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STATUTORY INSTRUMENTS

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**1996 No. 3038**

**ROAD TRAFFIC**

**The Road Traffic (Special Parking Area) (Royal Borough of Kingston upon Thames) Order 1996**

*Made* - - - - *3rd December 1996*  
*Laid before Parliament* *10th December 1996*  
*Coming into force* - - *1st January 1997*

Whereas the council of the Royal borough of Kingston upon Thames has applied to the Secretary of State for an order to be made under section 76 of the Road Traffic Act 1991<sup>(1)</sup> 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 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) (Royal Borough of Kingston upon Thames) Order 1996 and shall come into force on 1st January 1996.

**Revocation**

2. The Orders specified in Schedule 1 to this Order are hereby revoked.

**Interpretation**

3. In this Order—

“the 1984 Act” means the Road Traffic Regulation Act 1984<sup>(2)</sup>;

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

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(1) 1991 c. 40. Section 76(3) was amended by the Road Traffic Act 1991 (Amendment of Section 76(3)) Order 1995, S.I. 1995/1437.  
(2) 1984 c. 27; section 55 was amended by paragraph 5 of Schedule 7 to the Road Traffic Act 1991. Section 101 was 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 special parking area” means the area designated as a special parking area by article 4 of this Order;

a reference in Schedule 2 to this Order 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 to this Order (“the main road”) is joined by another road (“the side road”), whether or not that other road is referred to in that Schedule, and the footway to the main 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.

### **Designation of special parking area**

4. The Secretary of State hereby designates as a special parking area the Royal borough of Kingston upon Thames except—

- (a) the roads named or described in Schedule 2 to this Order; and
- (b) so much of Richmond Park as lies within the Royal borough of Kingston upon Thames.

### **Modification of the Road Traffic Regulation Act 1984**

5.—(1) Section 55 of the 1984 Act (financial provisions relating to designation orders) shall have effect in relation to the Royal borough of Kingston upon Thames 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) (Royal Borough of Kingston upon Thames) Order 1996.”

(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**

6.—(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 has 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 Royal borough of Kingston upon Thames 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

Department of Transport  
3rd December 1996

*John Bowis*  
Parliamentary Under Secretary of State,

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## SCHEDULE 1

Regulation 2

## REVOCATION

<i>(1)</i> <i>Orders revoked</i>	<i>(2)</i> <i>References</i>
The Road Traffic (Special Parking Area) (Royal Borough of Kingston upon Thames) Order 1994.	S.I.1994/1497.
The Road Traffic (Special Parking Area) (Royal Borough of Kingston upon Thames) (Amendment) Order 1995.	S.I. 1995/617.
The Road Traffic (Special Parking Area) (Royal Borough of Kingston upon Thames) (Amendment No. 2) Order 1995.	S.I. 1995/1333.
The Road Traffic (Special Parking Area) (Royal Borough of Kingston upon Thames) (Amendment) Order 1996.	S.I. 1996/1110.

## SCHEDULE 2

Regulation 4

## ROADS IN THE ROYAL BOROUGH OF KINGSTON UPON THAMES EX CLUDED FROM THE SPECIAL PARKING AREA

1. A3 between the borough boundary with the county of Surrey and the borough boundary with the London borough of Merton, and between the borough boundary with the London borough of Merton and the borough boundary with the London borough of Wandsworth.

*Roads adjacent to A3*

2. Ace Parade.

3. Barnsbury Lane between its junction with Tolworth Roundabout and a point opposite the south east side of the rear accessway between Bell Court and Woodland Way and a point opposite the north east flank wall of 7-36 Bell Court.

4. Beverley Way—

(a) (east side)

(i) (south west slip roads) between the borough boundary with the London borough of Merton and their junction with Beverley Way (A3);

(ii) (service road fronting 18 to 68 Beverley Way) between its junction with Beverley Way (south west slip road) and a point 8m south west of the northern flank wall of 1 to 24 Beverley Court;

(b) (west side)

(i) (south east slip roads) between their junction with Coombe Lane West (A238) and their junction with Beverley Way (A3), including the slip road to the east of the garage site and west of Beverley Way (A3);

