

THE SURREY COUNTY COUNCIL
EAST MOLESEY CONTROLLED PARKING ZONE IN THE BOROUGH OF
ELMBRIDGE (CONSOLIDATION OF WAITING RESTRICTIONS AND ON-STREET
PARKING PLACES) ORDER 2014 (AMENDMENT NO.2) ORDER 2016

THE SURREY COUNTY COUNCIL
EAST MOLESEY CONTROLLED PARKING ZONE IN THE BOROUGH OF
ELMBRIDGE (CONSOLIDATION OF WAITING RESTRICTIONS AND ON-STREET
PARKING PLACES) ORDER 2014 (AMENDMENT NO.2) ORDER 2016

SURREY COUNTY COUNCIL in exercise of their powers under Sections 1(1) and 2(1) to (3) 4 32 35 36 45 46 49 51 and 53 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (hereinafter called "The 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 Act hereby make the following Order:-

Citation and commencement

- 1 THIS Order may be cited as "The Surrey County Council East Molesey Controlled Parking Zone in the Borough of Elmbridge (Consolidation of Waiting Restrictions and On-Street Parking Places) Order 2014 (Amendment No.2) Order 2016" and shall come into force on 8th August 2016

Interpretation

- 2 (1) In this Order the expression "the Order of 2014" means The Surrey County Council East Molesey Controlled Parking Zone in the Borough of Elmbridge (Consolidation of Waiting Restrictions and On-Street Parking Places) Order 2014
- (2) In this Order the expression "enactment" means any enactment whether public general or local and includes any order bye-law rule regulation scheme or other instrument having effect by virtue of an enactment
- (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) Unless the context otherwise requires any expression used in this Order which is also used in the Order of 2014 shall have the same meaning as in that Order

Amendment of the Order of 2014

3 WITHOUT prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order the Order of 2014 shall have effect as though –

(a) In the Arrangement of Articles there was inserted the following Part immediately following Part III Section I -

**“PART III
SECTION IA -**

DESIGNATION OF SHARED-USE PARKING PLACES

Designation of such parking places	18A
Vehicles for which such parking places are designated ..	18B
Period for which a vehicle may be left in such a parking place..	18C
Interval before a vehicle may again be left in such a parking place	18D
Manner of standing in such a parking place	18E
Alteration of position of a vehicle in such a parking place ..	18F
Power to suspend the use of such a parking place	18G
Restriction on the use of such a parking place or a vehicle in such a parking place	18H and 18I
Restriction on waiting by a vehicle in such a parking place.. ..	18J
Manner of waiting in such a parking place	18K
Placing of traffic signs	18L”

(b) In the interpretation of the expression “Waiver Certificate” in paragraph (1) of Article 2 there was inserted the phrase “18C(c) 18D(c) and 18J(j)” immediately following the phrase “Articles 4(h) or 8 or 16 ”

(c) In paragraph (1) of Article 2 there were added the following expression which shall have the meaning hereby respectively assigned to it:-

"shared use parking place" means an area on a highway designated as a parking place by this Order for the leaving -

- (a) free of charge of such vehicles only as are passenger vehicles goods vehicles motor cycles and invalid carriages by virtue of

the provision of paragraph (a) of Article 18B but where such vehicles may not be left for a period longer than the specified maximum period for waiting in that shared use parking place and/or

- (b) for the leaving with a charge without time limit during the permitted hours of such vehicles as display in the manner specified in Article 40 44 46 51 or 54 a valid parking permit issued in respect of that vehicle

(d) The following Part III Section IA was inserted in the Principal Order immediately following Part III Section I -

“PART III

SECTION IA

DESIGNATION OF SHARED USE PARKING PLACES

Designation of such parking places

18A EACH area on a highway comprising the length of carriageway of a road identified on the plans as a shared use parking place within a length of road specified in Column 3 of the table in the First Schedule and bounded on one side of that length by the edge of the carriageway and having a width throughout of no less than 1.83 metres is hereby designated as a shared use parking place

Vehicles for which such parking places are designated

18B EACH shared use parking place identified on the plans may be used subject to the provisions of this Order for the leaving during the permitted hours of such vehicles only -

