
THREE RIVERS DISTRICT COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

2010 No.

**THE THREE RIVERS DISTRICT COUNCIL (BARTON WAY RECREATION GROUND, CROXLEY
GREEN) (PARKING PLACES) ORDER 2010**

Made:

17

September 2010

Coming into operation:

20

September 2010

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 2000 and the Local Authorities' (Arrangements for Discharge of Functions) (England) Regulations 2000 with Hertfordshire County Council in exercise of the powers of the said County Council under Sections 1-4, Part IV including Sections 32, 35 and Parts I to III and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 as amended from time to time ("the Act"), and 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 and commencement

- 1.1 This Order shall come into operation on [20 Sept 2010] or thereafter and may be cited as "The Three Rivers District Council (Barton Way Recreation Ground, Croxley Green) (Parking Places) Order 2010".

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
"disabled person's parking place"	means any area on a highway designated as a disabled person's parking place by this Order
"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 Act of Parliament, 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 vehicle"	means a motor vehicle which is constructed or adapted for the carriage of goods or burden of any description and is not drawing a trailer
"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 a parking place which is indicated by appropriate signs and road markings
"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 motorcycle or disabled person's vehicle) 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 by the Council pursuant to Part 6 of the Traffic Management Act 2004 and any regulations made thereunder and in accordance with the Notice of Revised Penalty Charges for Parking Contraventions published by the Council from time to time and for the time being in force
"parking disc"	has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000
"prescribed hours"	means the periods of operation stated within the Schedules to this Order
"protective cover"	means a transparent cover designed to protect a permit displayed under the provisions of Articles 17 and 29
"telecommunication system"	has the same meaning as in the Telecommunications Act 1984
"traffic sign"	has the meaning given by section 64 of the Road Traffic Regulation Act 1984

- 2.2 For the purposes of this Order a vehicle shall be regarded as displaying a disabled person's badge and parking disc in the relevant position when it is so regarded for the purposes 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.
- 2.3 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 and in connection with the imposition of penalty charges in respect of road traffic contraventions and the payment of such penalty charges including immobilisation of vehicles where a penalty charge is payable.
- 2.4 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.
- 2.5 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.
- 2.6 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of any Act of Parliament.

PART II - PARKING PLACES

3 Parking Places

- 3.1 Each area of land specified in Schedule 1 and Schedule 2 to this Order and which is marked out for the purposes of parking in accordance with the provisions of this Order is hereby designated as a parking place and may be used subject to the provisions of this Order.
- 3.2 The Council may from time to time as and when the Council shall by order so direct include any new or additional parking places in this Order whereupon such new or additional parking place shall be subject to all the provisions of this Order and subject to such additional conditions as may be specified in any such order.
- 3.3 The limits of each parking place and parking bay shall be indicated on the carriageway by appropriate traffic signs and/or surface markings as appropriate.

4 Restrictions

- 4.1 Subject to Article 6.3 and Article 6.4 and the provisions of this Order, no person shall cause or permit any vehicle to wait in a parking place specified in Schedule 1 or Schedule 2 to this Order UNLESS:
 - 4.1.1 authorised to do so by the provisions of this Order; or
 - 4.1.2 under the direction or with the permission of a police officer on duty or of a Civil Enforcement Officer in uniform and on duty.
- 4.2 If a vehicle (other than a vehicle otherwise exempted by this Order) is left within a parking place in contravention of any provisions of this Order a penalty charge in accordance with the provisions of Article 14 of this Order shall be payable.
- 4.3 If any vehicle shall appear to the Council to have been abandoned in any area specified in Schedule 1 or Schedule 2 such vehicle may be removed in accordance with the provisions of Article 13 of this Order.
- 4.4 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.

5 Exemption for disabled person's vehicles

- 5.1 Nothing in Article 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 to wait at any time in the parking places referred to in Schedule 1 to this Order.

6 Vehicles for which parking places are designated

- 6.1 Subject to the provisions of this Order and as further set out in Schedule 1 and Schedule 2 to this Order, parking places may be used for the leaving of, passenger vehicles and disabled persons vehicles.
- 6.2 The driver of a vehicle shall not permit that vehicle to wait in a parking place unless it is of the class specified in paragraph 6.1 of this Article and in the position as specified in Article 7 and Article 11 of this Order.
- 6.3 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.
- 6.4 The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.

PART III - SUPPLEMENTARY PROVISIONS

7 Manner of standing in a parking place

- 7.1 Every vehicle left in a parking place in accordance with the provisions of this Order shall so stand so that every part of the vehicle is wholly within the limits of the parking bay.
- 7.2 The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in order to depart from the parking place.

