
THREE RIVERS DISTRICT COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

2009 No. 133/09

**THE THREE RIVERS (SCHOOL MEAD, ABBOTS LANGLEY)
(RESTRICTED PARKING) ORDER 2009**

Made: 4 December 2009

Coming into operation: 7 December 2009

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PART I – PRELIMINARY

The Three Rivers District Council (hereinafter referred to as "the Council") makes this Traffic Regulation Order pursuant to arrangements made under Section 19 of the Local Government Act of 2000 and the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2000 with Hertfordshire County Council, and in exercise of the powers of the said County Council under Sections 1, 2, 3, 4, 32, 35, 45, 46, 47, 49 and 51 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 as amended from time to time ("the Act"), and of Part 6 of the Traffic Management Act 2004 and under all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act.

1 CITATION COMMENCEMENT AND REVOCATIONS

- 1.1 This Order shall come into operation on 7 December 2009 and may be cited as "The Three Rivers (School Mead, Abbots Langley) (Restricted Parking) Order 2009".
- 1.2 The restriction 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.
- 1.3 Contravention of this Order may constitute an offence.

2 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 Three Rivers District Council and includes any parking services contractors or authorised agent appointed by and acting on behalf of the Council for the purposes of any function under the provisions of this Order;

"**Civil Enforcement Officer**" has the same meaning as in section 76 of the Traffic Management Act 2004

"**Designated Officer**" means an officer of the Council nominated by the Head of Planning and Transportation or equivalent to carry out Council functions associated with the provisions of this Order

"**disabled person's badge**" has the same meaning as in section 142(1) of the Road Traffic Regulation Act 1984

"**disabled person's vehicle**" means a vehicle lawfully displaying a disabled person's badge

"**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;

"**goods**" means goods of any kind whether animate or inanimate and includes postal packets of any description; and "delivering" and "collecting" in relation to any 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 use for the carriage of goods or burden of any description and is not drawing a trailer;

"**household**" means a dwelling with a separate entry on the Council's Council Tax register;

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

"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 (c22) 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 a parking place;

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

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

"penalty charge" means a penalty charge imposed under Part 6 of the Traffic Management Act 2004

"permitted hours" means the periods of operation stated for each particular restriction within Schedule 1;

"special parking permit" means a permit issued under the provisions of Articles 17 and 18;

"special parking permit holder" means a person to whom a permit has been issued under the provisions of Articles 17 and 18;

"electronic communications apparatus" has the same meaning as in the Communications Act 2003;

"traffic sign" has the meaning given by section 64 of the Road Traffic Regulation Act 1984

- 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 3 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986, as amended by the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000.

PART II - RESTRICTIONS AND PARKING PLACES

Section 1 – Provisions of the Order

3 RESTRICTED WAITING AREAS

- 3.1 Subject to the provisions of this Order, the sides and locations of streets referred to in Schedule 1 are hereby designated as being restricted waiting areas where waiting is limited to 1 hour no return within 2 hours, Monday to Saturday 8.30 am to 6.30 pm.
- 3.2 Subject to paragraph 3.3 and paragraph 3.4 of this Article, no person shall cause or permit any vehicle to wait in the same place in any area designated as no waiting at any time except for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the street.
- 3.3 A disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any Local Authority may be left in a restricted waiting area for no longer than three hours.
- 3.4 A vehicle which displays in the relevant position a special parking permit issued by any Local Authority may be left in a restricted waiting area subject to the conditions or limitations as shall be indicated on the permit.

4 A VEHICLE WAITING UPON THE DIRECTION OR WITH THE PERMISSION OF AN AUTHORISED PERSON

- 4.1 Nothing in Article 3 shall render it unlawful for a person to cause or permit any vehicle to wait on the sides of the road or in the lengths of the road referred to therein if it shall be upon the direction or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer in uniform.

5 DESIGNATION OF PARKING PLACES

- 5.1 Each area on a highway comprising the length of carriageway of a street specified in Schedule 1 which shall be bounded on one side of that length by the edge of the carriageway and having a minimum width throughout of 1.8 metres, is hereby designated as a parking place.
- 5.2 Each area on a highway comprised within a parking place and marked out for the purposes of parking in accordance with the provisions of this Order, is hereby designated as a parking bay.

