

HERTSMERE BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

Date of Order: XXXXXXXX 2024

Order No: XXX

THE HERTSMERE BOROUGH COUNCIL (CARDINAL AVENUE, CHANDOS ROAD, MANOR WAY, MAXWELL ROAD AND OAKWOOD AVENUE, BOREHAMWOOD) (RESTRICTION OF WAITING) ORDER 2024

Hertsmere Borough Council (hereinafter referred to as “the Council”) pursuant to arrangements made with Hertfordshire County Council (“the County Council”) under Section 19 Local Government Act 2000 and Local Authorities (Arrangements for the 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 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 Act of 1984, hereby make the following Order:

1. This Order may be cited as “The Hertsmere Borough Council (Cardinal Avenue, Chandos Road, Manor Way, Maxwell Road and Oakwood Avenue, Borehamwood) (Restriction of Waiting) Order 2024” and shall come into operation on202*.

2. The Hertsmere Borough Council (Cardinal Avenue, Chandos Road, Manor Way, Maxwell Road and Oakwood Avenue, Borehamwood) (Restriction of Waiting) Order 2024 Plans numbered **MAP-OA1-2024, MAP-CR1-2024, MAP-MN1-2024 and MAP-MX1-2024** (“the On-Street Plan”), inclusive of the keys, are incorporated into this Order, as listed in the Schedule this Order.

3. **Interpretation –**

In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them;

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

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

“On-Street Plan” means plans numbered **MAP-OA1-2024, MAP-CR1-2024, MAP-MN1-2024 and MAP-MX1-2024** inclusive of its 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;

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

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

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

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

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 within Hertsmere Borough as shown on the “On-Street Plans” where waiting is not allowed as identified and shown on “On-Street Plans” and the keys thereof.
5. (1) 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 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 reasonably be necessary for postal packets to be delivered or collected;
- (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.

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 in this Article as “the restricted area”) so as to render it unlawful to cause or permit any vehicle to wait only for so long as may reasonably be 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. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament:
9. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984 or by 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

SCHEDULE

No Waiting at Any Time

Schedule	On-Street Plans – MAP-OA1–2024, MAP–CR1–2024, MAP–MN1-2024 and MAP-MX1-2024,
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IN WITNESS where of the Common Seal of the Hertsmere Borough Council was hereunto affixed
This 2024.

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

Head of Legal and Democratic Services

DRAFT