- (ii) (service road fronting 15 to 45 Beverley Way) between its junction with the south east slip road and a point opposite the common boundary of 15 and 17 Beverley Way.
- 5. Broadway (Tolworth)—
  - (a) between its junction with Tolworth Roundabout and a point 2.5m north west of the common boundary of 94 and 96 Broadway;
  - (b) service road fronting 140 to 148 Broadway, for its entire length.
- 6. Elmbridge Avenue from its junction with Tolworth Rise North service road to a point opposite the common boundary of 215 Tolworth Rise North and 1 Elmbridge Avenue.
- 7. Elmcroft Drive—
  - (a) (north arm) between its junction with Hook Rise South service road and a point opposite the common boundary of 1 and 3 Elmcroft Drive;
  - (b) (west arm) between its junction with Hook Road and a point opposite the western flank wall of 201 Hook Road.
- 8. Ewell Road between its junction with Tolworth Rise North and a point 4m north west of the north western flank wall of 31 and 33 Tolworth Rise North.
- 9. Fairmead between its junction with Tolworth Rise North and a point opposite the common boundary of 37 and 39 Fairmead.
- 10. Fullers Way North between its junction with Hook Rise (A3) and a point opposite the common boundary of 70 and 72 Fullers Way North.
- 11. Haycroft Road between its junction with Hook Road and a point 6.5m west of that junction.
- 12. Highfield Road between its junction with Tolworth Rise North service road and a point opposite the common boundary of 143 and 145 Tolworth Rise North and a point 5m north east of the common boundary of 157 and 159 Tolworth Rise North.
- 13. Hook Rise North—
  - (a) (north west arm)
    - (i) between the borough boundary with the county of Surrey and its junction with Hook Road;
    - (ii) (London bound slip road) between its junction with the A3 and its junction with Hook Road;
  - (b) (north east arm)
    - (i) (service road leading to Chaffinch Close) between its junction with Hook Rise North (A3) and an imaginary straight line drawn between a point 25m north east of the northern kerbline of Hook Rise North on the north east side and a point opposite;
    - (ii) (slip road fronting 2a to a point west of 66 Hook Rise North) between its junction with Hook Rise North (A3) and its junction with the Broadway (Tolworth).
- 14. Hook Rise South—
  - (a) (south west arm—service road fronting 335 Hook Rise South to Ace Parade) between its junction with Hook Road (A243) and a point 20m south east of the common boundary of 333 Hook Rise South and 1 Elmcroft Drive;
  - (b) (south east arm—south bound slip road) between its junction with Hook Rise South (A3) and its junction with Tolworth Roundabout.
- 15. Hook Road (A243)—

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- (a) (west side) between the southern kerbline of Gladstone Road and a point 8.5m south of the common boundary of 3 and 4 King Edward Drive;
  - (b) (east side) between a point 2.5m south of the northern flank wall of 177 Hook Road and a point 8.5m south of the common boundary of 3 and 4 King Edward Drive, including the circulatory carriageway of Hook Roundabout.
- 16.** Kelvin Grove between its junction with Hook Road (A243) and a point opposite the common boundary of 30 and 31 Kelvin Grove.
- 17.** King Edward Drive between its junction with Kelvin Grove and a point opposite the northern boundary of 5 King Edward Drive.
- 18.** Kingston Road (A240) between its junction with Tolworth roundabout and a point opposite the north eastern kerbline of the unnamed service road between Kingston Road and Hook Rise South.
- 19.** Kingston Vale (A308) between its junction with Kingston Vale (A3) and a point 7m north east of the north eastern boundary of 1 St Johns Terrace.
- 20.** Malden Road (A2043) between an imaginary straight line drawn between the northern kerbline of Wickham Close and the northern kerbline of Blakes Lane and an imaginary straight line drawn between the southern kerbline of Bodley Road and the southern kerbline of St. James Close, including the circulatory carriageway of Malden Roundabout.
- 21.** Malden Way—
- (a) (north side)
    - (i) (western slip road) between its junction with Malden Way (A3) and its junction with Malden Road (A2043);
    - (ii) (service road fronting 185 to 283 Malden Way) between its junction with South Lane and a point opposite the western flank wall of 187 Malden Way;
    - (iii) (eastern slip road) between its junction with Malden Way (A3) and its junction with Malden Road (A2043);
    - (iv) (service road fronting 141 and 171 Malden Way) between its junction with Malden Way (A3) and a point opposite the common boundary of 145 and 147 Malden Way;
    - (v) (service road fronting 141 to 171 Malden Way) between its junction with South Lane and a point 23m east of the eastern kerbline of South Lane;
  - (b) (south side)
    - (i) (western slip road) between its junction with Malden Way (A3) and its junction with Malden Road;
    - (ii) (eastern slip road) between its junction with Malden Way (A3) and its junction with Malden Road;
    - (iii) (service road fronting 222 to 248 Malden Way) between its junction with South Lane and a point opposite the common boundary of 244 and 246 Malden Way.
- 22.** Princes Avenue between its junction with Hook Rise North and a point opposite the common boundary of 52 Hook Rise North and 120 Princes Avenue.
- 23.** Robin Hood Way—
- (a) (east side)
    - (i) (south east slip road) between its junction with Robin Hood Way (A3) and the borough boundary with the London borough of Merton;