6 PARTS OF PARKING PLACES IN WHICH VEHICLES MAY NOT BE LEFT

- 6.1 No person shall cause or permit any vehicle to wait in an area designated as a parking place unless authorised by the subsequent provisions of this Order.

7 VEHICLES FOR WHICH PARKING PLACES ARE DESIGNATED

- 7.1 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, 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 invalid carriages.

8 EXEMPTIONS FROM CHARGES UNDER THIS ORDER

- 8.1 A disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any Local Authority may be left in a parking place referred to in Schedule 1 provided that the use of that parking place in which the vehicle is left has not been suspended.
- 8.2 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 place in accordance with the provisions of Article 9 and wholly within the limits of that parking place.

PART III - SUPPLEMENTARY PROVISIONS

Section 1 - General

9 MANNER OF STANDING IN A PARKING PLACE

- 9.1 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 the Parking bay.

10 POWER TO SUSPEND THE USE OF A PARKING PLACE

- 10.1 Any person duly authorised by the Council or the Police may suspend the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary:

10.1.1 for the purpose of facilitating the movement of traffic or promoting its safety;

10.1.2 for the purpose of any building operation, demolition or excavation adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration 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 system or the placing, maintenance or removal of any traffic sign;

10.1.3 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, another office or dwelling-house;

10.1.4 on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or

10.1.5 for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.

- 10.2 A police constable in uniform may suspend for not longer than twenty-four hours the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

- 10.3 Any person or police constable suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph 10.1 or, as the case may be, paragraph 10.2 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.

- 10.4 No person shall cause or permit a vehicle to be waiting at a parking place or any part thereof during which such period as there is in or adjacent to that parking place or part thereof a traffic sign placed in pursuance of paragraph 10.3 of this Article provided that nothing in this paragraph shall apply:

10.4.1 in respect to any vehicle being used for fire brigade, ambulance or police purposes or any vehicle which is waiting for any reason specified in Article 12.1.2, 12.1.4 or 12.1.5; or

10.4.2 to anything done with permission of the person suspending the use of the parking place or part thereof in pursuance of paragraph 10.1 of this Article or a police constable in uniform.

11 RESTRICTION ON THE USE OF A PARKING PLACE

- 11.1 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 handicraft or their services in any other capacity PROVIDED THAT nothing in this Article shall prevent the sale of goods from a vehicle:

11.1.1 if the vehicle is a passenger vehicle, a goods carrying vehicle, a motor cycle or an invalid carriage and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected; or

11.1.2 if the vehicle is one to which the provisions of Article 12.1.8 apply.

12 RESTRICTION ON WAITING BY A VEHICLE IN A PARKING PLACE

- 12.1 Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours in any part of a parking place if the use of that part has not been suspended and if:
- 12.1.1 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 thereon or unload therefrom their personal luggage;
 - 12.1.2 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;
 - 12.1.3 the vehicle is being used for fire brigade, ambulance or police purposes or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;
 - 12.1.4 the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - 12.1.5 the vehicle is waiting:
 - (i) while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle or, having been unloaded therefrom, are being delivered; or
 - (ii) while postal packets are being collected for the loading on the vehicle from premises or posting boxes adjacent to the parking place in which the vehicle is waiting or, having been so collected, are being unloaded thereon;
 - 12.1.6 the vehicle not being a passenger vehicle is waiting only for as long as may be reasonably necessary to enable it to be used for the purpose specified in Article 10.1.2;
 - 12.1.7 the vehicle is in actual use in connection with the removal of furniture to or from an office or a dwelling-house adjacent to the parking place from or to a depository, another office or dwelling-house;
 - 12.1.8 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 vehicle does not wait for a period exceeding twenty minutes or for such longer period as a police constable in uniform or Civil Enforcement Officer in uniform may approve.
- 12.2 No 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.
- 12.3 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 the permitted hours.
- 12.4 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 Road Traffic Regulation Act 1984.

