
THREE RIVERS DISTRICT COUNCIL
ROAD TRAFFIC REGULATION ACT 1984

2009 No. 67

THE THREE RIVERS
(OFF STREET PARKING PLACES)
(OXHEY WOODS CAR PARK, SOUTH OXHEY)
ORDER 2009

Made: 14 August 2009

Coming into operation: 17 August 2009

**THE THREE RIVERS (OFF STREET PARKING PLACES) (OXHEY WOODS CAR PARK, SOUTH
OXHEY) ORDER 2009**

The Three Rivers District Council (hereinafter referred to as "the Council") makes this Road Traffic Regulation Order pursuant to arrangements made under Section 19 of the Local Government Act 2000 with the Hertfordshire County Council in exercise of the powers of the said County Council under sections 1, 2, 3, 4, 5, Part IV of Schedule 9, and Part IV including sections 32, 35, 35A and 35C of the Road Traffic Regulation Act 1984 as amended from time to time ("the Act"), and under Part 6 of the Traffic Management Act 2004 and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act, and all other enabling powers:

PART I - PRELIMINARY

1. Citation and Commencement

- 1.1 This Order may be cited as "The Three Rivers (Off Street Parking Places) (Oxhey Woods Car Park, South Oxhey) Order 2009" and shall come into operation on **17 August 2009**.

2. Interpretation

- 2.1 In this Order

"**disabled person's badge**" has the same meaning as in Section 142(1) of the Act

"**disabled person's vehicle**" has the same meaning as in Section 142(1) of the Act

"**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, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"**owner**", in relation to a vehicle, means the person by whom the vehicle is kept, which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered;

"**parking bay**" means a parking area within the parking place;

"**parking place**" means any area designated as a parking place by this Order;

"**penalty charge**" means a penalty charge imposed under Part 6 of The Traffic Management Act 2004;

"prescribed hours" means the periods of operation stated within Schedule 1;

- 2.2 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 in this Order.
- 2.3 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 as having effect by virtue of any subsequent enactment.
- 2.4 For the purposes of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when it is so regarded for the purposes of Regulation 4 of The Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000.
- 2.5 The restrictions imposed by this Order shall be in addition and not in derogation (save for where expressly stated) from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

PART II – OFF STREET PARKING PLACES

SECTION 1 – PROVISIONS OF THE ORDER

3 Restrictions

- 3.1 The restrictions imposed by this Order are as set out in Schedule 1.
- 3.2 The restrictions imposed by this Order shall be in addition and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.
- 3.3 Nothing in Article 3 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 to wait at anytime in the parking place referred to in Schedule 1 to this Order.

4 Use of Off-Street Parking Places

- 4.1 Subject to the provisions of this Order, the parking places may be used for the leaving during the prescribed hours, for the purposes of leisure and recreational use, of vehicles of the following class:
 - (a) mopeds and any size motorcycle with or without a sidecar (Category P and A);
 - (b) three or four wheeled light vehicles with a weight not exceeding 550 kilograms unladen (Category B1);
 - (c) light passenger vehicles having not more than eight passenger seats without a trailer (Category B);

- (d) disabled persons vehicles;
 - (e) vehicles controlled by pedestrians (Category K).
- 4.2 Where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled person's vehicle which displays in the relevant position a disabled person's badge.
- 4.3 Nothing in this Order shall render it unlawful to cause or permit any vehicle being used for fire brigade ambulance or police purposes to be left in the parking place referred to in Schedule 1 to this Order.

PART III - SUPPLEMENTARY PROVISIONS

SECTION 1 – GENERAL

5 Manner of standing in a Parking Place

- 5.1 Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand so that every part of the vehicle is wholly within the limits of a parking bay

6 Restriction on the Use of a Parking Place

- 6.1 No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skills or services.
- 6.2 No person shall use any part of a parking place or any vehicle left in a parking place:
- 6.2.1 for sleeping or camping or cooking;
 - 6.2.2 for displaying advertisements of any description;
 - 6.2.3 for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
- 6.3 No person shall erect or permit to be erected any tent booth stall building or other structure in a parking place without the written consent of the Council.
- 6.4 No person shall light or cause to be lit any fire in a parking place.

