

## **STATEMENT OF REASONS**

### **THE HERTSMERE BOROUGH COUNCIL (VARIOUS ROADS) (DISABLED PERSONS PARKING PLACES) ORDER 2023**

Hertsmere Borough Council is intending to introduce and amend the disabled persons parking places at various locations.

It is intended that these measures will improve the amenity of the road and its surroundings, assist and enable blue badge holders to park close to their home and enable the disabled persons parking places to be legally enforced.

The proposals have been developed following consultation with Residents, Local and County Councillors representing the area, the Highway Authority, Hertfordshire Constabulary and all other statutory consultees, taking into account Section 122 of Road Traffic Regulation Act 1984.

**January 2023**

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**HERTSMERE BOROUGH COUNCIL**  
**ROAD TRAFFIC REGULATION ACT 1984**

Date of Order: XXXX  
Order No:XXX

**THE HERTSMERE BOROUGH COUNCIL (VARIOUS ROADS)**  
**(DISABLED PERSONS PARKING PLACES)**  
**ORDER 2023**

Hertsmere Borough Council (hereinafter referred to as “the Council”) pursuant to arrangements made under Section 19 of the Local Government Act 2000 and The Local Government (Arrangements for Discharge of Functions) (England) Regulations 200 with the Hertfordshire County Council and in exercise of the powers conferred on that County Council under Sections 32 and 35 of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act of 1984”) and 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 Hertsmere Borough (Various Roads) (Disabled Persons Parking Places) Order 2023” and shall come into operation on .....
2. The Hertsmere Borough (Various Roads) (Disabled Persons Parking Places) plans numbered **DB-BW09-A**, **DB-PB11-C** and **DB-PB12-A** (“The On-Street Plans”) as listed in the Schedule to this Order and inclusive of their keys are incorporated into this Order.

**Revocation**

3. 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:
  - The Borough of Hertsmere (Control of Parking) (Consolidation) Order 2012
  - The Borough of Hertsmere (Various Roads, Potters Bar) (Disabled Persons Parking Places) (No.7) (and Revocation) Order 2016
4. 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.

**Interpretations and Definitions**

5. The interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
6. In this Order:-

“Act of 1984” means the Road Traffic Regulation Act 1984;

“the Council” means Hertsmere Borough Council;

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

“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

“the On-Street Plans” means plans numbered **DB-BW09-A, DB-PB11-C** and **DB-PB12-A** inclusive of their Keys therein, which are 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; and

"Penalty Charge" shall have the same meaning as a charge set by the Council in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the provisions of Part 6 and Schedule 9 of the Traffic Management Act 2004.

"Penalty Charge Notice" shall mean a notice issued by a Civil Enforcement Officer in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the provisions of Part 6 and Schedule 9 of the Traffic Management Act 2004.

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

### **Designation of Disabled Persons Parking Places**

7. Those area’s of roads and sides of road identified on “The On-Street Plans” and detailed in the keys to those plans as Parking for Disabled Badge Holders only, may be used for the leaving at any time of vehicles of the following class, that is to say, disabled persons vehicles (on which must be displayed in the relevant position a valid disabled persons badge).

### **Restrictions of waiting in a designated disabled persons parking place**

8. Unless exempted by the provisions of this Order where in Article 7 of this Order lengths of road are described as authorised for use as a disabled persons parking place, the driver of a vehicle shall not permit the vehicle to wait in such disabled persons parking place unless it is;
  - a) a disabled persons vehicle on which is displayed in the relevant position a disabled persons badge.

- b) a disabled persons vehicle wholly parked within the marked limits of the parking place.

### **Power to suspend use of Parking Places**

9. Any person authorised by the Council may suspend the use of a disabled persons parking place whenever it is considered such suspension is reasonably necessary;

- a) for the purpose of facilitating the movement of traffic or promoting its safety;
- b) for the purpose of any building operation, demolition or excavation in or adjacent to the disabled persons parking place or the maintenance, improvement or reconstruction of the disabled persons parking place or the laying, erection, alteration, removal or repair in or adjacent to the disabled persons parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus or traffic sign; or
- c) for the convenience of occupiers of premises adjacent to the disabled persons parking place on any occasion for the removal of furniture from one office or dwelling house to another place; or on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed or;
- d) for the convenience of occupiers of premises adjacent to the disabled persons parking place at times of weddings or funerals or on other special occasions; or
- e) for the purpose of facilitating the cleansing of the disabled persons parking place.

### **No Waiting in a suspended Disabled Persons Parking Place**

10. No person shall cause or permit a vehicle to wait in a disabled persons parking place or any part thereof during which such period as the Council has suspended that parking place or part thereof.

