

HERTSMERE BOROUGH COUNCIL

Date of Order: XXXXXXXX 2022

Order No:

THE HERTSMERE BOROUGH COUNCIL (MEADOW ROAD, BOREHAMWOOD) (RESTRICTION OF WAITING) ORDER 2022

Hertsmere Borough Council (hereinafter referred to as the “the Council”), pursuant to arrangements made with Hertfordshire County Council (“the County Council”) under Section 19 of the Local Government Act 2000 and The Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2000 in exercise of the powers on the said County Council by Sections 1,2, and 3, of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act of 1984”) and Part IV of the Schedule 9 of the Road Traffic Regulation Act 1984 and of all other enabling powers, and after consultation with the Chief Officers of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby make the following Order:

Commencement

1. This Order may be cited as The Hertsmere Borough Council (Meadow Road, Borehamwood) (Restrictions of Waiting and the provision of Parking Places) Order 2022 hereinafter referred to as “this Order” and shall come into operation on TBC.
2. The Hertsmere Borough Council (Meadow Road, Borehamwood) (Restrictions of Waiting and the provision of Parking Places) Order 2022 Plan number **MAP-MD1-2022** (‘On Street Plan’) as listed in the Schedule to this Order is incorporated into this Order.

3. **Interpretation**

Save as otherwise defined within this Order each and every expression shall have the meaning assigned to it by the Traffic Signs Regulation and General Directions 2016.

"Civil enforcement officer" means an officer as defined by the Traffic Management Act 2004 and appointed by the Council.

“disabled person's vehicle” has the same meaning as in Section 142(1) of the Act of 1984;

“disabled Person/Disabled Driver” means a disabled person of a description prescribed by Regulation 4 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“disabled Persons Badge”, has the same meaning as given in Regulation 3(1) of The Local Authorities' Traffic Orders (Exemption for the Disabled Persons) (England) Regulations 2000;

“On-Street Plan” is the plan numbered **MAP-MD1-2022** inclusive of its Key, which is incorporated into this Order as set out in Article 2 and the Schedule;

“parking disc” has the same meaning as given in Regulation 8(5) of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“postal packet” shall bear the same meanings as in Section 65 of the Postal Services Act 2011;

“provision of a universal postal service” shall bear the same meanings as in Section 65 of the Postal Services Act 2011

“restricted hours” means the hours and days of the week as particularised on the “On-Street Plan” and labels thereof;

“relevant Position” has the same meaning as given in Regulation 4 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“universal service provider” shall bear the same meanings as in Section 65 of the Postal Services Act 2011.

4. Save as provided in Articles 5, 6 and 7 of this Order no person shall cause or permit any Vehicle to wait, on areas of Road or sides of the Road shown on the “On-Street

Plan” where waiting is not allowed as identified and shown on and defined in the Key to the “On-Street Plan”.

5. Nothing in Article 4 of this Order applies in relation to –
 - (a) A vehicle being used for Fire and Rescue, Ambulance or Police purposes.
 - (b) Anything done with the permission of or at the direction of a Police Constable in uniform; or with the permission of a Civil Enforcement Officer appointed by Hertsmere Borough Council and as defined by the Traffic Management Act 2004.
 - (c) A vehicle which is prevented from proceeding by circumstances beyond the drivers control or which has stopped in order to avoid injury or damage to persons or property or when required to do so by law;
 - (d) A vehicle which is being used for one or more of the following purposes and which cannot reasonably be used for such a purpose without stopping in the restricted area;
 - i. Any operation involving building, demolition or excavation;
 - ii. The removal of any obstruction to traffic;
 - iii. The maintenance, improvement or reconstruction of a road;
 - iv. Constructing, improving, maintaining or cleaning of any street furniture; or
 - v. The laying, erection, alteration, repair or cleaning of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus kept or installed for the purposes of a telecommunications code system or of any other telecommunications apparatus lawfully kept installed in any position.
 - (e) A marked vehicle which, whilst used by a universal service provider in the course of the provision of a universal postal service, is stationary only for so long as may reasonably be necessary for postal packets to be delivered or collected
6. Nothing in Article 4 of this Order applies to the lengths of road restricted by that Article (which said lengths of road are referred to in this Article as “restricted area”)

so as to render it unlawful to cause or permit any vehicle to wait only for so long as may be reasonably necessary –

- (a) to enable goods to be loaded on or unloaded from the vehicle from or to premises adjacent to the restricted area; or
 - (b) to enable a passenger to board or alight and to load and unload any luggage.
7. 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, and a parking disc, to wait at any time in the lengths of road specified in Article 2 and Schedule of this Order for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same length of road).
8. Where in Article 6 of this Order a length of road is described as authorised for use as a parking place, the driver of a vehicle shall not permit the vehicle to wait in that parking place unless it is wholly parked within the limits of the parking place.
9. The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.
10. The provisions of the following Order are hereby revoked but only in so far as they are affected by the restrictions imposed by this Order:
- The Borough of Hertsmere (Control of Parking) (Consolidation) Order 2012
11. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

SCHEDULE

Schedule	On-Street Plan MAP-MD1-2022
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IN WITNESS whereof the Common Seal of the Hertsmere Borough Council was hereunto affixed

This..... day of2022

The Common Seal of
Hertsmere Borough Council
Was hereunto affixed in the
Presence of:-
Head of Legal and Democratic Services

DRAFT

DRAFT