

# ROAD TRAFFIC REGULATION ACT 1984

## LANCASHIRE COUNTY COUNCIL

### (VARIOUS ROADS, CHORLEY, FYLDE, HYNDBURN, LANCASTER, PENDLE, PRESTON, RIBBLE VALLEY, ROSSENDALE, SOUTH RIBBLE, WEST LANCASHIRE, WYRE) (REVOCATIONS AND VARIOUS PARKING RESTRICTIONS 2018 SEPTEMBER (No1)) ORDER 2020

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

#### 1. Definitions and Interpretation

For all the purposes of this Order the terms described in this Article shall have the meanings specified:

- a) "**Carriageway**" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of Vehicles;
- b) "**Centreline**" means the centre line of a highway as shown on Ordnance Survey graphical information systems at the time that the Order was prepared;
- c) "**Civil Enforcement Officer**" means a person authorised by or on behalf of Lancashire County Council in accordance with Section 76 of the Traffic Management Act 2004;
- d) "**Disabled Person's Vehicle**" means a Vehicle displaying a Disabled Person's Badge in the circumstances prescribed in Regulations 13, 14, 15 or 16 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
- e) "**Disabled Person's Badge**" means a badge which was -
  - i) issued, or has effect as if issued, to a disabled person or an institution under The Disabled Persons (Badges for Motor Vehicles) (England) Regulations or under regulations having effect in Scotland or Wales under Section 21 of the Chronically Sick and Disabled Persons Act 1970; and
  - ii) has not ceased to be in force.
- f) "**Footway**" means a way comprised in a highway which also comprises a Carriageway, being a way over which the public have a right of way on foot only;
- g) "**Lay-by**" means any area of Carriageway intended for the waiting of Vehicles and bounded by road marking in accordance with diagram 1010 of Schedule 6 to the Traffic Signs Regulations and General Directions, 2002 and partly by the outer edge of that Carriageway on the same side of the road as that on which the road marking is placed;
- h) "**Loading**" and "**Unloading**" means the continuous 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
- i) "**Main Carriageway**" means any Carriageway used primarily by through traffic, but excludes any Lay-by;
- j) "**Parking Disc**" means a device which -

- i) is 125 millimetres square and coloured blue, if issued on or after 1<sup>st</sup> April, 2000 or orange if issued before that date;
  - ii) has been issued by a local authority and has not ceased to be valid; and
  - iii) is capable of showing the quarter hour period during which a period of waiting has begun.
- k) "**Parking Place**" means any length of road subject to restriction in accordance with Articles 11, 12, 13 and 14;
- l) "**Penalty Charge Notice**" means a notice served by a Civil Enforcement Officer pursuant to the provisions of section 78 of the 2004 Act and supporting regulations;
- m) A Vehicle displays a Disabled Person's Badge or Parking Disc in the "**Relevant Position**" if –
- i) the badge/disc is exhibited on the dashboard or fascia of the Vehicle; or
  - ii) where the Vehicle is not fitted with a dashboard or fascia the badge/disc is exhibited in a conspicuous position on the Vehicle, so that the front of the badge/disc is clearly legible from the outside of the Vehicle.
- n) "**School Keep Clear Marking**" means part of a carriageway outside a School as described in Article 10 to this Order where Vehicles shall not stop or wait, and indicated by a road marking approved by the Department for Transport;
- o) "**Taxi**" means a Vehicle licensed under section 37 of the Town Police Clauses Act 1847;
- p) "**Taxi Stand**" means any area of carriageway described in Article 13 indicated by a road marking approved by the Department for Transport, in which Taxis may wait;
- q) "**The Council's Duly Authorised Officer**" means a person appointed by the council or its local agent, or authority, to administer the powers conferred on the said Council by the 1984 Act, with respect to this and other Traffic Regulations;
- r) "**Vehicle**" means a motor vehicle, a passenger vehicle, a dual-purpose vehicle, a goods vehicle, a motorcycle or an invalid carriage or any other vehicle of any description whether drawn or propelled along a road by animal or mechanical power.
- s) "**Verge**" means all that area of land adjoining either side of the Main Carriageway but excluding any Lay-by or designated parking area.

## 2. Revocations

- a) Those parts of the "The St Helens Ormskirk Southport Trunk Road (Prohibition of Waiting) (Clearways) Order 1979", as set out in Schedule 1A to this Order, are hereby revoked.
- b) Those parts of the "Lancashire County Council (Chorley Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009", as set out in Schedule 1B to this Order, are hereby revoked.
- c) Those parts of the "Lancashire County Council (Pendle Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009", as set out in Schedule 1C to this Order, are hereby revoked.
- d) Those parts of the "Lancashire County Council (Rossendale Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009", as set out in Schedule 1D to this Order, are hereby revoked.
- e) Those parts of the "Lancashire County Council (West Lancs Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009", as set out in Schedule 1E to this Order, are hereby revoked.

