

HERTSMERE BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

Date of Order: 1 March 2007
Order No: 225

**THE BOROUGH OF HERTSMERE
(HIGH STREET, BUSHEY) (DISABLED PERSONS PARKING PLACES)
ORDER 2007**

Hertsmere Borough Council (hereinafter referred to as "the 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 with Hertfordshire County ("the County Council") and in exercise of the powers conferred by Sections 32 and 35 of 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 ("the 1991 Act") and of all other powers enabling them in that behalf 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:-

1. This Order may be cited as "The Borough of Hertsmere (High Street, Bushey) (Disabled Persons Parking Places) Order 2007" and shall come into operation on 23 March 2007.

2. The provisions of the following Order are hereby revoked only in so far as they are affected by the restrictions imposed by this Order:

The Borough of Hertsmere (Control of Parking) (Consolidation) Order 2006.

3. Save as provided in Articles 4 and 5 of this Order, the lengths of High Street, Bushey specified in the schedule to this Order are authorised for use as parking places at any time for disabled persons vehicles which display in the relevant position a disabled person's badge.

4. Save as provided in Article 5 of this Order, where in Article 3 of this Order a parking place is described as authorised for use as a parking place the driver of a vehicle shall not permit the vehicle to wait in that parking place unless it is:

(a) A disabled persons vehicle on which is displayed in the relevant position a disabled persons badge; and

(b) Wholly parked within the limits of the parking bay.

5. (1) Nothing in Article 3 or 4 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 and Rescue, Ambulance or Police purposes.
- (b) Anything done with the permission of or at the direction of –
 - (i) A police officer in uniform;
 - (ii) In respect of any 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 drivers control or which has stopped in order to avoid injury or damage to persons or property or when required to do so by law;
- (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 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 delivered or collected;

In this Article-

The expressions "universal service provider" "provision of a universal postal service" and "postal package" shall bear the same meanings as in the Postal Services Act 2000.

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

6. In this Order –

“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” has the same meaning as given in Regulation 8(5) of The Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000; and

“relevant position” means:

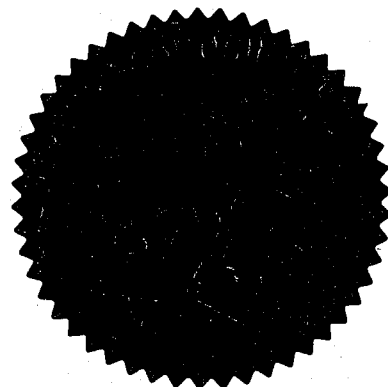
- i) A vehicle displays a disabled person’s badge in the relevant position if:-
 - (a) In the case of a vehicle fitted with a dashboard or facia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside the vehicle; or
 - (b) In the case of a vehicle not fitted with a dashboard or facia 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;

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

8. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any other regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

IN WITNESS whereof the Common Seal of the Hertsmere Borough Council was hereunto affixed this 1st day of March 2007.

The Common Seal of the
Hertsmere Borough Council
was hereunto affixed in the
presence of :-)
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Head of Legal Services

SCHEDULE

Lengths of High Street, Bushey - disabled persons parking places in which a vehicle displaying a valid disabled persons badge may be left for a maximum period of 3 hours, with no return within 1 hour

HIGH STREET, BUSHEY

from a point opposite the eastern boundary wall of No. 26 High Street, north westwards for a distance of 6.3 metres.

HIGH STREET, BUSHEY

from a point opposite the common boundary of Nos. 90 and 92 High Street, north westwards for a distance of 8.6 metres.

STATEMENT OF REASONS FOR PROPOSING

**THE BOROUGH OF HERTSMERE
(HIGH STREET, BUSHEY) (DISABLED PERSONS PLACES) ORDER 2007**

Hertsmere Borough Council are proposing to change the existing 'advisory' disabled person's parking places in the High Street, Bushey into designated disabled person's parking places.

The reasons for proposing to make this change is to enable the disabled person's places to be utilised only by valid 'Blue' badge holders, to enable them to be legally enforced and to prevent unauthorised use by others. The Council also intends to introduce a three-hour maximum length of stay within the disabled parking places, with no return within one hour, in order to provide a turnover of parking.

The proposals have the support of local and County Councillors representing the area. Hertfordshire County Council and the Police have also been consulted.