

**DACORUM BOROUGH COUNCIL
TRAFFIC REGULATION ORDER**

**THE BOROUGH OF DACORUM
(OLD FISHERY LANE, HEMEL HEMPSTEAD)
(PROHIBITION OF WAITING AT ANY TIME)
ORDER 2023**

Written: 09th January 2023
Coming into Operation: XXXX

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 and 5 of Part I 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 operation on XXXX and may be cited as THE BOROUGH OF DACORUM (OLD FISHERY LANE, HEMEL HEMPSTEAD) (PROHIBITION OF WAITING AT ANY TIME) ORDER 2023

INTERPRETATION

2.
 - (1) 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

“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;

“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;

“Disabled Persons Badge” has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“Disabled Person’s Vehicle” means a vehicle displaying a valid Disabled Persons Badge and Parking Disc;

“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;

“Dwelling” means a house or self-contained flat registered for Council Tax purposes

“Enactment” means any enactment, whether public general or local, and includes any order, bylaw, rule, regulation, scheme or other instrument having effect by virtue of enactment;

“Light Goods Vehicle” means Motor Vehicle, the maximum gross weight of which does not exceed 3.5 tonnes, which is constructed or adapted for use for the carriage of goods or burden of any description, and is drawing a trailer

“Motor Cycle/s” has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984

“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 vehicle is kept and used and in determining who the owner of a vehicle was at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994

“Parking Disc” has the same meaning as in the Disabled Persons (Exemptions for Disabled Persons) (England) Regulations 2000

“Passenger Vehicle/s” means a Motor Vehicle constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the Driver, and not drawing a trailer

- (2) 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.
- (3) 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.
- (4) 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.

Section 1 – Prohibition of Waiting

PROHIBITION OF WAITING AT ANY TIME

3. No person shall cause or permit any vehicle to wait at any time in the lengths of road specified in columns 1, 2 and 3 in Schedule 1 to this Order.

GENERAL EXEMPTIONS

4. Nothing in Article 3 shall prohibit any vehicle from waiting for as long as reasonably necessary in the following circumstances:
 - (a) The vehicle is directed to stop or wait by or with the permission of a Police Constable, or with permission of Civil Enforcement Officer in uniform
 - (b) The vehicle is being used for emergency services purposes
 - (c) To prevent a road traffic collision
 - (d) The vehicle cannot be moved due to an unavoidable breakdown

PROHIBITION OF WAITING EXEMPTIONS

5. Nothing in Article 3 shall apply to a vehicle waiting for as long as necessary in the following circumstances:
 - a) The vehicle is waiting for the purposes of loading or unloading that vehicle, provided the loading/unloading is continuous and being undertaken in a timely manner, the goods being loaded/unloaded cannot be reasonably carried other than by means of a vehicle, the vehicle is waiting adjacent to where the goods are being loaded/unloaded from/to and the length of time the vehicle is waiting for is reasonable
 - b) To allow the picking up or setting down of passengers
 - c) The vehicle is a cleaning or refuse vehicle collecting rubbish in the immediate vicinity
 - d) The vehicle is waiting for the purpose of removing an obstruction to traffic
 - e) The vehicle is a liveried utility company being used in connection with works of that utility in the immediate vicinity
 - f) The vehicle is a Disabled Persons Vehicle, provided the vehicle does not wait for longer than three hours and at least one hour has elapsed following a previous period of waiting by the vehicle in the same road or part of a road
 - g) The vehicle is displaying a valid Temporary Parking Restriction Dispensation Permit issued by the Council

CONTRAVENTION

6. Any person or vehicle failing to comply with the provisions of Section 1 of this Order shall be in contravention of it and a penalty charge shall be payable.

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 – Prohibition of Waiting at Any Time

Column 1	Column 2	Column 3
STREET NAME	SIDE OF STREET	LOCATION
Old Fishery Lane	West	From its junction with Chaulden Lane for its entire length (including the turning head north of the railway bridge tunnel)
Old Fishery Lane	East	From its junction with Chaulden Lane for its entire length (including the turning head opposite No.2 Old Fishery Lane)