- 6.5 The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.
- 6.6 No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.
- 6.7 Where in a parking place signs are erected or surface markings are laid for the purpose of:
- 6.7.1 indicating the entrance to or exit from the parking place, or
- 6.7.2 indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,
- no person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated, or (ii) in a direction other than so specified.

7 Suspension or Restriction of Parking Places

- 7.1 Any person duly authorised by the Council may suspend or restrict the use of any parking place specified in Schedule 1 to this Order or any part thereof whenever he considers such suspension or restriction to be necessary.
- 7.2 Any person suspending or restricting the use of a parking place or any part thereof in accordance with this Article shall thereupon place or cause to be placed in or adjacent to that parking place or the part thereof the use of which is suspended or restricted a sign indicating that waiting by vehicles thereon is suspended or restricted.
- 7.3 No person shall cause or permit a vehicle to be left in any parking place or part thereof the use of which has been suspended or restricted in accordance with this Article contrary to such suspension or restriction.

8 Removal of Vehicles Left in Contravention of this Order

- 8.1 If any vehicle shall appear to the Council to have been abandoned in any parking place the Council shall be entitled to remove sell or otherwise dispose of any such vehicle PROVIDED THAT the power of disposal hereby conferred shall not be exercised unless such of the following steps as are applicable or appropriate to that vehicle shall have been taken and a period of not less than six weeks shall have elapsed beginning with the taking of the first of those steps.

- 8.1.1 Subject to the provisions of paragraph 8.1.7 of this Article where a vehicle carries a registration mark issued under the Vehicle Excise and Registration Act 1994 the Council shall apply in writing to the Secretary of State with whom they have reason to believe the vehicle was last registered asking for the name and address of the owner of the vehicle and where the Council acts under this Article the first step for the purposes of paragraphs 8.1 and 8.1.2 shall be taken to be the sending of the notice mentioned in this Article.
- 8.1.2 The Council shall where they are by virtue of the last preceding paragraph aware of the name and address of a person who it appears may be the owner of a vehicle send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than twenty-one days from the date of the notice and in any event not earlier than six weeks from the date of the first step taken by the Council) unless the vehicle is in the meantime removed (after payment of any charges prescribed by any Statute or Statutory Instrument for the time being in force) by or on behalf of that person from such place as is specified by the Council in the said notice or from such place as may be subsequently notified in writing by the Council to that person.
- 8.1.3 If any person to whom a notice is sent in accordance with the preceding paragraph informs the Council of the name and address of some other person who he alleges may be the owner of the vehicle a notice stating the particulars mentioned in the last preceding paragraph shall be sent to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the owner of the vehicle.
- 8.1.4 Subject to the provisions of paragraph 8.1.7 of this Article where a vehicle does not carry a registration mark issued under the Vehicle Excise and Registration Act 1994 the first step to be taken by the Council shall be to apply in writing to the chief officer of the police force in whose area is the parking place from which the vehicle has been or could at any time be removed in pursuance of this Order enquiring who that officer considers is the owner of the vehicle and the address of that person.
- 8.1.5 If after steps have been taken under the foregoing provisions the vehicle is not claimed the Council may make such further enquiries as the Council may consider reasonable as to who may be the owner of the vehicle and the address of that person.
- 8.1.6 Where by virtue of paragraph 8.1.4 and 8.1.5 of this Article the Council are informed of the name and address of a person who it is considered may be the owner of the vehicle paragraph 8.1.2 and 8.1.3 of this Article as respects the sending of notice shall apply in relation to that person at that address as they apply in relation to the person mentioned in paragraph 8.1.2.

