

ST ALBANS CITY AND DISTRICT COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE ST ALBANS CITY AND DISTRICT COUNCIL (PARKING PLACES AND NO WAITING EXCEPT TAXIS)(HIGH STREET AND VAUGHAN ROAD, HARPENDEN) ORDER 2015

The St Albans City and District 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 the Hertfordshire County Council, and in exercise of powers conferred on that County under sections 1, 2, 3, 4, 32, 35, 45, 46, 47, 49, 51 and 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (which said Act of 1984 is herein referred to as "the Act of 1984") and the provisions of Part 6 and Schedule 9 of the Traffic Management Act 2004 and of all other enabling powers, and after consultation with the Chief Officers of Police in accordance with Part III of Schedule 9 to the Act of 1984, makes the following Order:

Commencement

1. This Order shall come into operation on 28th September 2015 and may be cited as The St Albans City And District Council (Parking Places and No Waiting Except Taxis) (High Street and Vaughan Road, Harpenden) Order 2015 hereinafter referred to as "this Order";

Interpretation

2. In this Order:-

"the council" means St Albans City & District Council.

"disabled person" means a disabled person of a description prescribed by Regulation 4 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 SI 682;

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 SI 682;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge and which is a vehicle which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by Regulation 8 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 SI 683, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying disabled persons as passengers;

"Taxi" means a Hackney Carriage licensed under Section 37 of the Town Police Clauses Act 1847 or any similar enactment;

"relevant position" means on the dashboard or fascia of the vehicle or where the vehicle is not fitted with a dashboard or fascia in a conspicuous position on the nearside of the vehicle, or if the vehicle is one being used by a disabled person has the same meaning as given in Regulation 4 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"Civil Enforcement Officer" is a Civil Enforcement Officer as defined by the Traffic Management Act 2004;

"driver" means the person driving the vehicle at the time it was left in the parking place;

"motor vehicle" has the same meaning as in Section 136(1) of the Act of 1984;

"owner" in relation to a vehicle means the person by whom such vehicle is kept and used as defined by The Traffic Management Act 2004;

“Parking Place” means an area of highway designated by this Order for the waiting of vehicles of specified classes and indicated on the carriageway by markings in accordance prescribed by the Traffic Signs Regulations and General Directions or any subsequent legislation.

“permitted hours” means the period specified for each parking place in Schedule 1 column 5 during which waiting by vehicles is permitted.

“Specified hours” means the days of the week and times of day as specified in Schedule 1 to this Order.

“vehicle” means motor vehicle or motor cycle;

Prohibition of Waiting Except Taxis

3. Except as provided in Article 4 and 5 of this Order, no person shall, except upon the direction of a police constable in uniform or with permission of a Civil Enforcement Officer cause or permit any vehicle other than a taxi to wait in any length of road specified in Schedule 1 to this Order during the permitted times specified in Schedule 1 column 5
4. (1) Nothing in Article 3 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 a Police Constable in uniform; or with permission of a Civil Enforcement Officer.
 - (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 packet” shall bear the same meanings as in the Postal Services Act 2011.

- (2) The “purposes” referred to in sub-Article (1)(d) of this Article are –
 - (a) the removal of any obstruction to traffic;
 - (b) the maintenance, improvement or reconstruction of a road;
 - (c) constructing, improving, maintaining, or cleaning of any street furniture; or
 - (d) 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.

5. Nothing in Article 3 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”) so as to render it unlawful to cause or permit any vehicle to wait only for so long as may be reasonably necessary –
 - (a) to enable goods to be loaded on or unloaded from the vehicle from or to premises adjacent to the restricted area; or
 - (b) to enable a passenger to board or alight and to load and unload any luggage.

Designation of parking places

6. Each area of highway specified in Schedule 2 to this Order is hereby designated as a parking place.
7. No person shall cause or permit any vehicle to wait in a parking place during the permitted hours unless it is of the specified class.
8. Unless exempted by the provisions of this Order where in Article 6 of this Order a length of road is described as authorised for use as a parking place, the driver of a vehicle shall not permit the a vehicle to wait in that parking place unless it is wholly parked within the marked limits of the parking place.

Restrictions on waiting

9. Except as provided in Article 15 and 16 No person shall, except upon the direction of a police constable in uniform or with the permission of a Civil Enforcement Officer, cause or permit any vehicle to wait during the permitted hours in any parking place specified in Schedule 2,
 - a. for a period longer than that specified in Schedule 2 column 6,
 - b. if a period less than that specified in Schedule 2 column 7 as being a period during which the vehicle must not be left again in that parking place has elapsed.

