

**HERTFORDSHIRE COUNTY COUNCIL**

**ROAD TRAFFIC REGULATION ACT 1984  
TRAFFIC REGULATION ORDER**

**Date:** 29/10/2020  
**Order No:** 15408

**THE HERTFORDSHIRE (FORE STREET and THE WASH, HERTFORD)  
TEMPORARY (CONTROL OF PARKING) ORDER 2020**

The Hertfordshire County Council, in exercise of their powers under Section 14(1) of the Road Traffic Regulation Act 1984 (which said act of 1984 is hereinafter referred to as the 1984 Act) and of all other enabling powers, hereby makes the following Order:

## **PART I**

### **GENERAL**

#### **Commencement Citation and Revocations**

- 1.(1) This Order shall come into operation on 9 November 2020, shall remain in effect for up to 18 months and may be cited as “The Hertfordshire (Fore Street and The Wash, Hertford) Temporary (Control of Parking) Order 2020” hereinafter referred to as “this Order”.
- (2) The Hertfordshire (Fore Street and The Wash, Hertford) Temporary (Control of Parking) Order 2020 Plans numbered CVD19HCC Fore Street and The Wash TRO 01 Revision B; and CVD19HCC Fore Street and The Wash TRO 02 Revision B (“the On-Street Plans”) as listed in Schedule 1 to this Order are incorporated into this Order.
2. (1) The Order specified in Schedule 2 to this Order is hereby suspended whilst this Order remains in effect, but only in so far as the provisions therein are effected by the restrictions and provisions imposed by this Order.
- (2) The Order specified in Schedule 3 to this Order is hereby revoked.

#### **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 2016 SI 362.

“Council” means the Council of the (East Hertfordshire District) 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;

“County Council” means Hertfordshire County Council and includes any authorised agent appointed by or acting on behalf of the Council for the purpose of any function under the provisions of this order;

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

“Disabled persons parking bay” means an area contained within a parking place delineated by white markings or indicated by contrasting surfacing to show the position in which a disabled persons vehicle (on which is displayed in the relevant position a disabled person badge and parking disc) may be parked as shown on “the On-Street Plans” and identified in the key to those plans.

“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 Loading Bay or Disabled Persons Parking Bay the person driving at the time it was left in that Loading Bay or Disabled Persons Parking Bay;

“goods” means goods of any kind whether animate or inanimate and includes 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;

“loading bay” means an area contained within a parking place delineated by white markings or indicated by contrasting surfacing to show the position in which a vehicle may be parked for the purpose of loading and unloading goods, as shown on “the On-Street Plans” and identified in the key to those plans.

“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 1984 Act;

“On-Street Plans” mean The Hertfordshire (Fore Street and The Wash, Hertford) Temporary (Control of Parking) Order 2020 Plans numbered CVD19HCC Fore Street and The Wash TRO 01 Revision B and CVD19HCC Fore Street and The Wash TRO 02 Revision B including the Keys therein which are incorporated into this Order pursuant to Article 1(2) hereof;

“Owner” has the meaning assigned to it by Sections 82 (2) and (3) of the Road Traffic Act 1991;

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

“penalty charge” has the same meaning as a charge set by the Council in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on levels of charges) (England) Order 2007 and the provisions of Part 6 and Schedule 9 of the Traffic Management Act 2004.

“Public Service Vehicle” has the same meaning as assigned to it by Section 1 of the Public Passenger Vehicles Act 1981;

“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 Section 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 1984 Act;

“Universal Service Provider” and “Universal Postal Service” have the same meanings as that assigned to them in Section 65 Postal Services Act 2011;

“Vehicle” has the same meaning as that assigned to “motor vehicle” in Section 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 I**

### **PROVISIONS APPLYING TO USE OF LOADING BAYS AND DISABLED PERSONS PARKING BAYS**

#### **Restrictions on use of Loading Bays and Disabled Persons Parking Bays.**

4. (1) Save as provided in Article 7 of this Order no person shall cause or permit any vehicle to wait on the areas of road or sides of the road as shown on “the On-Street Plans” as Loading Bays or Disabled Persons Parking Bays in contravention of the provisions imposed on those bays as identified in and defined in the keys to “the On-Street Plans”.
- (2) Where a vehicle is parked within a Loading Bay or Disabled Persons Parking Bay as shown on “the On-Street Plans” and identified and defined by the key to “the On-street Plans” the driver of that vehicle shall not permit the vehicle to wait in that bay unless it is wholly parked within the marked limits of the bay.

#### **Vehicles for which Loading Bays and Disabled Person Parking Bays are authorised**

5. Subject to the provisions of this Order –
- (a) Loading Bays as shown and identified in “the On-Street plans” and detailed in the keys to those plans as loading bays are authorised to be used at any time by vehicles for the purpose of loading and unloading goods,

- (b) Where in Article 5(a) of this Order a Loading Bay is described as, authorised to be used at any time by a vehicle for the purpose of loading and unloading goods, the driver of a vehicle shall not permit the vehicle to wait in that Loading Bay unless it is –
  - (i) a vehicle being used for the purpose of loading or unloading goods;
- (c) Disabled Persons Parking Bays as shown on “the On-Street plans” and detailed in the key to those plans may be used for the leaving at any time of vehicles of the following class, that is to say, disabled persons vehicles (on which must be displayed in the relevant position a valid disabled drivers badge and disc).
- (d) Where in Article 5(c) of this Order a Disabled Persons Parking Bay is described as, may be used for the leaving at any time, vehicles of the following class, that is to say, disabled persons vehicles (on which must be displayed in the relevant position a valid disabled drivers badge and disc), the driver of a vehicle shall not permit the vehicle to wait in that Disabled Persons Parking bay unless it is -
  - (i) a disabled persons vehicle on which is displayed in the relevant position a disabled persons badge

### **Contravention of the provisions of this Order**

#### **Penalty Charge**

- 6 (1) The penalty charge will be as set by the Council in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 and the provisions of Part 6 and Schedule 9 the Traffic Management Act 2004;
- (2) Where a person contravenes any of the prohibitions, restrictions or requirements set out in the provisions of this Order and as shown in “the On-Street plans” and identified in the keys to “the On-Street plans”, the owner/driver of the vehicle in question shall incur a penalty charge.
- (3) The penalty charge shall be payable to East Hertfordshire District Council in accordance with the instructions contained on the penalty charge notice.

### **Exemptions to the restrictions on use of Loading Bays and Disabled Persons Parking Bays**

- 7. (1) The following Vehicles are exempt from the Restriction on use of Loading Bays and Disabled Persons Parking Bays 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 of or with the permission of a Police Constable 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;
- (i) a Vehicle that is waiting only for so long as is necessary to enable a person to board or alight from that Vehicle.

**SCHEDULE 1**

<b>Schedule</b>	<b>On-Street Plans – CVD19HCC Fore Street and The Wash TRO 01 Revision B CVD19HCC Fore Street and The Wash TRO 02 Revision B</b>
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**SCHEDULE 2**

**List of Order to be suspended where affected by the restrictions or provisions of this Order**

The East Hertfordshire District Council (Control of Parking) (Consolidation) Order 2020

**SCHEDULE 3**

**List of Orders to be revoked by this Order**

The Hertfordshire (Fore Street and The Wash, Hertford) Temporary (Loading Bays) Order 2020

**Signed:**

*Quentin Baker*

**Quentin Baker  
Chief Legal Officer**

**Dated:** 29/10/2020