

HERTSMERE BOROUGH COUNCIL
ROAD TRAFFIC REGULATION ACT 1984

THE HERTSMERE BOROUGH COUNCIL
(CONTROL OF PARKING) (CONSOLIDATION) ORDER 2012
(AMENDMENT No.1) ORDER 2020

The Hertsmere Borough Council (hereinafter referred to as “the Council”) in accordance with Regulation 21 (1)(b) of The Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996 and pursuant to arrangements made under Section 19 of the Local Government Act of 2000 and the Local Government (Arrangements for Discharge of Functions) (England and Wales) Regulations 2000 with Hertfordshire County Council (“the County Council”) in exercise of the powers conferred by Sections 1, 2, 3, 4, 32, 45, 46, 47, 49 and 53 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (“the 1984 Act”) (as amended by the Road Traffic Regulation (Parking) Act 1986) and Section 43 and Schedule 3 of the Road Traffic Act 1991 (“the 1991 Act”) and the provisions of Part 6 of The Traffic Management Act 2004 (“the 2004 Act”) 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 shall come into operation on XXXXXXXX 2020 and may be cited as “The Hertsmere Borough Council (Control of Parking) (Consolidation) Order 2012 (Amendment No.1) Order 2020” hereinafter referred to as “this Order”.
2. The provisions of The Hertsmere Borough Council (Control of Parking) (Consolidation) Order 2012 shall be amended by inserting into Article 4(1) (the interpretation section) of that Order the following definitions;

“Pay by Phone” means payment by telephone whether mobile or otherwise or by any other electronic device capable of making payment. Instructions for pay by phone shall be displayed at ticket machine points. A record of pay by phone will be made electronically and no ticket will be required to be displayed.

“Service Provider” means the contractor appointed by the Council to operate the Pay by Phone Service;

3. The provisions of The Hertsmere Borough Council (Control of Parking) (Consolidation) Order 2012 shall be amended as follows;
 1. By replacing Article 57 of that Order with the following;
 - 57 (a) Where an initial charge shall be paid by the insertion into the ticket machine provided in the parking place of a coin or coins of denominations specified in Schedules to this Order dependent on the period for which payment is being made and the class of vehicle, provided that if any payment is made over the appropriate charge, the charge together with the amount of the overpayment shall be deemed to be the charge.

- (b) The alternative acceptable payment shall be made by purchasing a parking session using the pay by phone services in accordance with the scale of charges specified by the Council and subject to variation at the Council's discretion giving notice in accordance with section 46A of the Act of 1984 and the payment shall be payable at that time".

2. By replacing Article 59 (2) of that Order with the following;

59 (2) (a) The expiry of the initial period for which the initial charge has been paid in respect of a vehicle left in a parking bay as shown in a parking bay as shown in the 'On Street Plans' shall be indicated when there is displayed on the vehicle a ticket issued by a ticket parking meter relating to that parking bay showing the day and time by which the initial period for which payment was made by the initial charge will expire, and the day so shown is the day on which the vehicle is so left and the time shown on the clock of the said ticket parking meter is later than the time shown on the ticket.

- (b) Where the parking charge has been paid to the service provider by debit card or credit card by way of pay by phone services the parking period shall commence on receipt by the Council of the details specified in Article 57 and expire at the end of the period for which payment has been made.

3. By replacing Article 55 of that Order with the following;

55 (b) Where a Parking Ticket is not displayed in the Relevant Position it will be deemed not to have been paid. Where a ticket is displayed the amount of the charge shall be deemed to be that shown on the ticket.

- (i) Where the Council is unable to confirm that a payment has been made using the pay by phone services in accordance with Article 57 it shall be deemed that no parking charge has been paid.
- (ii) A record of pay by phone will be made electronically and no ticket will be required to be displayed.

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.

5. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

IN WITNESS where of the Common Seal)
Hertsmere Borough Council was hereunto affixed)
This.....day of 2020)
In the presence of:-)

Head of Legal and Democratic Services