

**THE SURREY COUNTY COUNCIL
(GARDENS ESTATE HORLEY CONTROLLED PARKING ZONE)
(PROHIBITION AND RESTRICTION OF WAITING
AND FREE STREET PARKING PLACES)
ORDER 2013**

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

PART I GENERAL

Citation and commencement

1 THIS Order may be cited as “The Surrey County Council (Gardens Estate Horley Controlled Parking Zone) (Prohibition and Restriction of Waiting and Free Street Parking Places) Order 2013” and shall come into operation on 6 January 2014

Interpretation

2 (1) In this Order unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them -

“agents” means any person or persons authorised by or on behalf of the Council to supervise and/or enforce any prohibition and restriction on the waiting by vehicles and/or any parking place

“Borough Council” means the Reigate and Banstead Borough Council situated at Town Hall Castlefield Road Reigate Surrey RH2 0SH

“bus” has the same meaning as in Regulation 22 of the Traffic Signs Regulations and General Directions 2002 (S.I. 2002 No 3113)

“bus stop clearway” has the same meaning as in sub-paragraph (a) of paragraph 1 of schedule 19 to the Traffic Signs Regulations and General Directions 2002 (S.I. 2002 No 3113)

“carriageway” has the same meaning as in Section 329 of the Highways Act 1980

“civil enforcement officer” has the same meaning as in Section 76 of the Traffic Management Act 2004

“community care personnel” means persons who are employed by or who are members of an official carers organisation operating through Surrey County Council or the National Health Service

“Council” means Surrey county Council or its appointed agents

“credit card” has the same meaning as in paragraph (6) of Section 35A of the Act

“debit card” has the same meaning as in paragraph (6) of Section 35A of the Act

“delivering” and “collecting” in relation to any postal packet as defined in Section 87 of the Post Office Act 1953 includes checking any of the said postal packets for the purpose of their delivery or collection

“disabled person’s badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (S.I. 2000 No 682)

“disabled person’s vehicle” means a motor vehicle being driven by a disabled person or being used for the carriage of a disabled person or disabled persons

“doctor” means a registered medical practitioner who is a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practice under that Act

“driver” in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in the parking place

“electronic communications apparatus” has the same meaning as in paragraph 1 of Schedule 2 to the Telecommunications Act 1984 and/or Sections 106 and 151 of the Communications Act 2003

“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

“goods” means goods of any kind whether animate or inanimate and “delivering” and “collecting” in relation to any goods or postal packets includes checking the goods or postal packets for the purpose of their delivery or collection.

“goods vehicle” means a motor vehicle the maximum gross weight of which does not exceed 5 tonnes and which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer

“hackney carriage” means a hackney carriage in respect of which there is in force a licence granted under Section 37 of The Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976

“lay-by” means any area of carriageway not forming part of a main carriageway and which for the purposes of this Order is either -

(a) designated for the time being as a street parking place by any Order made or having effect as if made under Sections 1(1) and (2) and 2(1) to (3) and 4 and/or 32 35 and 36 of and/or Part IV of Schedule 9 to the Act

- within the Borough of Reigate and Banstead in the County of Surrey or
- (b) an area of carriageway intended for the waiting of vehicles and which is bounded partly by a traffic sign of the type shown in Diagram 1010 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002 (S.I. 2002 No. 3113) and partly by the outer edge of the carriageway on the same side of the road as that on which the traffic sign is placed and/or
 - (c) an area of carriageway bounded by the continuous and broken straight yellow lines comprised in the road marking of the type shown in Diagram 1025.3 or in Diagram 1025.4 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002 (S.I.2002 No.3113)

“main carriageway” means any carriageway used primarily by through traffic but excludes any lay-by

“maximum gross weight” has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002 (S.I. 2002 No. 3113)

"medical personnel" means doctors nurses healthcare and community visitors and other categories of medical personnel operating through Surrey County Council or the National Health Service or private healthcare organisations who make house visits

"motor cycle" "motor vehicle" and "invalid carriage" have the same meanings as in Section 136 of the Act

"nurse" means in relation to a nurse or a midwife a nurse or midwife who is registered in the register maintained under Article 5 of the Nursing and Midwifery Order 2001 (S.I. 2002 No. 1771)

“one-way road” means a highway in which the driving of vehicles otherwise than in one direction is prohibited

"operational parking permit" means an Operational Parking Permit issued by the Borough Council under the provisions of Article 46

“Owner” means the person by whom the vehicle is kept and in determining who was the owner of a vehicle 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 Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000 (S.I. 2000 NO 683)

“parking permit” means a Residents’ Parking Permit issued by the Borough Council pursuant to the provisions of Article 35

“parking permit holder” means a person to whom a parking permit has been

issued

"parking place" means an area on a highway authorised as a street parking place by this Order

"parking space" means a space in any parking place which is provided for the leaving of vehicles

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed or adapted solely for the carriage of not more than eight passengers (exclusive of the driver) and their effects and not drawing a trailer

"penalty charge" has the same meaning as defined in Section 92 of Traffic Management Act 2004

"penalty charge notice" has the same meaning as in the General Regulations

"permit", without more, means a residents' parking permit or, as the case may be, a residents' visitor's parking permit or, as the case may be, an operational parking permit

"permitted hours" means the hours identified as such in the key relating to the plans

"plans" means the drawings listed in the Second Schedule the drawing number of each of those drawings being given in the first column of that Schedule

"postal packets" has the same meaning as in Section 87 of the Post Office Act 1953

"registration mark" has the same meaning as in Section 31 of the Vehicles (Crime) Act 2001"

