

## **HERTSMERE BOROUGH COUNCIL**

Date of Order: xxxxxxxxx201\*

Order No.: XXX

### **THE HERTSMERE BOROUGH COUNCIL (CARPENTER WAY, POTTERS BAR) (DISABLED PERSONS PARKING PLACES) ORDER 201\***

Hertsmere Borough Council (hereinafter referred to as “the Council”) pursuant to arrangements made under Section 19 of the Local Government Act 2000 with the County Council of Hertfordshire in exercise of the powers of the said County Council under Sections 32 and 35 of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act of 1984”), Part IV of Schedule 9 of the Act of 1984 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby make the following Order:-

1. This Order may be cited as “The Borough of Hertsmere (Carpenter Way, Potters Bar) (Disabled Persons Parking Places) Order 2019” and shall come into operation on .....201\*
2. Those lengths of road specified in Schedule 1 to this Order are hereby designated for use as parking places at any time for disabled person’s vehicles, which display in the relevant position a disabled person’s badge
3. Save as provided in Article 4 of this Order, where in Article 2 of this Order a parking place is described as designated for use as a parking place at any time for disabled persons vehicles, which display in the relevant position a disabled persons parking badge, the driver of a vehicle shall not permit the vehicle to wait in that parking place unless it is:
  - (a) A disabled persons vehicle on which is correctly displayed in the relevant position a disabled persons badge; and
  - (b) Wholly parked within the limits of the parking place.
4. (1) Nothing in Articles 3 of this Order applies to the lengths of road restricted by those Articles (which said lengths of road are referred to in this Article as “the restricted area”) 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 as defined by the Traffic Management Act 2004 and appointed by Hertsmere Borough Council;
  - (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 stationary in order that it may be used for one or more of the purposes specified in sub-Article 2 of this Article and which cannot reasonably be used for such a purpose without stopping in the restricted area;
- (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 be reasonably necessary for postal packets to be delivered or collected;

In this sub-Article-

The expressions “universal service provider” “provision of a universal postal service” and “postal package” shall bear the same meanings as in the Postal Services Act 2011.

(2) The “purposes” referred to in sub-Article (1)(d) of this Article are –

- (a) any operation involving building, demolition or excavation;
- (b) the removal of any obstruction to traffic;
- (c) the maintenance, improvement or reconstruction of a road;
- (d) constructing, improving, maintaining or cleaning of any street furniture; or
- (e) 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.

5. In this Order –

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

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

“disabled person’s badge” has the same meaning as given in Regulation 3(1) of The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“Civil Enforcement Officer” is a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Hertsmere Borough Council;

“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;

“parking place” means an area of the highway designated by this Order for the waiting of vehicles and indicated on the carriageway by markings prescribed in accordance with the Traffic Signs Regulations and General Directions or any subsequent legislation;

“motor vehicle” has the same meaning as Section 136(1) of the Act of 1984;

“vehicle” means motor vehicle or motor cycle;

“driver” means the person driving the vehicle at the time it was left in the parking place;

“owner” in relation to a vehicle means the person by whom such vehicle is kept and used;

“relevant position” means on the dashboard or fascia of the vehicle or where the vehicle is not fitted with a dashboard or fascia in a conspicuous position on the nearside of the vehicle, or if the vehicle is one being used by a disabled person has the same meaning as given in Regulation 4 of The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

6. Where a motor vehicle is parked in contravention of any of the Articles to this Order the driver of such motor vehicle shall be issued with a Penalty Charge Notice.
7. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
8. The provisions of the following Orders are hereby revoked but only in so far as they are affected by the restrictions imposed by this Order:
  - I. The Borough of Hertsmere (Control of Parking) (Consolidation) Order 2012
  - II. The Borough of Hertsmere (Various Roads, Potters Bar) (Disabled Persons Parking Places) (No.7) (And Revocation) Order 2016
9. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any other regulations made or having effect as if made under the Act of 1984 or by or under any other enactment

### **SCHEDULE 1**

#### Disabled persons parking places (Potters Bar)

|               |  |
|---------------|--|
| Carpenter Way | From a point approximately 5 metres south west of a point in line with the north eastern flank wall of number 39 Carpenter Way southwestwards for a distance of approximately 6.6 metres |
|---------------|--|

IN WITNESS whereof the Common Seal of the Hertsmere Borough Council was hereunto affixed this                      day of 201\*.

The Common Seal of the                      )  
Hertsmere Borough Council                      )  
was hereunto affixed in the                      )  
presence of :-    )

Director of Resources