THE SURREY COUNTY COUNCIL

(VARIOUS ROADS IN TANDRIDGE)

(REVOCATION AND CONSOLIDATION OF WAITING LOADING AND UNLOADING PROHIBITIONS AND RESTRICTIONS) ORDER 2006

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SURREY COUNTY COUNCIL in exercise of their powers under Sections 1(1) and 2(1) to (3) and 4(2) 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 1

GENERAL

Citation and commencement
1 THIS Order may be cited as "The Surrey County Council (Various Roads in Tandridge) (Revocation and Consolidation of Waiting Loading and Unloading Prohibitions and Restrictions) Order 2006" and shall come into operation on 28 September 2006

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
"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)
"Bye-laws" means the Bye-laws With Respect to Hackney Carriages 1979 to which was affixed The Common Seal of the Tandridge District Council on the twenty-fifth day of January 1979 and which were confirmed by the Secretary of State for the Home Department on the first day of March 1979.

"community bus" means a vehicle being used to provide a "community bus service" as defined in Section 22(1) of the Transport Act 1985 ("the 1985 Act") to which a "community bus permit" has been granted by virtue of Section 22 of the 1985 Act.

"carriageway" has the same meaning as in Section 329 of the Highways Act 1980.

"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).

"electronic communication apparatus" has the same meaning as in paragraph 1 of Schedule 2 to the Telecommunications Act 1984.

"enactment" means any enactment whether public general or local and includes any order bylaw rule regulation scheme or other instrument having effect by virtue of an enactment.

"footway" has the same meaning as in Section 329 of the Highways Act 1980.

"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) authorised to be used for the time being as a street parking place by any Order or any other 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 District of Tandridge 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)

"local bus" means a "public service vehicle" as defined in Section 1 of the Public Passenger Vehicles Act 1981 being used in the provision of a "local service" as defined in Section 2 of the 1985 Act

"local service taxi" means a "licensed taxi" as defined in Section 13(3) of the 1985 Act which is licensed under Section 37 of the Town Police Clauses Act 1847 being used to provide a local service as defined in Section 2 of the 1985
Act under a restrictive PSV operator’s licence granted by virtue of Section 12 of the 1985 Act

"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)

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

"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 Attendant" means a person authorised by or on behalf of the Council to enforce the restrictions imposed by this Order

"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)

"Penalty Charge" means the charge set by the Council under the provisions of the Road Traffic Act 1991 which is to be paid to the Council following the issue of a Penalty Charge Notice within twenty-eight days of the issue of that Notice

"plans" means the drawings listed in the Second Schedule to this Order the drawing number of each of those drawings being given in the First Column of that Schedule and which drawings are attached to this Order

"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 Council for the purposes of paragraph (h) of Article 4 permitting a specified vehicle to wait in special circumstances on a length or lengths of a road or 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 issued on or after 2 March 1992 in the relevant position when -

(i) in the case of a vehicle fitted with a dashboard or facia panel
the badge is exhibited thereon so that Part I of the badge is legible from outside the vehicle or

(ii) in the case of a vehicle not fitted with a dashboard or facia panel the badge is exhibited in a conspicuous position on the vehicle so that Part I of the badge is legible from outside the vehicle

(b) a disabled person's badge issued on or after 1 April 2000 in the prescribed manner when -

(i) the badge is exhibited on the dashboard or facia of the vehicle or

(ii) where the vehicle does not have a dashboard or facia the badge is exhibited in a conspicuous position on the vehicle so that the front of the badge is clearly legible from outside of the vehicle

(c) a parking disc in the relevant position if -
(i) the disc is exhibited on the dashboard or facia of the vehicle
        or
(ii) where the vehicle does not have a dashboard or facia 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 road or a length of a road shall unless
        otherwise specified be construed as a reference to the whole width of
        that road or length of road

PART II
(See over)
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 8 and 9 of this Order no person shall except upon the direction or with the permission of a police constable in uniform or a parking attendant cause or permit any vehicle to wait at the times indicated on the key relating to the plans in the roads and lengths of roads identified on the plans

Exceptions and exemptions from the Prohibition and Restriction on waiting loading and unloading by vehicles

4 NOTHING in Article 3 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads and/or 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 roads and/or lengths of roads or

   (iv) the laying erection alteration or repair in or in land adjacent to the said roads and/or lengths of roads of any sewer or of any main pipe or apparatus for the supply of gas water or electricity or of any apparatus provided under the Telecommunications Act 1984

(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 roads and/or lengths of roads

(f) the vehicle to wait at or near to any premises situated on or adjacent to the said roads and/or 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 of this Order 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 of this Order 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 road and/or 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 /are a restriction on the loading and unloading by vehicles which is/are indicated on the key relating to the plans in the aforesaid road(s) or length(s) of road(s) which is/are identified on the plans by coloured lines relating to the said time or any of the said times

