
STATUTORY INSTRUMENTS

1994 No. 1494

ROAD TRAFFIC

**The Road Traffic (Special Parking Area)
(London Borough of Havering) Order 1994**

<i>Made</i>	- - - -	<i>6th June 1994</i>
<i>Laid before Parliament</i>		<i>13th June 1994</i>
<i>Coming into force</i>	- -	<i>4th July 1994</i>

Whereas the council of the London borough of Havering has applied to the Secretary of State for an order to be made under section 76 of the Road Traffic Act 1991⁽¹⁾ and the Secretary of State has consulted the Commissioner of Police of the Metropolis in accordance with section 76(2) of that Act: NOW, the Secretary of State for Transport, in exercise of the powers conferred by section 76(1) and section 77(6) of the Road Traffic Act 1991 and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Road Traffic (Special Parking Area) (London Borough of Havering) Order 1994 and shall come into force on 4th July 1994.

Interpretation

2. In this Order—

“the 1984 Act” means the Road Traffic Regulation Act 1984⁽²⁾;

“the 1991 Act” means the Road Traffic Act 1991;

a reference in the Schedule to a number followed by the letter “m” is a reference to that number of metres; and

where a road referred to in the Schedule to this Order (“the main road”) is joined by another road (“the side road”), whether or not that other road is referred to in the Schedule, and the footway to the main road runs on either side of the mouth of the side road, the junction between

(1) 1991 c. 40.

(2) 1984 c. 27; section 55 is amended by paragraph 5 of Schedule 7 to the Road Traffic Act 1991. Section 101 is amended by section 67 and section 102 by section 68 of that Act. Both sections are affected by transitional provisions in the Road Traffic Act 1991 (Commencement No. 6 and Transitional Provisions) Order 1993 (S.I. 1993/1461, amended by S.I. 1993/2229) and in the Road Traffic Act 1991 (Commencement No. 11 and Transitional Provisions) Order 1994 (S.I. 1994/1482).

the two roads shall be taken to be an imaginary line drawn across the mouth of the side road between the respective ends of the back line of the footway to the main road on each side.

Designation of special parking area

3.—(1) The Secretary of State hereby designates the London borough of Havering except the roads named or described in the Schedule to this Order as a special parking area.

(2) A reference in the following provisions of this Order to the special parking area is a reference to the area designated by this article.

Modification of the Road Traffic Regulation Act 1984

4.—(1) Section 55 of the 1984 Act (financial provisions relating to designation orders) shall have effect in relation to the London borough of Havering as if—

(a) at the end of subsection (1) there were inserted the words “and of the income from additional parking charges (within the meaning of section 74(8) of the Road Traffic Act 1991) received by them in respect of vehicles found within the special parking area and the expenditure incurred by them in the discharge of functions exercisable by them in relation to the special parking area by virtue of Part II of the Road Traffic Act 1991”; and

(b) after subsection (1) there were inserted the following subsection:—

“(1A) In subsection (1) above, references to “the special parking area” are to the area designated as a special parking area by the Road Traffic (Special Parking Area) (London Borough of Havering) Order 1994.”

(2) Section 102(2) of the 1984 Act (charges for removal, storage and disposal of vehicles) shall have effect in relation to a vehicle found in the special parking area as if, in paragraph (d), for the words “a parking place” to the end there were substituted—

“(i) a parking place designated under section 6, 9 or 45 of this Act or otherwise provided or controlled by that authority, or

(ii) a place where the vehicle was stationary in circumstances in which an offence would have been committed in respect of the vehicle but for section 76(3) of the Road Traffic Act 1991,

as they may require.”

Modification of the Road Traffic Act 1991

5.—(1) Section 70 of the 1991 Act (exemptions from provisions relating to the immobilisation of vehicles in parking places) shall have effect in relation to a vehicle found in the special parking area as if, in subsections (1) and (2), after the words “section 69(1)” there were inserted the words “or section 77(4)”.

