

**HERTFORDSHIRE COUNTY COUNCIL****ROAD TRAFFIC REGULATION ACT 1984**

Date of Order: 12 March 2004

Order No. : 6773

**THE HERTFORDSHIRE (FISHERY ROAD, HEMEL HEMPSTEAD)  
(RESTRICTION OF WAITING) ORDER 2004**

The Hertfordshire County Council in exercise of their powers under Sections 1, 2 and 3 of the Road Traffic Regulation Act 1984 (which said Act of 1984 is hereinafter referred to as "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 of the Act of 1984, hereby makes the following Order:-

1. This Order may be cited as "The Hertfordshire (Fishery Road, Hemel Hempstead) (Restriction of Waiting) Order 2004" and shall come into operation on Monday 29 March 2004.
2. Save as provided in Articles 3 and 4 of this Order, no person shall cause or permit any vehicle to wait between the hours of 8:30 am and 6:30 pm Mondays to Saturdays in the lengths of road in Hemel Hempstead specified in the Schedule to this Order.
3. (1) Nothing in Article 2 of this Order applies to the lengths of road restricted by that Article (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 brigade, ambulance or police purposes;
  - (b) anything done with the permission or at the direction of -
    - (i) a police officer in uniform;
    - (ii) a traffic warden; or
    - (iii) in respect of any of the lengths of road in the restricted area which are in a special parking area designated under Part II of the Road Traffic Act 1991 or Schedule 3 to that Act, a parking attendant appointed under section 63A of the Act of 1984;
  - (c) a vehicle which is prevented from proceeding by circumstances beyond the driver's control or which has to be stopped in order to avoid injury or damage to persons or property;
  - (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 vehicle which is stationary only for so long as may be reasonably necessary for a passenger to board or alight and to load or unload any luggage of the passenger, such period not to exceed 5 minutes;
- (f) 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 be reasonably necessary for postal packets to be collected;
- (g) a vehicle which is stationary only for so long as may be reasonably necessary for goods to be loaded on or unloaded from the vehicle from or to premises adjacent to the restricted area.

(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 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 installed for the purposes of a telecommunications code system or of any other telecommunications apparatus lawfully kept installed in any position.

(3) In sub-Article (1)(f) of this Article the expressions "universal service provider", "provision of a universal postal service" and "postal packet" shall bear the same meanings as in the Postal Services Act 2000.

4. (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 roads specified in that Article 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) In this Article:

"disabled person's vehicle" has the same meaning as in Section 142(1) of the Act of 1984;

"disabled person's badge" has the same meaning as in Section 142(1) of the Act of 1984;

"parking disc" means a disc, issued by a local authority, complying with the requirements of the British Standard Specification for Parking Discs (BS No. 4631:1970), coloured orange or blue, and capable of showing the quarter hour period during which a period of waiting begins; and

"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
- c) 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.

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 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 or under any other enactment.

#### **SCHEDULE**

Fishery Road, Hemel Hempstead –  
prohibition of waiting 8:30am to 6:30pm Monday to Saturday

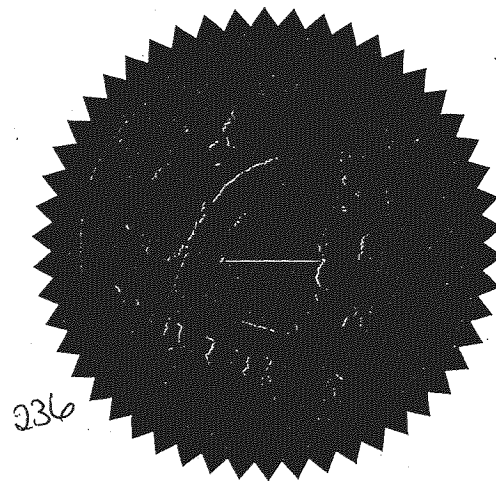
- (a) Fishery Road, west side: from the southern kerbline at its junction with the access road to Yew Tree Court southwards for a distance of 214 metres to its junction with London Road.
- (b) Fishery Road, east side: from the southern kerbline at its junction with the entrance to the car park of the Fishery Inn PH southwards for a distance of 170 metres to its junction with London Road.

IN WITNESS whereof the Common Seal of the Hertfordshire County Council  
was hereunto affixed this 12<sup>th</sup> day of March 2004.

The Common Seal of )  
Hertfordshire County Council )  
was hereunto affixed )  
in the presence of:- )



**County Secretary**



# HERTFORDSHIRE COUNTY COUNCIL

## THE HERTFORDSHIRE (FISHERY ROAD, HEMEL HEMPSTEAD) (PROHIBITION OF WAITING) ORDER 2004

NOTICE is given that the Hertfordshire County Council have made an Order under Sections 1, 2(1) to (3) and 3 of the Road Traffic Regulation Act 1984 to introduce waiting restrictions as specified in the Schedule to this Notice. Exemptions will apply to enable persons to board or alight, for goods to be loaded and unloaded, for statutory duties or the emergency services or disabled persons vehicles to be parked, unless stated otherwise. The Order will come into force on Monday 29 March 2004.

A copy of the Order together with a statement of reasons for proposing to make the Order and plans showing the roads to which the Order relates, may be inspected from 17 March to 29 April 2004 at the offices of Dacorum Borough Council, Marlowes, Hemel Hempstead, and at Hertfordshire County Council's Room 223, County Hall, Hertford.

If you have any queries about the proposed waiting restrictions please contact the Engineer concerned: Paul Trustram (01727) 816019 – Hertfordshire Highways, delivering highway services for Hertfordshire County Council.

Any person wishing to question the validity of the Order, or of any provision contained in it, on the grounds that it is not within the powers conferred by the Road Traffic Regulation Act 1984, or on the grounds that any requirement of the Act or any Instrument made under it has not been complied with in relation to the Order, may within 6 weeks from the date of this Notice apply to the High Court for this purpose.

### SCHEDULE

Fishery Road, Hemel Hempstead – prohibition of waiting 8:30am to 6:30 pm Monday to Saturday

- (a) Fishery Road, west side: from the southern kerbline at its junction with the access road to Yew Tree Court southwards for a distance of 214 metres to its junction with London Road
- (b) Fishery Road, east side: from the southern kerbline at its junction with the entrance to the car park of the Fishery Inn PH southwards for a distance of 170 metres to its junction with London Road

County Hall  
Hertford  
Herts SG13 8DN

17 March 2004  
John Wood  
Director of Environment

## STATEMENT OF REASONS FOR PROPOSING

### **THE HERTFORDSHIRE (FISHERY ROAD, HEMEL HEMPSTEAD) (RESTRICTION OF WAITING) ORDER 2004**

Vehicles have recently begun to park in positions which constrict the free flow of traffic along Fishery Road, which carries a considerable amount of traffic between Boxmoor and A4251 London Road. Vehicles are sometimes parked on the brow of a bridge, causing considerable danger by restricting the view of other traffic. And vehicles are sometimes parked so as to prevent the designed use of the two lanes leading to the roundabout junction with A4251 London Road.

In the interests of safety, it is therefore proposed to prohibit parking at busy times in these areas. It is proposed that parking should still be permitted overnight and on Sundays.

The above proposals have the support of local Police. Local County and District Councillors for the area have been informed of the proposals, and local residents and businesses have been consulted.