11. Nothing in Article 10 shall render it a contravention to cause or permit a vehicle to be left in a parking place which has been suspended, which has been granted a valid dispensation issued by the Council.

### **Exemptions to the provisions of this Order**

12. (1) nothing in Article 7 of this Order shall apply 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 a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by the 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.

### **Contravention of this Order**

13. (1) Where a person contravenes any of the provisions of this Order, or restrictions specified therein and as shown on “The On-Street Plan” and detailed on the key to those plans, the Owner of the vehicle in question shall incur a penalty charge.

(2) That charge shall be payable to Hertsmere Borough Council in accordance with the instructions contained on the Penalty Charge Notice.

**SCHEDULE**

**“The On-Street Plans**

**Plans numbered DB-BW09-A, DB-PB11-C and DB-PB12-A, inclusive of their keys**  
– as incorporated into this Order by virtue of Article 2 therein.


IN WITNESS where the Common Seal of the Hertsmere Borough Council was hereunto  
affixed This XXXXXXXXXXXXXXXXXXXX 2023.

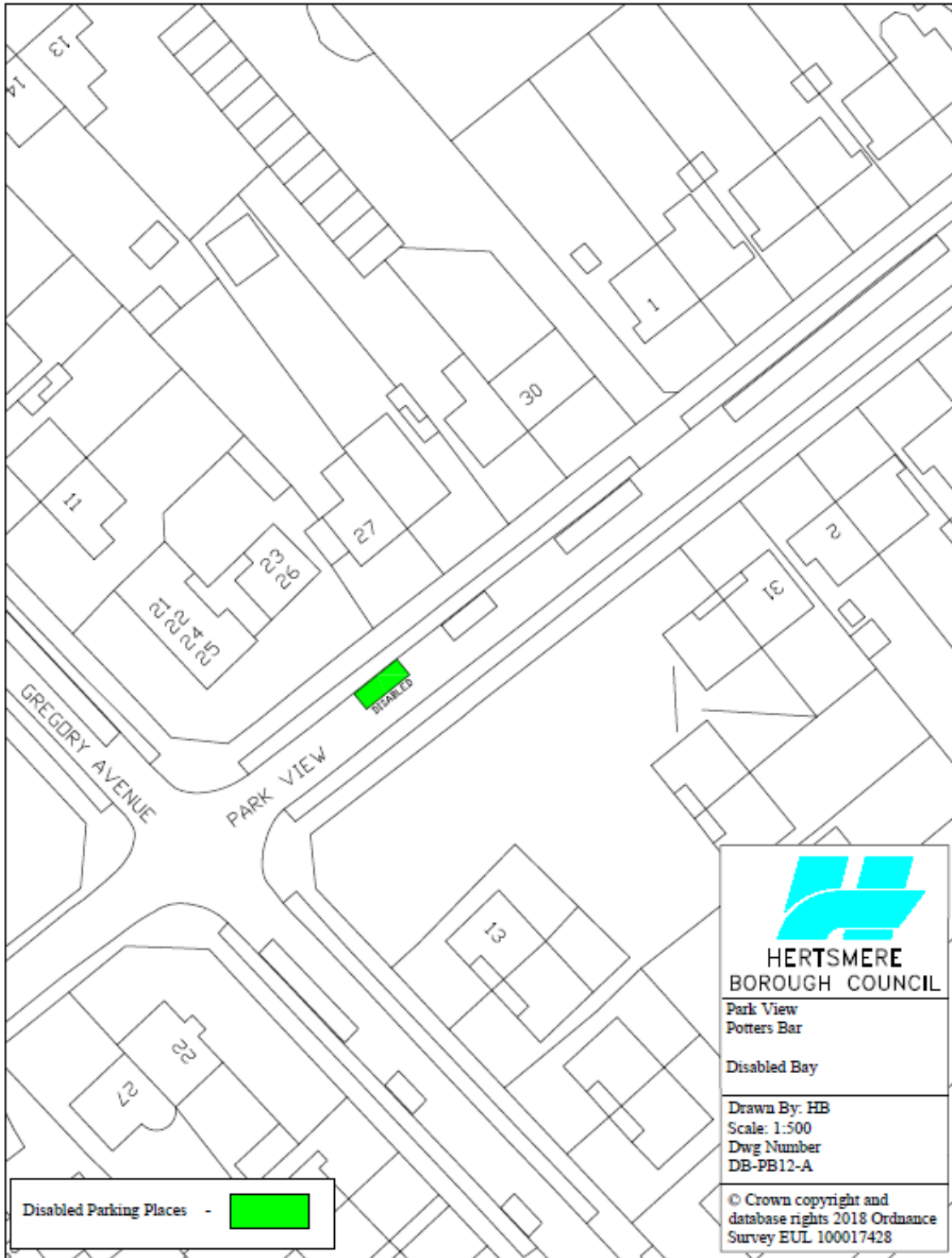
The Common Seal of the )  
Hertsmere Borough Council )  
was hereunto affixed in the )  
presence of :- )