- (a) as are passenger vehicles goods vehicles motor cycles or invalid carriages
- (b) as display in the manner specified in Articles 40 44 46 51 or 54 a valid parking permit issued in respect of that vehicle
- (c) as is a disabled person's vehicle which displays in the relevant position or in the prescribed manner a disabled person's badge issued by any local authority

Period for which a vehicle may be left in such a parking place

18C WITHOUT prejudice to the provisions of Article 18J no person shall cause any vehicle to be left in a shared use parking place identified on the plans during the permitted hours for longer than the maximum period permitted for waiting specified in relation to that parking place and as identified on the plans:-

PROVIDED THAT nothing in this Article shall apply to -

- (a) a disabled person's vehicle which displays in the relevant position or in the prescribed manner a disabled person's badge issued by any local authority and/or
- (b) such vehicles as display in the manner specified in Articles 40 44 46 51 or 54 a valid parking permit issued by the Council in respect of that vehicle and/or
- (c) such vehicles as display in a prominent position behind the windscreen so that it is facing forwards and can be entirely and easily seen from the front of the vehicle a valid waiver certificate issued by a person duly authorised by the Council to wait in accordance with the terms and conditions prescribed by the said certificate

PROVIDED THAT a waiver certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid and that a notification of such cancellation shall be sent by post to the holder of the certificate at any address which the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council

Interval before a vehicle may again be left in such a parking place

18D WITHOUT prejudice to the provisions of Article 18J no vehicle which has been taken away from a parking space (where such parking space is provided) in a shared use parking place identified on the plans during the permitted hours shall until the expiration of the period of time indicated on the said plans from the time it was taken away again be left in that parking place during the permitted hours :-

PROVIDED THAT nothing in this Article shall apply to -

- (a) a disabled person's vehicle which displays in the relevant position or in

the prescribed manner a disabled person's badge issued by any local authority and/or

- (b) such vehicles as display in the manner specified in Articles 40 44 46 51 or 54 a valid parking permit issued by the Council in respect of that vehicle and/or
- (c) such vehicles as display in a prominent position behind the windscreen so that it is facing forwards and can be entirely and easily seen from the front of the vehicle a valid waiver certificate issued by a person duly authorised by the Council to wait in accordance with the terms and conditions prescribed by the said certificate

PROVIDED THAT a waiver certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid and that a notification of such cancellation shall be sent by post to the holder of the certificate at any address which the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council

Manner of standing in such a parking place

18E THE driver of a vehicle waiting in a shared use parking place during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand:-

- (a) in the case of a shared use parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place are identified on the plan so as to be in accordance with those provisions
- (b) in the case of any other shared use parking place -
 - (i) if the said parking place is not in a one-way road that the left or near side or right or off side of the vehicle is parallel to the edge of the carriageway nearest to the vehicle or
 - (ii) if the said parking place is in a one-way road that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway or that the right or off side of the vehicle is adjacent to the right-hand edge of the carriageway and
 - (iii) that the distance between the edge of the carriageway and the

nearest wheel of the vehicle is not more than 300 millimetres

and

- (c) (i) that every part of the vehicle is within the limits of a parking space and/or
- (ii) that every part of the vehicle is within the limits of a shared use parking place and
- (d) that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting

Alteration of position of a vehicle in such a parking place

18F WHERE any vehicle is standing in a shared use parking place in contravention of the provisions of Article 18E or of the provisions of Article 18K a police constable in uniform or 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