"road" includes part of a road and has the same meaning as in Section 142 of the Act

"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 10 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 a valid parking permit issued in respect of that vehicle or as display in the

manner specified in Article 44 a valid residents visitors parking permit issued in respect of that vehicle or in the manner specified in Article 46 a valid operational permit issued in respect of that vehicle

“street parking place” has the same meaning as in Section 142 of the Act and designated as such as a street parking place by this Order

“the General Regulations” means The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (S. I. 2007 No. 3483)

“the 1986 Regulations” means the Removal and Disposal of Vehicles Regulations 1986 (S. I. 1986 No. 183)

"traffic sign" means a sign of any size colour and type prescribed or authorised under or having effect as though prescribed or authorised under Section 64 of the Act

“trailer” has the same meaning as in Section 136 of the Act and includes a trailer any part of which is superimposed on the drawing vehicle

“valid parking permit” means a valid Residents’ Parking Permit or a Residents’ Visitor’s Parking Permit or an Operational Permit issued in accordance with the provisions of this Order

"Waiver Certificate" means a certificate issued on behalf of the Council for the purposes of Article 4(h) or Article 18 (1)(j) permitting a specified vehicle to wait in special circumstances on a length or lengths of roads where the waiting of that vehicle would otherwise be restricted or prohibited.

(2) For the purpose of this Order a vehicle shall be regarded as displaying -

- (a) a disabled person’s badge in the prescribed manner when -
 - (i) the badge is exhibited thereon on the dashboard or fascia of the vehicle or
 - (ii) where the vehicle is not fitted with a dashboard or fascia the badge is exhibited in a conspicuous position on the vehicle so that the front of the badge is clearly legible from the outside of the vehicle
- (b) a parking disc in the relevant position if -
 - (i) the disc is exhibited on the dashboard or fascia of the vehicle or
 - (ii) where the vehicle does not have a dashboard or fascia the disc is exhibited in a conspicuous position on the vehicle so that when marked to show the quarter-hour period during which a period of waiting began that period is clearly legible from the outside

of the vehicle

- (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) Any reference in this Order to a length of a road shall unless otherwise specified be construed as a reference to the whole width of that length of road
- (5) Any reference in this Order to a numbered Part Article or Schedule shall unless the context otherwise requires be construed as a reference to the Part Article of Schedule bearing that number in this Order
- (6) For the purposes of sub-paragraph (i) of paragraph (4) of Article 15 and of Article 18 a vehicle and any trailer drawn thereby shall be deemed to be a single vehicle

PART II

WAITING LOADING AND UNLOADING PROHIBITIONS AND RESTRICTIONS

Prohibition and restriction on waiting loading and unloading by vehicles

3 SAVE as provided in Articles 4 5 6 7 and 8 no person shall except upon the direction or with the permission of a police constable in uniform or a civil enforcement officer cause or permit any vehicle to wait and/or wait for the purpose of delivering or collecting goods or loading or unloading from any vehicle at the times indicated on the key relating to the plans in the roads and lengths of roads identified on the plans (within the area marked by a black broken line and labelled as Gardens Estate Horley Controlled Parking Zone on any of the plans)

Exceptions and exemptions from the prohibition and restriction on waiting loading and unloading by vehicles

4 NOTHING in Article 3 shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of roads specified and described therein for so long as may be necessary to enable -

- (a) a person to board or alight from the vehicle
- (b) 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 operation
 - (ii) the removal of any obstruction to traffic

- (iii) the maintenance improvement or reconstruction of the said lengths of roads or
- (iv) the laying erection alteration or repair in or in land adjacent to the said lengths of roads of any sewer or of any main pipe or apparatus for the supply of gas water or electricity or of any electronic communications apparatus
- (c) the vehicle if it cannot conveniently be used for such purposes in any other road to be used in the service of a local authority or of a water authority in pursuance of statutory powers or duties
- (d) the vehicle to be used for the purpose of delivering or collecting postal packets
- (e) the vehicle to take in petrol oil water or air from any garage situated in or adjacent to the said lengths of roads
- (f) the vehicle to wait at or near to any premises situated on or adjacent to the said lengths of roads for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral
- (g) the vehicle to be used for fire brigade ambulance or police purposes
- (h) 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 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

5 NOTHING in Article 3 shall render it unlawful to cause or permit a vehicle to wait in any case where the person in control of it -

- (a) is required by law to stop
- (b) is obliged to stop in order to prevent an accident or
- (c) is prevented from proceeding by circumstances outside his control

Exceptions and exemptions from the prohibition on waiting by vehicles

6 NOTHING in -

- (a) Article 3 shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position or in the prescribed manner a disabled person's badge and in the relevant position a parking disc (on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began) to wait on each separate length of road specified and described on the plans for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle on the same separate length of road)
- (b) Article 3 shall render it unlawful to cause or permit 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 to wait on each separate road or length of road identified on the plans where the prohibition on the waiting by vehicles is for a period of three continuous hours or for any period which is less than three continuous hours

PROVIDED THAT nothing in this Article shall apply in relation to any road or length of road during the time or times where there is a restriction on the loading on and unloading from vehicles which is indicated on the key relating to the plans in the aforesaid road or length of road which is identified on the plans by coloured lines relating to the said time or any of the said times

7 NOTHING in Article 3 shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of roads specified and described therein for so long as may be necessary to enable goods to be loaded on or unloaded from that vehicle

PROVIDED THAT nothing in this Article shall apply in relation to any road or length of road during the time or times where there is a restriction on the loading on and unloading from vehicles which is indicated on the key relating to the plans in the aforesaid road or length of road which is identified on the plans by coloured lines relating to the said time or any of the said times

