
STATUTORY INSTRUMENTS

1994 No. 1510

ROAD TRAFFIC

**The Road Traffic (Special Parking Area)
(London Borough of Merton) 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 Merton 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 Merton) Order 1994 and shall come into force on 4th July 1994.

Interpretation

- 2.—(1) In this Order, unless the context otherwise requires,
- “the 1984 Act” means the Road Traffic Regulation Act 1984⁽²⁾;
 - “the 1991 Act” means the Road Traffic Act 1991;
 - a reference to a numbered Schedule is to the Schedule to this Order so numbered;
 - a reference in Schedule 2 to a number followed by the letter “m” is a reference to that number of metres; and
 - where a road referred to in Schedule 2 (“the main road”) is joined by another road (“the side road”), whether or not that other road is referred to in Schedule 2, and the footway to the main

(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).

road runs on either side of the mouth of the side road, the junction between 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.

(2) In this Order subject to paragraph (3) below “the designated area” means the area lying within the outer edge of the boundary delineated in red on the map comprising Schedule 1.

(3) In relation to each road named first in a paragraph in Schedule 2—

(a) the part of the road described in each such paragraph shall be taken to be in the designated area, and

(b) the remainder of the road shall be taken not to be in that area,

and, accordingly, in so far as there is any inconsistency between this paragraph and paragraph (2) above, this paragraph shall prevail.

Designation of special parking area

3.—(1) The Secretary of State hereby designates that part of the London borough of Merton which consists of the designated area 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 Merton 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 Merton) 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 Merton 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

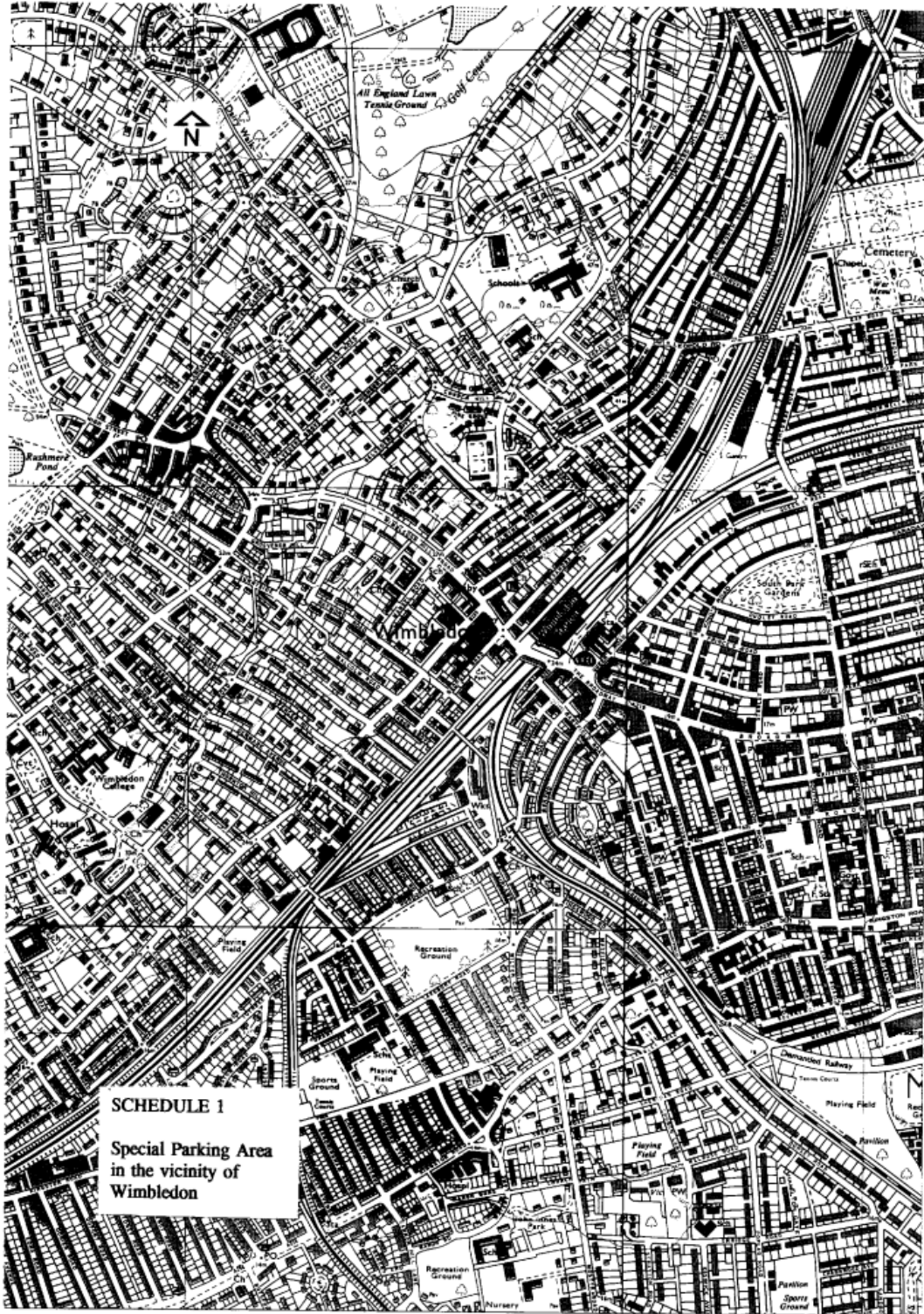
6th June 1994

Steven Norris
Parliamentary Under Secretary of State,
Department of Transport

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SCHEDULE 1

Special Parking Area in the vicinity of Wimbledon



SCHEDULE 2

Article 2(3)

