

**TRAFFIC REGULATION ORDER**

**ST ALBANS CITY AND DISTRICT COUNCIL**

**THE ST ALBANS CITY AND DISTRICT COUNCIL (ST PETERS STREET)  
(ON STREET PAY AND DISPLAY) ORDER 2011**

<b>Draft</b>	<b>19 October 2011</b>
<b>Revised</b>	<b>27 January 2012</b>
<b>Date of Sealing</b>	<b>24 April 2012</b>
<b>Coming Into Effect</b>	<b>30 April 2012</b>

# TRAFFIC REGULATION ORDER

## PART 1 - PRELIMINARY

1. Citation and Commencement
2. Interpretation.

## PART II - RESTRICTIONS AND PARKING PLACES

3. Designation of parking places.
4. Parts of Parking Places in which vehicles may not be left.
5. Vehicles for which parking places are designated.
6. Alteration of position of a vehicle in a parking place.
7. Removal of a vehicle from a parking place.
8. Movement of a vehicle in a parking place in an emergency.
9. Exemptions from charges under this Order.
10. Waiting Restrictions revoked by this Order.

## PART III - SUPPLEMENTARY PROVISIONS

### Section 1 General

11. Manner of standing in a parking place.
12. Power to suspend a parking place.
13. Restriction on use of a parking place.
14. Restriction on waiting by a vehicle in a parking place.
15. Manner of waiting in a parking place.
16. Placing of traffic signs etc.

### Section 2 – Pay and Display Tickets

17. Pay and display tickets to be displayed on vehicles left in parking bays.
18. Amount of initial charge at parking bays.
19. Payment of the initial charge in connection with the use of pay and display tickets at parking bays.
20. Liability for penalty charge notice.
21. Manner of payment of penalty charge notice.
22. Period for which a vehicle may be left after the penalty charge notice has been incurred.
23. Restriction on removal of pay and display tickets and notices.
24. Interval before a vehicle may again be left in a parking place.

### Section 3 – Schedule

Schedule No	Description
SPS-1011-V1	Parking Bays for Pay and Display

## TRAFFIC REGULATION ORDER

The St Albans City and District Council (hereinafter referred to as "the Council") pursuant to arrangements made with Hertfordshire County Council (hereafter referred to as the County Council") under Section 19 Local Government Act 2000 and Section 101 of the Local Government Act 1972 in exercise of the powers of the said County Council under Sections 1,2 ,3, 4 and Sections 45, 46, 47, 49 and 53 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act of 1984") and Part IV of Schedule 9 of the Act of 1984 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with part III of Schedule 9 of the Act of 1984, hereby makes the following Order:-

### PART 1 - PRELIMINARY

#### Citation and Commencement

1 This Order may be cited as The St Albans City and District Council (St Peters Street)(On Street Pay And Display) Order 2011 and shall come into operation on 30 April 2012.

#### Interpretation

2 (1) In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them;

"Council" means St Albans City and District Council and includes any parking services contractors or authorised agent appointed by and acting on behalf of the Council for the purpose of any function under the provisions of this Order.

"designated officer" means an officer nominated by St Albans City and District Council to carry out Council functions under the provisions of this Order.

"disabled persons badge" and "disabled persons vehicle" have the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons)(England and Wales) Regulations 1996 and the Disabled Persons (Badges for Motor Vehicles) Amendment Regulations 1992 as amended by the Local Authorities Traffic Orders (Exemptions for Disabled Persons)(England) Regulations 2000.

"driver" in relation to a vehicle waiting in a parking place or restricted waiting area means the person driving the vehicle at the time it was left in the parking place or restricted waiting area.

"enactment" means any enactment, whether public general or local and includes any Order, Bylaw, Rule, Regulation, Scheme or other Instrument having effect by virtue of an enactment.

"goods" means goods of any kind whether animate or inanimate and includes postal packets of any description; "delivering" and "collecting" in relation to goods includes checking the goods for the purpose of their delivery or collection.

"goods carrying vehicle" means a motor vehicle which is constructed or adapted for the use of carrying goods or burden of any description and is not drawing a trailer.

"motorcycle" has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986.

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

"Civil Enforcement Officer" has the same meaning as defined in the Traffic Management Act 2004 and also appointed by or on behalf of St Albans City and District Council

"parking bay" means a parking area within a parking place as defined in Article 3 of this Order.