- (ii) (service road fronting 2 to 62 Robin Hood Way) between its junction with Robin Hood Way (A3) and a point opposite the common boundary of 2 and 4 Robin Hood Way;
- (b) (west side)
  - (i) (north east slip roads) between their junction with Coombe Lane West (A238) and their junction with Robin Hood Way (A3), including the slip road to the east of the petrol service station site and west of Robin Hood Way (A3);
  - (ii) (service road fronting 199 to 213 Robin Hood Way) between its junction with Robin Hood Way (A3) and a point 3m north of the common boundary of 211 and 213 Robin Hood Way;
  - (iii) (service road fronting 185 to 189 Robin Hood Way) between its junction with Robin Hood Way (A3) and its junction with Keswick Avenue;
  - (iv) (service road fronting 1 to 67 Robin Hood Way) between its junction with Robin Hood Way (A3) and a point 2m north of the southern flank wall of 23 Robin Hood Way.
- 24.** Ronelean Road (south arm) between its junction with Fullers Way North and a point opposite the eastern flank wall of 74 Fullers Way North.
- 25.** Somerset Close between its junction with Malden Way (western slip road) and a point 10m south east of the southern kerbline of Malden Way.
- 26.** South Lane—
  - (a) (north arm) between its junction with Malden Way service road (north side) and a point opposite the common boundary of 185 Malden Way and 239 South Lane;
  - (b) (south arm) between its junction with Malden Way service road (south side) and a point opposite the south east boundary of 250 Malden Way.
- 27.** Tolworth Rise North between its junction with Tolworth Rise North (A3) and its junction with Tolworth roundabout.
- 28.** Tolworth Rise North service road
  - (a) between a point opposite the common boundary of 143 and 145 Tolworth Rise North and a point 5m north east of the common boundary of 157 and 159 Tolworth Rise North, including the junction with Highfield Road and the exit from the A3 Tolworth Rise North to Highfield Road;
  - (b) between the common boundary of 213 and 215 Tolworth Rise North and a point opposite the north eastern flank wall of Perak Court, including the junction with Elmbridge Avenue and the exit from the A3 Tolworth Rise North to Elmbridge Avenue.
- 29.** Tolworth Rise South between its junction with Tolworth roundabout and a point opposite the common boundary of 112 and 114 Tolworth Rise South.
- 30.** Tolworth roundabout, the carriageway comprised in the roundabout situated at or adjacent to the junction of Broadway (A240), the north western and north eastern slip roads, and the junction with Kingston Road (A240), the south western and south eastern slip roads.
- 31.** Unnamed road (between Robin Hood roundabout and Richmond Park) between the borough boundary with the London borough of Richmond upon Thames and its junction with Kingston Vale (A3).
- 32.** Vincent Avenue between its junction with Tolworth Rise South and its junction with Barnsbury Lane.

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33. Warren Drive North between its junction with Tolworth Rise North and a point 4m west of the common boundary of 57 and 59 Warren Drive North.

34. Warren Drive South between its junction with Tolworth Rise South and a point 23m south east of the north eastern kerbline of Tolworth Rise South.

35. Woodfield Gardens—

- (a) (west arm) between its junction with Malden Way (east slip road) and a point 10m north west of the north eastern kerbline of Malden Way;
- (b) (east arm) between its junction with Malden Way (east slip road) and an imaginary straight line drawn between the southern flank walls of 57 and 59 Malden Way and a point opposite.

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#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order consolidates (with amendments) the Road Traffic (Special Parking Area) (Royal Borough of Kingston upon Thames) Order 1994 and the Orders amending it, by re-designating the Royal Borough of Kingston upon Thames as a special parking area. The list in Schedule 2 of roads excluded from the designated area has been revised.