Furniture removals

8 NOTHING in Article 3 shall apply so as to restrict or prohibit the waiting loading and/or unloading of any vehicle while the vehicle is in actual use in any length of road identified on the plans in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from any such premises to a depository or to any such premises from a depository

PROVIDED THAT this Article shall not apply to a vehicle waiting loading and/or

unloading in any part of any length of road identified on the plans unless notice is given twenty-four hours in advance to the Council and a valid waiver certificate is obtained

PART III
SECTION I
DESIGNATION OF SHARED USE PARKING PLACES

Designation of such parking places

9 EACH area on a highway comprising the length of carriageway of a road identified on the plans as a shared use parking place (within the area marked by a black broken line and labelled as Gardens Estate Horley Controlled Parking Zone on any of the plans) and unless otherwise so specified 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 authorised as a shared use parking place for use on such days and during such hours as identified on the plans

Vehicles for which parking places are authorised

10 EACH parking place 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 or 44 or 46 (as appropriate) 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

11 WITHOUT prejudice to the provisions of Article 18 no person shall cause any vehicle to be left during the permitted hours in a time limited parking place (within the area marked by a black broken line and labelled as Gardens Estate Horley Controlled Parking Zone on any of the plans) for longer than the maximum period permitted for waiting specified in relation to that parking place 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
- (b) such vehicles as display in the manner specified in Articles 40 44 or 46 (as appropriate) 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 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 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 Borough Council believes to be that person's address and the certificate shall forthwith be surrendered to the Borough Council

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

12 WITHOUT prejudice to the provisions of Article 18 no vehicle which has been taken away from a shared use parking place described on the plans (within the area marked by a black broken line and labelled as Gardens Estate Horley Controlled Parking Zone on any of 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
- (b) such vehicles as display in the manner specified in Articles 40 or 44 or 46 (as appropriate) 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 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 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 Borough Council believes to be that person's address and the certificate shall forthwith be surrendered to the Borough Council

Manner of standing in such a parking place

13 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 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 (within the area marked by a black broken line and labelled as Gardens Estate Horley Controlled Parking Zone) so as to be in accordance with those provisions

(b) in the case of any other 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

(c) that every part of the vehicle is within the limits of a parking space and/or a 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

14 WHERE any vehicle is standing in a shared use parking place in contravention of the provisions of Article 13 or of the provisions of Article 19 a police constable in uniform or a civil enforcement officer or a person duly authorised by the Council 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

15 (1) Subject to the following persons or organisations being able to exercise the function described below by virtue of legislation a civil enforcement officer 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 parking place the maintenance improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place the laying erection alteration 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 electronic communications apparatus or the placing maintenance or removal of any traffic sign
- (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the 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 parking place at times of weddings or funerals or on other special occasions

(2) Subject to the provision set out in paragraph (1) of this Article a police constable in uniform 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 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 part thereof during such period as there is in or adjacent to that parking place or that part thereof 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 18(1)(b) (d) or (e) or
- (ii) to anything done with the permission of the person suspending the use of

the parking place or 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

16 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 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 parking place in accordance with Article 10 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 18(1)(h) or (i) apply

17 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 parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place

Restriction on waiting by a vehicle in such a parking place

18 (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 15 (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 or
 - (i) 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 whether or not that pitch is situated within a shared use parking space or part thereof or not as the case may be
 - (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 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

- (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

19 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 so that:

(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 (within the area marked by a black broken line and labelled as Gardens Estate Horley Controlled Parking Zone on any of 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 aforesaid 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 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 paragraph (1)(h) of that Article

Placing of traffic signs etc

20 THE Council shall –

- (a) place and maintain a traffic sign or traffic signs indicating the limits of a 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 referred to in 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 10 and
- (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a shared use parking place

SECTION II

DESIGNATION OF RESIDENTS ONLY PARKING PLACES

Designation of such parking places

21 EACH area on a highway comprising the length of carriageway of a road identified on the plans as a residents only parking place within the area shown marked by a black broken line and labelled as Gardens Estate Horley Controlled Parking on any of the plans and unless otherwise so specified on the plans bounded on one side of that length by the edge of the carriageway and having a width throughout of 1.83 metres is hereby designated as a residents only parking place

Vehicles for which such parking places are designated

22 EACH residents only 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 as display in the manner specified in Article 40 a valid residents' parking permit issued in respect of that vehicle or in the manner specified in Article 44 a valid residents visitors parking permit issued in respect of that vehicle or in the manner specified in Article 46 a valid operational parking permit issued in respect of that

vehicle

Manner of standing in such a parking place

23 THE driver of a vehicle waiting in a residents only 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 residents only 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 as to be in accordance with those provisions
- (b) in the case of any other residents only 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
- (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 residents only 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

24 WHERE any vehicle is standing in a residents only parking place in contravention of the provisions of Article 23 or of the provisions of Article 29 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

25 (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 residents only 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 residents only 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 communication apparatus or the placing maintenance or removal of any traffic sign
- (c) for the convenience of occupiers of premises adjacent to the said residents only 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 residents only 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 residents only 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 residents only 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 residents only parking place or any part thereof during such period as there is in or adjacent to that

parking place or that part thereof 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 28 (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

26 DURING the permitted hours no person shall use any residents only parking place or any vehicle while it is in such a parking place in connection with the sale or offering or exposing for sale of any goods to any person in or near the said 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 residents only parking place in accordance with Article 22 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 28 (h) or (i) apply

