

CITY COUNCIL OF BRISTOL

(VARIOUS ROADS, HENGROVE PROMENADE AREA, HENGROVE AND WHITCHURCH PARK WARD, CITY OF BRISTOL) (PROHIBITION AND RESTRICTION OF WAITING) (LOADING PLACES) ORDER 202-

The City Council of Bristol (hereinafter referred to as “the Council”) in exercise of its powers under sections 1(1), 2(1) to (3), 4(2), 32(1) and 35(1) of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended (hereinafter referred to as “the Act of 1984”) and of all other enabling powers, after consultation with the chief officer of police in accordance with Part III of Schedule 9 of the Act 1984, hereby makes the following order:-

PART I COMMENCEMENT, CITATION AND INTERPRETATION

Commencement and citation

1. This order shall come into operation on ##### and may be cited as the City Council of Bristol (Various Roads, Hengrove Promenade Area, Hengrove and Whitchurch Park Ward, City of Bristol) (Prohibition and Restriction of Waiting) (Loading Places) Order 202-.

Interpretation

2. (1) In this order:-

“**authorised cab rank**” means any area of carriageway which is comprised within and indicated by road marking diagram 1028.2 as provided for at item 5 of the sign table in Part 4 of Schedule 7 to the Traffic Signs Regulations and General Directions 2016 as amended;

“**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;

“**authorised vehicle**” means any vehicle authorised by an order to use any authorised parking place authorised or designated by that order made or having effect as if made under the Act of 1984;

“**bus**” has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016 as amended;

“**bus stop clearway**” in relation to a length or side of road means all that area of carriageway which is bounded by the outer line of road marking diagram 1025.1 as provided for at item 9 of the sign table in Part 4 of Schedule 7 to the Traffic Signs Regulations and General Directions 2016 as amended;

“**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;

“**civil enforcement officer**” has the same meaning as in section 76 of the Traffic Management Act 2004;

“**disabled person**” means a disabled person of a description prescribed by The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, as amended;

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

“**disabled persons’ parking place**” means an area on a carriageway authorised by Article 46 or Article 47 of this order;

“**disabled person’s vehicle**” means:-

- (a) a vehicle which is lawfully displaying a disabled person’s badge in the relevant position and is a vehicle which, immediately before or after any period of waiting allowed by a provision of this order, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying one or more disabled persons as passengers; or
- (b) an invalid carriage as prescribed in Section 136 of the Act of 1984;

“**driver**” in relation to a vehicle waiting in a loading place means the person in charge of the vehicle at the time it was left in the loading place, and where a separate person acts as steersman of a vehicle, includes that person as well as any other person in charge of the vehicle, and “**drive**” shall be construed accordingly;

“**electronic communications apparatus**” means apparatus comprised in or to be comprised in an electronic communications network as defined in the Communications Act 2003;

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

“**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;

“**goods**” means goods of any kind whether animate or inanimate and includes postal packets of any description;

“**hackney carriage**” has the same meaning as in section 38 of the Town Police Clauses Act 1847 but complying with the requirements of the relevant licensing authority in respect of roof-top signs;

“**loading place**” means any area on a carriageway authorised as a loading place by Article 8 of this order;

“**local service**” has the same meaning as in the Transport Act 1985;

“**parking disc**” has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) (Regulations) 2000;

“**police community support officer**” has the same meaning as in section 38 of the Police Reform Act 2002;

“**postal packet**” has the same meaning as in the Postal Services Act 2000;

“**provision of a universal postal service**” has the same meaning as in the Postal Services Act 2000;

“**relevant position**” has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“**traffic sign**” has the same meaning as in Section 64 of the Act of 1984;

“**universal service provider**” has the same meaning as in the Postal Services Act 2000; and

“**vehicle**” means any vehicle, whether or not it is in a fit state for use on a road, and includes any chassis or body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by and anything attached to such a vehicle.

- (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.

