

STEVENAGE BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE BOROUGH OF STEVENAGE (MARSHGATE, STEVENAGE) (DISABLED PERSON'S 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 of the 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 of Schedule 9 of the Act of 1984, hereby makes the following Order:—

1. This Order may be cited as “The Borough of Stevenage (Marshgate, Stevenage) (Disabled Person’s Parking Places) Order 2023” and shall come into operation on **DD MMMM 202Y**.

2. In this Order:

“The Act of 2004” means the Traffic Management Act 2004;

“The Regulations of 2000” means The Local Authorities ‘Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“The Regulations of 2022” means ‘The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022’;

“Civil Enforcement Officer” has the same meaning as defined in the Act of 2004, as appointed by or on behalf of the Council;

“Disabled person’s badge” has the same meaning as in Regulation 3(1) of the Regulations of 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;

“Parking disc” has the same meaning as in Regulation 85(5) of the Regulations of 2000;

“Penalty Charge” means 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’;

“Penalty Charge Notice” has the same meaning as in the Regulations of 2022;

“Relevant position” has the same meaning as in Regulation 4 of the Regulations of 2000;

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

“Universal Service Provider”, “Provision of a universal postal service” and “Postal Packet” have the same meanings as in the Postal Services Act 2011.

3. The areas described in the Schedule to this Order are hereby designated as Parking Places limited to three hours waiting with no return within the next one hour for disabled person’s vehicles which display in the relevant position a disabled person’s badge and a parking disc indicating the quarter hour period in which that vehicle began to wait in that parking place.
4. Save as provided in Article 5 of this Order, where in Article 3 of this Order a parking place is designated for waiting limited to three hours with no return within the next one hour for disabled person’s vehicles which display in the relevant position a disabled person’s badge and a parking disc indicating the quarter hour period in which that vehicle began to wait in that parking place, no person shall cause or permit any vehicle to stop or wait in that parking place unless it is:
 - (1) a disabled person’s vehicles on which is displayed in the relevant position a disabled person’s badge and a parking disc indicating the quarter hour period in which that vehicle began to wait in that parking place; and
 - (2) parked wholly within the marked limits of the parking place.
5.
 - (1) Nothing in Article 4 of this Order applies to the parking places created and restricted by this Order (which said lengths of road are referred to as “the restricted area”) in relation to:
 - (a) a vehicle being used for Fire and Rescue, Ambulance or Police purposes; or
 - (b) anything done with the permission or at the direction of a police constable in uniform, or done with the explicit permission of a Civil Enforcement Officer; or
 - (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; or
 - (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; 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; or
 - (f) a vehicle which, whilst in use 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 other restrictions in the street.
 - (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 construction, maintenance, improvement or reconstruction of a road;
- (d) the construction, maintenance, improvement, or cleaning of any street furniture;
and
- (e) the laying, erection, alteration, repair, maintenance, improvement 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 system or any other telecommunications apparatus lawfully installed in any position.

6. Every vehicle left in a parking place described in the Schedule to this Order, in accordance with the provisions of this Order, shall so stand that:
- (1) the near side of the vehicle is adjacent to the left-hand edge of the carriageway and the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50 centimetres, or in such special manner of standing as the Schedule may specify; and
 - (2) the whole of the vehicle is within a single marked parking bay; and
 - (3) no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting, other than premises to or from which the vehicle is delivering or collecting furniture or goods.
- 7.
- (1) Any person authorised by the Council or by a police constable in uniform may suspend the use of a Parking Place or any part thereof whenever they consider such a suspension reasonably necessary:
 - (a) for the purposes of facilitating the movement of traffic or promoting its safety; or
 - (b) for the purposes of any building operation, demolition or excavation in or adjacent to the Parking Place; or
 - (c) for the maintenance, improvement or reconstruction of the parking place; or
 - (d) for the laying, erection, alteration removal or repair of any sewer or of any main, pipe, or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus or traffic sign in or adjacent to the parking place;
or
 - (e) for the convenience of occupiers of premises adjacent to the parking place on any occasion for the removal of furniture from an office or dwelling place or its delivery thereto;
 - (f) on any occasion on which it is likely by reason of some special attraction or event that the street will be thronged or obstructed;
 - (g) for the convenience of occupiers of premises adjacent to the parking place at times of wedding or funerals or on other special occasions; or
 - (h) for the purposes of facilitating the cleansing of the parking place.
 - (2) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of sub-Article (1) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof a traffic sign indicating that waiting by vehicles is prohibited.
 - (3) No person shall cause or permit a vehicle to wait in a parking place or any part thereof during the period indicated by a traffic sign in pursuance of sub-Article (2) of this Article unless that vehicle:
 - (a) is being used for Fire and Rescue, Ambulance or Police purposes in response to an emergency; or
 - (b) is waiting for the purpose for which the parking place or part thereof was suspended; or
 - (c) is waiting with the permission of the person suspending the use of the parking place or part thereof in pursuance of sub-Article (1) of this Article; or

- (d) is waiting with the permission or at the direction of a police constable in uniform, or with the explicit permission of a Civil Enforcement Officer; or
- (e) is waiting, whilst in use by a Civil Enforcement Officer in the course of the enforcement of parking restrictions, and 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 the suspension of the parking place or part thereof, or of other restrictions imposed by this Order, or of other parking restrictions in the street; or
- (f) is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or because such waiting is reasonably necessary in order to avoid injury or damage to persons or property or is required by law.

8.

- (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 Regulations of 2022.
- (3) The Penalty Charge shall be payable to Stevenage Borough Council in accordance with the instructions and within the time limits specified on the Penalty Charge Notice.

9. The provisions of the following Orders are hereby revoked only in so far as they are affected by the provisions of this Order:

- The Borough of Stevenage (Control of Parking) (Consolidation) Order 2017
- The Borough of Stevenage (Marshgate, Stevenage) (Disabled Person's Parking Places) Order 2021
- The Borough of Stevenage (Marshgate, Stevenage) (Prohibition of Waiting, Loading or Unloading) Order 2021

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

11. 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 and other enactment.

The Common Seal of the)
Stevenage Borough Council)
was hereunto affixed this)
 day of)
 202Y)
in the presence of:—)

Authorised Signatory

SCHEDULE

Disabled Person's Parking Places
limited to three hours waiting with no return within the next one hour

Item number	Name of road	Side of road	Description	Special manner of standing
1	Marshgate	South	From a point 15 metres west of its northern junction with St George's Way westwards for a distance of 13 metres.	None.
2	Marshgate	South	From a point 30 metres west of its northern junction with St George's Way westwards for a distance of 10 metres.	None.
3	Marshgate	East	From a point 20 metres south of its junction with the southern kerb line of the northern arm of the same street, southwards for a distance of 24.5 metres.	None.
4	Marshgate	West	In its south-western spur, across its full width, extending from the western extremity of the carriageway eastwards for a distance of 5 metres.	Aligned approximately on an east-west axis in accordance with the bay markings.
5	Marshgate	North	From a point 6 metres west of the entrance to Marshgate Car Park westwards for a distance of 13 metres.	None.