

**ST ALBANS CITY AND DISTRICT COUNCIL**

**ROAD TRAFFIC REGULATION ACT 1984**

**THE ST ALBANS CITY AND DISTRICT COUNCIL (KIRKDALE ROAD, HARPENDEN)  
(LIMITED WAITING PARKING PLACES) 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 32,35,45,46,47,49,51 and 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 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 1984 Act, makes the following Order:

**Commencement**

1. This Order shall come into operation on 1 September 2015 and may be cited as The St Albans City and District Council (Hatfield Road, St Albans) (Parking Places) 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;

"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;

"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.

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

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

"vehicle" means motor vehicle or motor cycle;

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

"owner" in relation to a vehicle means the person by whom such vehicle is kept and used;

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

### **Designation of parking places**

3. Each area of highway specified in schedule 1 to this Order is hereby designated as a parking place.
4. 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.
5. Unless exempted by the provisions of this Order where in Article 3 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 vehicle to wait in that parking place unless it is wholly parked within the marked limits of the parking place.

### **Restrictions on waiting**

6. 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 on any parking place specified in Schedule 1,
  - a. for a period longer than that specified in Schedule 1 column 6,
  - b. if a period less than that specified in Schedule 1 column 7 as being a period during which the vehicle must not be left again in that parking place has elapsed.

### **Exemption to the time limit**

7. Notwithstanding the forgoing provisions to this Order, where the limited waiting parking place is designated in Schedule 1 as exempting specified permit holders, any vehicle of type specified in Article 8 may be left without time limit during the permitted hours in any part of the limited waiting parking place if the vehicle is lawfully displaying in the relevant position a valid disabled persons badge.

### **Vehicles for which parking places are designated**

8. 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).
9. Those parking places referred to in Schedule 1 to this Order, may be used for the leaving during the permitted hours of such vehicles of the class specified in Article 8 above;

### **Exemptions to the provisions of this Order**

10. It shall not contravene Articles 4, 6, 7, 8 or 28 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) goods to be loaded on or unloaded from the vehicle.
  - (b) a person to board or alight from the vehicle.
  - (c) 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) the removal of any obstructions to traffic;
  - ii) the maintenance, improvement or reconstruction of the said roads;
  - iii) 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.
- (d) 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.
  - (e) the vehicle to be used for fire brigade, ambulance or police purposes;
  - (f) 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.

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.

- 11. It shall not contravene Articles 4, 6, 7 or 8 of this Order to cause or permit a vehicle to wait in the part of the road referred to therein 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.
- 12. (1) Nothing in Articles 4, 6, 7 or 8 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 in the lengths of road specified in Schedule 1 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**

- 13. 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.
- 14. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of 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.
- 15. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

16. 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.

17. 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 Limited Waiting (shared use)**

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	Kirkdale Road	North East	From a point 15 metres southwest of the southwestern kerbline of Luton Road southwestwards for a distance of 10 metres	Monday to Saturday 8am to 8pm	1 hour	2 hours

The Common Seal of  
 St Albans City and District Council  
 was hereunto affixed on the 11<sup>th</sup> August 2015 )  
 in the presence of:- )

*C.S.12*

.....  
 Authorised Signatory



*Sally C. Fisher*

.....  
 Authorised Signatory