PART II WAITING OF VEHICLES

Prohibition and Restriction of Waiting

3. Save as provided in Article 6 and Article 7 of this order no person shall, except upon the direction or with permission of a civil enforcement officer, police community support officer, a police constable in uniform, cause or permit any vehicle to wait in any of the lengths of road or on any of the sides of road identified as **No waiting at any time** in plan **TRO-25-002P** annexed hereto.

4. Save as provided in Article 6 and Article 7 of this order no person shall, except upon the direction or with the permission of a civil enforcement officer, a police community support officer, a police constable in uniform, cause or permit any vehicle to wait between the hours of 7.00 a.m. and 7.00 p.m. on any day other than Saturday or Sunday in any of the lengths of road or on any of the sides of road identified as **Limited waiting Mon - Fri 7 am - 7 pm 1 hour No return within 1 hour** in plan **TRO-25-002P** annexed hereto:-
- (i) for a longer period than one hour; or
 - (ii) if a period of less than one hour has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle in the same length of road or on the same side of road.
5. No person shall, except upon the direction or with the permission of a civil enforcement officer, a police community support officer, a police constable in uniform, cause or permit any vehicle to wait at any time on any footway identified as **No waiting at any time on verge or footway** in plan **TRO-25-002P** annexed hereto.

Exemptions

6. (1) Nothing in Article 3 or Article 4 of this order shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of road or on any of the sides of road referred to in those Articles or so long as may be necessary to enable:-
- (a) a person to board or alight from the vehicle;
 - (b) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely –
 - (i) building, industrial, demolition or excavation operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths of road or sides of road;
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to the said lengths of road or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications apparatus as defined in the Communications Act 2003; or
 - (v) the construction, installation, improvement, maintenance, repair or cleaning of any traffic sign, bus stop infrastructure or other street furniture or other object lawfully placed or to be placed on, in or over the said lengths of road or sides of road;

- (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority, the Environment Agency, a water undertaker or sewerage undertaker in pursuance of statutory powers or duties;
- (d) the vehicle to be used by a universal service provider for the purpose of delivering or collecting postal packets in the course of the provision of a universal postal service;
- (e) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths of road or sides of road;
- (f) the vehicle to wait at or near to any premises situated on or adjacent to the said lengths of road or sides of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral; or
- (g) the vehicle to be used for fire and rescue service, ambulance or police purposes.

Provided that the exemption conferred by this paragraph in relation to the uses specified in sub-paragraph (f) hereof shall not apply so as to exempt any vehicle from the prohibition contained in the said Articles in so far as they apply to the lengths of roads or sides of roads identified as **No loading / unloading at any time** in plan **TRO-25-002P** annexed hereto.

- (2) Nothing in Article 3 or Article 4 of this order shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of road or on any of the sides of road referred to therein for so long as may be necessary to enable goods to be loaded on to or unloaded from the vehicle -

Provided that the exemption conferred by this paragraph shall not apply so as to exempt any vehicle from the prohibitions contained in the said Articles in so far as they apply to the lengths of road or sides of road identified as **No loading / unloading at any time** in plan **TRO-25-002P** annexed hereto.

- (3) Nothing in Article 3 or Article 4 of this order shall render it unlawful to cause or permit any vehicle -
 - (a) being an authorised vehicle, to wait upon an authorised parking place;
 - (b) being a hackney carriage, to wait upon an authorised cab rank; or
 - (c) being a bus used in the provision of a local service to wait in any bus stop clearway for the purposes set out in Part 6 of Schedule 7 to the Traffic Signs Regulations and General Directions 2016 as amended.

7. (1) Nothing in Article 3 of this order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge and parking disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in any of the lengths of road or on any of the sides 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 or on the same side of road on the same day); and
- (2) Nothing in Article 4 of this order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge to wait in any of the lengths of roads or on any of the sides of roads referred to therein -

Provided that no disabled person's vehicle shall wait at any time in any of the lengths of roads or sides of roads identified as **No loading / unloading at any time** in plan **TRO-25-002P** annexed hereto.