13 MANNER OF WAITING IN A PARKING PLACE

- 13.1 No person shall cause or permit a vehicle to wait in a parking place by virtue of the provisions of paragraph 12.1.5, 12.1.6, 12.1.7 or 12.1.8 of the last preceding Article otherwise than:
- 13.1.1 in the case of a parking place, so that every part of the vehicle is wholly within the limits of the parking place; and
 - 13.1.2 so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting.
- 13.2 for the purposes of the last preceding sub-paragraph, the expression "premises" shall not include any premises to or from which any furniture is being removed by virtue of the provisions of paragraph 12.1.7 or to or from which goods are being delivered or collected by virtue of the provision of paragraph 12.1.8.

14 PLACING OF TRAFFIC SIGNS

- 14.1 The Council shall:
- 14.1.1 place and maintain traffic signs indicating the limits of each parking place and each parking bay;

- 14.1.2 place and maintain in or in the vicinity of each parking bay traffic signs of a design approved by the Secretary of State for Transport indicating that such parking bays may be used during the permitted hours for the leaving only of the vehicles specified in Article 7; and
- 14.1.3 carry out such other work as it reasonably requires for the purposes of the satisfactory operation of a parking place.

Section 2 – Civil Enforcement of Traffic Contraventions

15 LIABILITY FOR PENALTY CHARGES

- 15.1 If a vehicle (other than a vehicle otherwise exempted by this Order) is left within a parking place during the permitted hours in contravention of any provision of this Order a Penalty Charge shall be payable.
- 15.2 If a vehicle (other than a vehicle otherwise exempted by this Order) is left within a restricted waiting area referred to in Schedule 1 in contravention of any of the provisions of this Order a Penalty Charge shall be payable.
- 15.3 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.

Section 3 - Special Permits

16 SPECIAL PARKING PERMITS TO BE DISPLAYED ON VEHICLES LEFT IN PARKING PLACES

- 16.1 At all times during which a vehicle (other than a vehicle otherwise exempted by this Order) is left in a parking place during the permitted hours, the driver thereof shall cause to be displayed on the front or near side of the vehicle the valid special parking permit issued in respect of that vehicle, so that all the particulars referred to in Article 23 are readily visible from the front or near side of the vehicle.

17 APPLICATION FOR AND ISSUE OF SPECIAL PARKING PERMITS

- 17.1 Any person may at any time apply to the Council for the issue of a special parking permit in respect of a vehicle of the class specified in Article 7.1 identifying the user of the vehicle. The decision to issue a special parking permit is at the discretion of the Council's Designated Officer. Without prejudice to the generality of the Council's Designated Officer's discretion the following circumstances may be relevant to an application:
 - 17.1.1 the applicant's exceptional medical needs;
 - 17.1.2 the applicant's exceptional social needs;
 - 17.1.3 any exceptional difficulty experienced by a carer for any resident;
 - 17.1.4 the applicant's exceptional employment situation which requires that the applicant's vehicle be parked of necessity for business purposes near the applicant's home
- 17.2 The Council may at any time require an applicant for a special parking permit or a special parking permit holder to produce to an officer of the Council or authorised agent such evidence in respect of an application for a special parking permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any special parking permit issued by them as they may reasonably call for to verify that the special parking permit is valid.

18 TERMS AND EFFECT OF SPECIAL PARKING PERMITS

- 18.1 A special parking permit shall be issued subject to such terms and conditions as the Council's Designated Officer shall think fit.
- 18.2 A special parking permit shall authorise the user of the vehicle identified by the applicant to leave the vehicle specified therein:

- 18.2.1 in any parking place, or part thereof, or any restricted waiting area, or part thereof, and
 - 18.2.2 on such day or days, during such periods and at such times during the permitted hours, and
 - 18.2.3 subject to such conditions or limitations as shall be indicated on the permit.
- 18.3 A special parking permit shall be valid for such a period as the Council's Designated Officer shall think fit but in any event no longer than a period of twelve months from the date the permit first becomes valid.
- 18.4 The Council's Designated Officer may issue any special parking permit free of charge or may make such a charge as appears to be reasonable in the circumstances of each application having due regard to the charges for resident permits.