(2) Section 71 of the 1991 Act (representations in relation to removal or immobilisation of vehicles) shall have effect in relation to a vehicle found in the special parking area as if, for subsection (4), there were substituted the following subsection:—

“(4) The grounds are—

(a) that there were no reasonable grounds for the parking attendant concerned to believe that either—

(i) the vehicle had been permitted to remain at rest in the parking place in circumstances specified in section 66(2)(a), (b) or (c) of this Act, or

(ii) the vehicle had been permitted to remain at rest in a special parking area (other than in a designated parking place) in circumstances in which

an offence would have been committed in respect of the vehicle but for section 76(3) of this Act;

- (b) that the vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner;
- (c) that the place at which the vehicle was at rest was neither a designated parking place nor in a special parking area;
- (d) in a case within subsection (1)(d) above, that, by virtue of an exemption given by section 70 of this Act, neither section 69 nor 77(4) of this Act applied to the vehicle at the time in question; or
- (e) that the penalty or other charge in question exceeded the amount applicable in the circumstances of the case.”

(3) Section 74(8) of the 1991 Act (fixing of certain parking and other charges for London) shall have effect in relation to the London borough of Havering as if, after the words “section 69”, there were inserted the words “or section 77(4)”.

(4) Section 79(2) of the 1991 Act (application to Crown and visiting forces) shall have effect in relation to a vehicle found in the special parking area as if, for “66 and 69 to 71”, there were substituted “66, 69 to 71, 76 and 77”.

(5) Schedule 6 to the 1991 Act (parking penalties) shall have effect in relation to a vehicle found in the special parking area as if—

- (a) in sub-paragraph (c) of paragraph 2(4), for the words “the parking place” there were substituted the words “the place in question”, and
- (b) in sub-paragraph (d) of paragraph 2(4), the word “designation” were omitted.

Signed by authority of the Secretary of State for Transport

6th June 1994

Steven Norris
Parliamentary Under Secretary of State,
Department of Transport

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

THE SCHEDULE

Article 3(1)

ROADS IN THE LONDON BOROUGH OF HAVERING EXCLUDED FROM THE SPECIAL PARKING AREA

1. A12 between the borough boundary with the London borough of Barking and Dagenham and the boundary with the county of Essex.
2. A13 between the borough boundary with the London borough of Barking and Dagenham and the boundary with the county of Essex.
3. A127 between its junctions with the A12 and A118 at Gallows Corner and the boundary with the county of Essex.

Roads adjacent to A12

4. Avenue Road between its junction with Colchester Road (A12) and a point 45m south of the southern kerblines of Colchester Road.
5. Bampton Road between its junction with Colchester Road (A12) and a point 45m north of the northern kerblines of Colchester Road.
6. Bryant Avenue between its junction with Colchester Road (A12) and a point 45m south of the southern kerblines of Colchester Road.
7. Court Avenue between its junction with Colchester Road (A12) and a point 45m south of the southern kerblines of Colchester Road.
8. David Drive between its junction with Colchester Road (A12) and a point 45m south of the southern kerblines of Colchester Road.
9. Fairoak Gardens—
 - (a) (east arm) between its junction with Eastern Avenue (A12) and a point 45m south of the southern kerblines of Eastern Avenue;
 - (b) (west arm) between its junction with Eastern Avenue (A12) and a point 45m south of the southern kerblines of Eastern Avenue.
10. Geoffrey Avenue between its junction with Colchester Road (A12) and a point 45m south of the southern kerblines of Colchester Road.
11. Gooshays Drive between its junction with Colchester Road (A12) and a point 45m north of the northern kerblines of Colchester Road.
12. Gubbins Lane between its junction with Colchester Road (A12) and a point 45m south of the southern kerblines of Colchester Road.
13. Hainault Road—
 - (a) (south arm) between its junction with Eastern Avenue (A12) and a point 45m south of the southern kerblines of Eastern Avenue;
 - (b) (north arm) between its junction with Eastern Avenue (A12) and a point 45m north of the northern kerblines of Eastern Avenue.
14. Harold Court Road between its junction with Eastern Avenue (A12) and a point 45m south of the southern kerblines of Eastern Avenue.
15. Havering Road between its junction with Eastern Avenue (A12) and a point 45m north of the northern kerblines of Eastern Avenue.