"parking place" has the meaning as given in Article 3(1) to this Order

## TRAFFIC REGULATION ORDER

"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.

"pay and display machine" means an apparatus of a type and design approved by the Secretary of State and installed for the purposes of this Order being an apparatus designed to indicate the time of issue, the payment of the initial charge referred to in Article 17 of this Order and the periods in respect of which the initial charge has been paid.

"pay and display ticket" means a ticket issued by a parking meter for any parking place referred to in the Schedule to this Order.

"passenger vehicle" means a motor vehicle (other than a motorcycle) constructed or adapted for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer.

"penalty charge notice" has the same meaning as in Section 82(1) Road Traffic Act 1991.

"permitted hours" means those hours listed in column 3 of the Schedule to this Order.

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

"telecommunication system" has the meaning as in the Telecommunications Act 1984 (c.12)

"universal service provider", "provision of a universal postal Service" and "postal packet" shall bear the same meanings as in the Postal Services Act 2000.

(2) Any reference in this Order to a numbered article or schedule shall unless the context otherwise requires be construed as a reference to the article or Schedule bearing that number.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or having effect by virtue of any subsequent enactment.

## PART II - RESTRICTIONS AND PARKING PLACES

### Section 1- Provisions of the Order

#### Designation of Parking Places

- 3 (1) Each area on a highway comprising the length of carriageway of a street specified in the Schedule to this Order bounded on one side of that length by the edge of the carriageway and having a width throughout of 1.8 metres is hereby designated as a parking place between 8:30am and 6:30pm Monday to Saturday limited to a maximum of 2 hours waiting with no return within 1 hour; and
- (2) Each area on a highway comprised within a parking place and marked out for the purpose of parking in accordance with the provision of this Order and not comprised within a restricted waiting area is hereby designated as a parking bay.

#### Parts of parking places in which vehicles may not be left.

- 4 (1) No person shall cause or permit any vehicle to wait in an area designated as a parking place or parking bay during permitted hours unless authorised by the subsequent provision of this Order or with the permission of a Designated Officer or Civil Enforcement Officer.
- (2) Where a person contravenes the provisions set out in paragraph (1) of this Article the owner of the vehicle in question shall incur a penalty charge notice as stipulated in Article 18 of this Order.

## TRAFFIC REGULATION ORDER

### **Vehicles for which Parking Places are designated**

5 (1) Subject to the provisions of this Order, parking places may be used for the leaving during permitted hours of vehicles of the following class, that is to say, passenger vehicles and 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), motorcycles, and disabled persons vehicles (on which must be displayed the relevant disabled persons badge and parking disc)

(2) Parking Places referred to in the schedule to this Order may be used for leaving during the permitted hours of such vehicles of the class specified in paragraph (1) above as displayed thereon in the manner specified in Article 15 a valid pay and display ticket for no longer than a period specified thereon and not return to the same parking place within a period of one hour.

### **Alteration of a position of a vehicle in a parking place.**

6 Where any vehicle is standing in a parking place in contravention of the provisions of Article 11 or of the provisions of Article 12(3) a Civil Enforcement Officer may cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

### **Removal of a vehicle from a parking place.**

7 Where a Civil, Enforcement Officer is of the opinion that any of the provisions contained within this Order have been contravened or not complied with in respect of a vehicle left in any part of a parking place; or restricted waiting area they may remove or cause to be removed the vehicle from the parking place or restricted area and where it is so removed shall provide for the safe custody of the vehicle and its contents.

### **Movement of a vehicle in a parking place in an emergency.**

8 A Civil Enforcement Officer or Police Constable may move or cause to be moved in case of an emergency, to a place they think fit, any vehicle left in a parking place or restricted waiting area.

### **Exemptions from charges under this Order.**

9 (1) A disabled persons vehicle which displays in the relevant position a disabled persons badge issued by any Local Authority and a parking disc may be left in a parking bay referred to in the Schedule to this Order for a period not exceeding 3 hours (not being a period separated by an interval of less than 2 hours from a previous period of waiting by the same vehicle in the same length of road) provided that the use of that parking bay in which the vehicle is left has not been suspended then no initial charge shall be incurred in respect of that vehicle.