7 NOTHING in Article 3 of this Order 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/are a restriction on the loading and unloading by vehicles which is/are indicated on the key relating to the plans in the aforesaid road(s) or lengths of road(s) which are 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 of this Order 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

**Bus Lay-over areas**

9 THE prohibitions and restrictions imposed by Article 3 of this Order shall not apply to a community bus a local bus or a local service taxi whilst waiting at an authorised crew relief point bus timing point bus stand bus turning point or bus termination point situated in or adjacent to any length of Croydon Road or Mount Pleasant Road or situated in or adjacent to that length of Westway which extends from a line being the prolongation across Westway at right angles to the centre line of the carriageway from a point being the intersection of the prolongations of the northern kerb-line of Westway and the north-western kerb-line of Avenue Road eastwards to the prolongation onto and across Westway of the eastern property boundary line of Caterham on the Hill Library Westway Caterham Surrey CR3 5TP which is identified on the plans as being subject to any prohibition and/or restriction on the waiting loading and/or unloading by vehicles

**PART III**

**SUPPLEMENTARY PROVISIONS**

**Saving in respect of pedestrian crossings**

10 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**

11 **NOTHING** in Article 3 of this Order 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 and/or the Bye-laws

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**

12 **WITHOUT prejudice to the provisions** of Article 9 of this Order **INSOFAR as any** provision contained in PART II of this Order 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 other enactments**

13 **SUBJECT to the provisions contained** in Article 10 Article 11 and Article 12 of this Order 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 IV**

(See over)

**PART IV**

**ENFORCEMENT**

**Contraventions**

14 **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 the Road Traffic Act
1991 may then be issued by a Parking Attendant in accordance with the requirements of the Road Traffic Act 1991

Notice of penalty charge

15 IN the case of a vehicle in respect of which the penalty charge may have been incurred it shall be the duty of a Parking Attendant to attach to the vehicle in a conspicuous position or to give a person appearing to be in charge of the vehicle a Notice which shall include the following particulars:

(a) the grounds on which the Parking Attendant believes that a penalty charge is payable with respect to the vehicle and
(b) the amount of the penalty charge which is payable and
(c) that the penalty charge must be paid before the end of the period of twenty-eight days beginning with the date of the Notice and
(d) that 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 and
(e) that if the penalty charge is not paid before the end of the twenty-eight day period a Notice to the owner may be served by the Council on the person appearing to them to be the owner of the vehicle and
(f) the address to which payment of the penalty charge must be sent

PROVIDED THAT in paragraph (d) above "specified proportion" means such proportion applicable to all cases as may be determined by the Local Authorities acting through the Joint Committee

Restriction on removal of Penalty Charge Notices

16 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 parking attendant shall remove that Notice from the vehicle unless authorised to do so by the driver

Manner of payment of penalty charge
17 (1) The owner of a vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to the Council EITHER by cheque or postal order which shall be delivered or sent by post so as to reach the Cash Office of the Tandridge District Council situated at Council Offices Station Road East Oxted Surrey RH8 0BT 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

(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 V

REVOCATION

17 WITHOUT prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order the Orders specified in the First Schedule to this Order are hereby revoked in their entirety

FIRST SCHEDULE

Orders to be revoked

The Surrey County Council (Various Roads in Caterham) (Consolidation of Waiting Loading and Unloading Prohibitions and Restrictions and Free Street Parking Places) Order 1994
The Surrey County Council ((Various Roads in Caterham) (Consolidation of Waiting
Loading and Unloading Prohibitions and Restrictions and Free Street Parking

The Surrey County Council ((Various Roads in Caterham) (Consolidation of Waiting
Loading and Unloading Prohibitions and Restrictions and Free Street Parking

The Surrey County Council ((Various Roads in Caterham) (Consolidation of Waiting
Loading and Unloading Prohibitions and Restrictions and Free Street Parking
Places) Order 1994) (Amendment No. 3) Order 1997

The Surrey County Council ((Various Roads in Caterham) (Consolidation of Waiting
Loading and Unloading Prohibitions and Restrictions and Free Street Parking
Places) Order 1994) (Amendment No. 4) Order 1999

The Surrey County Council ((Various Roads in Caterham) (Consolidation of Waiting
Loading and Unloading Prohibitions and Restrictions and Free Street Parking
Places) Order 1994) (Amendment No. 5) Order 2002

The Surrey County Council ((Various Roads in Caterham) (Consolidation of Waiting
Loading and Unloading Prohibitions and Restrictions and Free Street Parking
Places) Order 1994) (Amendment No. 6) Order 2003

The Surrey County Council ((Various Roads in Caterham) (Consolidation of Waiting
Loading and Unloading Prohibitions and Restrictions and Free Street Parking
Places) Order 1994) (Amendment No. 7) Order 2005

