

HERTSMERE BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

Date of Order: xxxxxxxxx2016

Order No.: xxx

THE BOROUGH OF HERTSMERE (VARIOUS ROADS, POTTERS BAR) (DISABLED PERSONS PARKING PLACES) (No.7) (AND REVOCATION) ORDER 2016

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 (Various Roads, Potters Bar) (Disabled Persons Parking Places) (No.7) (and Revocation) Order 2016” and shall come into operation on
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 persons vehicles, which display in the relevant position a disabled person’s badge.
3. Save as provided in Article 6 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. Those lengths of road specified in Schedule 2 to this Order are hereby designated for use as parking places for disabled persons vehicles which display in the relevant position a disabled person’s badge and a parking disc from Mondays to Saturday’s inclusive with a maximum stay of 3 hours with no return within 1 hour.
5. Save as provided in Article 6 of this Order, where in Article 4 of this Order a parking place is described as designated for use as a parking place from Mondays to Saturdays inclusive for disabled persons vehicles, which display in the relevant position a disabled persons parking badge and a parking disc, 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 parking disc; and
 - (b) Wholly parked within the limits of the parking place; and
 - (c) Waiting for no more than 3 hours (not being a period separated by an interval of less than 1 hours from a previous period of waiting by the same vehicle in the same length of road).

6. (1) Nothing in Articles 3 or 5 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.

7. In this Order –

“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

“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; and

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

8. The provisions of The Borough of Hertsmere (Control of Parking) (Consolidation) Order 2012, are hereby revoked but only in so far as they are affected by the provisions and restrictions imposed by this Order.
9. Those disabled persons parking places specified in Schedule 3 to this Order are hereby removed and the provisions of The Borough of Hertsmere (Control of Parking) (Consolidation) Order 2012 revoked accordingly in so far as those disabled persons parking places so specified are concerned.
10. A breach of any of the requirements or restrictions set out in the provisions of this Order shall be a contravention within the meaning of Traffic Management Act 2004 Part 6 and Schedule 7, Part 1, Article 4.
11. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
12. 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 at all times

St John's Close (South-west side)	From a point approximately 4.2 metres south-east of a point in line with the south-east boundary of Nos 1, 3, and 5 St John's Close, north-westwards for a distance of approximately 6.6 metres.
Rosary Court, Church Road (West Side)	From a point 2.4 metres north of a point in line with the southern flank wall of No 8 Rosary Court, northwards for a distance of approximately 6.6 metres.
Carpenter Way (North-west Side)	From a point approximately 0.8m south-west of a point in line with the north east flank of No 35 Carpenter Way, north-eastwards for a distance of approximately 6.6m
Ashwood Road (East Side)	From a point in line with the common boundary of Nos 80 and 82 Ashwood Road northwards for a distance of approximately 6.6m.
Holly Drive (West Side)	From a point approximately 11.5 metres north of a point in line with the north-east front wall of Nos 23 – 25 Holly Drive, southwards for a distance of approximately 6.6 metres.

SCHEDULE 2

Disabled persons parking places, maximum stay 3hours No return within 1hr

High Street East Side	From a point approximately 6.6metres south of the southern kerbline of Oakmere Lane southwards for a distance of approximately 5.5metres
Princes Parade (West Side)	From a point approximately 1.5metres south of the boundary between property numbers 1a and 2a Princess Parade northwards for a distance of approximately 6.6metres

SCHEDULE 3

Disabled persons parking places at all times to be revoked

Highview Gardens	South east side. From a point approximately 18 metres from the north-east kerbline of Southgate Road, north-eastwards for a distance of 5 metres.
Holly Drive	South east side. From a point approximately 13.5 metres north-east of a point in line with the north-east flank wall of Nos 1 – 4 Holly Drive and a point approximately 1.4 metres south-east of a point in line with the north-west flank wall of No 1 Holly Drive, south-eastwards for a distance of 4 metres to the kerbline and a width of 1.8 metres.
Carpenter Way	From a point in line with the boundary between property numbers 31 and 35 North eastwards for a distance of approximately 6.6m.
Ashwood Road	From a point approximately 2metres south of the boundary between property numbers 84 and 86 southwards for a distance of approximately 6.6m.
High Street East Side	From a point approximately 6.6metres south of the southern kerbline of Oakmere Lane southwards for a distance of approximately 5.5metres
Princes Parade	From a point approximately 1.5metres south of the boundary