(2) Without prejudice to the generality of this Article and notwithstanding the provisions of this Order a vehicle to which this Article applies shall stand in a parking bay in accordance with the provisions of Article 11 and wholly within the limits of that parking bay.

(3) An initial charge shall not be payable in respect of any vehicle waiting in a parking bay to which this Order applies during the period 8:30am and 6:30pm Monday to Saturday for up to one hour providing a free issue pay and display ticket is obtained from the nearby pay and display machine and is displayed in accordance with article 15.

### **Waiting Restrictions revoked by this Order.**

10. The provisions of the following Orders 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 2004

St Peters Street – Plan STA0861 and Plan STA0885 – 01/10/2004

## TRAFFIC REGULATION ORDER

### PART III - SUPPLEMENTARY PROVISIONS

#### Section 1 - General

##### Manner of standing in a parking place.

- 11 (1) Every vehicle left in a parking place described in the Schedule to this Order in accordance with the foregoing provisions of this Order shall so stand that the nearside of the vehicle is adjacent to the left hand edge of the carriageway and that the distance between the edge of the carriageway and the nearest wheel of the vehicle is no more than 300 millimetres.
- (2) Every vehicle left in a parking place described in the schedule to this order in accordance with the foregoing provisions of this order shall stand so that the whole of the vehicle is within a marked parking bay.

##### Power to suspend the use of a parking place.

- 12 (1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary;
- (a) For the purpose of facilitating movement of traffic or promoting its safety.
- (b) For the purpose of the maintenance, improvement or reconstruction of a road; constructing, improving, maintaining, or cleaning of any street furniture; or 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.
- (c) For the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling house adjacent to the parking place from or to a depository or another office or dwelling house.
- (d) On any occasion by 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 funerals or on other special occasions.
- (2) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place a traffic sign indicating that waiting by vehicles is prohibited.
- (3) No person shall cause or permit a vehicle to wait in any parking place or any part thereof during any such period of suspension implemented in accordance with paragraph (2) above, however nothing shall apply in respect of;
- (a) any vehicle being used for Fire and Rescue, Police or Ambulance purposes; or
- (b) anything done with the permission of the person suspending the use of the parking place or part thereof in accordance with paragraph (1) of this Article.

##### Restriction on the use of a parking place.

- 13 (1) During the permitted hours no person shall use any parking place or any vehicle while it is in a parking place in connection with the sale or offering or exposing for sale of any goods to any person in or near the parking place or in connection with the selling or offering for sale of their skill in any handicraft or their services in any other capacity:

## TRAFFIC REGULATION ORDER

(2) Provided that nothing in this Article shall prevent the sale of goods from a vehicle

(a) if the vehicle is a passenger vehicle, a goods carrying vehicle, a motor cycle or a disabled persons vehicle and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which that sale is affected; or

(b) If the vehicle is one to which Article 14(1)(h) applies.

### **Restriction on waiting by a vehicle in a parking place.**

14 (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during permitted hours in any parking place or any part of a parking place if the use of that parking place has not been suspended and if;

(a) The vehicle is waiting for so long as may be necessary for the purpose of enabling any person to board or alight from the vehicle or load and unload there from their personal luggage;

(b) The vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their own control or such waiting being necessary in order to avoid an accident.

(c) The vehicle is being used for Fire and Rescue, Police or Ambulance purposes or not being a passenger vehicle is being used in the service of a local authority in pursuance of statutory duties provided that in all circumstances it is reasonable necessary in exercise of such duties.

(d) The vehicle is waiting for so long as may be reasonably necessary to enable it to be used in connection with the removal of any obstruction to traffic.

(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;

(f) The vehicle not being a passenger vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for the purpose specified in Article 12(1)(b).

(g) The vehicle is in actual use in connection with the removal of furniture to or from any premises adjacent to the parking place.

(h) In any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the period of waiting does not exceed 20 minutes.

(2) No initial charge or charge specified in the provisions of this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the foregoing provisions of this Article.

(3) Except as provided by this Order the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in a parking place during permitted hours.

(4) Nothing in the provisions of this Order shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act of 1984.