16. Heath Drive between its junction with Eastern Avenue (A12) and a point 45m south of the southern kerbline of Eastern Avenue.
17. Heather Avenue between its junction with Eastern Avenue (A12) and a point 45m north of the northern kerbline of Eastern Avenue.
18. Kenilworth Avenue between its junction with Colchester Road (A12) and a point 45m north of the northern kerbline of Colchester Road.
19. King Georges Close between its junction with Eastern Avenue (A12) and a point 45m north of the northern kerbline of Eastern Avenue.
20. Main Road between its junction with Gallows Corner and a point 45m south west of the southern kerbline of Gallows Corner.
21. Masefield Crescent between its junction with Eastern Avenue (A12) and a point 45m north of the northern kerbline of Eastern Avenue.
22. Mawney Road—
 - (a) (south arm) between its junction with Eastern Avenue (A12) and a point 45m south of the southern kerbline of Eastern Avenue;
 - (b) (north arm) between its junction with Eastern Avenue (A12) and a point 45m north of the northern kerbline of Eastern Avenue.
23. Maylands Way—
 - (a) (east side) between its junction with Colchester Road (A12) and a point 45m south of the southern kerbline of Colchester Road;
 - (b) (west side) between its junction with Colchester Road (A12) and a point 45m south of the southern kerbline of Colchester Road.
24. North Street between its junction with Eastern Avenue (A12) and a point 45m south of the southern kerbline of Eastern Avenue.
25. Park Boulevard between its junction with Eastern Avenue (A12) and a point 45m south of the southern kerbline of Eastern Avenue.
26. Petersfield Avenue between its junction with Colchester Road (A12) and a point 45m north of the northern kerbline of Colchester Road.
27. Pettits Lane between its junction with Eastern Avenue (A12) and a point 45m south of the southern kerbline of Eastern Avenue.
28. Pettits Lane North between its junction with Eastern Avenue (A12) and a point 45m south of the southern kerbline of Eastern Avenue.
29. Rise Park Boulevard—
 - (a) (east arm) between its junction with Eastern Avenue (A12) and a point 45m north of the northern kerbline of Eastern Avenue;
 - (b) (west arm) between its junction with Eastern Avenue (A12) and a point 45m north of the northern kerbline of Eastern Avenue.
30. Straight Road between its junction with Gallows Corner and a point 45m north of the northern kerbline of Gallows Corner.
31. Unnamed service road (fronting 67 Eastern Avenue West) between its junction with Eastern Avenue (A12) and a point 45m south of the southern kerbline of Eastern Avenue.
32. Whitelands Way between its junction with Colchester Road (A12) and a point 45m south of the southern kerbline of Colchester Road.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

33. Willow Way between its junction with Eastern Avenue (A12) and a point 45m south of the southern kerbline of Eastern Avenue.

34. Woodstock Avenue between its junction with Eastern Avenue (A12) and a point 45m north of the northern kerbline of Eastern Avenue.

Roads adjacent to A13

35. Askwith Road between its junction with New Road (A13) and a point 45m north of the northern kerbline of New Road.

36. Betterton Road between its junction with New Road (A13) and a point 45m north of the northern kerbline of New Road.

37. Bridge Road between its junction with New Road (A13) (at Dovers Corner) and a point 45m south of the southern kerbline of New Road.

38. Cherry Tree Lane between its junction with New Road (A13) and a point 45m north east of the northern kerbline of New Road.

39. East Hall Lane between its junction with New Road (A13) and a point 45m south west of the southern kerbline of New Road.

40. Lambs Lane—

(a) (south arm) between its junction with New Road (A13) and a point 45m south west of the southern kerbline of New Road;

(b) (north arm) between its junction with New Road (A13) and a point 45m north east of the northern kerbline of New Road.

41. Launderers Lane—

(a) (east slip road) between its junction with New Road (A13) and a point 45m north west of the northern kerbline of New Road;

(b) (west slip road) between its junction with New Road (A13) and a point 45m north west of the northern kerbline of New Road.

42. Lower Mardyke Road between its junction with New Road (A13) and a point 45m north of the northern kerbline of New Road.