8 Restriction on the use of a parking place

- 8.1 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 in any capacity PROVIDED THAT nothing in this Article shall prevent the sale of goods from a vehicle:
- 8.1.1 if the vehicle is a passenger vehicle, a goods carrying vehicle, a motor cycle or a disabled person's vehicle and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected; or
- 8.1.2 if the vehicle is one to which the provisions of Article 10.1.8 apply.
- 8.2 No person shall use any part of a parking place or any vehicle left in a parking place:
- 8.2.1 for sleeping or camping or cooking;
- 8.2.2 for displaying advertisements of any description;
- 8.2.3 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.
- 8.3 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.
- 8.4 No person shall light or cause to be lit any fire in a parking place.
- 8.5 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.
- 8.6 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.
- 8.7 Where in a parking place signs are erected or surface markings are laid for the purpose of:
- 8.7.1 indicating the entrance to or exit from the parking place, or
- 8.7.2 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.

9 Power to suspend the use of a parking place

- 9.1 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:
- 9.1.1 for the purpose of facilitating the movement of traffic or promoting its safety;
- 9.1.2 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;
- 9.1.3 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;

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

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

9.2 Any person or police officer suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph 9.1 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.

9.3 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 9.2 of this Article provided that nothing in this paragraph shall apply:

9.3.1 in respect to any vehicle being used for fire brigade, ambulance or police purposes; or

9.3.2 to anything done with permission of the person suspending the use of the parking place or part thereof in pursuance of paragraph 9.1 of this Article or a police officer on duty or a Civil Enforcement Officer in uniform and on duty.

10 Restriction on waiting by a vehicle in a parking place

10.1 Notwithstanding the foregoing provisions of this Order a vehicle may wait in any part of a parking place if the use of that part has not been suspended and if:

10.1.1 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;

10.1.2 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;

10.1.3 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;

10.1.4 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;

10.1.5 the vehicle is waiting:

(a) 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

(b) 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;

10.1.6 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 9.1.2;

10.1.7 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;

10.1.8 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 officer on duty or Civil Enforcement Officer in uniform and on duty may approve.

10.2 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.

11 Manner of waiting in a parking place

11.1 No person shall cause or permit a vehicle to wait in a parking place by virtue of the provisions of paragraph 10.1.5, 10.1.6, 10.1.7 or 10.1.8 of the last preceding Article otherwise than:

- 11.1.1 in the case of a parking place, so that every part of the vehicle is wholly within the limits of the parking place; and
- 11.1.2 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.
- 11.2 For the purposes of the last preceding sub-paragraph 11.1.2, the expression "premises" shall not include any premises to or from which any furniture is being removed by virtue of the provisions of paragraph 10.1.7 or to or from which goods are being delivered or collected by virtue of the provision of paragraph 10.1.8.
- 12 Removal of vehicles from parking place in case of emergency**
 - 12.1 For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a police officer on duty 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.
- 13 Removal of Vehicles left in contravention of this Order**
 - 13.1 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.
 - 13.1.1 Subject to the provisions of paragraph 13.1.7 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 13.1 and 13.1.2 shall be taken to be the sending of the notice mentioned in this Article.
 - 13.1.2 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 enactment 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.
 - 13.1.3 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.
 - 13.1.4 Subject to the provisions of paragraph 13.1.7 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.
 - 13.1.5 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.
 - 13.1.6 Where by virtue of paragraph 13.1.4 and 13.1.5 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 13.1.2 and 13.1.3 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 13.1.2.
 - 13.1.7 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 13.1 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 13.1.2 of this Article the sending of that notice being treated as the first step for the purposes of that paragraph and paragraph 13.1.

- 13.2 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 enactment for the time being in force.
- 13.3 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 13.1 of this Article PROVIDED that such person had been sent a notice by the Council under the foregoing provisions of this Article.
- 13.4 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 13 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.
- 13.5 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.
- 13.6 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 13 he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

14 Liability for penalty charge

- 14.1 If a vehicle (other than a vehicle otherwise exempted by this Order) is left within a parking place in contravention of any provision of this Order a penalty charge shall be payable.
- 14.2 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 marked as being designated for disabled badge holders only a penalty charge shall be payable.

SCHEDULES

1	Disabled Badge Holders only
2	Parking bays

SCHEDULES

SCHEDULE 1

Disabled Badge Holders only

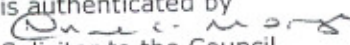
- On the north side of the access road from a point 75 metres east of its junction with Barton Way, eastwards for 4.8 metres – one disabled parking bay at 90 degrees to the north edge.

SCHEDULE 2

Parking bays

- On the north side of the access road from a point 49 metres east of its junction with Barton Way, eastwards for 26.5 metres – 11 parking bays at 90 degrees to the north edge.

IN WITNESS whereof the Common Seal of the Three Rivers District Council was hereunto affixed
this 17th day of September 2010

The Common Seal of)
Three Rivers District Council)
hereunto affixed)
is authenticated by)

Solicitor to the Council)

110/10