PARTS OF ROADS INCLUDED IN THE SPECIAL PARKING AREA
ROADS IN THE VICINITY OF WIMBLEDON

1. Ashcombe Road between its junction with Queen's Road and a point 18.29m north west of the north western kerbline of Queen's Road.
2. Belvedere Drive between its junction with St. Mary's Road and a point 18.29m south west of the south western kerbline of St. Mary's Road.
3. Church Hill between its junction with Lake Road and a point 18.29m west of the south western kerbline of Lake Road.
4. Dudley Road between its junction with King's Road and a point opposite the party wall of 5 and 6 Dudley Road.
5. Dundonald Road between its junction with Hartfield Crescent and a point 18.29m south west of the south western kerbline of Newton Road.
6. Gladstone Road between its junction with The Broadway and a point opposite the north western boundary of 84 Gladstone Road.
7. Glendale Drive between its junction with Woodside and a point 18.29m north west of the north western kerbline of Woodside.
8. Hartfield Road between its junction with Wimbledon Bridge and a point 1.22m north west of a point opposite the southern wall of 175 Hartfield Road.
9. King's Road between its junction with The Broadway and a point 18.29m north east of the north eastern kerbline of Dudley Road.
10. Lake Road between its junction with Woodside and a point 18.29m north east of the north eastern kerbline of St. Aubyn's Avenue.
11. Montague Road between its junction with The Broadway and a point 27.43m south of the southern kerbline of The Broadway.
12. Newton Road between its junction with Dundonald Road and a point 18.29m north west of the north western kerbline of Dundonald Road.
13. Palmerston Road between its junction with The Broadway and a point opposite the north western boundary of 75 Palmerston Road.
14. Parkwood Road
 - (a) between its junction with Alexandra Road and a point 10m north west of the north western kerbline of Alexandra Road;
 - (b) between its junction with Woodside and a point 18.29m south east of the south western kerbline of Woodside.
15. Pelham Road between its junction with Gladstone Road and a point 15.24m north east of the north eastern kerbline of Palmerston Road.
16. Queen's Road between its junction with The Broadway and a point 18.29m north east of the north eastern kerbline of Trinity Road.
17. Ridgway Place between its junction with Worple Road and a point 27.43m south east of a point opposite the common boundary of 53 and 55 Ridgway Place.
18. Rostrevor Road between its junction with Alexandra Road and a point 10m north west of the north western kerbline of Alexandra Road.

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19. Russell Road between its junction with The Broadway and a point opposite the north western boundary of 83 Russell Road.
 20. St. Aubyn's Avenue between its junction with Church Hill and a point 18.29m north west of the northern kerbline of Church Hill.
 21. St. John's Road between its junction with Thornton Road and a point 10m north east of the north eastern kerbline of Thornton Road.
 22. St. Mary's Road between its junction with Woodside and a point 36.58m north east of a point opposite the south western boundary of 25 Belvedere Drive.
 23. South Park Road between its junction with Queen's Road and a point 18.29m east of the eastern kerbline of Trinity Road.
 24. Southey Road between its junction with The Broadway and a point 27.43m south east of the south eastern kerbline of The Broadway.
 25. Spencer Hill between its junction with Worple Road and the south eastern kerbline of St. John's Road.
 26. Springfield Road between its junction with Alexandra Road and a point 10m north west of the north western kerbline of Alexandra Road.
 27. The Broadway between its junction with Wimbledon Bridge and a point 24.38m east of the eastern kerbline of Trinity Road.
 28. Thornton Road between its junction with Thornton Hill and a point 15m north west of the north western kerbline of St. John's Road.
 29. Trinity Road
 - (a) between its junction with Queen's Road and a point 18.29m south west of the south western kerbline of Queen's Road;
 - (b) between its junction with The Broadway and a point 18.29m north of the north western kerbline of South Park Road.
 30. Wimbledon Hill Road between its junction with Wimbledon Bridge and a point 16.76m north west of the north western boundary of 102 Wimbledon Hill Road.
 31. Woodside between its junction with Wimbledon Hill Road and a point 18.29m north east of the north eastern kerbline of Parkwood Road.
 32. Worple Road between its junction with Wimbledon Hill Road and a point opposite the common boundary of 70 and 72 Worple Road.
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EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates part of the London borough of Merton 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 modifications to the Road Traffic Regulation Act 1984 and to Part II of the 1991 Act.

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