Head of Legal and Democratic Services

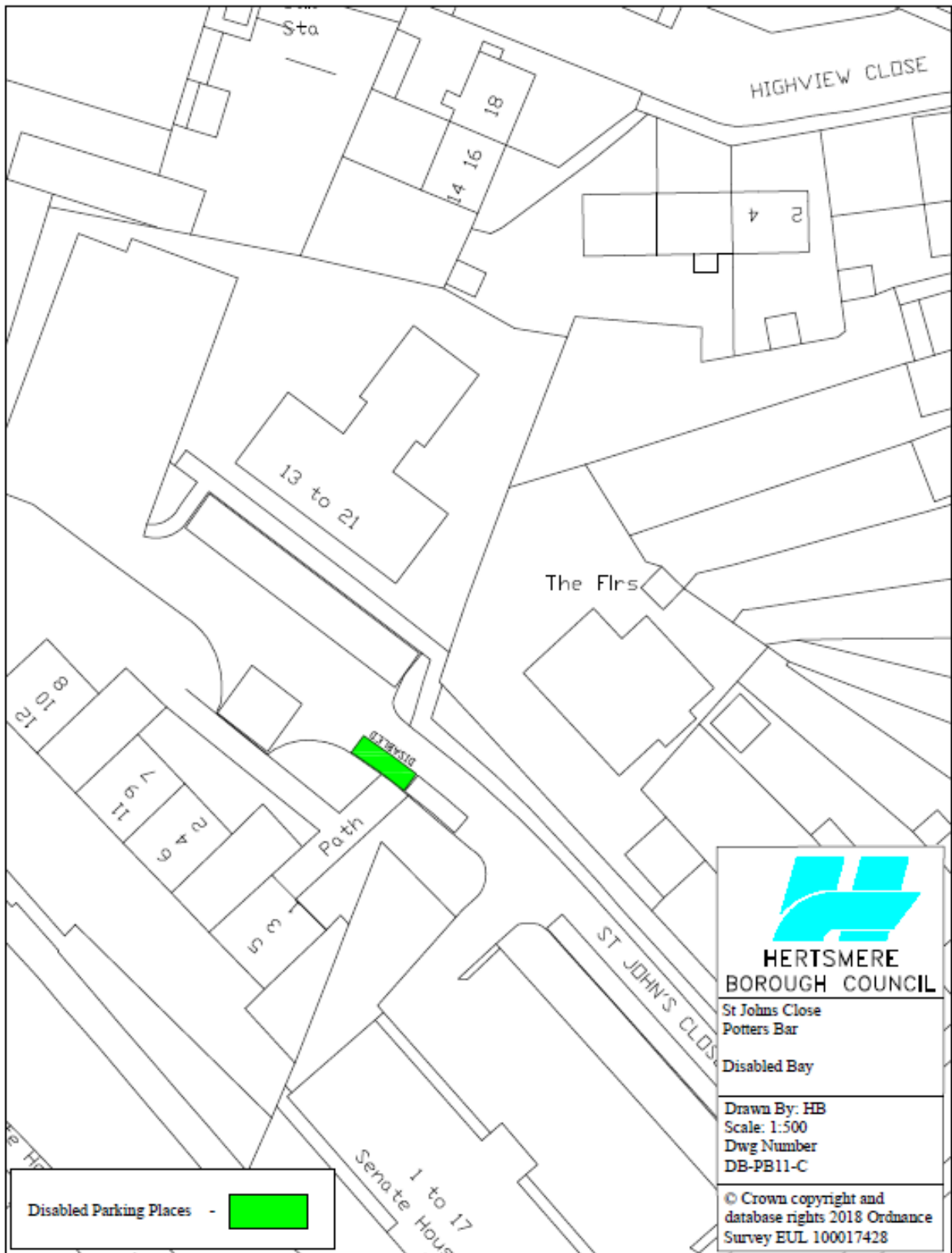



Disabled Parking Places - 


  
**HERTSMERE  
BOROUGH COUNCIL**  
Drayton Road  
Borehamwood  
Disabled Bay  
Drawn By: HB  
Scale: 1:500  
Dwg Number  
DB-BW09-A  
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Disabled Parking Places - 



**HERTSMERE  
BOROUGH COUNCIL**

St John's Close  
Potters Bar

Disabled Bay

Drawn By: HB  
Scale: 1:500  
Dwg Number  
DB-PB11-C

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