27 THE driver of a motor vehicle using a residents only 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

28 (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours anywhere in any part of a residents only 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 residents only 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 residents only 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 25(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 residents only parking place in which the vehicle is waiting from or to a depository another office or dwelling-house
- (h) the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the

residents only 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 or

- (i) 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) No charge shall be payable in respect of any vehicle waiting in a residents only parking place in accordance with the provisions of paragraphs (a) to (h) inclusive of this Article and a valid permit need not be displayed on that vehicle

- (3) 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 residents only parking place during the permitted hours

Manner of waiting in such a parking place

29 NO person shall cause or permit a vehicle to wait in a residents only parking place by virtue of the provisions of paragraph (1)(e) (f) (g) (h) or (i) of the last preceding Article otherwise than:-

- (a) in the case of a residents only 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 aforesaid residents only parking place
 - (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 residents only 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 sub-paragraph the expression "premises" shall not include any premises to or from which any furniture is being removed by virtue of the provisions of 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 paragraph (1)(h) of that Article

Placing of traffic signs etc

30 THE Council shall -

- (a) place and maintain a traffic sign or traffic signs indicating the limits of each residents only parking place and/or each parking space and
- (b) place and maintain in or in the vicinity of each residents only 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 22 and
- (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a residents only parking place

PART III

MOVEMENT AND/OR REMOVAL OF VEHICLES FROM PARKING PLACES

Movement of a vehicle in a parking place in an emergency

31 ANY person duly authorised by the Council a police constable in uniform 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 unattended in a parking place

Removal of a vehicle from a parking place

32 (1) When a vehicle is left in a parking place in contravention of any of the provisions contained in this Order a person authorised in that behalf by

the Council or a police constable in uniform or a civil enforcement officer may remove the vehicle or arrange for it to be moved from that parking place

BUT PROVIDED THAT civil enforcement officers shall not exercise the powers in this Article other than in accordance with the 1986 Regulations

- (2) Where it appears to the Borough Council or a police constable in uniform that a vehicle left in a parking place has been abandoned a civil enforcement officer or a police constable in uniform may in such manner as they consider necessary for the purpose remove the vehicle or arrange for it to be moved from that parking place:

PROVIDED THAT where the Borough Council or a police constable in uniform propose to move such a vehicle which in the opinion of the Borough Council or the Chief Constable is in such a condition that it ought to be destroyed then they shall not less than twenty-four hours before removing it cause to be affixed to the vehicle a notice stating that they propose to remove it for destruction at the end of that period

33 WHEN a person authorised by the Council or a police constable in uniform removes or makes arrangements for the removal of a vehicle from a parking place by authority of Article 32 he shall except in the case of a vehicle which in the opinion of the Council or the Chief Constable is in such condition that it ought to be destroyed make such arrangements as may be deemed reasonably necessary for the safe custody of the vehicle

Charges for the removal and storage of a vehicle from a parking place

34 WHERE a vehicle is removed by the Council or a police constable in uniform from a parking place in pursuance of Article 32 there shall be payable to the Council or the Chief Constable pursuant to Section 102 of the Act and the Removal Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) Regulations 1989 charges for the removal storing and disposal of the said vehicle in accordance with the provisions of the said Regulations

PART IV

SECTION I - RESIDENTS' PARKING PERMITS

Application for and issue of a Residents' Parking Permit

- 35 (1) Any resident who is the owner of a vehicle of the following class that is to say a passenger vehicle or a goods vehicle a motor cycle or an

invalid carriage whose usual place of abode has one or no off street parking spaces may apply to the Borough Council in accordance with the following provisions for the issue to him of a Residents' Parking Permit in respect of that vehicle

PROVIDED THAT:

- (a) no more than one Residents' Parking Permit may be issued by the Council in respect of each separate usual place of abode with only one off street parking space
 - (b) no more than two Residents' Parking Permits may be issued by the Council in respect of each separate place of abode with no off street parking spaces
- (2) Any such application as is mentioned in paragraph (1) above shall be made on a form or forms issued by and obtainable from the Borough Council and shall include the particulars and information required by such form or forms to be supplied and shall be accompanied by a remittance for the appropriate fee hereinafter specified
 - (3) The Borough Council may at any time require an applicant for a Residents' Parking Permit or any Residents' Parking Permit holder to produce to an officer of the Borough Council such evidence in respect of an application for a Residents' Parking Permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any parking permit issued by them to that person as they may reasonably call for to verify that the Residents' Parking Permit is valid
 - (4) Upon receipt of an application duly made under the provisions of paragraph (1) of this Article in respect of the nominated vehicle or vehicles the Borough Council upon being satisfied that the applicant is a resident and is the owner of a vehicle of the class specified in paragraph (1) of this Article may in its absolute discretion issue to the applicant therefor one or two Residents' Parking Permit(s) the parking permit being for the leaving of the vehicle to which the parking permit relates without time limit during the permitted hours in a parking space (where such parking space is provided) in a residents' parking place or a shared use parking place situated on any road or part of a road specified in column 3 of the table forming the First Schedule (the postal address of the usual place of abode of the applicant therefore being within the road or parts of road specified in column 2 of the said

table) by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward

- (5) If the Borough Council is either unable or decides not to issue a Residents' Parking Permit to an applicant therefor any remittance paid shall be refunded to the said applicant
- (6) The fee referred to in paragraph (1) of this Article payable to the Borough Council shall be the sum of fifty pounds in respect of the first Residents' Parking Permit and seventy-five pounds for any subsequent permit which subject to the provisions of this Order shall be valid for a period of twelve months running from any day of the month on which the parking permit first becomes valid
- (7) It is hereby stated by the Borough Council that -
 - (a) the issuing of a Residents' Parking Permit to a parking permit holder does not guarantee that any parking space within a residents' parking place or shared use parking place will be available for use by the parking permit holder aforesaid during the permitted hours and
 - (b) the Residents' Parking Permit remains at all times whilst it is issued to a parking permit holder the property of the Borough Council

