

**WELWYN HATFIELD BOROUGH COUNCIL**

**ROAD TRAFFIC REGULATION ACT 1984**

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**THE BOROUGH OF WELWYN HATFIELD (ELECTRIC VEHICLE CHARGING) (OFF-STREET PARKING PLACES) ORDER 202X**

The Council of The Borough of Welwyn Hatfield (hereinafter referred to as "the Council") pursuant to arrangements made under Section 19 Local Government Act of 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 with Hertfordshire County Council ("the County Council") in exercise of the powers conferred by Sections 32, 33, 34, 35 and 44 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the 1984 Act") (as amended by the Road Traffic Regulation (Parking) Act 1986) and Section 43 and Schedule 3 of the Road Traffic Act 1991 ("the 1991 Act") and the provisions of Part 6 of The Traffic Management Act 2004 ("the 2004 Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby make the following Order.

**PART I - GENERAL**

**Commencement and Citation**

1. (a) This Order shall come into operation on **XXXXXX** and may be cited as "The Borough of Welwyn Hatfield (Electric Vehicle Charging) (Off-Street Parking Places) Order 202x" hereinafter referred to as "this Order".  
  
(b) The Borough of Welwyn Hatfield (Electric Vehicle Charging) (Off-Street Parking Places) Order Plans 202x (hereinafter referred as the accompanying plans") is incorporated into this Order.

**Revocations**

2. The provisions of the following Order are hereby revoked but only in so far as they are affected by the restrictions imposed by this Order;  
Welwyn Hatfield Borough Council (King George V Car Park, Welwyn Garden City) (Off-Street Parking Places) Order 2011

**Interpretation**

3. (a) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.  
  
(b) Save as otherwise defined within this Order each and every expression shall have the meaning assigned to it by the Traffic Signs Regulations and General Directions 2016, SI No.362.  
  
(c) In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

"Accompanying Plans" means The Borough of Welwyn Hatfield (Electric Vehicle Charging) (Off-Street Parking Places) Order Plans 202x including the Key, and listed in Schedule 1 of this Order which are incorporated into this Order pursuant to Article 1(b) hereof;

"bay markings" means any white or yellow lines marked on the surface of a parking place to indicate the limits of each individual parking bay;

"Civil Enforcement Officer" means a Civil Enforcement officer appointed by Welwyn Hatfield Borough Council under Section 76 of the Act of 2004;

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

"Driver" means the person driving or having control or charge of the Vehicle at any given time And in particular in relation to a Vehicle waiting in a Parking Place the person driving at the time it was left in that Parking Place;

"Electric Vehicle" means a vehicle which uses electricity as a source of power for propulsion which is derived from an electric storage battery which is not connected by an exterior charging lead to any power source whilst the vehicle is in motion and includes a vehicle which in addition uses, or is capable of using, other sources of power for propulsion;

"Electric Vehicle Charging Bay" means an area contained within a Parking Place delineated by painted road markings and signage to indicate the marked limits of the bay and the position in which an Electric Vehicle may be parked to charge as shown on the accompanying plans;

“Key” means the Key attached to the Accompanying plans to be read in conjunction with those accompanying plans;

“Motor Vehicle” has the meaning as given by Section 136(1) of the Act of 1984;

“Operational Days and Hours” in relation to a car park means the period during which the car park open for use by the public as specified in Schedules 2 and 3

“Owner” has the meaning assigned to it by s.82 (2) and (3) of the Road Traffic Act 1991;

“Parking Bay” means an area contained within a Parking Place delineated by painted road markings to indicate the marked limits of the Parking Bay and the position in which a Vehicle or Vehicle of any specified class may be parked;

“Parking Place” means an area of land or building, where vehicles, or vehicles of a specified class, may wait within Parking Bays marked out for the purpose as set out in s.32(4)(b) of the 1984 Act and as shown in the Key and Off-Street Plans;

“Passenger Vehicle” means a motor vehicle constructed solely for the carriage of passengers and their effects and adapted to carry not more than sixteen passengers exclusive of the Driver, and not drawing a trailer;

“Penalty Charge” means an amount set and published 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.

