

WELWYN HATFIELD BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE BOROUGH OF WELWYN HATFIELD (CHURCH STREET, WELWYN) (DISABLED PARKING PLACES) ORDER 2020

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 Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 in exercise of their powers conferred on the said County Council under Sections 32 and 35 of the Road Traffic Regulation Act 1984 ("the Act of 1984") of all other enabling powers and after consultation 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

- 1) (a) This Order shall come into operation on **DAY MONTH YEAR** and may be cited as **The Borough of Welwyn Hatfield (Church Street, Welwyn) (Disabled Parking Places) Order 2020** hereinafter referred to as "this Order".

(b) The Borough of Welwyn Hatfield (Church Street, Welwyn) (Disabled Parking Places) Order Plan 2020 – WCS/01/DIS/2020 (hereinafter referred to as the "accompanying plan") is incorporated into this order.

Interpretation

- 2) In this Order –

"accompanying plan" means the plan WCS/01/DIS/2020 as incorporated into The Borough of Welwyn Hatfield (Church Street, Welwyn) (Disabled Parking Places) Order Plan 2020.

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 SI 682;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge and which is a vehicle which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by regulation 8 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 SI 683, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying disabled persons as passengers;

"Civil Enforcement Officer" is a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Welwyn Hatfield Borough Council;

"Driver" means the person driving the vehicle at the time it was left in the parking place;

"Relevant Position" means on the dashboard or fascia of the vehicle or where the vehicle is not fitted with a dashboard or fascia in a conspicuous position on the nearside of the vehicle, or if the vehicle is one being used by a disabled person has the same meaning as given in Regulation 4 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

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

"Vehicle" means motor vehicle or motor cycle;

- 3) Save as provided in Article 4 and 5 of this Order, that length of road as shown in the label and Key to the accompanying plan as specified in the Schedule to this Order are authorised to be used as a parking place at any time for disabled persons vehicles which display in the relevant position a disabled person's badge, subject to the following provisions of this Order.

- 4) Save as provided in Article 5 of this Order, where in Article 3 of this Order a parking bay is described for use as a parking bay at any time for disabled person's vehicles which display in the relevant position a disabled person's badge, the driver of a vehicle shall not permit a vehicle to wait in that parking bay unless it is;
 - (a) a disabled person's vehicle on which is displayed in the relevant position a disabled person's badge; and
 - (b) wholly parked within the marked limits of the parking bay

- 5) (1) Nothing in Article 4 of this Order applies to the length of road restricted by Article 2 to this Order (which said length of road is 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.
 - (b) 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.;
 - (c) a vehicle which is prevented from proceeding by circumstances beyond the drivers control or which has stopped in order to avoid injury or damage to persons or property or when required to do so by law;
 - (d) 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 be reasonably be used for such a purpose without stopping in the restricted area;
 - (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;

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

 - (a) any operation involving building, demolition or excavation;
 - (b) the removal of any obstruction to traffic;
 - (c) the maintenance, improvement or reconstruction of a road;
 - (d) constructing, 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.

- 6) A vehicle left in a disabled person's parking bay in contravention of Articles 3 and 4 of this Order or otherwise in accordance with the provisions of this Order shall incur a penalty charge.

- 7) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an act of parliament.

- 8) The provisions of the following Order are hereby revoked but only in so far as they are affected by the provision imposed by this Order;

The Borough of Welwyn Hatfield (Control of Parking) (Consolidation) Order 2017

- 9) 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 or under any other enactment.

Schedule:	
The Borough of Welwyn Hatfield (Church Street, Welwyn) (Disabled Parking Places) Order Plan 2020	
Plan number	WCS/01/DIS/2020

GIVEN under the Common Seal of the Welwyn Hatfield Borough Council this DAY of MONTH YEAR

THE COMMON SEAL of the WELWYN HATFIELD BOROUGH COUNCIL was hereunto affixed in the presence of:-)
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Authorised Officer