Surrender withdrawal and validity of Residents' Parking Permits

- 36
- (1) A parking permit holder may surrender a parking permit to the Borough Council at any time and shall surrender it to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article or in accordance with the provisions of paragraph (5) of this Article
 - (2) The Borough Council may by notice in writing served on a parking permit holder by sending the same by the recorded delivery service to that person at the address shown by that person on the application for the parking permit or at any other address believed to be that person's place of abode withdraw a parking permit if it appears to the Borough Council that any one of the events set out in paragraph (3)(a) (c) (d) or (e) of this Article has occurred and that person shall surrender the parking permit to the Borough Council within 48 hours of the receipt of the afore-mentioned notice

- (3) The events referred to in the foregoing provisions of this Article are -
 - (a) the parking permit holder ceasing to be a resident
 - (b) the withdrawal of the parking permit by the Borough Council under the provisions of paragraph (2) of this Article
 - (c) the vehicle in respect of which the parking permit was issued being adapted or used in such a manner that it is not a vehicle of a class specified in paragraph (1) of Article 35
 - (d) the parking permit having been obtained by fraud and/or deception or as a result of incorrect material information supplied by the applicant therefore
 - (e) the parking permit bearing numbers or letters other than that indicated by the Council
 - (f) the issue of a duplicate parking permit by the Borough Council pursuant to the provisions of Article 37
 - (g) the parking permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article
- (4) Without prejudice to the foregoing provisions of this Article a Resident's Parking Permit shall cease to be valid at the expiration of the period stated thereon or on the occurrence of any one of the events set out in paragraph (3) of this Article whichever is the earlier
- (5) Where a parking permit is issued pursuant to paragraph (6) of Article 35 to any person upon receipt of a cheque and the cheque is subsequently dishonoured the parking permit shall cease to be of any effect and the Borough Council shall by notice in writing served on the person to whom such parking permit was issued by sending the same by the recorded delivery service to him at the address shown by that person on the application for the parking permit or at any other address believed to be that person's place of abode require that person to surrender the parking permit to the Borough Council within 48 hours of the receipt of the afore-mentioned notice

Application for and issue of duplicate Residents' Parking Permits

- 37 (1) If a parking permit is mutilated or torn or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the parking permit has become altered by fading or otherwise the parking permit holder shall either surrender it to the Borough Council or apply to the Borough Council for the issue to him of a duplicate

parking permit and the Borough Council upon receipt of the parking permit shall issue a duplicate parking permit so marked and upon such issue the first mentioned parking permit shall become invalid

- (2) If a parking permit is lost or destroyed the parking permit holder may apply to the Borough Council for the issue to him of a duplicate parking permit and the Borough Council upon being satisfied as to such loss or destruction shall issue a duplicate parking permit so marked and upon such issue the first mentioned parking permit shall become invalid
- (3) The provisions of this Order shall apply to a duplicate parking permit and an application therefor as if it were a residents parking permit or as the case may be an application therefor
- (4) The duplicate permit remains at all times whilst it is issued to a permit holder the property of the Borough Council
- (5) The charge for the issue of a duplicate parking permit shall be fifteen pounds for each duplicate parking permit issued pursuant to paragraph (1) or paragraph (2) of this Article

Application for the Re-issue of a Residents Parking Permit upon a change of vehicle with a different registration mark

38 WHERE a resident or a parking permit holder applies for the issue of a further parking permit due to that resident or that parking permit holder changing the vehicle in respect of which the original parking permit was issued so that the original parking permit no longer bears the registration mark of the vehicle in respect of which that original parking permit was first issued under the provisions of Article 35 (1) then the original parking permit shall be surrendered to the Council and immediately a further parking permit will be issued bearing the registration mark of the new vehicle PROVIDED THAT there shall then be payable to the Borough Council a sum of fifteen pounds for the issue of that further parking permit which shall be valid for the remainder of the period stated on the original parking permit under the provisions of Article 39 (b)

Form of Residents' Parking Permits

39 A residents parking permit shall be in writing and shall include the following particulars: -

- (a) the registration mark of the vehicle in respect of which the parking

- permit has been issued and
- (b) the period during which subject to the provisions of paragraph (4) of Article 36 the parking permit shall remain valid and
 - (c) an indication that the parking permit has been issued by the Borough Council and
 - (d) an indication of the area in which the permit is valid
 - (e) a serial number identifiable in the office of issue

Display of Residents' Parking Permits

40 AT all times during which a vehicle of a class specified in paragraph (1) of Article 35 is left in a residents' on-street parking place or shared use parking place during the permitted hours a valid parking permit shall be displayed on the vehicle in respect of which it was issued on the front or near side of the vehicle so that all the particulars on the parking permit are readily visible from the front or near side of the vehicle

PROVIDED THAT no such parking permit need be so displayed if the vehicle is waiting in such a parking place pursuant to the provisions of Article 18 or Article 28

