of a police officer in uniform, or where the person in control of the vehicle is required by law to stop or wait or remain at rest, or is obliged to do so in order to avoid an accident, or is prevented from proceeding by circumstances beyond his control.
- (3) Nothing in Article 5 of this Order shall render it unlawful for a person who is licensed by the Council of the London Borough of Richmond upon Thames to sell goods from a stationary vehicle on a pitch in any restricted street to cause or permit a vehicle to wait on that pitch for that purpose.
- (4) Nothing in Article 6 of this Order shall render it unlawful to cause or permit a vehicle to stop on any street specified in Schedule 4 if that vehicle thereupon remains at rest for any reason specified in paragraph (1) of this Article.

#### **PART IV ADDITIONAL PROVISIONS**

##### **Power to suspend the use of a motor-cycle parking area**

14. (1) Notwithstanding any other provision of this Order, any person duly authorised by the Council, on the occasion of any public procession or for other good and sufficient reason, or a police officer in uniform, in case of emergency, may suspend the use of any motor-cycle parking area or any part thereof during such period as may be reasonably necessary.
- (2) Any person, or a police officer in uniform, suspending the use of a motor-cycle parking area or any part thereof in accordance with the provisions of paragraph (1) of this Article, shall thereupon place or cause to be placed in or adjacent to that motor-cycle parking area or that part thereof, as the case may be, the use of which is suspended, a traffic sign indicating that waiting by vehicles is prohibited.
- (3) No person shall cause or permit a vehicle to wait in a motor-cycle parking area or any part thereof during such period as there is in or adjacent to that motor-cycle parking area or that part thereof, as the case may be, a traffic sign placed in pursuance of paragraph (2) of this Article.

Provided that nothing in this paragraph shall apply to anything done with the permission of the person suspending the use of the motor-cycle parking area or any part thereof or a police officer in uniform or in relation to any vehicle being used for fire brigade, ambulance or police purposes or any vehicle which is waiting for any reason specified in Article 13(2) of this Order.

##### **Duty to move on**

15. Notwithstanding any exception or exemption contained in this Order, the person in control of a vehicle waiting during the prescribed hours in any restricted street or in any street specified in Schedule 4 shall move the vehicle on the instructions of a police officer in uniform or a civil enforcement officer whenever such moving may be reasonably necessary for the purpose of preventing or removing an obstruction.

#### **Restrictions on methods of loading or unloading vehicles**

16. (1) No person shall cause any goods to be loaded onto or unloaded from any vehicle in any street otherwise than in accordance with the following conditions:-
- (a) No such goods shall be deposited on any carriageway or footway except on the carriageway immediately at the rear of the vehicle and no goods shall remain on any carriageway before the arrival of or after the departure of the vehicle;
  - (b) No part of any rope, chain, wire or apparatus or machinery used in connection with such loading or unloading, and no load suspended therefrom, shall be less than 5 metres above a carriageway, except when over any vehicle being loaded or unloaded, or less than 2.75 metres above the footway;
  - (c) No such goods shall be passed from hand to hand across any part of any carriageway or footway:

Provided that nothing in this Article shall apply in relation to:-

- (i) any vehicle specified in sub-paragraph (c) or sub-paragraph (d) of Article 10 of this Order or any vehicle whilst it is being used as mentioned in paragraph (1)(c) of Article 13 of this Order; or
  - (ii) anything done with the permission or at the direction of a civil enforcement officer.
- (2) Nothing in sub-paragraph (b) of paragraph (1) of this Article shall apply to any pipe, apparatus or machinery being used in connection with the loading or unloading of any petrol, water, oil or liquid fuel onto or from any vehicle in any street or from any premises adjacent to any street, provided that all necessary means are taken to give adequate warning of any possible obstruction.

#### **Restriction on street trading**

17. No person shall sell, offer or expose for sale goods from a vehicle which is in any restricted street unless:-
- (a) that person is licensed by the Council of the London Borough of Richmond upon Thames to sell goods from a stationary vehicle on a pitch in that street and sells goods from that pitch, or

- (b) the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected.

**Suspension**

18. The provisions of Part II of this Order are suspended in so far as they relate to the provisions of the experimental Orders set out in column 2 of Schedule 8 affecting the streets set out in column 3 of that Schedule.

Dated 23 June 2008

A handwritten signature in black ink, appearing to read "A. G. Dawui". The signature is written in a cursive style with a large initial 'A'.

Assistant Director, Traffic and Transport  
(The officer appointed for this purpose)