
TRAFFIC MANAGEMENT ORDER

**THE LONDON BOROUGH OF RICHMOND UPON THAMES
(FREE PARKING PLACES) (BUSES) (No. 1) ORDER 2011**

Made: 14 February 2011

Coming into operation: 28 February 2011

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Schedule of Parking Places

8am to 5pm on Mondays to Fridays, 1 hour maximum stay

The Council of the London Borough of Richmond upon Thames, having consulted with the Commissioner of Police of the Metropolis, in exercise of the powers conferred by Sections 6 and 124 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984**(a)**, as amended, (hereinafter referred to “the Act of 1984”) and all other enabling powers hereby make the following Order—

PART I PRELIMINARY

Commencement and citation

1. This Order shall come into operation on 28 February 2011 and may be cited as the London Borough of Richmond upon Thames (Free Parking Places) (Buses) (No. 1) Order 2011.

Revocation

2. Not used.

Interpretation

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

“bus” has the meaning given by Regulation 22 of the Traffic Signs Regulations 2002**(b)**;

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

“disabled person’s badge” has the same meanings as in the Disabled Persons (Badges for Motor Vehicles) Regulations 2000**(c)**;

“driver” in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;

“electronic telecommunications apparatus” has the same meaning as in the Communications Act 2003 **(d)**;

“enactment” means any enactment, whether public general or local, and includes any order, bylaw, 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;

“one-way street” means a highway in which the driving of vehicles otherwise than in one direction is prohibited;

“parking place” means any area on a highway designated as a parking place by this Order;

“penalty charge” means the charge set by the Council under the provisions of the Road Traffic Act 1991**(e)** or the Traffic Management Act 2004**(f)** and following

(a) 1984 c. 27.

(b) S.I. 2002 No 3113, Part 1.

(c) S.I. 2000 No 683.

(d) 2003 c. 21.

(e) 1991 c. 40.

(f) 2000 c. 18.

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 28 days of the issue or service of that notice;

“permitted hours” in relation to a parking place, means the period specified at the beginning of the Schedule relating to that parking place;

"reduced penalty charge" means the charge set by the Council under the provisions of the Road Traffic Act 1991 or the Traffic Management Act 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 or service of that notice;

“Schedule” followed by a number means the correspondingly numbered schedule to this Order.

- (2) Any reference in this Order to any enactment shall be constructed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
- (3) 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.
- (4) For the purpose 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 purposes of Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.
- (5) The Interpretation Act 1978(a) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART II DESIGNATION OF PARKING PLACES

Designation of parking places

4. Each area of a highway comprising the length of carriageway of the streets specified in column 2 of Schedule 1 and bounded on one side of that length by the edge of the carriageway, or as specified in column 3 of that Schedule, and, unless otherwise stated, having a width throughout of 2.7 metres is designated as a parking place.

Vehicles for which parking places are designated

5. Each parking place may be used, subject to the provisions of this Order, for the leaving during the permitted hours of a bus.

Limited time of waiting and contraventions in parking places

6. If, during the permitted hours, a vehicle is left in a parking place designated in a schedule whose number is given in column 2 of an item in the following table for a continuous period of more than the limited time specified in column 3 of that item or without complying with any other requirement of this Order, a contravention shall have

(a) 1978 c. 30.

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.

Table

1	2	3
Item No	Schedule	Limited Time
1	1	1 hour

Interval before a vehicle may again be left in a parking place

7. Without prejudice to the provisions of Article 6 of this Order, no vehicle which has been taken away from a parking place during the permitted hours shall until the expiration of one hour from the time it was taken away again be left in the parking place during the permitted hours.

Exemptions in favour of vehicles which display a disabled persons badge

8. Nothing in Articles 6 and 7 of this Order shall apply to a vehicle of the same class as is specified in Article 5 of this Order which displays a disabled person's badge in the relevant position.