Power to suspend the use of such a parking place

18G (1) Subject to the following persons or organisations being able to exercise the function described below in this Article by virtue of legislation, a civil enforcement officer or a police constable in uniform, a person acting under the instructions (whether general or specific) of the Chief Officer of Police, or a person duly authorised by the Council or the Borough Council may suspend the use of a shared use parking place or any part thereof whenever he considers 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 adjacent to the said parking place the maintenance improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to that parking place the laying erection alteration or repair in or adjacent to that parking place of any sewer or of any main pipe or apparatus for the supply of gas water or electricity or of any electronic communications

apparatus or the placing maintenance or removal of any traffic sign

- (c) for the convenience of occupiers of premises adjacent to the said parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to that parking place from or to a depository another office or dwelling-house
 - (d) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed or
 - (e) for the convenience of occupiers of premises adjacent to the said parking place at times of weddings or funerals or on other special occasions
- (2) Subject as set out in paragraph (1) of this Article a police constable in uniform or a civil enforcement officer may suspend for not longer than twenty-four hours the use of a shared use parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety
- (3) On the suspension of the use of a shared use parking place or any part thereof in accordance with the provisions of this Article the person authorising or causing such suspension shall place or cause to be placed in or adjacent to that parking place or that part thereof as the case may be a traffic sign or traffic signs indicating that the waiting by vehicles is prohibited
- (4) No person shall cause or permit any vehicle to wait in a shared use parking place or any part thereof during such period as there is in or adjacent to that parking place or that part thereof as the case may be a traffic sign or traffic signs placed in pursuance of paragraph (3) of this Article:
- PROVIDED THAT nothing in this paragraph shall apply -
- (i) in respect of any vehicle being used for fire brigade ambulance or police purposes or any vehicle which is waiting for any reason specified in Article 18J(1)(b) (d) or (e) or
 - (ii) to anything done with the permission of the person suspending the use of that parking place or that part thereof in pursuance of

paragraph (1) of this Article or a police constable in uniform or a civil enforcement officer acting in the exercise of lawful authority

Restriction on the use of such a parking place or a vehicle in such a parking place

18H DURING the permitted hours no person shall use any shared use parking place or any vehicle while it is in a shared use parking place in connection with the sale or offering or exposing for sale of any goods to any person in or near the shared use parking place or in connection with the selling or offering for sale of his skill in handicraft or his services in any other capacity:

PROVIDED THAT nothing in this Article shall prevent the sale of goods from a vehicle -

- (a) if the vehicle is one which may wait in a shared use parking place in accordance with Article 18B and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected or
- (b) if the vehicle is one to which the provisions of Article 18J(1)(h) or (i) apply

18I THE driver of a motor vehicle using a shared use parking place shall stop the engine as soon as the vehicle is in position in the said parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from that parking place

Restriction on waiting by a vehicle in such a parking place

18J (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours anywhere in any part of a shared use parking place if the use of that part has not been suspended and if:-

- (a) the vehicle is waiting for a period not exceeding two minutes or such longer period as a police constable in uniform or a civil enforcement officer acting in accordance with lawful authority may approve to enable a person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage

PROVIDED THAT if the said person is a person suffering from any disability or injury which seriously impairs his ability to walk or who is blind the vehicle may wait for as long as may be necessary to enable that person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage

- (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident
- (c) the vehicle is being used for fire brigade ambulance or police purposes or not being a passenger vehicle a motor cycle or an invalid carriage 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 in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting
- (d) 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
- (e) the vehicle is waiting -
 - (i) while postal packets addressed to premises adjacent to the shared use parking place in which the vehicle is waiting are being unloaded from the vehicle or having been unloaded therefrom are being delivered or
 - (ii) while postal packets are being collected for loading on the vehicle from premises or posting boxes adjacent to the shared use parking place in which the vehicle is waiting or having been so collected are being loaded thereon
- (f) the vehicle not being a passenger vehicle a motor cycle or an invalid carriage is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 18G(1)(b)
- (g) the vehicle is in actual use in connection with the removal of

furniture to or from one office or dwelling-house adjacent to the shared use parking place in which the vehicle is waiting from or to a depository another office or dwelling-house

- (h) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the shared use parking place in which the vehicle is waiting and the vehicle does not wait for such purpose for more than twenty minutes or for such longer period as a police constable in uniform or a civil enforcement officer may approve
- (i) the vehicle is waiting otherwise than in a parking space (where such parking space is provided) if goods are being sold or offered or exposed for sale from the vehicle by a person who is licensed by the Council or the Borough Council to sell goods from a stationary vehicle on a pitch situated in the shared use parking place or
- (j) the vehicle is displaying in a prominent position behind the windscreen so that it is facing forwards and can be entirely and easily seen from the front of the vehicle a valid waiver certificate issued by a person duly authorised by the Council or the Borough Council to wait in accordance with the terms and conditions prescribed by the said certificate