PART III LOADING PLACES

Authorisation and Use of Loading Places

8. Each area of a carriageway which is identified as **Loading only** in plan **TRO-25-002P** annexed hereto (and unless otherwise so indicated on the said plans, bounded on one side of that length by the edge of the carriageway) is hereby authorised to be used as a loading place, subject to the following provisions of this order.

Vehicles for Which Loading Places are Authorised

9. Each loading place may be used, subject to the provisions of this order, for the leaving of such vehicles as are goods vehicles and passenger vehicles for the purpose:-
 - (a) of continuous loading and unloading; or
 - (b) of returning or collecting goods previously purchased at premises in the vicinity of the loading place which cannot reasonably be carried by hand and provided that a recent sales receipt is held in respect of such goods.
10. The limits of each loading place shall be indicated on the carriageway by appropriate traffic signs.

Manner of Standing in Loading Places

11. The driver of a vehicle waiting in a loading place shall cause it so to stand:-
 - (a) on a road in a single line parallel to the edge of the carriageway and so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres; and

- (b) so that every part of the vehicle is wholly within the limits of a single loading place.

Restriction of Use of Vehicles at Loading Places

12. The driver of a vehicle using a loading place shall stop the engine as soon as the vehicle is in position in the loading place and shall not start the engine except when about to change the position of the vehicle in, or to depart from, the loading place.
13. The driver of a vehicle in a loading place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in, or to depart from, the loading place.
14. No person shall use any vehicle whilst it is in a loading place for the purposes of or in connection with the sale of or the attempted sale of any article directly from the vehicle to any person in or near the loading place or in connection with the selling or offering for sale of his skill or his services in any other capacity.
15. No person shall use any vehicle whilst it is in a loading place to carry out or permit the carrying out of any work of maintenance or repair or the washing down of any vehicle except such maintenance or repair as may be necessary to enable the vehicle to be moved from the loading place.

Restriction of Waiting in Loading Places

16. Save as provided in Article 17 of this order no person shall leave a vehicle in a loading place:-
- (a) unless the vehicle is in accordance with the provisions of Article 9 of this order; and
- (b) in a position other than that specified in Article 11 of this order.

Restriction of Waiting by Vehicles in Loading Places

17. (1) Without prejudice to the foregoing provision of this order with respect to vehicles which are left in a loading place in accordance with those provisions, any other vehicle may wait anywhere on the carriageway within a loading place (other than a loading place or part thereof the use of which has been suspended) if:-
- (a) the vehicle is waiting for a period not exceeding two minutes, or such longer period as a civil enforcement officer, a police constable in uniform or a police community support 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 as 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 only for so long as is necessary to enable a person to board or alight from the vehicle;
 - (c) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary to avoid an accident;
 - (d) the vehicle is being used for fire and rescue service, ambulance or police purposes or is a vehicle (other than a passenger vehicle) in the service of a local authority being used in pursuance of statutory powers or duties;
 - (e) 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;
 - (f) the vehicle is to be used by a universal service provider in the course of the provision of a universal postal service for the purpose of delivering or collecting postal packets to or from premises adjacent to the loading place or for the purpose of delivering to or collecting from posting boxes adjacent to that loading place;
 - (g) the vehicle is waiting only so long as may be reasonably necessary to enable it to be used for the purpose of the maintenance, installation or removal in or adjacent to the loading place of any traffic sign, bus stop infrastructure or other street furniture; or
 - (h) the vehicle is waiting only for so long as is necessary to enable it to be used in connection with posting or removing advertising material in the form of posters on or from, or cleaning windows or chimneys in, premises adjacent to the loading place in which the vehicle is waiting.
- (2) 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 Standing by Exempted Vehicles in Loading Places

18. A person causing or permitting a vehicle to wait in a loading place by virtue of the provisions of sub-paragraph (f), (g) and (h) in paragraph (1) of the last preceding Article shall ensure 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 nearest wheel of the vehicle is not more than three hundred millimetres.