Manner of payment of the penalty charge

9. The penalty charge shall be paid to the Council:-

- (a) by 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 not later than 5pm; or
- (b) by electronic, internet-based or touchtone telephone methods using an approved credit card or debit card such that the payment process is completed or that the person making the payment is in receipt of a confirmation of the transaction no later than 11.59pm

on

- (a) 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) 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) 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 payment office or agents' offices are closed, the period within which payment of the said charge shall be made to the Council or their agents shall be extended until the next day on which the said offices are open.

(a) S.I. 2007 No 3483.

**PART III
SUPPLEMENTARY PROVISIONS**

Manner of standing in a parking place

10. 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 a vehicle in that parking place are specified in column 3 of a Schedule to this Order as to be in accordance with those provisions;
 - (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;
 - (iii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres;
 - (c) that every part of the vehicle is within the limits of the parking place.

Power to suspend the use of a parking place

11. (1) Any person duly authorized 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;
 - (b) for the purpose of any building operation, demolition or excavation adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration 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 any electronic communications apparatus or in the placing, maintenance or removal of any traffic sign;
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwellinghouse adjacent to the parking place from or to a depository, another office or dwellinghouse;
 - (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.

- (2) A police officer in uniform may suspend for not longer than seven days the use of a parking place or part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person or police officer suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1), or, as the case may be, paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or that part thereof as the case may be, a traffic sign of any size, colour and type prescribed or authorized under Section 64 of the Act of 1984 indicating that waiting by vehicles is prohibited.
- (4) No person shall cause or permit a vehicle to wait in any part of a parking place during such period as there is in or adjacent to that part of the parking place a traffic sign placed in pursuance of paragraph (3) of this Article.

Provided that nothing in this paragraph shall apply –

- (i) in respect of any vehicle being used for fire brigade, ambulance or police purposes or any vehicle which is waiting for any reason specified in Article 13(1)(b), (d) or (e) of this Order; or
- (ii) to anything done with the permission of the person suspending the use of the parking place or part thereof in pursuance of paragraph (1) or paragraph (2) of this Article, a police officer in uniform, a traffic warden or a civil enforcement officer.

Restriction on the use of a parking place

12. During the permitted hours no person shall use any parking place or any vehicle whilst it is in a parking place in connection with the sale or offering or exposing for sale of any goods to any person in or near the parking place or in connection with the selling for sale of his skill in handicraft or his services in any other capacity;

Provided that nothing in this Article shall prevent the sale or offering or exposing for sale of goods from a vehicle if the vehicle is one to which the provisions of Article 13(1)(h) apply.

Restriction on waiting by a vehicle in a parking place

13. (1) Notwithstanding the foregoing provisions of this Order, any vehicle may wait during the permitted hours in any part of a parking place if the use of that part has not been suspended and if:
 - (a) the vehicle is waiting for a period not exceeding two minutes or such longer period as a civil enforcement officer may approve to enable a person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage:

Provided that if the said person is a person suffering from any disability or injury which seriously impairs his ability to walk, or who is blind, the vehicle may wait for so long as may be necessary to enable that person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage;

- (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;
 - (c) the vehicle is being used for fire brigade, ambulance or police purposes or, not being a passenger vehicle, is being 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;
 - (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - (e) the vehicle is waiting;-
 - (i) while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle or, having been unloaded therefrom, are being delivered; or
 - (ii) while postal packets are being collected for loading on the vehicle from premises or posting boxes adjacent to the parking place in which the vehicle is waiting or, having been so collected, are being loaded thereon;
 - (f) the vehicle, not being a passenger vehicle, is waiting only for so long as may be necessary to enable it to be used for any purpose specified in Article 9(1)(b) of this Order;
 - (g) the vehicle is in actual use in connection with the removal of furniture to or from one office or dwellinghouse adjacent to the parking place from or to a depository, another office or dwellinghouse; or
 - (h) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for a period exceeding twenty minutes or for such longer period as a civil enforcement officer may approve.
- (2) Except as provided by this Order, the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in a parking place during the permitted hours.

