

DACORUM BOROUGH COUNCIL
TRAFFIC REGULATION ORDER
THE BOROUGH OF DACORUM
(WATERHOUSE STREET, HEMEL HEMPSTEAD)
(DISABLED PERSONS PARKING PLACES)
ORDER 2023

Drafted: September 2022

Coming into Operation: 4th September 2023

Dacorum Borough Council, pursuant to arrangements made under Section 19 Local Government Act 2000 and Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 with the Hertfordshire County Council, and in exercise of powers conferred on that County under sections 1, 2, 3, 4, 5, 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 and of all other enabling powers, and after consultation with the Chief Officers of Police in accordance with Part III of Schedule 9 to the aforementioned 1984 Act, makes the following Order:

Citation and commencement

1. This Order shall come into effect on 4th September 2023 and may be cited as 'DACORUM BOROUGH COUNCIL TRAFFIC REGULATION ORDER THE BOROUGH OF DACORUM (WATERHOUSE STREET, HEMEL HEMPSTEAD) (DISABLED PERSONS PARKING PLACES) ORDER 2023'

Interpretation

2. 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(1) of the Highways Act 1980.

"Civil Enforcement Officer (Parking)" means a person authorised by or on behalf of the Council to supervise any parking place and who is appointed by the Dacorum Borough Council under section 76 of the Traffic Management Act 2004;

"Council" means Dacorum Borough 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 Persons Badge" has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"Disabled Persons Vehicle" means a vehicle displaying in the relevant position a disabled persons badge and which has been used immediately before or is about to be used by the person(s) in respect of whom the badge has been issued.

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

"Motor Vehicle" has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984;

"Owner", in relation to a vehicle' means the person by whom such a vehicle is kept, which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 is presumed, unless the contrary is proved, to be the person in whose name the vehicle is registered;

"Penalty Charge" shall have the same meaning as a charge set by the Council in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the provisions of Part 6 and Schedule 9 of the Traffic Management Act 2004;

"Penalty Charge Notice" shall mean a notice issued by a Civil Enforcement Officer in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the provisions of Part 6 and Schedule 9 of the Traffic Management Act 2004.

"Permitted Hours", in relation to a parking place, means the days and hours of operation specified in columns 4, 5 and 6 respectively in Schedule 1 in relation to the parking places specified in columns 1 to 3 of that Schedule;

3. 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.
4. 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 as having effect by virtue of any subsequent 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.
6. For the purposes of this Order a vehicle shall be regarded as displaying a disabled persons badge in the relevant position when it is so regarded for the purposes of Regulation 4(1) of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

Disabled persons parking places

7. Those lengths of Waterhouse Street, Hemel Hempstead specified in Schedule 1 to this Order are designated as disabled persons parking places, for use by disabled person vehicles between the hours of 8:00am and 8:00pm Monday to Sunday inclusive, limited to 3 hours waiting with no return within the next 2 hours.
8. Save as provided in Article 9 and 10 of this Order, the driver of a vehicle shall not permit the vehicle to wait in that parking place unless it is:
 - (a) a disabled persons vehicle on which is displayed in the relevant position a disabled person badge and parking disc; and
 - (b) wholly parked within the marked limits of the parking place; and
 - (c) waiting for no more than 3 hours (not being a period separated by an interval of less than 2 hours from a previous period of waiting by the same vehicle in the same length of road).

Exemptions

9. Nothing in Article 8 of this Order applies to the lengths of road restricted by those Articles (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;
 - (b) Anything done with the permission of or at the direction of a Police Constable in uniform; or with the permission of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Dacorum 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 it is 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 Article 10 below and which cannot reasonably be used for such a purpose without stopping in the restricted area; or
 - (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.
10. The purposes referred to in Article 9(d) 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 code system or of any other telecommunications apparatus lawfully kept installed in any position.
11. In Article 9(e), the expressions ‘universal service provider’, ‘provision of a universal postal service’ and ‘postal packet’ shall bear the same meanings as in the Postal Services Act 2000.

Contraventions

- 12 .(1) If a vehicle (other than a vehicle otherwise exempted by this Order) is left in contravention of any provision of this Order a penalty charge shall be payable.
- (2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may be issued in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.
- (3) The penalty charge shall be paid to Dacorum Borough Council in accordance with the instructions and within the time limits specified on the penalty charge notice.

Revocations

13. In accordance with Part IV of Schedule 9 of the 1984 Act, the following Orders, relating to the specific stopping and waiting restriction extents described in the schedule to this Order

The Borough of Dacorum
(Waterhouse Street, Hemel Hempstead) (Disabled Persons Parking Places) Order 2023

are to be revoked only for the extents effected by this Order as specified in the sub-Articles that follow:

- (a) The Borough of Dacorum (Waterhouse Street, Hemel Hempstead) (Prohibition of Stopping and Waiting Except Taxis) Order 2014

Schedule; lengths of Waterhouse Street, Hemel Hempstead – no stopping or waiting at any time except taxis.

STREET NAME	SIDE OF STREET	LOCATION
Waterhouse Street	West Side (a)	From a point 57 metres north of a point in line with the projected northern kerblineline of Moor End Road northwards for approximately 88 metres to a point 1.5 metres south of a point in line with the projected southern kerblineline of Bank Court.

Given under the Common Seal of Dacorum Borough Council the **** day of **** 202***.

The Common Seal of DACORUM BOROUGH COUNCIL was hereunto

affixed on the **** day of **** 202***
in the presence of:-

SCHEDULE 1 – Disabled Parking Bays Monday to Sunday 8am to 8pm 3 hours no return within 2 hours

STREET NAME	SIDE OF STREET	LOCATION	RESTRICTED HOURS	MAXIMUM STAY	NO RETURN WITHIN
Waterhouse St	West	From a point 52m north of its junction with Moor End Road for a distance of 63m in a northerly direction.	Monday to Sunday 8am to 8pm	3 hours	2 hours