## TRAFFIC REGULATION ORDER

### Section 2 – Pay and Display Tickets

#### Pay and display tickets to be displayed on vehicles left in parking bays.

- 15 (1) At all times during which a vehicle (otherwise as exempted by this Order) is left in a parking bay during permitted hours the driver thereof before leaving the vehicle shall cause to be displayed in the relevant position a valid pay and display ticket so as that all of the particulars referred to in paragraph 2 are readily visible from the front or nearside of the vehicle.
- (2) A valid pay and display ticket shall include on the obverse face in accordance with the instructions on the reverse face the month, the date in the month, the day of the week, the time of day at which the ticket was purchased or obtained and the time at which the ticket ceases to be valid.

#### Amount of initial charge.

- 16 The initial charge for a vehicle (other than a vehicle otherwise exempted by this Order) left in a parking bay during permitted hours shall be as specified in the schedule to this Order.

#### Payment of initial charge in connection with the use of pay and display tickets at parking bays.

- 17 (1) Subject to the provisions of Articles 13 and 14 the initial charge shall be payable not later than on the first leaving of a vehicle (other than a vehicle otherwise exempted by this Order) in a parking bay during permitted hours by the purchase of a pay and display ticket from a parking meter provided by the Council for the issue of pay and display tickets for use in respect of that parking bay.
- (2) Payment of the initial charge for a vehicle (other than a vehicle otherwise exempted by this Order) shall be indicated by the display of one valid pay and display ticket bearing the indication that an initial charge has been paid in accordance with the provisions of Article 15.
- (3) No refund shall be payable by the Council in respect of any pay and display ticket surrendered to the Council unless a refund is given at the discretion of the Council.
- (4) No person shall leave any vehicle (other than a vehicle otherwise exempted by this Order) in a parking bay during permitted hours for longer than the initial period for which payment was made by the initial charge.

#### Liability for penalty charge notice.

- 18 (1) If a vehicle (other than a vehicle otherwise exempted by this Order) is left in a parking bay during permitted hours in contravention of any provision of this Order a penalty charge notice shall be payable.
- (2) In the case of a vehicle in respect of which a penalty charge notice is payable, a penalty charge notice showing the information required by The Traffic Management Act 2004 may be served by a Civil Enforcement Officer in uniform in accordance with the said Act.

#### Manner of payment of a penalty charge notice.

- 19 The penalty charge shall be paid to St Albans City and District Council in accordance with the instructions and within the time limits specified on the penalty charge notice.

#### Period for which a vehicle may be left after a penalty charge notice has been incurred.

- 20 The period for which a vehicle may be left in a parking bay during permitted hours after a penalty charge notice has been incurred shall not exceed one hour.



TRAFFIC REGULATION ORDER

Restriction on the removal of parking tickets and notices.

- 21 (1) Where a pay and display ticket has been displayed on a vehicle in accordance with the provisions of Article 15 no person not being the driver of the vehicle shall remove any parking ticket from the vehicle unless authorised to do so by the driver of that vehicle.
- (2) Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 18 no person not being the driver of the vehicle shall remove the notice from the vehicle unless authorised to do so by the driver of that vehicle.
- (3) Provided that nothing herein shall apply to a Civil Enforcement Officer or Police Constable in uniform or person removing the vehicle in pursuance of an arrangement made by the police constable in uniform or under the regulations in pursuance of powers contained in Sections 99, 100, 101 and 102 of the Act of 1984.

Interval before a vehicle may again be left in a parking place.

- 22 With prejudice to the provisions of Article 18 of this Order no vehicle which has been left or been taken away from a parking place during permitted hours after an initial charge has been incurred shall until the expiration of two hours from the time it left or was taken away again stand in that parking place during the permitted hours.

**Section 3 - Schedule**


Pay and Display Parking Place – St Peters Street, St Albans

(1) Street	(2) Location	(3) Permitted Hours	(4) Charges
St Peters Street (opposite St Peters Church)	As defined on map schedule – SPS-1011-V2	Monday to Saturday 8.30am to 6.30pm	Between 8.30am and 6.30pm Up to 1 hour – no charge (subject to obtaining free ticket) Up to 2 hours £1.20

THE COMMON SEAL of ST ALBANS )  
CITY AND DISTRICT COUNCIL )  
was hereunto affixed on the 24 April 2012 )  
in the presence of:



Authorised Signatory



Authorised Signatory