43. Manor Way between its junction with New Road (A13) and a point 45m south of the southern kerbline of New Road.

44. Manser Road between its junction with New Road (A13) and a point 45m north of the northern kerbline of New Road.

45. Philip Road between its junction with New Road (A13) and a point 45m north of the northern kerbline of New Road.

46. Rainham Road between its junction with New Road (A13) (at Dovers Corner) and a point 45m north of the northern kerbline of New Road.

47. Sandy Lane between its junction with New Road (A13) and a point 45m north east of the northern kerbline of New Road.

48. South Street between its junction with New Road (A13) and a point 45m north of the northern kerbline of New Road.

49. Spenser Road between its junction with New Road (A13) and a point 45m north of the northern kerbline of New Road.

50. Upminster Road North between its junction with New Road (A13) and a point 45m north east of the northern kerbline of New Road.

51. Upminster Road South between its junction with New Road (A13) and a point 45m south west of the southern kerbline of New Road.

52. Walden Avenue between its junction with New Road (A13) and a point 45m north of the northern kerbline of New Road.

53. Wennington Road between its junction with New Road (A13) and a point 45m south west of the southern kerbline of New Road.

Roads adjacent to A127

54. Ardleigh Green Road between its junction with Southend Arterial Road (A127) and a point 45m south west of the southern kerbline of Southend Arterial Road.

55. Belgrave Avenue between its junction with Southend Arterial Road (A127) and a point 45m south west of the southern kerbline of Southend Arterial Road.

56. Bird Lane between its junction with Southend Arterial Road (A127) and a point 45m south of the southern kerbline of Southend Arterial Road.

57. Bryant Avenue between its junction with Southend Arterial Road (A127) and a point 45m north west of the northern kerbline of Southend Arterial Road.

58. Cecil Avenue between its junction with Southend Arterial Road (A127) and a point 45m south west of the southern kerbline of Southend Arterial Road.

59. Foulkes Lane between its junction with Southend Arterial Road (A127) and a point 45m north of the northern kerbline of Southend Arterial Road.

60. Front Lane between its junction with Southend Arterial Road (A127) and a point 45m south of the southern kerbline of Southend Arterial Road.

61. Hall Lane—

(a) (north Arm)

(i) (east slip road) between its junction with Southend Arterial Road (A127) and a point 45m north east of the northern kerbline of Southend Arterial Road;

(ii) (west slip road) between its junction with Southend Arterial Road (A127) and a point 45m north east of the northern kerbline of Southend Arterial Road;

(b) (south Arm)

(i) (east slip road) between its junction with Southend Arterial Road (A127) and a point 45m south west of the southern kerbline of Southend Arterial Road;

(ii) (west slip road) between its junction with Southend Arterial Road (A127) and a point 45m south east of the southern kerbline of Southend Arterial Road.

62. Prospect Road between its junction with Southend Arterial Road (A127) and a point 45m north east of the northern kerbline of Southend Arterial Road.

63. Redden Court Road between its junction with Southend Arterial Road (A127) and a point 45m north west of the northern kerbline.

64. Squirrels Heath Road between its junction with Southend Arterial Road (A127) and a point 45m north east of the northern kerbline of Southend Arterial Road.

65. Tomkyns Lane between its junction with Southend Arterial Road (A127) and a point 45m north of the northern kerbline of Southend Arterial Road.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

66. Unnamed service road (fronting 122 Southend Arterial Road) between its junction with Southend Arterial Road (A127) and a point 45m south of the southern kerbline of Southend Arterial Road.

67. Unnamed service road (fronting 133 Southend Arterial Road) between its junction with Southend Arterial Road (A127) and a point 45m north of the northern kerbline of Southend Arterial Road.

68. Wingletye Lane between its junction with Southend Arterial Road (A127) and a point 45m south east of the southern kerbline of Southend Arterial Road.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the whole of the London borough of Havering (excluding the roads referred to in the Schedule) as a special parking area for the purposes of Part II of the Road Traffic Act 1991 with effect from 4th July 1994. The Order also makes consequential modification to the Road Traffic Regulation Act 1984 and to Part II of the 1991 Act.