

WATFORD BOROUGH COUNCIL

TRAFFIC REGULATION ORDER

THE BOROUGH OF WATFORD (KING STREET, WATFORD) (LOADING PLACE) ORDER 2018

Watford Borough Council ("the Council"), pursuant to arrangements made under Section 19 of the Local Government Act 2000¹ and the Local Government (Arrangements for Discharge of Functions) (England) Regulations 2012² with the Hertfordshire County Council, and in exercise of the powers conferred on that County Council by sections 1, 32, 35 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984³ ("the Act of 1984") and of all other enabling powers, and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following Order:-

PART I - PRELIMINARY

Commencement and citation

1. This Order may be cited as The Borough of Watford (King Street, Watford) (Loading Place) Order 2018 (hereinafter referred to as "this Order") and shall come into operation on 24 September 2018.

Interpretation

2. In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

"civil enforcement officer" has the same meaning as in Section 76 of The Traffic Management Act 2004⁴;

"council" means Watford Borough Council and includes any parking services contractors or authorised agent appointed by and acting on behalf of the council for the purpose of any function under the provisions of this Order;

"driver" in relation to a vehicle waiting in a loading place, means the person driving the vehicle at the time it was left in the loading place;

"enactment" means any Act of Parliament, whether public general or local, and includes any order, bylaw, 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; and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

¹ 2000 c.22

² S.I. 2012/1019

³ 1984 c.27

⁴ 2004 c.18

"goods vehicle" means a motor vehicle or trailer constructed or adapted for use for the carriage or haulage of goods or burden of any description, and does not include any motor vehicle primarily constructed or adapted for the carriage of passengers;

"loading place" means any area on a street designated by this Order as for loading or unloading;

"penalty charge" means a penalty charge imposed by the council pursuant to Part 6 of the Traffic Management Act 2004 and any regulations made thereunder;

"traffic sign" has the meaning given by section 64 of the Road Traffic Regulation Act 1984.

Designation of loading place

3. Each area on a highway comprising the length of carriageway of a road specified in Schedule 1 to this Order and bounded on one side of that length by the edge of the carriageway is hereby designated as a loading place for use during the hours specified in that Schedule.

Use of loading places

4. Save as provided in this Order, no person shall cause or permit any vehicle other than a goods vehicle to be left in the loading place specified in the Schedule to this Order during the hours specified in that Schedule other than for the purpose of loading or unloading goods.

Restriction on the use of loading places

5. No person shall use a vehicle while it is in a loading place either for the purpose of selling it or in connection with the sale of any article to any person in or near the loading place or in connection with the selling or offering for sale of his skill in handicraft or his services in any other capacity.

Exemptions

6. Nothing in this Order shall render it unlawful to cause or permit any vehicle to wait in the length of road specified in the schedules to this Order for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other position, to be used in connection with any of the following operations, namely:
 - (i) building, industrial and demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said length of road;
 - (iv) the laying, erection, alteration or repair in or adjacent to the said lengths of road of any sewer or of any main, pipe or apparatus for the

supply of gas, water or electricity or of any electronic communication network within the meaning of the Communications Act 2003⁵;

- (v) in the service of a local authority or of a water authority in pursuance of statutory powers or duties;
 - (vi) for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2011.
7. Nothing in this Order shall render it unlawful for any vehicle to wait in the length of road specified in the Schedules to this Order for so long as may be necessary in any case where the person in control of the vehicle:
- (a) is required by law to stop;
 - (b) is obliged to stop so as to prevent an accident;
 - (c) is prevented from proceeding by circumstances beyond his/her control.
8. Nothing in this Order shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes to be left in any part of a loading place, or to cause or permit any other vehicle so left if that vehicle is left with the permission of:
- (a) a police officer on duty; or
 - (b) a civil enforcement officer in uniform and on duty.

Alteration of position of vehicle

9. Where a vehicle is standing in a loading place in contravention of the provisions of this Order, a Civil Enforcement Officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Movement of vehicles in an emergency

10. Any person generally or specially authorised by the Council or a police officer on duty or a Civil Enforcement Officer may move or cause to be moved, in case of emergency, to any place he thinks fit any vehicle left in a loading place.

Liability for penalty charge

11. If a vehicle is left in a loading place without complying with the provisions of this Order, then a contravention of, or failure to comply with, the provisions of this Order shall be deemed to have occurred and the owner of the vehicle in question shall be liable for a penalty charge as set by the Council in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 and the provisions of Part 6 and Schedule 9 the Traffic Management Act 2004.

Revocations

⁵ 2003 c.21

12. The provisions of the following Orders are hereby revoked:

a) The Hertfordshire (King Street, Watford) (Goods Vehicle Loading Bay) Order 2012

THE COMMON SEAL of THE WATFORD
BOROUGH COUNCIL was hereunto

Affixed this day of 2018

In the presence of:

Head of Democracy and Governance
Watford Borough Council

Schedule – Loading Place

Street	Side of Street	Location	Operational hours
King Street, Watford	North-west	From a point 3 metres south-west of a point in line with the projected south-western kerb-line of Smith Street north-eastwards for approximately 30 metres to a point in line with the projected south-western kerb-line of St Marys View	5am – 2pm on Mondays to Sundays