The Surrey County Council ((Various Roads in Caterham) (Consolidation of Waiting
Loading and Unloading Prohibitions and Restrictions and Free Street Parking

The Surrey County Council ((Various Roads in Caterham) (Consolidation of Waiting
Loading and Unloading Prohibitions and Restrictions and Free Street Parking
Places) Order 1994) (Amendment No. 9) Order 2006
The Surrey County Council (Various Roads in Caterham Valley) (Free Street Parking Places) Order 1999

The Surrey County Council Godstone Road (B2030) Caterham Valley (Revocation of Free Street Parking Place and Amendment of Free Street Parking Places) Order 2002

The Surrey County Council Poplar Walk (D1426) and Westway (D1399) Caterham on the Hill (Free Street Parking Places) Order 2003

The Surrey County Council ((Various Roads in Caterham Valley) (Free Street Parking Places) Order 1999) (Amendment No. 1) Order 2005

The Surrey County Council (Various Roads in Caterham Hill and Caterham Valley) (Revocation and Amendment of Free Street Parking Places and Free Street Parking Places) Order 2006

The Surrey County Council (Various Roads in Oxted) (Consolidation of Waiting Restrictions and Free Street Parking Places) Order 1992


The Surrey County Council ((Various Roads in Oxted) (Consolidation of Waiting Restrictions and Free Street Parking Places) Order 1992) (Amendment No. 4) Order 2001
The Surrey County Council ((Various Roads in Oxted) (Consolidation of Waiting Restrictions and Free Street Parking Places) Order 1992) (Amendment No. 5) Order 2005
The Surrey County Council (Various Roads in Oxted) (Revocation of Free Street Parking Places and Free Street Parking Places) Order 2006
The Surrey County Council (Various Roads in Tandridge) (Consolidation of Waiting Restrictions and Free Parking Places) Order 1990
The Surrey County Council (Various Roads in Warlingham and Hamsey Green) (Revocation Prohibition and Restriction of Waiting Loading and Unloading) (Consolidation) Order 1990
The Surrey County Council ((Various Roads in Warlingham and Hamsey Green) (Revocation Prohibition and Restriction of Waiting Loading and Unloading) (Consolidation) Order 1990) (Amendment No. 1) Order 1992
The Surrey County Council ((Various Roads in Warlingham and Hamsey Green) (Revocation Prohibition and Restriction of Waiting Loading and Unloading) (Consolidation) Order 1990) (Amendment No. 2) Order 1994
The Surrey County Council ((Various Roads in Warlingham and Hamsey Green) (Revocation Prohibition and Restriction of Waiting Loading and Unloading) (Consolidation) Order 1990) (Amendment No. 3) Order 2006
The Surrey County Council (Various Roads in Warlingham) (Free Street Parking Places) Order 2006
The Surrey County Council (Various Roads in Whyteleafe) (Revocation and Prohibition of Waiting) (Consolidation) Order 1991
The Surrey County Council ((Various Roads in Whyteleafe) (Revocation and Prohibition of Waiting) (Consolidation) Order 1991) (Amendment No. 1) Order 1993
The Surrey County Council ((Various Roads in Whyteleafe) (Revocation and Prohibition of Waiting) (Consolidation) Order 1991) (Amendment No. 2) Order 2002
The Surrey County Council ((Various Roads in Whyteleafe) (Revocation and Prohibition of Waiting) (Consolidation) Order 1991) (Amendment No. 3) Order 2006
The Surrey County Council ((Various Roads in Whyteleafe) (Revocation and Prohibition of Waiting) (Consolidation) Order 1991) (Amendment No. 4) Order 2006
The Surrey County Council (Various Roads in Whyteleafe) (Free Street Parking Places) Order 2006
The Surrey County Council (Various Roads in Whyteleafe) (Revocation of Free Street Parking Places and Free Street Parking Places) Order 2006
The Urban District of Caterham and Warlingham (Bus Stops) (Clearway) Order 1972
The Surrey County Council (The Urban District of Caterham and Warlingham) (Bus Stops) (Clearway) Order 1972) (Amendment No. 1) Order 2005
The Urban District of Caterham and Warlingham (Bus Stops) (Clearway) Order 1972
The Surrey County Council (The Urban District of Caterham and Warlingham) (Bus Stops) (Clearway) Order 1972) (Amendment No. 2) Order 2006
The Urban District of Caterham and Warlingham (Bus Stops) (Clearway) Order 1972
The Surrey County Council (The Urban District of Caterham and Warlingham) (Bus Stops) (Clearway) Order 1972) (Amendment No. 3) Order 2006

SECOND SCHEDULE

List of Plans

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

[Signature]

Head of Legal Services/Authorised Signatory