

EAST HERTFORDSHIRE DISTRICT COUNCIL

**EAST HERTFORDSHIRE DISTRICT COUNCIL
(EAST HERTS RURAL) (OFF-STREET PARKING PLACES) ORDER 2014
(AMENDMENT) ORDER 2020**

The East Hertfordshire District Council with the consent of Hertfordshire County Council under Section 39 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and under arrangements made with Hertfordshire County Council pursuant to Section 19 of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and in accordance with the provisions of Part 6 of The Traffic Management Act 2004 ("the 2004 Act") and Regulation 21 of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and of all other enabling powers and after consultation with the Chief Officer of Police proposes to make an order under (a) the powers conferred by Sections 1, 2, 4, 32, 35, 46 and Parts IV and V of Schedule 9 of the 1984 Act and (b) Section 74 of the Road Traffic Act 1991 (as modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hertfordshire) (East Hertfordshire District Council) Order 2005 and (c) in accordance with the Local Authorities Traffic Orders (Procedure) England and Wales) Regulations 1996 hereby makes the following Order:-

1. This Order shall come into operation on 3 August 2020 and may be cited as "East Hertfordshire District Council (East Herts Rural) (Off-Street Parking Places) Order 2014 (Amendment) Order 2020".
2. This Order amends the 'East Hertfordshire District Council (East Herts Rural) (Off-Street Parking Places) Order 2014' (herein after referred to as 'the East Herts Rural 2014 Order'), as follows;
 - (a) It removes the Off-Street Plan identified as RCP 03/02 from the East Herts Rural 2014 Order and replaces it with a new Off-Street Plan identified as RCP 03/03, incorporating the plan into the East Herts Rural 2014 Order.
 - (b) It removes Article 1 (b) and replaces it with a new Article 1 (b) as follows;

'The East Hertfordshire District Council, East Herts Rural, Off-Street Parking Place Plans ("the Off-Street Plans") identified as RCP 01/03, RCP 02/02 and RCP 03/03 are incorporated into this Order.'
 - (c) It removes the definition for "electric vehicle" within Article 3 (3) and replaces it with a new definition as follows;

"electric vehicle" means a vehicle, not being a hybrid vehicle, which uses electrical energy from rechargeable batteries or other storage device via one or more electrical or traction motors for propulsion and is capable of recharging that electrical energy via a plug-in electrical lead;
 - (d) It inserts a definition for "non-charging hours" into Article 3 (3) as follows;

"non-charging hours" means the period of time, where no payment is required, specified in relation to a parking place or part thereof in column 5 of Schedule 1;
 - (e) It removes the definition for "operational times" within Article 3 (3) and replaces it with a new definition as follows;

"operational times", in relation to a parking place, means the times specified in relation to that parking place in column 4 of Schedule 1, excluding any time

during which the operation of the parking place is suspended under the provisions of Article 21;'

- (f) It removes the definition for "parking bay" within Article 3 (3) and replaces it with a new definition as follows;

"parking bay" or "parking space" means any area within a parking place which is provided for the leaving of one vehicle only and is indicated by the markings on the surface of the parking place;'

- (g) It removes the definition for "parking place" within Article 3 (3) and replaces it with a new definition as follows;

"parking place" or "car park" means an area of land or building, that is provided by the Council under section 32(1)(a) of the Act of 1984 for use as an Off-Street parking place and is specified by name in column 1 of Schedule 1;'

- (h) It removes the definition for "general permit" within Article 3 (3) and replaces it with a new definition as follows;

"permit" means any permit to park, issued under the terms of this Order and validated by the Council or a person authorised on behalf of the Council and includes contractors permit, special permit and virtual permit;'

- (i) It removes the definition for "general permit holder" within Article 3 (3) and replaces it with a new definition as follows;

"permit holder" means a person to whom a permit has been issued;'

- (j) It inserts a definition for "plugged-in" into Article 3 (3) as follows;

"plugged-in" means the vehicles recharging lead is connected to the recharging post associated to that parking bay;'

- (k) It removes Article 4 and replaces it with a new Article 4 as follows;

'If a vehicle is left in parking place without complying with the provisions of Parts II, III or V of this Order, then a contravention of or non-compliance with this Order shall be deemed to have occurred, and a parking contravention within Part 1 of Schedule 7 to the Traffic Management Act 2004 insofar as that Part is applicable, shall be deemed to have occurred, a Civil Enforcement Officer may issue a penalty charge notice as specified in Article 22 (12) of this Order.'

- (l) It removes Article 6 (h) and replaces it with a new Article 6 (h) as follows;

'where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a plugged-in electric vehicle, the driver of a vehicle shall not permit it to wait in that parking space unless such vehicle is an electric vehicle and that vehicle is plugged-in;'

- (m) It removes Article 6 (l) and replaces it with a new Article 6 (l) as follows;

'if a vehicle is left in that parking place in a position other than in accordance with the provisions of sub-paragraph (a) of this Article, a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with those provisions;'

- (n) It removes Article 6 (o) and replaces it with a new Article 6 (o) as follows;

'any person altering, or causing the alteration of, the position of a vehicle by virtue of sub-paragraph (l) of this Article, or removing, or causing the removal

of, a vehicle by virtue of sub-paragraph (m) or (n) of this Article, may do so in such a manner as is deemed necessary;

- (o) It removes the first paragraph of Article 8 (3) and replaces it with a new Article 8 (3) as follows;

'Subject to Article 11, the parking charge shall be payable on the leaving of a vehicle in a parking place or part thereof at any time during the charging hours, by the Council's pay by phone service or by the use of a debit or credit card or contactless payment method at a ticket machine installed in that parking place or of any coin or combination of coins accepted by that ticket machine, together making up the amount of the parking charge for the parking period for which payment is being made, and on such payment the ticket issued by the ticket machine shall be obtained.'