Power to Suspend the Use of Loading Places

19. (1) Any person generally or specially authorised by the Council may suspend the use of a loading place, or any part thereof, whenever that person 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, industrial, demolition or excavation operations in or adjacent to the loading place;
 - (c) for the purpose of the maintenance, improvement or reconstruction of the loading place;
 - (d) for the purpose of the laying, erection, alteration, removal or repair in or adjacent to the loading place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications apparatus;
 - (e) for the purpose of the maintenance, installation or removal in or adjacent to the loading place of any traffic sign, bus stop infrastructure or other street furniture;
 - (f) for the convenience of occupiers of premises adjacent to the loading place on any occasion of the removal of furniture or household effects to or from premises adjacent to the loading place;
 - (g) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (h) for the convenience of occupiers of premises adjacent to the loading place at times of weddings or funerals, or on other special occasions.
- (2) A police constable in uniform or a police community support officer may suspend for not longer than 7 days the use of a loading place or any part thereof whenever that police constable or police community support officer considers such suspension reasonably necessary for the purpose of preventing or mitigating congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances.
- (3) Any person suspending the use of a loading place or any part thereof in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall thereupon place or cause to be placed over the traffic signs relating to such loading place hoods or other covers indicating that the use of the loading place is suspended or a traffic sign indicating that waiting by vehicles is prohibited.

(4) Exemptions during suspension of loading places

No person shall cause or permit a vehicle to be left in any part of a loading place during such period as there is over the traffic signs relating to that place a hood or other cover (indicating that the use of the loading place is suspended) or during such period as there is in or adjacent to that part of the loading place a traffic sign (indicating that the use of the loading place is suspended) placed in pursuance of paragraph (3) of this Article -

Provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for:-

- (a) fire and rescue service, ambulance or police purposes;
- (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary to avoid an accident;
- (c) 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 -

or if the vehicle is left with the permission of the person suspending the use of the loading place or part thereof in pursuance of paragraph (1) of this Article, or a person duly authorised by him.

Alteration of Position of Vehicles in Loading Places

20. Where a vehicle is standing in a loading place in contravention of the provisions of Article 11 or Article 18 of this order a civil enforcement officer, a police constable in uniform or a police community support 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 Loading Places and Safe Custody of Vehicles

21. When a vehicle (other than an immobilisation exempt vehicle) is left in a loading place in contravention of any of the provisions of Part III of this order a civil enforcement officer, a police constable in uniform or a police community support officer may remove or arrange for the removal of the vehicle from that loading place, and where it is so removed shall make such arrangement as may be reasonably necessary for the safe custody of the vehicle.

Method of Removal of Vehicles from Loading Places

22. A civil enforcement officer, a police constable in uniform or a police community support officer removing a vehicle by virtue of Article 21 of this order may do so by towing or driving the vehicle, or in such other manner as he may think necessary, and may take such measures in relation to that vehicle as may be thought necessary to enable the removal as aforesaid.

Movement of Vehicles in Loading Places in an Emergency

23. Any person generally or specially authorised by the Council, a civil enforcement officer, a police constable in uniform or a police community support officer may move or cause to be moved, in case of emergency, to any place he thinks fit any vehicle left in a loading place.

Placing of Traffic Signs etc.

24. The Council shall:-
- (a) place and maintain in or in the vicinity of each loading place traffic signs and or carriageway markings of any size, colour and type prescribed or authorised by the Department for Transport indicating that such loading place may be used for the purpose of and leaving only of the vehicles specified in Article 9 of this order; and
 - (b) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a loading place.

PART IV **REVOCATION OF ORDER**

Revocation of Order

25. The City Council of Bristol (Various Roads, Hengrove Promenade Area, Hengrove and Whitchurch Park Ward, City of Bristol) (Prohibition and Restriction of Waiting) Order 2017 is hereby revoked.
26. The provisions of this order shall be in addition to and not in derogation from the provisions of any regulations made or having effect as if made under the Act of 1984 or by any other enactment.

Given under the Common Seal of the City Council of Bristol the ## day of ##### 202-.

The COMMON SEAL of the
CITY COUNCIL OF BRISTOL
was hereunto affixed
in the presence of:-

Director of Legal and Democratic Services