

## **ST ALBANS CITY AND DISTRICT COUNCIL**

### **ROAD TRAFFIC REGULATION ACT 1984**

#### **THE ST ALBANS CITY AND DISTRICT COUNCIL (VAUGHAN ROAD AND BOWERS WAY, HARPENDEN) DISABLED PERSONS 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 and 35 of the Road Traffic Regulation Act 1984 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 may be cited as "The St Albans City and District Council (Vaughan Road and Bowers Way, Harpenden)(Disabled Persons Parking Places) Order 2015 hereinafter referred to as "this Order" and shall come into operation on 28<sup>th</sup> September 2015;

#### **Interpretation**

2. In this Order:-

"the Council" means St Albans City and 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 and appointed by St Albans City and District Council;

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

"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;

### **Designation of parking places**

3. Each area of highway specified in the Schedule to this Order is hereby authorised as a disabled persons parking place.
4. 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 disabled persons 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;
  - b) A disabled person’s vehicle is wholly parked within the marked limits of the parking place.

### **Power to Suspend Parking Places**

5. 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**

6. 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.

7. Nothing in Article 6 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**

8. (1) Nothing in Articles 3 and 4 of this Order applies to the length of road specified in the schedule to this order 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 Constable in uniform;
    - ii. a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by the Council.
  - 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; .
    - i. In this Article –
    - ii. 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 maintenance, improvement or reconstruction of a road;
  - (b) constructing, improving, maintaining, or cleaning of any street furniture; or
  - (c) 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.

**Contraventions of this Order**

- 9. 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.
- 10. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- 11. 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.

**SCHEDULE**

**Lengths of road designated as Disabled Persons Parking Places At Any Time**

COL 1	COL 2	COL 3	COL 4	COL 5
	NAME OF ROAD	TOWN	SIDE OF ROAD	DESCRIPTION
1	Bowers Way	Harpenden	Southwest	From a point 42 metres northwest of its junction with Vaughan Road northwestwards for a distance of 18 metres
2	Vaughan Road	Harpenden	Southeast	From a point 40 metres northeast of its junction with Victoria Road northeastwards for a distance of 13 metres

The Common Seal of  
 St Albans City and District Council  
 was hereunto affixed on the 23/09/2015  
 in the presence of:-

*C.S.P.*  
 .....  
 Authorised Signatory

*[Signature]*  
 .....  
 Authorised Signatory