19 REFUND OF CHARGE PAID IN RESPECT OF SPECIAL PARKING PERMIT

- 19.1 A special permit holder who surrenders a special permit to the Council whether before or after it becomes valid will not be entitled to a refund of the charges paid unless the Council in its discretion considers that there are exceptional circumstances to justify refunding the charge in full or in part.

20 WITHDRAWAL AND VALIDITY OF SPECIAL PARKING PERMITS

- 20.1 The Council may, by notice in writing served on the special parking permit holder by sending the same by the recorded delivery service to the special parking permit holder at the address shown by that person on the application for the special person's place of abode, withdraw a special parking permit if it appears to the Council's Designated Officer that there are sufficient reasons to justify withdrawal of the special parking permit having regard to the circumstances of the permit holder, so far as they may be known, and the permit holder shall surrender the permit to the Council within 48 hours of receipt of the aforementioned notice.
- 20.2 Without prejudice to the foregoing provisions of this Article, a special parking permit shall cease to be valid at the expiration of the period specified thereon, or on the occurrence of the events set out in paragraph 20.1 of this Article, whichever is the earlier.
- 20.3 Where a special parking permit is issued to any person upon receipt of a cheque or credit card and the payment is subsequently dishonoured, the special parking permit shall cease to be of any effect and the Council shall be notice in writing served on the person to whom such permit was issued by sending the same by recorded delivery service to the permit holder at the address shown by that person on the application for the special parking permit or at any other address believed to be that person's place of abode, require that person to surrender the special parking permit to the Council within 48 hours of the receipt of the aforementioned notice.

21 APPLICATION FOR AND ISSUE OF DUPLICATE SPECIAL PARKING PERMITS

- 21.1 If a special parking permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the special parking permit has become altered by fading or otherwise, the special parking permit holder shall either surrender it to the Council apply to the Council for the issue to them of a duplicate special parking permit and the Council, upon receipt of the special parking permit, shall issue a duplicate special parking permit, so marked, and upon such issue the original special parking permit shall become invalid.
- 21.2 If a special parking permit is lost or destroyed, the special parking permit holder may apply to the Council or authorised agent for the issue to them of a duplicate special parking permit and the Council upon being satisfied as to such loss or destruction, shall issue a duplicate special parking permit, so marked, and upon such issue the original special parking permit shall become invalid.
- 21.3 The provisions of this Order shall apply to a duplicate special parking permit and an application therefore as if it were a special parking permit or, as the case may be, an application therefore.

22 RESTRICTIONS ON THE REMOVAL OF SPECIAL PARKING PERMITS

- 22.1 Where a special parking permit has been displayed on a vehicle in accordance with the provisions of Article 16, no person, not being the driver of the vehicle, shall remove the special parking permit unless authorised to do so by the driver of the vehicle.

23 FORM OF SPECIAL PARKING PERMITS

- 23.1 A special parking permit shall be in writing and shall include the following particulars:
- 23.1.1 the period during which, subject to the provisions of Article 16, the special parking permit shall remain valid;
 - 23.1.2 an indication that the parking permit has been issued by the Council;

- 23.1.3 an indication of the parking place or parking places with which the special parking permit is valid.

SCHEDULE 1

Short stay parking up to 1 hour no return within 2 hours - Monday to Saturday 8am to 6:30pm

| Street Name | Side of Street | Location |
|-------------|----------------|--|
| School Mead | South West | From a point 8.5 metres south east of a point in line with the south east wall of 17a to 22a School Mead north westwards for 38 metres - 14 parking bays at 90 degrees to the south west kerbline. |

IN WITNESS whereof the Common Seal of the Three Rivers District Council was hereunto affixed
this 4th day of December, 2009

The Common Seal of)
Three Rivers District Council)
hereunto affixed)
is authenticated by)
Director of Corporate Resources & Governance