“Penalty Charge Notice” means the notification of a Penalty Charge pursuant to the provisions of Section 78 of the Traffic Management Act 2004 and has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Plug in – Electric Hybrid Vehicle” is a vehicle equipped with an electric traction system which is powered by an electric storage battery which is not connected by an exterior recharging lead to any power source whilst the vehicle is in motion and includes a vehicle which in addition uses at least another energy source for traction purposes.

“Recharging Post” means a device designed for the recharging of electric vehicles or plug in electric hybrid vehicles;

“Recharging Lead” means a device designed for connecting the recharging post to an electric vehicle or plug in electric hybrid vehicle

“Relevant Position” means on the dashboard or fascia of the Vehicle or where the Vehicle is not fitted with a dashboard or fascia in a conspicuous position on the Vehicle as described in the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 2000 SI 682;

“Restricted area” means an area within the parking place boundaries as shown in the relevant plans to this Order that is not marked as a parking bays, e.g. access road, turning area, grassed areas, raised or lowered kerb or areas of landscaping;

“Road” means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes as set out in s142 (1) of the 1984 Act;

“Traffic Sign” means a device or object as prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Act of 1984;

“Vehicle” has the same meaning as that assigned to “motor vehicle” in s.136 (1) of the 1984 Act;

Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

## **PART II DESIGNATION OF PARKING PLACES and PARKING BAYS**

4. Each area as shown on the Off-Street Plans and indicated in the key on the accompanying plans as a parking place is authorised as a parking place and may be used subject to the conditions and restrictions imposed by this Order for the parking of motor vehicles.
5. Within a parking place no person shall, cause or permit any motor vehicle to wait at any time in any part of the parking place unless that vehicle is waiting wholly parked within the marked limits of a parking bay as shown on the Off-Street Plans and indicated in the Key on the accompanying plans.
6. Within a parking place no person shall, cause or permit any motor vehicle to wait during the hours 8am to 6pm Monday to Sunday in a marked electric vehicle charging bay in an area shown on the Off-Street Plans and indicated in the key on

the accompanying plans unless it is;

- (a) an electric vehicle or plug in electric hybrid vehicle; and
- (b) the electric vehicle or plug in electric hybrid vehicle is connected to the recharging post and actively recharging, via the recharging lead, for a period of up to 4 hours with no return within 4 hours during the car park charging days and hours

#### **Power to Suspend use of Parking Places**

7. Any person authorised by the Council may suspend the use of a parking place or parking bay whenever they consider such suspension reasonably necessary:

- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
- (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus or traffic sign; or
- (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion for the removal of furniture from one office or dwelling house to another place; or
- (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
- (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions; or
- (f) for the purpose of facilitating the cleansing of the parking place.

#### **Exemptions to the provisions of this Order**

8. Notwithstanding the foregoing provisions of this Order any vehicle may wait in any part of a parking place not being a marked parking bay if: -

- (a) The vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or such waiting is necessary in order to avoid an accident;
- (b) The vehicle is being used for fire brigade, ambulance or police purposes, or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary for such duties for the vehicle to wait in the place in which it is waiting;
- (c) The vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
- (d) The vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely: -
  - i) building, industrial or demolition operations;
  - ii) the removal of any obstructions to traffic;
  - iii) the maintenance, improvement or reconstruction of the said roads;
  - iv) 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.
- (e) The vehicle if it cannot conveniently be used for such purpose in any other road to be used in the service of a local authority or water authority in pursuance of statutory powers or duties.

#### **Liability for a penalty charge**

9. (a) If a vehicle (other than a vehicle otherwise exempted by this Order) is left during the operational hours in contravention of any provision of this Order a penalty charge shall be payable.

- (a) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may be issued by a Civil Enforcement Officer in uniform in accordance with the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

### **Manner of payment of the penalty charge**

10. The penalty charge shall be paid to Welwyn Hatfield Borough Council in accordance with the instructions and within the time limits specified on the penalty charge notice.

