

THE BOROUGH OF BROXBOURNE (CONTROL OF PARKING) (CONSOLIDATION) ORDER 2013

The Council of the Borough of Broxbourne (hereinafter referred to as "the Council") in accordance with Section 21 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) Regulations 2000 with Hertfordshire County Council in exercise of the powers conferred by Sections 1(1) 2(1) – (3), 3, 4, 32 and 35, 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 and the provisions of Part 6 of the Traffic Management Act 2004 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, the purpose of which is to incorporate all on street parking place and prohibition and restriction of waiting Orders specified in the Schedule hereto into one Order.

PART I

GENERAL

Commencement Citation and Revocations

- 1.(1) This Order shall come into operation on 5th December 2013 and may be cited as the "Borough of Broxbourne (Control of Parking) (Consolidation) Order 2013" hereinafter referred to as "this Order".
- (2) The Borough of Broxbourne Control of Parking Consolidation Order Plans ("the On-Street Plans") are incorporated into this Order.
2. This Order revokes re-enacts and consolidates the Orders specified in the Schedule to this Order insofar as they relate to on-street Parking Places and prohibition and restriction of waiting within the Borough of Broxbourne.

Interpretation

- 3.(1) Save as otherwise defined within this Order, each and every expression shall have the meaning assigned to it by the Traffic Signs Regulations and General Directions 2002 SI 3113.

"Disabled Persons Badge" and "Parking Disc" have the same meaning as in the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000

"Driver" means the person driving or having control or charge of the Vehicle at any given time and in particular in relation to a Vehicle waiting in a Parking Place the person driving at the time it was left in that Parking Place;

"General Prohibition" means the prohibition as set out in Article 4 of this Order;

"Goods Vehicle" means a Vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, or a trailer so constructed or adapted

"Heavy Commercial Vehicle" means any Goods Vehicle the gross laden weight of which exceeds 5 tonnes

"Key" means the Key attached to the On-Street Plans to be read in conjunction with the On-Street Plans;

"Motor Car" has the same meaning as in Section 136 (2) of the Road Traffic Regulation Act 1984

"No Return" means no return to a Parking Place within the same named Road or to the side of the same named Road within the period specified in the On-Street Plans

"On-Street Plans" means the Borough of Broxbourne On-Street Parking and Waiting Plans including the Key which are incorporated in to this Order pursuant to Article 1(2) hereof;

"Owner" has the meaning assigned to it by s.82 (2) and (3) of the Road Traffic Act 1991;

"Parking Bay" means an area contained within a Parking Place delineated by white markings to indicate the position in which a Vehicle may be parked;

"Parking Place" means any place where Vehicles, or Vehicles of any class, may wait as set out in s.32(4)(b) of the 1984 Act and as shown in the Key and On- Street Plans;

"Public Service Vehicle" has the same meaning as assigned to it by s.1 of the Public Passenger Vehicles Act 1981;

"Relevant Position" has the same meaning as in Regulation 4 of The Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000

"Road" means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes as set out in s.142(1) of the 1984 Act ;

"Traffic Sign" means a device or object as prescribed or authorised under, or having effect as though prescribed or authorised under section 64 of the Act of 1984;

"Universal Service Provider" and "Universal Postal Service" have the same meanings as that assigned to them in Section 4(3) of the Postal Services Act 2000

"Vehicle" has the same meaning as that assigned to "motor vehicle" in s.136(1)] of the 1984 Act;

- (2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

PART II

PROVISIONS APPLYING TO PROHIBITIONS AND RESTRICTIONS ON WAITING AND TO PARKING PLACES

General Prohibition on Stopping or Waiting of Vehicles

4. (1) Save as provided in Article 5 of this Order no person shall cause or permit any Vehicle to stop or to wait on any part of a Road where stopping or waiting is prohibited as shown on the On-Street Plans and identified and defined in the Key to the On- Street Plans.
- (2) Save as provided in Article 5 of this Order where a Vehicle is parked in a Parking Bay within a Parking Place as shown on the On-Street Plans and identified and defined in the Key to the On- Street Plans the driver of that Vehicle shall not permit the Vehicle to wait in that Parking Bay unless it is parked wholly within the marked lines of that Parking Bay.


