

THREE RIVERS DISTRICT COUNCIL**TRAFFIC REGULATION ORDER****2015 No. 2****THE THREE RIVERS (ELM WAY AREA) (RESTRICTION OF WAITING) ORDER 2015**

The Three Rivers District Council (hereinafter referred to as "the 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 the powers conferred on that County Council under Sections 1, 2 and 3 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act of 1984") and of all other enabling powers, and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following Order:-

Commencement and citation

1. This Order may be cited as The Three Rivers (Elm Way Area) (Restriction of Waiting) Order 2015 (hereinafter referred to as "this Order") and shall come into operation on 30 March 2015.

2.

- (1) In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:
 "civil enforcement officer" shall have the same meaning as in section 76 of the Traffic Management Act 2004, where the local authority referred to therein is Three Rivers District Council;

"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;

"disabled parking disc" means a device which:

- (a) is coloured blue;
- (b) has been issued by a local authority and has not ceased to be valid;
- and
- (c) is capable of showing the quarter hour period during which a period of waiting has begun.

"disabled person's badge" means a badge which was-

- (a) issued, or has effect as if issued, to a disabled person or an institution under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or under regulations having effect in Scotland or Wales under section 21 of the Chronically Sick and Disabled Persons Act 1970; and
 - (b) has not ceased to be in force;
- as defined in The Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled persons badge, as defined under Section 142 of the Act;

“driver”, in relation to a vehicle waiting in a parking place, or restricted waiting area, or street or part of a street specified in this Order, means the person in charge of the vehicle at the same time it was left in the parking place or restricted waiting area or street or part of a street aforesaid;

“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” includes all chattels personal, whether animate or inanimate, including postal packets of any description, other than things in action and money, and “delivery and collection”, in relation to any goods, includes checking the goods for the purpose of their delivery or collection;

“owner”, in relation to a vehicle, means the person named in the vehicle registration document or the person by whom such vehicle is kept and used;

“penalty charge” has the same meaning as in Section 82(1) of the Road Traffic Act 1991;

“postal packet” means a letter, parcel, packet or other article transmissible by post as defined in Section 125 of the Postal Services Act 2000;

“relevant position” in relation to a parking ticket means the ticket is exhibited on the dashboard or fascia or windscreen of the vehicle, so that the front of the ticket is clearly legible from the outside of the vehicle at all times;

“telecommunication apparatus” has the same meaning as in Section 4 of the Telecommunications Act 1984;

“the Act of 1984” means the Road Traffic Regulation Act 1984;

“universal service” has the same meaning as in the Postal Services Act 2000;

“universal service provider” has the same meaning as in the Postal Services Act 2000;

“vehicle” means a motor vehicle and “motor vehicle” has the same meaning as in section 136 of the Act;

- (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.
- (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 having effect by virtue of any subsequent enactment.
- (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.

Restriction of waiting

3. Save as provided in Article 4 of this Order, no person shall cause or permit any vehicle to wait on the sides of roads or in the lengths of roads referred to in Schedule 1 at the times and on the days specified in that Schedule.

Exemptions from the provisions of this order

- 4.
- (1) It shall not contravene Article 3 of this Order to cause or permit any vehicle to wait in the parts of the road referred to therein for so long as may reasonably be necessary to enable:
 - (a) goods to be loaded on or unloaded from the vehicle;
 - (b) a person to board or alight from the vehicle;
 - (c) the vehicle if it cannot conveniently be used for such purpose in any other position to be used in the service of a local authority or local water authority in pursuance of statutory powers or duties;
 - (d) the vehicle to be used for fire brigade, ambulance or police purposes;
 - (e) the vehicle to be used by a universal service provider in the course of provision of a universal service for the purpose of delivering or collecting postal packets; or
 - (f) the vehicle, if it cannot conveniently be used for such purpose in any other position, to be used in connection with:
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstructions to traffic;
 - (iii) the maintenance, improvement or reconstruction of the highway; or
 - (iv) the laying, erection, alteration, repair, cleaning or maintenance of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications code system or any other telecommunications apparatus lawfully kept installed in any position.
 - (2) It shall not contravene any of the Articles of this Order to cause or permit a vehicle to wait in any part of the road if the vehicle is prevented from proceeding by circumstances beyond the driver's control or if the driver of the vehicle has stopped the vehicle in order to avoid or prevent injury to persons or damage to property or is required to do so by law.
 - (3) Nothing in Article 3 of this Order shall apply to a disabled person's vehicle displaying in the relevant position a disabled person's badge and a disabled parking disc (on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began) for a period of three hours after their arrival, provided that a period of not less than one hour has elapsed since any previous period of waiting by that vehicle in that length of road.
 - (4) Nothing in Article 3 of this Order shall apply to anything done at the direction or with the permission of a Civil Enforcement Officer or Police Constable in uniform.

Contraventions of this Order

- 5.
- (1) Where a person contravenes the prohibitions and requirements set out in the provisions of this Order, the owner or driver of the vehicle in question shall incur a penalty charge.

- (2) The penalty charge will be 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 the Traffic Management Act 2004;
 - (3) The penalty charge will be served by the Council in accordance with regulations 9 and 10 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.
 - (4) The penalty charge notice shall include the information required by the Schedule to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and by The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
 - (5) A penalty charge notice fixed to a vehicle in accordance with regulation 9(a) of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 shall not be removed or interfered with except as permitted by regulation 11 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.
 - (6) The penalty charge shall be payable to Three Rivers District Council in accordance with the instructions contained on the penalty charge notice.
 - (7) Representations and Appeals will be followed in accordance with The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
 - (8) The period for which a vehicle may be left in a parking place after the penalty charge has been incurred shall not exceed one hour.
6. The restrictions imposed by this Order shall be in addition to, and not in derogation of, any restriction or requirement imposed by any regulation made or having effect as if made under the Act of 1984 or by or under any other enactment.

Revocations

7. The provisions of the following Order are hereby revoked but only in so far as it is affected by this Order:
 - The Hertfordshire (Various Roads, Rickmansworth) (Waiting Restrictions) (Consolidation) Order 2001'

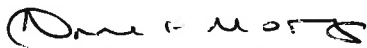
Schedule 1: Restriction of waiting

Item no.	Street name	Side of street	Location	Days of restriction	Times of restriction
1	Elm Way	Both	From its junction with Mount View south-eastwards for a distance of 10 metres	All	At any time
2	Field Way	North east	From a point 13 metres north-west of its junction with Mount View south-eastwards to a point 10 metres south-east of that	All	At any time

Item no.	Street name	Side of street	Location	Days of restriction	Times of restriction
			junction		
3	Mount View	South-east	From a point 10 metres north-east of its junction with Elm Way south-westwards to a point 10 metres south-west of that junction	All	At any time
4	Mount View	Both	From its junction with Field Way north-eastwards for a distance of 10 metres	All	At any time
5	Mount View	Both	From a point 7 metres north-east of its north-eastern junction with The Close south-westwards to a point 10 metres south-west of its south-western junction with The Close	All	At any time

THE COMMON SEAL of the THREE RIVERS
DISTRICT COUNCIL was hereunto affixed on 12 March 2015

in the presence of



Solicitor to the Council



12/15.

.....end