Refund of fee paid in respect of a Resident's Parking Permit

- 41
- (1) A parking permit holder who surrenders a Resident's Parking Permit to the Borough Council before the parking permit becomes valid shall be entitled to a refund of the fee paid in respect thereof
 - (2) A parking permit holder who surrenders a parking permit to the Borough Council after the parking permit has become valid shall be entitled to a refund of part of the charge paid in respect thereof calculated in accordance with the provisions of the next following paragraph
 - (3) The part of the charge which is refundable under the provisions of the last foregoing paragraph shall be calculated as one twelfth of the cost of a permit in respect of each complete month of the period specified thereon as the period during which it shall be valid which remains unexpired at the time when the permit is surrendered to the Borough Council

SECTION II - RESIDENTS' VISITOR'S PARKING PERMITS

Application for and issue of a residents' visitor's parking permit

- 42 (1) Any resident may apply to the Borough Council for the issue of a Residents' Visitors' Parking Permit for the leaving without time limit during the permitted hours in any parking space (where such parking space is provided) in any residents' on-street parking place or shared use parking place situated on the road specified in column 3 of the table forming the First Schedule of a vehicle of the class referred to in paragraph (1) of Article 35 owned by and/or being used by a person visiting that resident at his/her usual place of abode and any application for such a Residents' Visitors' Parking Permit shall be made on a form issued by and obtainable from the Borough Council and shall include the particulars and information required by such form to be supplied and shall be accompanied by a remittance for the appropriate fee in respect of a Residents' Visitors' Parking Permit hereinafter specified
- (2) The Borough Council may at any time require an applicant for a Residents' Visitors' Parking Permit or any Residents' Visitors' Parking Permit holder to produce to an officer of the Borough Council such evidence in respect of an application for a Residents' Visitors' Parking Permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any Residents' Visitors' Parking Permit issued by them to that person as they may reasonably call for to verify that the Residents' Visitors' Parking Permit is valid
- (3) Upon receipt of an application duly made under the provisions of paragraph (1) of this Article and the appropriate fee specified in paragraph (6) of this Article the Borough Council upon being satisfied that the applicant is a resident may in its absolute discretion issue to the applicant therefore one Residents' Visitors' Parking Permit the parking permit aforesaid being for the leaving of the vehicle to which the parking permit relates without time limit during the permitted hours in a parking space (where such parking space is provided) in a residents' on-street parking place or shared use parking place situated on any part of the road specified in column 3 of the table in the First Schedule the postal address of the usual place of abode of the said applicant being within the road or part of the road specified in column 2 of the said part of the said table of a vehicle owned by and/or being used by a person visiting the said applicant

PROVIDED THAT subject to the provisions of paragraph (5) of this Article the Borough Council may in its absolute discretion limit the number of Residents' Visitors' Parking Permits that are issued at any one time in respect of a particular place of abode and may require the production and/or surrender of a used Residents' Visitors' Parking Permit or used Residents' Visitors' Parking Permits before issuing a further such permit

- (4) Subject as provided below the number of Residents' Visitors' Parking Permits issued in respect of each separate place of abode shall not exceed fifty in each calendar year
- (5) If the Borough Council is either unable or decides not to issue a Residents' Visitors' Parking Permit to an applicant therefor any remittance paid shall be refunded to the said applicant
- (6) The fee referred to in paragraph (3) of this Article payable to the Borough Council in respect of a Residents' Visitors' Parking Permit shall be two pounds for each such parking permit and the Residents' Visitors' Parking Permit shall be valid for a period of one day only being the date endorsed thereon by the resident as being the date of commencement of the permit
- (7) No refund shall be payable by the Borough Council in respect of any unused Residents' Visitors' Parking Permits or any such parking permits which are or have been lost or destroyed by the resident to whom those Residents' Visitors' Parking Permits have been issued or which Residents' Visitors' Parking Permits have been mutilated or torn or accidentally defaced in any way whatsoever whilst those Residents' Visitors' Parking Permits have been issued to a resident and are actually held by that resident for the time being
- (8) For the avoidance of doubt it is hereby stated by the Borough Council that -
 - (a) the issuing of a Residents' Visitors' Parking Permit to a resident does not guarantee that any parking space within any parking place will be available for use by the visitor to that resident during the permitted hours and
 - (b) the Residents' Visitors' Parking Permit remains at all times whilst it is issued to the resident the property of the Borough Council
- (9) In any respect not specifically mentioned in this Section the procedure validity and terms of use for a Residents' Visitors' Parking Permit shall

be the same as the procedure validity and terms of use of a Residents' Parking Permit and this Article shall be construed accordingly

Form of residents' visitor's parking permits

43 A residents' visitor's parking permit shall be in writing and shall include the following particulars -

- (a) a space for the insertion of the registration mark of the vehicle in respect of which the residents' visitor's parking permit is to be displayed on and used
- (b) an indication that the residents' visitor's parking permit has been issued by the Borough Council
- (c) a figure stating the number of the residents' visitor's parking permit
- (d) an indication of the area in which the permit is valid
- (e) a set of figures and/or words indicating the days of the month and the calendar year and/or years when the residents' visitor's parking permit may be used

Display of residents' visitor's parking permits

44 AT all times during which a vehicle of a class referred to in paragraph (1) of Article 35 is left in a residents' on-street parking place or shared use parking place pursuant to Article 42(1) during the permitted hours a valid residents' visitors parking permit shall be displayed on the vehicle in respect of which it is to be used on the front or near-side of the vehicle so that all the particulars on the residents' visitor's parking permit are readily visible from the front or near-side of the vehicle

PROVIDED THAT no such residents' visitor's parking permit need be so displayed if the vehicle is waiting in a residents' parking place pursuant to the provisions of Article 18 or Article 28