- 8.1.7 Nothing in the foregoing provisions of this Article shall require the Council to take any such steps as are therein mentioned for the purpose of inquiring who is the owner of a vehicle to which paragraph 8.1 of this Article applies if they have found a person who satisfies the Council that he is in fact the owner of that vehicle and the Council have sent to him at his address a notice to the effect specified in paragraph 8.1.2 of this Article the sending of that notice being treated as the first step for the purposes of that paragraph and paragraph 8.1.
- 8.2 Upon the sale of a vehicle by the Council the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by the Council in connection with the disposal thereof and of any charge or payment to which they are entitled as regards the vehicle under any statute or Statutory Instrument for the time being in force.
- 8.3 In the event of any such costs incurred by the Council in connection with the disposal of the vehicle not being satisfied by virtue of the preceding paragraph the Council may recover the costs (so far as such costs are not satisfied) from the person who was the owner of the vehicle before it was disposed of under the power of disposal conferred by paragraph 8.1 of this Article PROVIDED that such person had been sent a notice by the Council under the foregoing provisions of this Article.
- 8.4 Any sums received by the Council on a sale of a vehicle after deducting any sum which the Council is entitled to retain by virtue of this Article 8 of this Order shall be payable within a period of twelve months from the date of the sale of the vehicle to any person to whom but for the sale the vehicle would have belonged and if not so claimed shall be paid into the Collection Fund of the Council.
- 8.5 Where in the foregoing provisions any notice shall or may be sent to a person such notice shall be sent by registered post or by the recorded delivery service.
- 8.6 When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of this Article 8 he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

SECTION 2 – CIVIL ENFORCEMENT OF TRAFFIC CONTRAVENTIONS

9 Liability for Penalty Charge

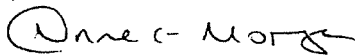
- 9.1 If a vehicle (other than a vehicle otherwise exempted by this Order) is left within the parking place during the prescribed hours in contravention of any provision of this Order a penalty charge shall be payable.
- 9.2 If a vehicle (other than a vehicle otherwise exempted by this Order) which does not have displayed a valid disabled person's badge is left in a parking place demarcated as being designated for disabled badge holders only a penalty charge shall be payable

9.3 For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a police constable in uniform may cause to be altered the position of a vehicle in a parking place or arrange for the removal of a vehicle from a parking place.

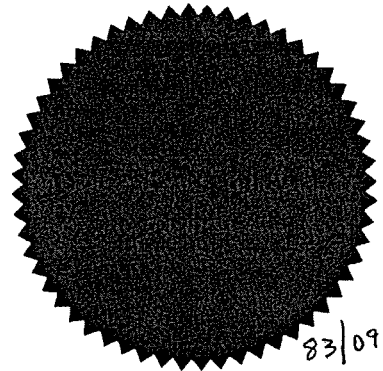
9.4 The civil enforcement of traffic contraventions is governed by Part 6 of the Traffic Management Act 2004 and by regulations made thereunder from time to time and for the time being in force for and in connection with the imposition of Penalty Charges in respect of road traffic contraventions and the payment of such Penalty Charges including the immobilisation of vehicles where a Penalty Charge is payable

IN WITNESS whereof the Common Seal of the Three Rivers District Council was hereunto affixed
this 14 day of August, 2009:

The Common Seal of)
Three Rivers District Council)
was hereunto affixed)
in the presence of:)


~~Director of Corporate Resources & Governance~~

SOLICITOR TO THE COUNCIL



SCHEDULE 1

Short Stay Parking up to 2 hours, no return within 2 hours

Name of Parking Place 1	Classes of Vehicle Permitted to Wait 2	Position in Which Vehicle May Wait 3	Maximum Period for Which Vehicles May Wait During the Hours of 0800 to 1800 Mondays to Saturdays 4
Oxhey Woods Car Park, South Oxhey	Subject to Article 4.1 Categories A, P, B1, B, K and disabled person's vehicles	Within Car Park (Excluding Access Road)	2 hours