- f) Those parts of the "Lancashire County Council (Wyre Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009", as set out in Schedule 1F to this Order, are hereby revoked.
- g) The "Lancashire County Council (Blacko Bar Road, Roughlee, Pendle Borough) (Restriction of Waiting) Order 2009" is hereby revoked in full.
- h) Those parts of the "Lancashire County Council (Ashton Road, Lancaster, Lancaster City) (Part Revocation, Prohibition of Waiting and Introduction of a Mandatory Cycle Lane) Order 2010", as set out in Schedule 1G to this Order, are hereby revoked.
- i) The "Lancashire County Council (A570 St Helens Road/Ormskirk Road, Ormskirk, West Lancashire Borough) Part Revocation and Clearway) Order 2011" is hereby revoked in full.
- j) Those parts of the "Lancashire County Council (Fishergate Area, Preston, Preston City) (Revocation and Introduction of Parking Restrictions) Order 2015", as set out in Schedule 1H to this Order, are hereby revoked.
- k) Those parts of the "Lancashire County Council (Brindle Street, Duke Street, Harrison Road, Pilling Lane, Chorley, Chorley Borough) (Revocation and Prohibition of Waiting) Order 2018", as set out in Schedule 1I to this Order, are hereby revoked.

### **3. Prohibition of Waiting**

Save as is hereinafter provided, no person shall, except upon the direction or with the permission of a police constable in uniform, or a Civil Enforcement Officer, cause or permit any Vehicle to wait at any time, on any day, in the lengths of road set out in Schedule 2 to this Order.

### **4. Prohibition of Loading and Unloading**

Save as is hereinafter provided, no person shall, except upon the direction or with the permission of a police constable in uniform, or a Civil Enforcement Officer, cause or permit any Vehicle to wait at any time, on any day, for the purposes of Loading or Unloading, in the lengths of road set out in Schedule 3 to this Order.

### **5. Prohibition of Stopping on Main Carriageway**

Save as is hereinafter provided, no person shall, except upon the direction or with the permission of a police constable in uniform or Civil Enforcement Officer, cause or permit any Vehicle, to stop or wait at any time, in the lengths of Main Carriageway set out in Schedule 4 to this Order.

### **6. Prohibition of Stopping on Verge/Footway**

Save as is hereinafter provided, no person shall, except upon the direction or with the permission of a police constable in uniform or Civil Enforcement Officer, cause or permit any Vehicle, to stop or wait at any time, in the lengths of Verge or Footway adjacent to the Main Carriageway as set out in Schedule 5 to this Order.

### **7. Restriction of Waiting Monday to Friday between 8am and 6pm**

Save as is hereinafter provided, no person shall, except upon the direction or with the permission of a police constable in uniform, or a Civil Enforcement Officer, cause or permit any Vehicle to wait from Monday until Friday inclusively, between 8am and 6pm, in the lengths of road set out in Schedule 6 to this Order.

### **8. Restriction of Waiting Monday to Saturday between 8am and 6pm**

Save as is hereinafter provided, no person shall, except upon the direction or with the permission of a police constable in uniform, or a Civil Enforcement Officer, cause or permit any Vehicle to wait

from Monday until Saturday inclusively, between 8am and 6pm, in the length of road set out in Schedule 7 to this Order.

**9. Prohibition Of Stopping On School Keep Clear Markings Monday to Friday 8am – 6pm**

Save as is hereinafter provided, no person shall, except upon the direction or with the permission of a police constable in uniform, or a Civil Enforcement Officer, cause or permit any Vehicle, to stop or wait between 8am and 6pm on each day, Monday to Friday inclusively, on the lengths of road set out in Schedule 8 to this Order.

**10. Limited Waiting Parking Place 1 hour No Return Within 2 Hours Monday to Saturday 8am - 6pm**

Save as is hereinafter provided, no person shall, except upon direction or with the permission of a Police Constable in uniform or a Civil Enforcement Officer cause or permit any Vehicle to wait for a period exceeding one hour, with no return within two hours, from Monday to Saturday inclusively between 8am and 6pm, in the lengths of road set out in Schedule 9 to this Order.

**11. Disabled Persons Parking Place**

Save as is hereinafter provided, no person shall, except upon the direction or with the permission of a police constable in uniform, or a Civil Enforcement Officer, cause or permit any Vehicle to wait in the Parking Place set out in Schedule 10 to this Order, unless that Vehicle is a Disabled Persons Vehicle.

**12. Taxi Stand**

Save as is hereinafter provided, no person shall, except upon the direction or with the permission of a police constable in uniform or Civil Enforcement Officer, cause or permit any Vehicle, other than a Taxi, to stop or wait at any time, in the Taxi Stand set out in Schedule 11.

**13. Loading Bay**

Save as is hereinafter provided, no person shall, except upon the direction or with the permission of a police constable in uniform, or a Civil Enforcement Officer, cause or permit any Vehicle to wait in the Parking Place set out in Schedule 12 to this Order, on any day at any time unless that Vehicle is engaged in Loading or Unloading.

