

# STEVENAGE BOROUGH COUNCIL

## ROAD TRAFFIC REGULATION ACT 1984

### THE BOROUGH OF STEVENAGE (INGELHEIM COURT, HIGH STREET AND WALKERN ROAD, STEVENAGE) (DISABLED PERSON'S VEHICLES PARKING PLACES) ORDER 2023

The STEVENAGE BOROUGH COUNCIL (hereinafter referred to as "the Council") pursuant to arrangements made with the County Council of Hertfordshire 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 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act of 1984") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with part III of Schedule 9 of the Act of 1984, hereby makes the following Order:-

1. This Order may be cited as "The Borough of Stevenage (Ingelheim Court, High Street and Walkern Road, Stevenage) (Disabled Person's Vehicles Parking Places) Order 2023" and shall come into operation on **DDMMMM 2023**.

2. In this order:

"Civil Enforcement Officer" has the same meaning as defined in the Traffic Management Act 2004, as appointed by or on behalf of Stevenage Borough Council;

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

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

"Driver" means the person driving or having control or charge of the Vehicle at any given time;

"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" means goods of any kind whether animate or inanimate and includes postal packets of any description; "delivering" and "collecting" in relation to goods includes checking the goods for the purpose of their delivery or collection;

"Motorcycle" has the same meaning as in section 136 of the Act of 1984;

“Parking Place” means any place where Vehicles, or Vehicles of any class, may wait as set out in s.32(4)(b) of the 1984 Act.

“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;

“Relevant position” has the same meaning as in Regulation 4 of The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons)(England) Regulations 2000;

“Vehicle” means motor vehicle and “motor vehicle” has the same meaning as in section 136 of the Act of 1984;

“Universal Service Provider”, “Provision of a universal Postal Service” and “Postal Packet” has the same meaning as in the Postal Services Act 2011.

3. Those lengths of road described in the Schedule to this Order are hereby authorised for use as a parking place at any time for disabled person’s vehicles which display in the relevant position a disabled person’s badge.
4. Save as provided in Article 5 of this Order, where in Article 3 of this Order parking places are authorised as, parking places for use at any time by disabled person’s vehicles which display in the relevant position a disabled persons badge no person shall cause or permit any vehicle to stop or wait in that parking place unless it is:
  - (1) a disabled person’s vehicle on which is displayed in the relevant position a disabled persons badge; and
  - (2) parked wholly within the marked limits of that parking place.
5.
  - (1) Nothing in Article 4 of this Order applies to the parking places 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;
    - (b) anything done with the permission of or at the direction of a police constable in uniform or done with the permission of a Civil Enforcement Officer;
    - (c) 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;

- (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 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; or
- (f) a vehicle which, whilst used by a Civil Enforcement Officer in the course of the enforcement of parking restrictions, is stationary only for so long as may be reasonably necessary for them to issue (or attempt to issue) a Penalty Charge Notice to a vehicle they believe to be parked in contravention of those restrictions or adjacent restrictions.

(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.

- 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 Stevenage Borough Council in accordance with the instructions and within the time limits specified on the penalty charge notice.

7. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies to the Interpretation of an Act of Parliament.

8. The restrictions imposed by this Order shall be in addition to and not in derogation of 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.

The Common Seal of the )  
Stevenage Borough Council )  
was hereunto affixed this )  
20YY )  
in the presence of:- )

Authorised Signatory

Borough Solicitor

### **SCHEDULE**

#### Disabled person's vehicles parking places

<b>Item number</b>	<b>Name of road</b>	<b>Side of road</b>	<b>Description</b>
1	Ingelheim Court	South	The farthest parking bay in the south-westwards area of its cul-de-sac serving numbers 9-29 Ingelheim Court
2	High Street	West	From the southern property boundary of number 20 High Street south-eastwards for a distance of 6 metres
3	Walkern Road	South	From a point 2 metres west of a point opposite the mutual property boundary of numbers 161 and 159 Walkern Road south-westwards for a distance of 6 metres