

STEVENAGE BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE BOROUGH OF STEVENAGE (MARSHGATE, STEVENAGE) (LOADING ONLY) ORDER 2021

The STEVENAGE BOROUGH COUNCIL (hereinafter referred to as "the Council") pursuant to arrangements made with the County Council of Hertfordshire 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 32 and 35 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act of 1984") and Part IV of Schedule 9 of the Act 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:-

1. This Order may be cited as "The Borough of Stevenage (Marshgate, Stevenage) (Loading Only) Order 2016" and shall come into operation on **27 September 2021**.

2. In this order:

"Civil Enforcement Officer" has the same meaning as defined in the Traffic Management Act 2004, as appointed by or on behalf of Stevenage Borough Council;

"Driver" means the person driving or having control or charge of the Vehicle at any given time;

"Enactment" means any enactment, whether public general or Local and includes any Order, Byelaw, 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;

"Motor cycle" has the same meaning as in section 136 of the Act of 1984;

"Penalty Charge" means a charge set by the Council in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 and the provisions of Part 6 and schedule 9 of The Traffic Management Act 2004 and Part 2 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"Penalty Charge Notice" has the same meaning as in The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"Vehicle" means motor vehicle and "motor vehicle" has the same meaning as in section 136 of the Act of 1984;

"Universal Service Provider", "Provision of a universal Postal Service" and "Postal Packet" have the same meaning as in the Postal Services Act 2011.

3. Save as provided in Articles 5 and 6 of this Order, each area on a Highway specified in the Schedule to this Order is designated for use as a loading bay for use by any vehicle at any time for the purpose of loading or unloading goods.
4. Save as provided in Articles 5 and 6 of this Order, where in Article 3 a part of the Highway is designated for use as a loading bay, no person shall cause or permit any vehicle to stop or wait at any time within that loading bay unless it is:
 - (1) a vehicle being actively used to load or unload goods; and
 - (2) parked wholly within the marked limits of the loading bay.
5.
 - (1) Nothing in Articles 3 and 4 of this Order applies to the lengths of road restricted by those Articles (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 done with the permission of a Civil Enforcement Officer;
 - (c) a vehicle which is prevented from proceeding by circumstances beyond the driver's 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 (3) 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;
 - (f) a vehicle which, whilst used by a Civil Enforcement Officer in the course of the enforcement of parking restrictions, is stationary only for so long as may be reasonably necessary for them to issue (or attempt to issue) a Penalty Charge Notice to a vehicle they believe to be parked in contravention of those restrictions or adjacent restrictions.

(2) The "purposes" referred to in sub-Article (2)(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.

- (1) Nothing in articles 3 and 4 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 in the lengths of road specific the Schedule of this Order for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road).

- (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; and

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

7.

- (1) Any person authorised by the Council or a police constable in uniform may suspend the use of a Parking Place or any part thereof whenever they consider such a suspension reasonably necessary:
 - (a) for the purposes of facilitating the movement of traffic or promoting its safety; or
 - (b) for the purposes of any building operation, demolition or excavation in or adjacent to the Parking Place or the maintenance,

improvement or 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 telecommunications 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 purposes of facilitating the cleansing of the parking place.
- (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 or part thereof a traffic sign indicating that waiting by vehicles is prohibited.
- (3) No person shall cause or permit a vehicle to wait in a parking place or any part thereof during the period indicated by a traffic sign placed in pursuance of paragraph 2) above provided that nothing in this paragraph shall apply:
- (g) to any vehicle being used for fire brigade, ambulance or police purposes; or
 - (h) any vehicle which is waiting for the reason the bay was suspended; or
 - (i) to anything done with permission of the person suspending the use of the parking place or part thereof in pursuance of paragraph (1) of this Article; or
 - (j) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident.

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

9.

- (1) If a vehicle (other than a vehicle otherwise exempted by this Order) is left during the permitted hours in contravention of any provision of this Order a penalty charge shall be payable.
- (2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may be issued by a Civil Enforcement Officer in uniform in accordance with the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

- (3) The penalty charge shall be paid to Stevenage Borough Council in accordance with the instructions and within the time limits specified on the penalty charge notice.
10. The provisions of the following Order are hereby revoked in so far as they are affected by the restrictions imposed by this Order:
The Borough of Stevenage (Control of Parking) (Consolidation) Order 2017
11. The restrictions imposed by this Order shall be in addition to and not in derogation of 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.

The Common Seal of the)
Stevenage Borough Council)
was hereunto affixed this)
September 2021)
in the presence of:-)

Authorised Signatory

Borough Solicitor

Theresa P. He



SCHEDULE
Loading Only

Item number	Name of road	Side of road	Description
1	Marshgate	West	From a point 55 metres south of its junction with the southern kerbline of the northern arm of the same street southwards for a distance of 28.3 metres