### **Alteration of position of a vehicle in a parking place**

11. Where any vehicle is standing in a parking place in contravention of the provisions of Article 15, a Police Constable in uniform or a Civil Enforcement Officer may cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

### **Removal of a vehicle from a parking place**

12. Where a Police Constable in uniform or a Civil Enforcement Officer is of the opinion that any of the provisions contained in Articles 5, 6, and 15 have been contravened or not complied with in respect of a vehicle left in a parking place he may cause the vehicle to be removed from the parking place and, where it is so removed, shall provide for the safe custody of the vehicle.

### **Movement of a vehicle in a parking place in an emergency**

13. A Police Constable in uniform or a Civil Enforcement Officer may cause to be moved, in case of emergency, to any place he thinks fit any vehicle left in a parking place.

## **PART III - SUPPLEMENTARY PROVISIONS**

### **Restrictions on the removal of Penalty Charge Notices**

14.(a) Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 9 no person other than the driver of the vehicle, a Civil Enforcement Officer or a Police Constable in uniform shall remove the Penalty Charge Notice from the vehicle unless authorised to do so by the driver of the vehicle.

- (b) Provided that nothing herein shall apply to a Civil Enforcement Officer or a Police Constable in uniform or a person removing the vehicle in pursuance of an arrangement made by a Police Constable or a Civil Enforcement Officer by or under regulations in pursuance of powers contained in Sections 99, 100, 101 and 102 of the Road Traffic Regulation Act 1984.

### **Manner of standing in a parking place**

15. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order as shown in the Off-Street Plans shall stand in that parking place so that every part of the vehicle is within the marked limits of a parking bay.

### **Installation of and placing of traffic signs, etc**

16. The Council shall:-

- (a) Place and maintain traffic signs indicating the limits of each parking bay; and place and maintain in or in the vicinity of the car park boundary as shown in the 'Off - Street Plans' traffic signs indicating that such parking place may be used during the operational hours for the leaving of the vehicles specified in Article 4; and
- (b) Carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

17. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any other regulations made or having effect as if made under the 1984 Act or by or under any other enactment.

### **SCHEDULE 1: The Borough of Welwyn Hatfield (Electric Vehicle Charging) (Off-Street Parking Places) Order Plans 202X**

Plan Number	EV2/01
Plan Number	EV2/02
Plan Number	EV2/03
Plan Number	EV2/04
Plan Number	EV2/05
Plan Number	EV2/06
Plan Number	EV2/07

**SCHEDULE 2: Parking Places – Electric Vehicle Charging Only**

<b>Location</b>	<b>Operational Days and Hours</b>	<b>Restriction Days and Hours</b>	<b>Duration</b>
Aldbury Grove Car Park	All days and all hours	Monday to Sunday 8am to 6pm	4 hours, 4 hours no return
Birchwood Leisure Centre Car Park	All days and all hours	Monday to Sunday 8am to 6pm	4 hours, 4 hours no return
King George V Playing Fields Car Park	All days and all hours	Monday to Sunday 8am to 6pm	4 hours, 4 hours no return
Longmead Car Park	All days and all hours	Monday to Sunday 8am to 6pm	4 hours, 4 hours no return
Moneyhole Car Park	All days and all hours	Monday to Sunday 8am to 6pm	4 hours, 4 hours no return
Prospect Place Car Park	All days and all hours	Monday to Sunday 8am to 6pm	4 hours, 4 hours no return
Russett House Car Park	All days and all hours	Monday to Sunday 8am to 6pm	4 hours, 4 hours no return
Thundridge Close Car Park	All days and all hours	Monday to Sunday 8am to 6pm	4 hours, 4 hours no return

GIVEN under the Common Seal of the Welwyn Hatfield Borough Council this **DATE day of MONTH YEAR.**

THE COMMON SEAL of the WELWYN  
HATFIELD BOROUGH COUNCIL was  
hereunto affixed in the presence of:-

Authorised Officer.....