Validation of residents' visitor's parking permits

45 A residents' visitor's parking permit shall be validated by the resident to whom it has been issued or by the visitor by whom it is to be used by indicating by whatever means provided on that residents' visitor's parking permit the date and the month and the year on which that residents' visitor's parking permit is to be used and by marking on the residents' visitor's parking permit the registration mark of the vehicle in respect of which that residents' visitor's parking permit is to be used

**SECTION III – PROVISIONS APPLYING TO THE ISSUE AND USE OF
OPERATIONAL PARKING PERMITS**

Application for and issue of an Operational Parking Permit

46 (1) ANY person falling within the definition in this Order of medical personnel or community care personnel in Paragraph (1) of Article 2 of this Order may apply to the Borough Council for the issue of an Operational Parking Permit for the leaving during the permitted hours of a vehicle of the class specified in Paragraph (1) of Article 35 and belonging to or being used by a person visiting a resident whose usual place of abode is situated at premises within a length of road in column 2 of the table forming the First Schedule in the course of medical or community care duties at those premises and any such application shall be made in accordance with formal guidance issued by and obtainable from the Borough Council and shall include the particulars and information required by such guidance to be supplied and the Borough Council may in its absolute discretion issue an Operational Parking Permit to such categories of medical personnel

(2) The Borough Council may at any time require an applicant therefor or an Operational Parking Permit holder to produce to an Officer of that Borough Council such evidence in respect of an application for an Operational Parking Permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any Operational Parking Permit issued by them to that person as they may reasonably call for to verify that the Operational Parking Permit is valid

(3) Upon receipt of an application duly made under the foregoing provisions of this Article and upon being satisfied that the applicant is employed as one of the specific categories of medical or community care personnel and is either the owner of a vehicle of the class specified in paragraph (1) above or a person authorised by the owner of a vehicle of such class the Borough Council may in its absolute discretion issue to the applicant therefor one Operational Parking Permit for the leaving without time limit and free of charge during the permitted hours in a residents' on-street parking place or shared use parking place in any road or length of road identified in Column 3 of the table forming the First Schedule of a vehicle belonging to or being used by medical or community care personnel visiting that resident in the course of

their duties

(4) In any respect not specifically mentioned in paragraphs (1) (2) and (3) of this Article the procedure validity and terms of use of an Operational Parking Permit shall be the same as the procedure validity and terms of use of a Residents' Parking Permit and this paragraph shall be construed accordingly

(5) No charge shall be payable in respect of an Operational Parking Permit and such permits shall be valid for a period of one year running from the date it is first issued

(6) An Operational Parking Permit shall be in writing and shall include the following particulars: -

- (a) the registration mark of the vehicle in respect of which the parking permit has been issued
- (b) the period during which the parking permit shall remain valid
- (c) an indication that the permit has been issued by the Borough Council
- (d) the words "Operational Parking Permit" and an indication of the area in which the permit is valid

(7) At all times during which a vehicle of a class specified in Paragraph (1) of Article 35 is left in any residents' on-street parking place or shared use parking place during the permitted hours pursuant to this Article a valid Operational Parking Permit shall be displayed on the vehicle in respect of which it was issued on the front or nearside of the vehicle so that all the particulars on the parking permit are readily visible from the front or nearside of the vehicle

PROVIDED THAT no such parking permit need be so displayed if the vehicle is waiting in such a parking place pursuant to the provisions of Article 18 or Article 28

PART IV

SUPPLEMENTARY PROVISIONS

Saving in respect of pedestrian crossings

47 NOTHING in the foregoing provisions of this Order shall be taken as authorising anything which would be a contravention of any Regulations made or having effect as if made under Section 25 of the Act

Saving in respect of Hackney Carriages

48 NOTHING in Article 3 shall render it unlawful to cause or permit hackney carriages to wait upon any stand for hackney carriages duly authorised under

Section 63 of the Local Government (Miscellaneous Provisions) Act 1976

PROVIDED THAT the said hackney carriages are waiting wholly within the limits of any said stand for hackney carriages

Saving in respect of bus stop clearways

49 INsofar as any provision contained in PART II and PART III conflicts with a provision which is contained in paragraphs 2 3 or 4 of Schedule 19 to the Traffic Signs Regulations and General Directions 2002 (S.I. 2002 No. 3113) then the provision contained in the said paragraphs of the said Regulations shall prevail

Saving with respect to parking places

50 INsofar as any provision contained in PART III conflicts with a provision which is contained in PART II or in any other enactment existing at the time when this Order comes into operation and which imposes or has the effect of imposing any restriction or prohibition on -

(a) the waiting loading and/or unloading by vehicles and/or

(b) the delivering or collecting of goods by vehicles

or grants an exemption from any such restriction or prohibition then the provisions contained in PART III shall prevail

PROVIDED THAT nothing in this Article shall apply in respect of a bus stop clearway

Saving with respect to other enactments

51 SUBJECT to the provisions contained in Articles 47 48 49 and 50 the prohibitions restrictions and requirements imposed by this Order are in addition to and not in derogation of any prohibition restriction or requirement imposed by any other enactment and any exception or exemption from the provisions of this Order is without prejudice to the provisions of any other enactment

**PART V
ENFORCEMENT**

Contraventions

52 IF a vehicle is left without complying with any of the requirements of this Order then a contravention will have occurred and a penalty charge shall be payable. A Penalty Charge Notice showing the information required by Section 78 of the Traffic Management Act 2004 or any regulations made thereunder may then be issued by a civil enforcement officer in accordance with the requirements of Section

