

THE BOROUGH OF WELWYN HATFIELD (VARIOUS ROADS, HOWLANDS (SOUTH), WELWYN GARDEN CITY) (PROHIBITION OF STOPPING AND WAITING ON VERGE OR FOOTWAY) ORDER 202X

The Welwyn Hatfield Borough Council (hereinafter referred to as "the Council") pursuant to arrangements made with Hertfordshire County Council ("the County Council") under Section 19 Local Government Act 2000 and The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 in exercise of the powers of the said County Council under Sections 1(1), 2(1) to (3), 3(2), 4(1) and 4(2) of the Road Traffic Regulation Act 1984 (herein referred to as "the Act of 1984") and of all other enabling powers and after consultation with the Chief Officer of Police hereby make the following Order:-

1. This Order may be cited as "**The Borough of Welwyn Hatfield (Various Roads, Howlands (South), Welwyn Garden City) (Prohibition of Stopping and Waiting on Verge or Footway) Order 202X**" and shall come into effect on DD MM YYYY
2. The plans numbered HWSV-01, HWSV-02, HWSV-03 inclusive of their key, are incorporated into this Order, as listed in the Schedule to this Order.

3. Interpretation –

In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them;

"carriageway" has the same meaning as in Section 329 of the Highways Act 1980, but does not include lay-bys;

"civil enforcement officer" has the same meaning as in Section 63A of the Road Traffic Regulation Act 1984 and by virtue of Section 76 of Traffic Management Act 2004, a parking attendant under Section 63A of the Road Traffic Regulation Act 1984 is a civil enforcement officer in relation to parking contraventions;

"disabled person's vehicle" has the same meaning as in Section 142(1) of the Act of 1984;

"disabled person's badge" has the same meaning as given in Regulation 3(1) of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;

"footway" has the same meaning as in Section 329 of the Highways Act 1980;

"parking disc" has the same meaning as given in Regulation 4 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"postal packet" shall bear the same meaning as in Section 65 of the Postal Services Act 2011;

"provision of a universal postal Service" shall bear the same meaning as in Section 65 of the Postal Services Act 2011;

"relevant position" has the same meaning as given in Regulation 4 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"road" means the full width – including any footway or verge – of any length of highway or of any other road to which the public has access, and includes bridges over which a road passes;

"universal service provider" shall bear the same meaning as in Section 65 of the Postal Services Act 2011.

"vehicle crossover" means a metalled surface constructed specifically as a means of access across a verge from the carriageway of a road to a private driveway or private parking place; and

"verge" means any land forming part of the road which is neither carriageway nor footway.

4. Save as provided in Articles 5, 6, and 7 of this Order no person shall, except upon direction of, or with the permission of a Police Constable in uniform, or with the permission of a Civil Enforcement Officer, cause or permit any vehicle to wait at any time with one or more wheels on any part of the verge, vehicle crossover or footway, where stopping and waiting is prohibited as shown on plans HWSV-01, HWSV-02, HWSV-03 and the keys/thereof.
5. Nothing in Article 4 of this Order applies in relation to -
 - (a) a vehicle being used for Fire and Rescue, Ambulance or Police purposes, if the observance of that provision would likely hinder the use of that vehicle for the purpose for which is being used on that occasion;
 - (b) a vehicle which is prevented from proceeding by circumstances beyond the driver's control or which has stopped in order to avoid injury or damage to persons or property or when required to do so by law;
 - (c) anything done with the permission of or at the direction of a Police Constable in uniform, or with permission of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Welwyn Hatfield Borough Council.
 - (d) a vehicle which is being used for one or more of the following purposes and which cannot be reasonably used for such a purpose without stopping in the lengths of road restricted by that Article;
 - (i) any operation involving building, demolition or excavation;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of a road;
 - (iv) constructing, improving, maintaining, or cleaning of any street furniture; or
 - (v) the laying, erection, alteration, repair or cleaning of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus kept or installed for the purposes of a telecommunications code system or of any other telecommunications apparatus lawfully kept installed in any position.
 - (vi) the provision of a parking enforcement service on behalf of the Council.
 - (e) a marked vehicle which, whilst being used by a universal service provider in the course of the provision of a universal postal service, is waiting only for so long as is reasonably necessary to enable postal packets to be delivered or collected.
6. Nothing in Article 4 of this Order applies to the lengths of road restricted by that Article, as identified on plans HWSV-01, HWSV-02, HWSV-03, so as to render it unlawful to cause or permit any vehicle to stop or wait on any vehicle crossover for so long as may be necessary -
 - (a) to enable goods to be loaded on or unloaded from the vehicle from or to premises adjacent to the restricted area; or
 - (b) to enable a passenger to board or alight and to load and unload any luggage
 - (c) To enable the vehicle to be used in connection with the removal of furniture from one office or dwelling house to another, or the removal of furniture from such premises to a depositary or to such premises from a depositary;
7. 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 and a parking disc, to stop or wait any time on a vehicle crossover where stopping and waiting is prohibited by that Article for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same length of road).
8. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any other regulations Made or having effect as if made under the Act of 1984 or by under any other enactment.
9. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

SCHEDULE	
Plan(s) Number	HWSV-01, HWSV-02, HWSV-03

GIVEN under the Common Seal of the Welwyn Hatfield Borough Council this **DD MM YY OF SEALING**

THE COMMON SEAL of the WELWYN)
HATFIELD BOROUGH COUNCIL was)
here unto affixed in the presence of:-)

Authorised Officer