PROVIDED THAT a waiver certificate may be cancelled at any time at the sole discretion of the Council or the Borough Council and shall thereupon immediately cease to be valid and that a notification of such cancellation shall be sent by post to the holder of the certificate at any address which the Council or the Borough Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council or the Borough Council

- (2) Except as provided by this Order the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in a shared use parking place during the permitted hours

Manner of waiting in such a parking place

18K NO person shall cause or permit a vehicle to wait in a shared use parking place by virtue of the provisions of sub-paragraph (1)(e) (f) (g) (h) (i) or (j) of the last preceding Article otherwise than:-

- (a) in the case of a shared use parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place are identified on the plans so that the vehicle shall stand -
 - (i) unless the length of the vehicle precludes compliance with this sub-paragraph in accordance with those provisions and so that every part of the vehicle is within the limits of the shared use parking place or
 - (ii) if the length of the vehicle does preclude compliance with the last preceding sub-paragraph so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres and
- (b) in the case of any other shared use parking place so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres and
- (c) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting

For the purposes of the last foregoing paragraph the expression "premises" shall not include any premises to or from which any furniture is being removed by virtue of the provisions of sub-paragraph (1)(g) of the last preceding Article or to or from which goods are being delivered or collected by virtue of the provisions of sub-paragraph (1)(h) of that Article

Placing of traffic signs etc

18L THE Council shall -

- (a) place and maintain a traffic sign or traffic signs indicating the limits of each shared use parking place and/or each parking space and

- (b) place and maintain in or in the vicinity of each shared use parking place identified on the plans a traffic sign or traffic signs indicating that such parking place may be used during the permitted hours for the leaving only of the vehicles specified in Article 18B and
- (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a shared use parking place”

(e) In paragraphs (5) and (9) of Article 35 and (1) of Article 42 and (4) of Article 52 and Article 40 after the words “residents parking place” or “resident parking place” there were inserted the words “or shared use parking place”

(f) for the Second Schedule to the Principal Order there was substituted the Second Schedule set out in the Second Schedule to this Order

**THE SCHEDULE
(SECOND SCHEDULE)
LIST OF DRAWINGS**

Drawing No	Date Drawn	Rev'n	Date Rev'd	Rev'n	Date Rev'd	Rev'n	Date Rev'd
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Executed as a Deed by Surrey County Council on 3rd August 2016

EXECUTED AS A DEED by)

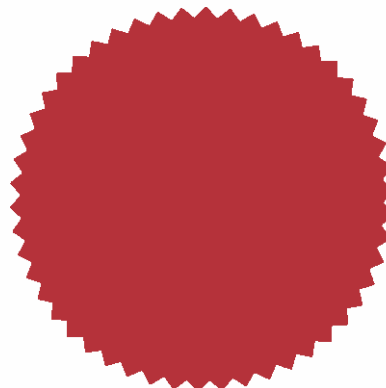
Affixing THE COMMON SEAL of)

SURREY COUNTY COUNCIL)

in the presence of and attested by:)



Authorised Signatory



SURREY COUNTY COUNCIL

DATED 3RD AUGUST 2016

No. IN SEALING REGISTER *16347.*
ORDERED TO *Elmbridge Local Committee*
BE SEALED *7/12/15*
Item no. 61/15

**ROAD TRAFFIC REGULATION ACT 1984
SECTIONS 1(1) AND 2(1) TO (3) AND 4(2)
AND 32 35 36 45 AND 46
AND PART IV OF SCHEDULE 9**

**THE SURREY COUNTY COUNCIL
EAST MOLESEY CONTROLLED
PARKING ZONE IN THE BOROUGH OF
ELMBRIDGE (CONSOLIDATION
OF WAITING RESTRICTIONS
AND ON-STREET PARKING PLACES)
ORDER 2014 (AMENDMENT NO.2)
ORDER 2016**

