

SURREY COUNTY COUNCIL
(VARIOUS ROADS IN WEYBRIDGE)
(PROHIBITION OF WAITING OF HEAVY COMMERCIAL VEHICLES)
ORDER 2013

SURREY COUNTY COUNCIL
(VARIOUS ROADS IN WEYBRIDGE)
(PROHIBITION OF WAITING OF HEAVY COMMERCIAL VEHICLES)

ORDER 2013

THE SURREY COUNTY COUNCIL in exercise of their powers under Sections 1 (1) and 2 to 3 and 4(2) of the Road Traffic Regulation Act 1984 ("the Act") the Road Traffic 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 1

GENERAL

Citation and commencement

1 THIS Order shall come into operation on 7 May 2013 and may be cited as "The Surrey County Council (Various Roads in Weybridge) (Prohibition of Waiting of Heavy Commercial Vehicles) Order 2013"

Interpretation

2 (1) In this Order unless the context otherwise requires -

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

"Council" means Surrey County Council or its appointed agents

"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" 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)

"driver" means the person appearing to the civil enforcement officer to be in charge of a heavy commercial vehicle the maximum gross weight of which exceeds 5 tonnes

"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

"heavy commercial vehicle" has the same meaning as in Section 138 of the Act

"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)

"owner" means the person by whom the vehicle is kept and in determining who was the owner of the 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

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

"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)

"plans" means the maps number 3282/ELM/13129 and 3282/ELM/13136 attached to this Order

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

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

"postal packets" has the same meaning as in Sub-section (1) of Section 125 of the Postal Services Act 2000

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

"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

"waiver certificate" means a certificate issued on behalf of the Borough Council permitting a specified vehicle to wait in special circumstances on a length or lengths of roads or in any parking place 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 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

- (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended applied consolidated re-enacted by or as having effect by virtue of any subsequent enactment
- (4) For the purposes of this Order a vehicle and any trailer drawn thereby shall be deemed to be a single vehicle

PART II

PROHIBITION ON WAITING

Prohibition on waiting by heavy commercial vehicles the maximum gross weight of which exceeds 5 tonnes

3 SAVE as provided in Article 4 Article 5 Article 6 and Article 7 of this Order no person shall use cause or permit any heavy commercial vehicle the maximum gross weight of which exceeds 5 tonnes to wait at the times indicated on the plans relating to each of the sides of the lengths of roads shown hatched in red on that plans

Exceptions and exemptions from the Prohibition on waiting by heavy commercial vehicles the maximum gross weight of which exceeds 5 tonnes

4 NOTHING in Article 3 of this Order shall render it unlawful to cause or permit any heavy commercial vehicle the maximum gross weight of which exceeds 5 tonnes to wait for so long as may be necessary to enable -

- (a) a person to board or alight from the vehicle
- (b) goods to be loaded on or unloaded from the vehicle
- (c) the vehicle if it cannot conveniently be used for such purpose in any other road to be used in connection with any of the following operations namely -
 - (i) building industrial or demolition operations
 - (ii) the removal of any obstruction to traffic
 - (iii) the maintenance improvement or reconstruction of the said lengths of sides of roads
 - (iv) the laying erection alteration or repair in or on land or on premises adjacent to the said lengths of sides 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 as defined in paragraph 1 of Schedule 2 of the Telecommunications Act 1984
 - (v) the cleansing or lighting of the said lengths of sides of roads
 - (vi) the placing maintenance or removal of any traffic sign situate in on or adjacent to the said lengths of sides of roads or any road or length of road accessible only therefrom

- (e) 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
- (f) the vehicle to take in petrol oil water or air from any garage situate in or adjacent to the said lengths of sides of roads
- (g) the vehicle to be used for fire brigade ambulance or police purposes
- (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 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 heavy commercial vehicle the maximum gross weight of which exceeds 5 tonnes 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

6 NOTHING in 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 lengths of sides of roads shown 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 lengths of sides of roads)

Furniture Removals

7 NOTHING in Article 3 of this Order shall apply so as to restrict or prohibit the waiting of any heavy commercial vehicle the maximum gross weight of which 5 tonnes while that vehicle is in actual use in any side of 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 heavy commercial vehicle the maximum gross weight of which exceeds 5 tonnes waiting in any part of any side of length of road identified on the plans unless notice is given twenty-four hours in advance to the Council their consent is obtained and a valid waiver certificate is obtained

PART III ENFORCEMENT

Contraventions

8 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

9 IN the case of a vehicle in respect of which a 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

10 WHERE a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of this Order no person except by or under the authority of the owner or the driver of the vehicle a police constable in uniform or a parking attendant shall remove that Notice from the vehicle unless authorised to do so by the driver

Manner of payment of penalty charge

- 11 (1) The penalty charge must be paid to the Council EITHER by cheque or postal order which shall be delivered or sent by post so as to reach the Elmbridge Borough Council situated at Civic Centre High Street Esher Surrey KT12 2XA or the office of any agents within twenty-eight days of the issue of the penalty charge OR in cash in person at the said Council Offices 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
- (3) If the penalty charge is not paid before 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_____

(SCHEDULE OVERLEAF)

Executed as a Deed by Surrey County Council on 2 May 2013

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



A handwritten signature in black ink, appearing to read "J. Chan" or similar, written in a cursive style.

Authorised Signatory

SURREY COUNTY COUNCIL

No. IN SEALING REGISTER 7656-7658

DATED 2 May 2013

ELMBRIDGE LOCAL
ORDERED TO COMMITTEE 28.11.11
BE SEALED ITEM 8

27.02.12 ITEM 10

14.06.12 ITEM 13

ROAD TRAFFIC REGULATION ACT 1984
SECTIONS 1(1) AND 2

SURREY COUNTY COUNCIL
(VARIOUS ROADS IN ELMBRIDGE)
(PROHIBITION OF WAITING
OF HEAVY COMMERCIAL
VEHICLES)
ORDER 2013