- (p) It removes Article 8 (3) (b) and replaces it with a new Article 8 (3) (b) as follows;

'The charge or condition of use referred to in paragraph (2) above of this Article shall be paid or complied with upon entry thereto by the Council's pay by phone service or by the use at the ticket machine provided of a debit or credit card, contactless payment method or coin, coins being of the denominations specified thereon dependent on the period for which payment is being made, provided that if any payment is made over the appropriate charge, the charge together with the amount of the overpayment shall be deemed to be the charge.'

- (q) It removes Article 8 (3) (f) and replaces it with a new Article 8 (3) (f) as follows;

'If at the time when a vehicle is left in a parking place specified in column 1 of Schedule 1 and the Off-Street Plans to this Order during the charging hours and the pay by phone service is unavailable for whatever reason, the charge shall be payable by the insertion in the ticket machine provided of a coin, coins, debit/ credit card or use of a contactless payment method being of the denominations specified thereon dependent on the period for which payment is being made and the class of vehicle, provided that if any payment is made over the appropriate charge, the charge together with the amount of the overpayment shall be deemed to be the charge.'

- (r) It removes Article 13 and replaces it with a new Article 13 as follows;

'Where a ticket has been displayed on a vehicle in accordance with the provisions of Article 8(4) and (5), no person, other than the driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver:

Provided that nothing in this Article shall apply in relation to a civil enforcement officer or an officer of the Council who removes the ticket in the process of the vehicle being removed in accordance with Article 6(m) or 6(n).'

- (s) It removes Article 20 and replaces it with a new Article 20 as follows;

'Where a permit has been displayed on a vehicle in accordance with paragraph (iii), (iv) or (v) of the proviso to Article 7(a), no person, except the driver of the vehicle shall remove the permit, as the case may be, from the vehicle unless authorised to do so by the driver;

Provided that nothing in this Article shall apply in relation to a civil enforcement officer or an officer or representative of the Council who removes the permit, as the case may be, in the process of the vehicle being removed in accordance with Article 6(m) or 6(n).'

(t) It inserts into Article 22 (1) a new sub-paragraph (e) as follows;

‘(e) after expiry of the period for which a free period of parking was obtained in accordance with Article 8 (2) above.’

(u) It removes Article 22 (6) and replaces it with a new Article 22 (6) as follows;

‘If a vehicle left in a parking place specified in column 1 of Schedule 1 to this Order specifically reserved for a plugged-in electric vehicle is not an electric vehicle or is an electric vehicle but is not plugged-in a penalty charge shall be payable.’

(v) It removes Article 22 (13) (1) (c).

(w) It inserts into Article 22 a new paragraph (15) as follows;

‘(15) If a vehicle is left in a parking bay reserved for Electric vehicles during non-charging hours in excess of the maximum stay specified in column 6 of Schedule 1 a penalty charge shall be payable.

(x) It inserts a new row, under the existing heading Sawbridgeworth, into the Schedule 1 table as follows;

Bell Street (Electric vehicle parking bays)	Wholly within a parking bay	Plugged-in Electric vehicles	All Days	Charging hours: Mondays to Saturdays inclusive 7.30 am to 6.30 pm Non-charging hours: Mondays to Saturdays inclusive 6.30 pm to 7.30 am, Sundays and BH's at any time	3 hours No return allowed in same charging period or non- charging period
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(y) It removes Schedule 2 and replaces it with a new Schedule 2 as follows;

SCHEDULE 2

PERMITS

Type	Eligibility	Location
Permit	Sawbridgeworth Town Council, Asquith Barley Barn Sawbridgeworth Day Nursery	Bell Street car park, Sawbridgeworth
Contractor	Contractors	Any car park
Special	At Council's discretion	car park specified by EHDC
Dispensation	At Council's discretion	At Council's discretion
Season Ticket	Residential or Business Addresses in High Street, Buntingford	Bowling Green Lane car park, Buntingford Only

The charge for a permit referred to in this Schedule shall be the amount set by the Council and may be varied by the Council at their discretion in relation to the parking place or part thereof in respect of which the permit is to be issued.

3. The provisions of the following Order are hereby revoked but only in so far as they are affected by this Order;

East Hertfordshire District Council (East Herts Rural) (Off-Street Parking Places) Order 2014 (Amendment) Order 2017

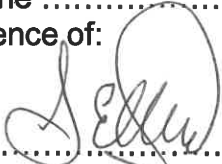
East Hertfordshire District Council (East Herts Rural) (Off-Street Parking Places) Order
2014 (Amendment No.2) Order 2017

4. The interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Given under the Common Seal of East Hertfordshire District Council this 24th day of JULY 2020

THE COMMON SEAL of EAST HERTFORDSHIRE DISTRICT COUNCIL

was hereunto
affixed on the 24th JULY 2020)
in the presence of:



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Head of Democratic and Legal Support Services



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