

DACORUM BOROUGH COUNCIL

DACORUM BOROUGH COUNCIL (BANK COURT, HEMEL
HEMPSTEAD) (DISABLED PARKING PLACES) ORDER 2004

Dacorum Borough 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 2000 and all other powers enabling with the Hertfordshire County Council, and in exercise of the powers conferred on that County under Sections 1, 2, 4, 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act, hereby make the following Order:

“Council” means Dacorum Borough Council and includes any parking services contractors or authorised agent appointed by and acting on behalf of the Council for the purposes of any function under the provisions of this Order;

“Designated Officer” means an officer of Dacorum Council nominated by or equivalent to carry out Council functions associated with the provisions of this Order;

“Disabled Person’s Badge” and “Disabled Person’s Vehicle” have the same meaning as in The Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England and Wales) Regulations 1986 and Disabled Persons (Badges for Motor Vehicles) Amendment Regulations 1992 and as amended by the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

“Driver” in relation to a vehicle waiting in a parking place or restricted waiting area, means the person driving the vehicle at the time it was left in the parking place or restricted waiting area;

“Enactment” means any enactment, whether public, general or local and includes any Order, Byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“Goods” mean goods of any kind, whether animate or inanimate and include postal packets of any description; and “delivering” and “collecting” in relation to any goods includes checking the goods for the purpose of their delivery or collection;

“Goods carrying vehicle” means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

“Owner” in relation to a vehicle, means the person by whom such a vehicle is kept and used;

“Parking attendant” means a person authorised by or on behalf of the Council to supervise any parking place;

“Penalty Charge” has the same meaning as in Section 82(1) of the Road Traffic Act 1991;

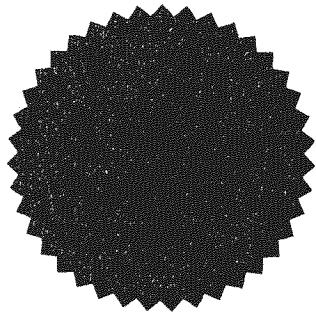
“relevant position” means

- i) A vehicle displays a disabled person’s badge in the relevant position if:
 - a) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside the vehicle; or

- b) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle;
 - ii) A vehicle displays a parking disc in the relevant position if:
 - a) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter hour period during which the period of waiting began is legible from outside the vehicle; or
 - b) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the quarter hour period during which the period of waiting began is legible from outside the vehicle.
- 1. Schedule 1 to the "Dacorum Borough Council (Bank Court and Waterhouse Street) Restriction of Waiting and Prohibition of Entry) Order 1992" is hereby revoked
- 2. Save as provided in Article 3 of this Order, no person shall, except under the direction or with the permission of a designation officer, cause or permit any vehicle to wait in the lengths of road specified in the Schedule to this Order unless the vehicle displays a disabled persons badge in the relevant position.
- 3. Nothing in Article 2 of this Order shall render it unlawful to cause or permit any vehicle to wait in the lengths of roads specified in the Schedule to this Order:
 - (a) If the vehicle is being used for building, industrial and demolition operations;
 - (b) If the vehicle is being used for the removal of any obstruction to traffic;
 - (c) If the vehicle is being used for the laying, erection, alteration or repair in or on land adjacent to the said length of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus defined in paragraph 1(1) of the Telecommunications Code contained in Schedule 2 of the Telecommunications Act 1984;
 - (d) If the vehicle is being used for fire brigade, ambulance or police purposes;
 - (e) If the vehicle is being used in the service of a local authority or has the permission of a local authority, or a water authority in pursuance of statutory powers or duties for such purposes, to wait in the prohibited area;
 - (f) In any case where the person in control of the vehicle is required by law to stop in order to avoid an accident, or is prevented from proceeding by circumstances outside his control;
 - (g) If loading and/or unloading goods to or from premises in or adjacent to the lengths of roads is taking place.
- 4. 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 to wait at any time in the lengths of roads in Hemel Hempstead specified in the Schedule to this Order.
- 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. The restrictions imposed by this Order shall be in addition 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 or under any other enactment.
- 7. This Order shall come into operation on 19th June 2004 and may be cited as "Dacorum Borough Council (Bank Court, Hemel Hempstead) (Disabled Parking Places) Order 2004"

THE COMMON SEAL of DACORUM)
BOROUGH COUNCIL was hereunto)
affixed on the)
in the presence of:



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5371

S. Baker

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Authorised Signatory

N. P...

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Authorised Signatory

SCHEDULE

Disabled Badge Holders Only

Column 1	Column 2
STREET NAME	LOCATION
Bank Court Waterhouse Street	12 disabled bays in the Bank Court area, in four separate blocks, as follows: from a point 2 metres south of the southern side of no. 12 Bank Court in a southerly direction for a distance of 13 metres. from a point 2.5 metres north of the southern side of no. 11 Bank Court in a northerly direction of a distance of 12.5 metres. from a point 8.5 metres south of the southern edge of no. 12 Bank Court in a southerly direction for a distance of 6.5 metres. From a point 7.5 metres north of the northern edge of no. 11 Bank Court in a northerly direction for a distance of 7.5 metres.