Manner of waiting in a parking place

14. No person shall cause or permit a vehicle to wait in a parking place by virtue of the provisions of paragraph (1)(e), (f), (g) or (h) of the last preceding Article otherwise than:
- (a) in the case of a parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place are specified in column 4 of Schedule 1 so that the vehicle shall stand in accordance with those provisions and so that every part of the vehicle is within the limits of the parking place;
 - (b) in the case of any other parking place, so 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; and

- (c) so that no part of the vehicle obstructs any vehicular means of ingress or egress from any premises adjacent to the side of the road on which the vehicle is waiting.

For the purpose of the last foregoing sub-paragraph, the expression "premises" shall not include any premises to or from which any furniture is being removed by virtue of the provisions of paragraph (1)(g) of the last preceding Article or to or from which goods are being delivered or collected by virtue of the provisions of paragraph (1)(h) of that Article.

Movement of a vehicle in a parking place in an emergency

- 15. A police constable in uniform, a traffic warden or a civil enforcement officer may move or cause to be moved, in case of emergency, to any place he thinks fit, any vehicle left in a parking place.

Installation and placing of traffic signs, etc.

- 16. The Council shall:

- (a) cause the limits of each parking place to be indicated on the carriageway by placing and maintaining thereon traffic signs of any size, colour and type prescribed or authorised under Section 64 of the Act of 1984; and
- (b) place and maintain in or in the vicinity of each parking place referred to in a Schedule to this Order traffic signs of any size, colour and type prescribed or authorised under Section 64 of the Act of 1984 indicating that such parking place may be used during the permitted hours for the leaving only of the vehicles specified in Article 5 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.

Dated 14 February 2011

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

THE SCHEDULE
(See Article 4)

IN RELATION TO A PARKING PLACE REFERRED TO IN THIS SCHEDULE THE EXPRESSION "PERMITTED HOURS" MEANS THE PERIOD BETWEEN 8 AM AND 5 PM ON MONDAYS TO FRIDAYS INCLUSIVE, ANY SUCH DAY NOT BEING GOOD FRIDAY, CHRISTMAS DAY OR A BANK HOLIDAY.

PARKING PLACES IN RESPECT OF WHICH THE MAXIMUM PARKING PERIOD FOR WHICH A VEHICLE MAY BE LEFT DURING THE PERMITTED HOURS IS ONE HOUR.

1 Item Number	2 Street	3 Special manner of standing
1/1	Waldegrave Park, Twickenham: The south side, from a point 3 metres east of a point opposite the common boundary of Nos 26 and 28 Waldegrave Park eastwards for a distance of 15 metres.	-

EXPLANATORY NOTE

(This note does not form part of the Order)

This Order continues in force an on-street parking place which may be used by buses during specified permitted hours for a limited period of 1 hour, no return being permitted within one hour of the time when the bus was taken away from that parking place. A bus may use the designated parking place free of charge. This parking bay was first introduced in September 2009 as an experimental scheme, and is located in Waldegrave Park, Twickenham.

**The London Borough of Richmond upon Thames (Free Parking Places) (Buses)
(No. 1) Order 2011**

STATEMENT OF REASONS FOR MAKING THIS ORDER

This order continues in force indefinitely the controls on a parking bay which were introduced in September 2009 as an experimental scheme by way of the London Borough of Richmond upon Thames (Prohibition of Stopping outside Schools) (No. 1) Experimental Order 2009. Having reviewed the effect of the experiment, the Council has resolved that the provisions of the experimental order should be made permanent.

The designated parking place is located in Waldegrave Park, Twickenham and provides a place where coaches, either owned or hired by the Newland House school may wait for up to one hour and where pupils and staff from that school may board and alight from the bus in safety. The Order, however, does not preclude other coaches from using it.

FRBS TMO01
Waldegrave Park, Twickenham
2011/09