

THREE RIVERS DISTRICT COUNCIL

TRAFFIC REGULATION ORDER

2015 No. 7

THE THREE RIVERS (BALDWINS LANE) (PARKING PLACES) 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, 3, 4, 32 and 35, 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 (Baldwins Lane) (Parking Places) Order 2015 (hereinafter referred to as "this Order") and shall come into operation on 10 August 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 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;

“goods vehicle” means a vehicle not exceeding 3.5 tonnes max gross weight and which is constructed or adapted for use for the carriage of goods or burden of any description, and is not a drawing trailer;

“household” means a dwelling with a separate entry on the Council’s Council Tax register;

“invalid carriage” means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical default or disability and is used solely by such person as defined in Section 136 of the Act;

“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 named in the vehicle registration document or the person by whom such vehicle is kept and used;

“parking place” means an area on the highway designated and described as a parking place by any of the various Articles or Schedules of this Order including Solo Motorcycle Bays and Disabled Persons Parking Places;

“parking space” means a space in a parking place which is provided for the leaving of a vehicle;

“passenger vehicle” means a vehicle (other than a solo motorcycle or invalid carriage) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and adapted to carry, and not drawing a trailer;

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

“permitted hours” means between the times specified in the various Articles and Schedules to this Order;

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

“solo motorcycle” means a motor cycle without a side car and having two wheels;

“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.

Part I: Parking Places

Designation of parking places

3.
 - (1) Save as provided in Articles 5 and 9 those lengths of road specified in Schedules 1 and 2 are authorised for use as Parking Places on the days and between the hours specified in those schedules for motor vehicles.
 - (2) Subject to the provisions of this Order, parking places may be used for the leaving during the permitted hours of vehicles of the following classes:
 - (a) passenger vehicles and goods vehicles the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres;
 - (b) motor cycles; and
 - (c) invalid carriages.
4. Save as provided in Article 9 where in Article 3 a length of road is described as authorised for use as a parking place, the driver of a vehicle shall not permit the vehicle to wait in that parking place unless it is wholly parked within the marked limits of the parking place.

Use of parking places

5.
 - (1) Save as provided in Articles 7 and 9 of this Order, no person shall cause or permit any vehicle to wait on the sides of roads or in the lengths of roads specified in Schedule 1 to this Order on the days and between the hours specified in that Schedule:

- (a) for a longer period than that indicated in that Schedule as the maximum period of stay;
 - (b) or if a period of time less than the minimum period before return indicated in that Schedule has elapsed since the termination during the specified hours of the last period of waiting (if any) of the vehicle on those sides of roads or in those lengths of roads.
- (2) Save as provided in Articles 7 and 9 of this Order, no person shall cause or permit any vehicle to wait on the sides of roads or in the lengths of roads specified in Schedule 2 to this Order on the days and between the hours specified in that Schedule unless it is a disabled persons vehicle in which is displayed in the relevant position a disabled persons badge.

Movement or removal of a vehicle

6.

- (1) A Civil Enforcement Officer or Police Constable in uniform may alter or cause to be altered the position of the vehicle:
- (a) where any vehicle is standing in a parking place in contravention of the provisions of Article 4(a), in order that its position shall comply with those provisions; or
 - (b) in the case of an emergency to any place they think fit, any vehicle left in a parking place or any area of road where waiting has been restricted by Article 24.
- (2) A Civil Enforcement Officer or Police Constable in uniform may remove or cause to be removed a vehicle which has been left in a parking place for more than one hour after the penalty charge has been incurred, and shall provide for the safe custody of the vehicle.

Restriction on the use of a parking place

7.

- (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 of or offering for sale of his skill in handicraft or his services in any other capacity.
- (2) Nothing in this Article shall prevent the sale of goods from a vehicle if the vehicle is a vehicle of one of the classes specified in Article 3 (2) and the goods are immediately delivered or taken into premises adjacent to the vehicle from which the sale is effected.

Power to suspend the use of a parking place

8.

- (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 a suspension reasonably necessary:
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;

- (b) 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, repair or maintenance 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;
 - (c) 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 to or from a depository, another office or dwelling house;
 - (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 other special occasions.
- (2) A Civil Enforcement Officer or Police Constable in uniform may suspend for not more 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.
- (3) Any Civil Enforcement Officer, Police Constable or other person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or (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.
- (4) No person shall cause or permit a vehicle to wait in a parking place or any part thereof during the period a sign placed in or adjacent to that parking place or part thereof in pursuance of paragraph (3) of this Article indicates that it is suspended, notwithstanding that nothing in this paragraph shall apply:
- (a) to any vehicle being used for a purpose indicated in Article 9 (1) (d), (e) or (f) (ii);
 - (b) in the circumstances set out in Article 9 (2); or
 - (c) to anything done with the permission or on the instruction of the person suspending the use of the parking place or part thereof or a Civil Enforcement Officer or Police Constable in uniform.

Part II: General provisions

Exemptions from the provisions of this order

9.

- (1) It shall not contravene Article 3, 4, or 7 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 Articles 3, 4, or 5 shall apply to anything done at the direction or with the permission of a Civil Enforcement Officer or Police Constable in uniform.
- (4) Nothing in Articles 3 (2), or 5 of this Order shall apply to a disabled person's vehicle displaying in the relevant position a disabled person's badge.

Contraventions of this Order

10.

- (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.
- 11. 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

- 12. Items numbers 01, 01a(i) and 01a(ii) in Schedule 1 of The Three Rivers (Various Roads Including The Parade, South Oxhey) (Parking and Waiting Management) Order 2014 are hereby revoked.

Schedule 1: Waiting limited to two hours, no return within two hours Monday to Friday, 8.00 am to 6.00 pm

Item no.	Street name	Side of street	Description	Days of restriction	Times of restriction	Maximum period of stay	Minimum period before returning
1	Baldwins Lane	South-west	In the lay-by outside no.s 41 to 53 Baldwins Lane, from a point 26.5 metres south-east of its junction with Winton Drive south-eastwards for a distance of 26.5 metres, parking perpendicular to the footway	Monday to Saturday	8.30 am to 6.30 pm	3 hours	1 hours

Schedule 2: Disabled persons' parking places

Item no.	Street name	Side of street	Description	Days of restriction	Times of restriction
1	Baldwins Lane	South-west	In the lay-by outside no.s 41 to 53 Baldwins Lane, from a point 53 metres south-east of its junction with Winton Drive south-eastwards for a distance of 3 metres, parking perpendicular to the footway	All	At any time

THE COMMON SEAL of the THREE RIVERS
DISTRICT COUNCIL was hereunto affixed on 6 August 2015

in the presence of



Solicitor to the Council



.....end