

## HERTSMERE BOROUGH COUNCIL

### ROAD TRAFFIC REGULATION ACT 1984

Date of Order: 30<sup>th</sup> July 2019

Order No. 323

#### **THE HERTSMERE BOROUGH COUNCIL (CARPENTER WAY, POTTERS BAR) (RESTRICTION OF WAITING) ORDER 2019**

Hertsmere Borough Council (hereinafter referred to as "the Council") pursuant to arrangements made with Hertfordshire County Council ("the County Council") under Section 19 of the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2012 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 (Carpenter Way, Potters Bar) (Restriction of Waiting) Order 2019\*" and shall come into operation on 2<sup>nd</sup> September 2019.
2. Save as provided in Articles 4, 5 and 6(1) of this Order no person shall cause or permit any vehicle to wait at any time in those lengths of Carpenter Way, Potters Bar as specified in Schedule 1 to this Order.
3. Save as provided in Articles 4, 5 and 6(2) of this Order no person shall cause or permit any vehicle to wait between 2pm and 3pm Monday to Friday inclusive in those lengths of Carpenter Way, Potters Bar as specified in Schedule 2 to this Order.
4. (1) Nothing in Articles 2 and 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 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;

In this Article;

The expression “universal service provider”, “provision of a universal postal service” and “postal packet” 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. Nothing in Articles 2 and 3 of this Order applies to the lengths of road restricted by those Articles (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.

6. (1) Nothing in Article 2 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 Schedules 1 and 2 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).

(2) Nothing in Article 3 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, to wait at any time in the lengths of road specified in Schedule 2 of this Order.

(3) In this Article –

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

“disabled person” means a disabled person of a description prescribed by Regulation 4 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 SI 682;

“disabled persons badge”, “Blue Badge” have the same meaning as given in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 SI 682;

“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;

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

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. (1) Where a motor vehicle is parked in contravention of any of the Articles to this Order the driver of any such vehicle shall be issued with a penalty charge notice.

(2) In this Article

“Penalty Charge” shall have the meaning as a charge set by the Council in accordance with The Civil Enforcement of Parking Contraventions(Guidelines on Levels and Charges)(England) Order 2007 and the provisions of part 6 and Schedule 9 of the Traffic Management Act 2004

“driver” means the person driving or having control or charge of the vehicle at any given time and in particular in relation to the vehicle.

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 1**

**NO WAITING MONDAY TO FRIDAY 2PM – 3PM**

Carpenter Way (South west side)	From a point in line with the common property boundary of numbers 35 and 37 Carpenter Way southwestwards for a distance of approximately 9.5 metres
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IN WITNESS where of the Common Seal of )  
Hertsmere Borough Council was hereunto affixed )  
this 3<sup>rd</sup> day of July 2019 )  
In the presence of :- )



Head of Legal and Democratic Services



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