78 of the Traffic Management Act 2004 or any regulations made thereunder

Notice of penalty charge

53 IN the case of a vehicle in respect of which the penalty charge may have been incurred a civil enforcement officer may serve a penalty charge notice in accordance with the requirements of Regulation 9 or Regulation 10 of the General Regulations and which penalty charge notice shall comply respectively with the requirements of paragraph 1 or paragraph 2 of the Schedule to the General Regulations

Restriction on removal of penalty charge notices

54 WHERE a penalty charge notice has been attached to a vehicle in accordance with the provisions of this Order no person not being the driver of the vehicle a police constable in uniform or a civil enforcement officer shall remove that Notice from the vehicle unless authorised to do so by the driver

Manner of payment of penalty charge

- 55 (1) The owner of a vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to the Borough Council EITHER by cheque or postal order which shall be delivered or sent by post so as to reach the Cash Office of the Reigate and Banstead Borough Council situated at Town Hall Castlefield Road Reigate Surrey RH2 0SH or the office of any agents thereof not later than as aforesaid OR by credit card or debit card
- (2) If the penalty charge is paid before the end of the period of fourteen days beginning with the date of the Notice the amount of the penalty charge will be reduced by the specified proportion
PROVIDED THAT in this paragraph "specified proportion" means such proportion as may be determined by the Council
- (3) If the owner fails to pay the penalty charge by the end of the twenty-eight day period a Notice to Owner may be served and if the charge is then not paid within a further period of twenty-eight days it may be increased by fifty per cent
If the fourteen or twenty-eight day periods referred to above fall on a day when the said Council Offices are closed the period within which

payment shall be made shall be extended until 4.30 p.m. on the next full day on which the said Council Offices are open

PART VI
REVOCATION

Revocation

56 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 –

(i) the Orders specified in Part I of the Third Schedule are hereby revoked in their entirety

(ii) the Orders specified in Part II of the Third Schedule is hereby revoked to the extend indicated

FIRST SCHEDULE

Roads or parts of roads for the purpose of the issue of Residents' Parking Permits

Column 1	Column 2	Column 3	Column 4
Area (shown on permit)	Roads for the purpose of definition of "residents"	Roads in which residents are entitled to park within marked bays with appropriate permit	

Gardens Estate CPZ	Cheyne Walk Church Road (between Victoria Road and Brighton Road) Crescent Way The Drive The Crescent Fairfield Avenue Hatchgate Hyperion Walk Lechford Road Michael Crescent Pine Gardens The Ridgeway Ringley Avenue Riverside Spiers Way Suffolk Close The Avenue Upfield Upfield Close Woodroyd Avenue Woodroyd Gardens	Cheyne Walk Church Road Crescent Way The Drive The Crescent Fairfield Avenue Hatchgate Hyperion Walk Lechford Road Michael Crescent Pine Gardens The Ridgeway Ringley Avenue Riverside Spiers Way Suffolk Close The Avenue Upfield Upfield Close Woodroyd Avenue Woodroyd Gardens	
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SECOND SCHEDULE

List of Plans

Drawing No	Date Drawn	Rev'n	Date Revised	Rev'n	Date Revised	Rev'n	Date Revised
3282/R&B/18000	08/12						
3282/R&B/18001	08/12						
3282/R&B/18002	08/12						
3282/R&B/18003	08/12						
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3282/R&B/18005	08/12						
3282/R&B/18006	08/12						
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THIRD SCHEDULE

REVOCATIONS

PART I

1. The Surrey County Council (Gardens Estate Horley Controlled Parking Zone) (Prohibition and Restriction of Waiting and Free Street Parking Places) Order 2006
2. The Surrey County Council ((Gardens Estate Horley Controlled Parking Zone) (Prohibition and Restriction of Waiting and Free Street Parking Places) Order 2006) (Amendment No.1) Order 2010
3. The Surrey County Council ((Gardens Estate Horley Controlled Parking Zone) (Prohibition and Restriction of Waiting and Free Street Parking Places) Order 2006) (Amendment No.2) Order 2011

PART II

1. The Surrey County Council (Various Roads in Reigate and Banstead) (Amendment of Waiting Loading and Unloading Prohibition and Restriction and Free Street Parking Place Orders) (Amendment No.1) Order 2008 – Sub-Paragraph j of Paragraph (2) of Article 2 and Article 13
2. Those items relating to The Surrey County Council (Gardens Estate Horley Controlled Parking Zone) (Prohibition and Restriction of Waiting and Free Street Parking Places) Order 2006 in the Schedule to The Surrey County Council (Controlled Parking Zones and Various Roads in Surrey) (Amendments to Resident Parking Permits and Resident Visitor Parking Permits) Order 2011

Executed as a Deed by Surrey County Council on 16 December 2013

EXECUTED AS A DEED by)
affixing THE COMMON SEAL of)
SURREY COUNTY COUNCIL)
in the presence of and attested by:)



Carol McLaughlin

Authorised Signatory

DATED 16 DECEMBER 2013

SURREY COUNTY COUNCIL

No. IN SEALING
REGISTER

9253

ORDERED TO REIGATE + BANSTEAD LOCAL
BE SEALED COMMITTEE 3 DECEMBER 2012
ITEM 10

ROAD TRAFFIC REGULATION ACT

1984

SECTIONS 1 (1) AND 2 (1) TO (3) 4(2)

32 35 36 45 46 49 51 AND 53

AND PART IV OF SCHEDULE 9

**THE SURREY COUNTY COUNCIL
(GARDENS ESTATE HORLEY
CONTROLLED PARKING ZONE)
(PROHIBITION AND RESTRICTION OF
WAITING AND FREE STREET
PARKING PLACES)
ORDER 2013**