Exemptions to the General Prohibition

5. (1) The following Vehicles are exempt from the General Prohibition as set out in Article 4:-
- (a) a Vehicle waiting for no longer than may be necessary and which is required for use in connection with any of the following namely:-
- (i) the removal of any obstruction to traffic,
 - (ii) the laying, erection, alteration or repair in or near the Road, the side or length of the Road, of any sewer, main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in paragraph 1(1) of the Telecommunications Code contained in Schedule 2 to the Telecommunications Act
 - (iii) any building operation or demolition work provided that the Vehicle cannot conveniently be used in any other Road
- (b) to enable a Vehicle (which for the purposes of this sub-clause shall be deemed not to include a Motor Car) in the service of the Council or any other local authority if it cannot conveniently be used for such purpose in any other Road and which is necessarily required for use in connection with:-
- (i) highway works, highways and parking enforcement, waste collection or street cleansing activities;
 - (ii) the maintenance, improvement or reconstruction on the areas of Road or sides of Road,
- (c) a Vehicle which is:
- (i) required by law to stop; or
 - (ii) obliged to stop so as to prevent an accident; or
 - (iii) prevented from proceeding by circumstances outside his control; or
 - (iv) caused or permitted to stop or wait upon the direction or with the permission of a police officer in uniform.
- (d) a Public Service Vehicle whilst waiting at an authorised stopping place;

- (e) a marked vehicle whilst being used by a Universal Service Provider in the course of the provision of a Universal Postal Service which is stationary only for so long as may be reasonably necessary for the delivery/collection of postal packets
 - (f) a Vehicle being used for fire brigade, ambulance or police purposes;
 - (g) a Vehicle on which is displayed in the Relevant Position a valid Disabled Persons Badge in the circumstances prescribed in regulations 7, 8 or 9 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 SI 683, but subject to the limitations set out in Article 5(2) of this Order
 - (h) a Vehicle that is waiting only for so long as to enable goods to be loaded on or unloaded from the Vehicle save on the areas of Road or sides of the Road where loading or unloading are specifically regulated as identified and defined and for the periods stipulated in the Key to the On-Street Plans.
 - (i) a Vehicle that is waiting only for so long as is necessary to enable a person to board or alight from that Vehicle, save for the areas of Road and sides of the Road as identified and defined as no stopping, waiting, loading or unloading in the Key to the On-Street Plans.
 - (j) to enable the Vehicle to be used in connection with a valid street trading consent issued by the Council pursuant to Schedule 4 Local Government (Miscellaneous Provisions) Act 1982
5. (2) If and insofar as a Vehicle referred to in Article 5(1)(f) above is parked in the circumstances described in Regulation 8(4) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 there is also displayed on the Vehicle in the Relevant Position a Parking Disc in accordance with the said Regulation 8(4)

IN WITNESS whereof the Common Seal of the Council of the Borough of Broxbourne was hereunto affixed this 5th day of December 2013

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



Acting Chief Executive



SCHEDULE

List of Orders to be Consolidated and Re-enacted into the 2013 Consolidation Order

BROXBOURNE

- The Borough of Broxbourne (Control of Parking) (Consolidation) Order 2011
- The Borough of Broxbourne (Various Roads) (Disabled Persons Parking Places) Order 2013
- The Borough of Broxbourne (Various Roads) (Disabled Persons Parking Places) Order No 2 2012
- The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order No. 2 2011
- The Hertfordshire (Various Roads, Hoddesdon, Broxbourne and Cheshunt) (Prohibition of Stopping and Restriction of Waiting) Order 2012 Order No. 7656

HODDESDON

- The Hertfordshire (Essex Way, Hoddesdon) (Restriction of Waiting) Order 2012 Order No. 7695
- The Borough of Broxbourne (Haselwood Avenue, Hoddesdon) (Market Traders Permit Parking Places) Order 2012

CHESHUNT

- The Hertfordshire (Bury Green Road, Hawthorne Avenue and Portland Drive, Cheshunt) (Restriction of Waiting) Order 2012 Order No. 7679
- The Hertfordshire (Various Roads, Cheshunt) (Restriction of Waiting) Order 2011 Order No 7609
- The Hertfordshire (Delamare Road, Cheshunt) (Restriction of Waiting) Order 2009 Order No 7587
- The Hertfordshire (Dark Lane, Cromwell Avenue, Churchgate and Dewhurst Road, Cheshunt) (Restriction of Waiting) Order 2011 Order No. 7594

GOFF'S OAK

- The Hertfordshire (Jones Road, Cuffley Hill and Lulworth Avenue, Goff's Oak) (Restriction of Waiting) Order 2012 Order No. 7689

WALTHAM CROSS

- The Hertfordshire (Various Roads, Waltham Cross) (Clearway) (Consolidation) Order 2012 Order No. 7677

END OF SCHEDULE