

ROAD TRAFFIC REGULATION ACT 1984

WELWYN HATFIELD BOROUGH COUNCIL

THE BOROUGH OF WELWYN HATFIELD (PINE GROVE, BROOKMANS PARK) (PROHIBITION OF STOPPING AND WAITING ON VERGE OR FOOTWAY) ORDER 2023

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 Part IV of Schedule 9 of the Act of 1984 and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Paragraph 20 of Schedule 9 to the Act of 1984, hereby makes the following Order:-

1. (a) This Order shall come into operation on XXXXXXXXXXXXX and may be cited as **"The Borough of Welwyn Hatfield (Pine Grove, Brookmans Park) (Prohibition of Stopping and Waiting on Verge or Footway) Order 2023"** hereinafter referred to as 'this Order'

(b) The Borough of Welwyn Hatfield (Pine Grove, Brookmans Park) (Prohibition of Stopping and Waiting on Verge or Footway) Order Plan – PG02/VF (hereinafter referred to as the "accompanying plan") are incorporated into this Order.

2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"the Act of 1984" means the Road Traffic Regulation Act 1984;

"the Council" means Welwyn Hatfield Borough Council;

"accompanying plan" means the plan PG02/VF as incorporated into The Borough of Welwyn Hatfield (Pine Grove, Brookmans Park) (Prohibition of Stopping and Waiting on Verge or Footway) Order 2023.

"carer" means a family member or paid helper who regularly looks after a child or a sick, elderly or disabled person

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

"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;

"legally qualified medical practitioner" has the same meaning as 'fully registered medical practitioner' in the Medical Act 1983;

"medical practitioner" has the same meaning as 'legally qualified medical practitioner';

"Midwife, District Nurse or Health Visitor" means a person registered as such with the Nursing and Midwifery Council.

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

"provision of a universal postal service", "universal service provider" and "postal packet" shall bear the same meanings as in section 65 of the Postal services Act 2011;

"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;

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under section 64 of the Act of 1984;

"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;

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

(2) In this Order, except where the context otherwise requires:-

(a) Any reference to a numbered article or a numbered Schedule is a reference to the Article or Schedule bearing that number in this Order;

(b) Any reference to a numbered or lettered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph bearing that number or letter in the Article or Schedule or (in the case of a sub-paragraph) paragraph in which the reference occurs; and

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment;

(4) The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made under or having effect as if made under the Road Traffic Regulation Act 1984, or by or under any other enactment;

(5) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Save as provided in Articles 4, 5 and 6 of this Order no person shall, except upon the direction of, or with the permission of a Police Constable in uniform, or with the permission of a parking attendant, cause or permit any vehicle to stop or wait at any time with two or more wheels on any part of the verge, vehicle crossover or footway, where stopping and waiting is prohibited as shown in the "accompanying plan" and indicated in the key to those plan and as listed in the Schedule to this Order.

4. (1) Nothing in Article 3 of this Order applies to the lengths of road restricted by that Article (which said lengths of road are referred to in this Article as "the restricted area") in relation to -

(a) A vehicle being used for Fire and Rescue, Ambulance or Police purposes; if the observance of that provision would be likely to 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) a vehicle which is stationary in order that it may be used for one or more of the purposes specified in sub-Article (2) of this Article and which cannot reasonably be used for such a purpose without stopping in the restricted area;

(d) a marked vehicle which, whilst used by a universal service provider in the course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for postal packets to be delivered or collected.

(2) The "purposes" referred to in sub-Article (1) (c) of this Article are -

a) any operation involving building, demolition or excavation;

b) the removal of any obstruction to traffic;

c) the maintenance, upgrading, improvement to, or reconstruction of a road;

d) construction, improving, maintaining, or cleaning of any street furniture; or

e) 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.

5. Nothing in Article 3 of this Order applies to lengths of road restricted by that Article (which said lengths of road are referred to in this Article as "the restricted area") so as to render it unlawful to cause or permit a 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 a medical practitioner, or to enable a Midwife, a District Nurse or a health Visitor registered with the Nursing and Midwifery Council or a carer to make a house call on a patient;
 - (d) 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 depository or to such premises from a depository;
 - (e) a marked vehicle which, whilst used by a universal service provider in the course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for postal packets to be delivered or collected.

6. (1) Nothing in Article 3 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 stop or wait any time on a vehicle crossover where stopping and waiting is prohibited as shown in the "accompanying plan" to this Order and identified in the key to that plan as no stopping or waiting, 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 stopping or waiting by the same vehicle on the same vehicle crossover

(2) In this Article –

"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

"parking disc" has the same meaning as given in Regulation 8 (5) of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000; and

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

7. (1) Where a person contravenes any of the restrictions set out in the provisions of this Order, or a vehicle is left on any verge, vehicle crossover, or footway, otherwise than in accordance with the provisions of this Order, the Owner of the Vehicle in question shall incur a penalty charge.

(2) That charge shall be payable to Welwyn Hatfield Borough Council in accordance with the instructions contained on the Penalty Charge Notice.

8. The provisions of the following Order is hereby revoked but only in so far as they are affected by the restrictions imposed by this Order and the relevant Schedule –

The Borough of Welwyn Hatfield (Control of Parking) (Consolidation) Order 2021

SCHEDULE	
No Stopping and Waiting at any time on verge or footway	
Plan(s) Number	PG02/VF

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