**14. General Exceptions**

Nothing in Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road referred to therein for so long as may be necessary to enable :-

- a) if it cannot conveniently be used for such purpose in any other road to be used in connection with any of the following:-
  - i) building, industrial or demolition operations;
  - ii) the removal of any obstruction to traffic;
  - iii) the maintenance, improvement or reconstruction of the said lengths of road;
  - iv) the laying, erection, alteration or repair in or near land adjacent to the said lengths of road of any sewer or of any main, pipe or apparatus or the exercise of any other

statutory power or duty for the maintenance and supply of gas, water or electricity or of any telecommunications system as defined in Section 4 of the Telecommunications Act 1984.

- b) the Vehicle to be used for the purposes of a local authority in pursuance of statutory powers or duties if it cannot conveniently be used for such purpose in any other road.
- c) the Vehicle to be used for fire brigade, ambulance or police purposes in pursuance of statutory powers or duties.

**15. Exemptions to Articles 3, 4, 7, 8, 10, 11 and 13**

Nothing in Articles 3, 4, 7, 8, 10, 11 and 13 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road referred to therein for so long as may be necessary to enable a person to board or alight from the Vehicle.

**16. Exemptions to Articles 3, 5, 6, 7, 8, 10, 11 and 13**

Nothing in Articles 3, 5, 6, 7, 8, 10, 11 and 13 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road referred to therein for so long as may be necessary to enable :-

- a) A Royal Mail liveried Vehicle engaged in the collection and/or delivery of letters in accordance with the statutory provisions as defined in the Postal Services Act 2000;
- b) the Vehicle to wait at or near to any premises situated on or adjacent to the said length of road for so long as such waiting by the Vehicle is reasonably necessary in connection with any wedding or funeral.

**17. Exemptions to Articles 3, 7, 8, 10 and 11**

Nothing in Articles 3, 7, 8, 10 and 11 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road referred to therein for so long as may be necessary to enable goods to be loaded onto or unloaded from the Vehicle.

**18. Exemptions to Articles 5 and 6**

Nothing in Articles 5 and 6 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road referred to therein for so long as may be necessary to enable if the Vehicle is to be used for the purposes of agriculture, on any land adjacent to the lengths of Main Carriageway, or in connection with the conveyance or haulage of timber felled on such land.

**19. Exemption for Disabled Person's Vehicle**

- a) Nothing in Articles 3, 7, 8 and 13 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road referred to therein 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 of road on the same day) if the Vehicle is a Disabled Person's Vehicle which displays in the Relevant Position both a Disabled Person's Badge and a Parking Disc marked to show the quarter hour period during which the period of waiting began.
- b) Nothing in Article 10 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of roads referred to therein if the Vehicle is a Vehicle which displays in the Relevant Position both a Disabled Person's Badge and a Parking Disc marked to show the quarter hour period during which the period of waiting began.

**20. Emergency Exemptions**

Nothing in Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road referred to therein when the person in control of the Vehicle:-

- a) is required by law to stop;
- b) is obliged to stop in order to avoid an accident; or
- c) is prevented from proceeding along the road due to circumstances beyond his/her control.

**21. Manner of standing in a Parking Place**

- a) The driver of a motor Vehicle using a Parking Place shall stop the engine as soon as the Vehicle is in a position in the Parking Place and shall not start the engine except when about to change the position of the Vehicle in or, or depart from, the Parking Place.
- b) Every Vehicle left in a Parking Place in accordance with the foregoing provisions of this Order shall be left so that every part of the Vehicle is within the limits of the Parking Place.
- c) A driver of a Vehicle shall not use a Parking Place so as unreasonably to prevent access to any premises adjoining a road or the use of a road by other persons or so as to be a nuisance.

**22. Alteration of position of a Vehicle in a Parking Place**

Where any Vehicle is left standing in a Parking Place in contravention of the provisions of Article 21 of this Order, a police constable in uniform or 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.

**23. Removal of a Vehicle from a Parking Place**

Where a police constable in uniform or a Civil Enforcement Officer is of the opinion that any of the provisions contained in Article 21 of this Order have been contravened or not complied with in respect of a Vehicle left in a Parking Place, he/she may remove or cause to be removed the Vehicle from the said Parking Place, and where it is so removed, shall provide for the safe custody of the said Vehicle.

**24. Movement of a Vehicle in a Parking Place in an Emergency**

- a) 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 and shall provide for the safe custody of the Vehicle.
- b) A person causing or permitting a Vehicle to wait in a Parking Place by virtue of the provisions of this Order shall take all such steps as are necessary to ensure that in the case of a Parking Place it shall stand in accordance with Article 21 so that every part of the Vehicle is within the limits of the Parking Place.

**25. Power to suspend use of Parking Places**

- a) The Council's Duly Authorised Officer may suspend the use of a Parking Place or any part thereof whenever he/she considers such suspensions reasonably necessary and make such charge for the administration of this service, as may from time to time be determined by the Council.