Vehicles for which parking places are designated

10. Subject to the provisions of this Order, parking places may be used for the leaving during the permitted hours of vehicles of the following class, that is to say, passenger vehicles (the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres), goods carrying vehicles (the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres) and disabled persons vehicles (on which must be displayed the relevant badge and disc).
11. Those parking places referred to in Schedule 2 to this Order, may be used for the leaving during the permitted hours of such vehicles of the class specified in Article 10 above;

Power to Suspend use of Parking Places

12. Any person authorised by the Council may suspend the use of a parking place whenever he considers such suspension reasonably necessary:
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus or traffic sign; or
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion for the removal of furniture from one office or dwelling house to another place; or
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions; or
 - (f) for the purpose of facilitating the cleansing of the parking place.

No Waiting in a Suspended Parking Place

13. No person shall cause or permit a vehicle to wait in a parking place or any part thereof during which such period as the Council has suspended that parking place or part thereof.
14. Nothing in Article 13 shall render it a contravention to cause or permit a vehicle to be left in a parking place which has been suspended, which displays in the relevant position a valid dispensation issued by the Council.

Exemptions to the provisions of this Order

15. It shall not contravene Article 9 and 10 of this Order to cause or permit any vehicle to wait in the parts of the road referred to therein for so long as may be reasonably necessary to enable:-
- a. the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
 - i. goods to be loaded on or unloaded from the vehicle.
 - ii. a person to board or alight from the vehicle.
 - iii. the removal of any obstructions to traffic;
 - iv. the maintenance, improvement or reconstruction of the said roads;
 - v. 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.
 - b. the vehicle if it cannot conveniently be used for such purpose in any other road to be used in the service of a local authority or water authority in pursuance of statutory powers or duties.
 - c. the vehicle to be used for fire brigade, ambulance or police purposes;
 - d. the vehicle to be used by a universal service provider in the course of the provision of a universal postal service for the purpose of delivering or collecting postal packets.

- e. anything done with the permission of or at the direction of a police constable in uniform; or with permission of a Civil Enforcement Officer.
- f. if the vehicle is prevented from proceeding by circumstances beyond the driver's control or if the driver of the vehicle has stopped in order to avoid injury or damage to persons or property or is required to do so by law.

In 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.

16. (1) Nothing in Article 7 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 without time limit during the permitted hours in the lengths of road specified in Schedule 2 of this Order.

(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 given in Regulation 3(1) of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“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;

“relevant position” has the same meaning as given in Regulation 4 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

Contraventions of this Order

17. Where a motor vehicle is parked in contravention of any of the Articles to this Order the driver of any such motor vehicle shall be issued with a penalty charge notice.
18. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
19. The provisions of the following Order are hereby revoked but only in so far as they are affected by the restrictions imposed by this Order;
- The City and District of St Albans (Control of Parking) (Consolidation) Order 2013.
20. 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.

SCHEDULE 1

Lengths of road designated as No Waiting Except Taxis

Col 1	Col 2	Col 3	Col 4	Col 5
	NAME OF ROAD	SIDE OF ROAD	DESCRIPTION	Permitted Hours
1	High Street	Southwest	From a point 12 metres southeast of the southeastern kerbline of Leyton Green southeastwards for a distance of 17 metres	Monday to Sunday 5:30pm to 1:30am

SCHEDULE 2

Lengths of road designated as Parking Places Limited Waiting

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7
	Name Of Road	Side Of Road	Description	Permitted Hours	Limited Waiting period	No return within
1	High Street	Southwest	From a point 12 metres southeast of the southeastern kerbline of Leyton Green southeastwards for a distance of 17 metres	Monday to Saturday 8:30am to 5:30pm	1 hour	2 hours
2	Vaughan Road	Northwest	From a point 10 metres northeast of its junction with Bowers Way northeastwards for a distance of 11 metres	Monday to Friday 9:30am to 3pm and 4:30pm to 6:30pm	1 hour	2 hours

The Common Seal of
St Albans City and District Council
was hereunto affixed on the
in the presence of:-

23/09/2015)
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C. S. [Signature]

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Authorised Signatory

[Signature]

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Authorised Signatory

