

**THE SURREY COUNTY COUNCIL**  
**(VARIOUS ROADS IN ELMBRIDGE)**  
**(REVOCATION AND CONSOLIDATION OF WAITING,**  
**LOADING AND UNLOADING PROHIBITION AND RESTRICTION) ORDER 2014**

**THE SURREY COUNTY COUNCIL  
(VARIOUS ROADS IN ELMBRIDGE)  
(REVOCAION AND CONSOLIDATION OF WAITING,  
LOADING AND UNLOADING PROHIBITION AND RESTRICTION) ORDER 2014**

**A R R A N G E M E N T   O F   A R T I C L E S**

**PART I**

GENERAL

	Article(s)
Citation and commencement .. .. .	1
Interpretation .. .. .	2

**PART II**

WAITING LOADING AND UNLOADING PROHIBITIONS AND RESTRICTIONS

Prohibition and Restriction on waiting loading and unloading by vehicles .. ..	3
Exceptions and Exemptions from the Prohibition and Restriction on waiting loading and unloading by vehicles .. .. .	4 and 5
Exceptions and Exemptions from the Prohibition on waiting by vehicles.. ..	6 and 7
Furniture Removals .. .. .	8

**PART III**

SUPPLEMENTARY PROVISIONS

Saving in respect of pedestrian crossings .. .. .	9
Savings in respect of Hackney Carriages .. .. .	10
Saving in respect of bus stop clearways .. .. .	11
Saving with respect to other enactments .. .. .	12

**PART IV**

ENFORCEMENT

Contraventions .. .. .	13
Notice of Penalty Charge .. .. .	14
Restriction on removal of Penalty Charge Notices .. .. .	15
Manner of Payment of Penalty Charge .. .. .	16

**PART V**

**REVOCATION**

Revocation .. .. . 17

**ARRANGEMENT OF SCHEDULES**

FIRST SCHEDULE      List of Drawings  
SECOND SCHEDULE    List of Revocations

THE COUNTY COUNCIL OF SURREY 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 Elmbridge) (Revocation and Consolidation of Waiting, Loading and Unloading Prohibition and Restriction) Order 2014“ and shall come into force on 11 August 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
  - “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) (as amended)
  - “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
  - “Council” means Surrey County Council or its appointed agents
  - “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” 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)

“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

“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) designated 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 Borough of Elmbridge 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)

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

“owner” has the same meaning as defined in sub-section (1) of Section 92 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)

“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

“plans” means the drawings listed in the First Schedule 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

"telecommunication system" has the same meaning as in the Telecommunications Act 1984

“the General Regulations” means The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (S.I. 2007/3483)

“the 1986 Regulations” means The Removal and Disposal of Vehicles Regulations 1986 (S.I. 1986/183)

"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

"Waiver Certificate" means a certificate issued on behalf of the Council for the purposes of Article 4(h) 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 fascia 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 fascia 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 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

(c) 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 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**

### **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 9 and 10 of this Order 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 to wait for the purpose of delivering or collecting goods or loading on or unloading from any vehicle at the times indicated on the key relating to the plans in the road and length of road identified on the plans excluding the areas marked by a black broken line and labelled as East Moseley Hersham Walton Weybridge Esher Green Spencer Road Cedar Avenue and Cedar Road Cobham (Cobham CPZ) or Tilt Road Cobham Controlled Parking Zone

#### **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 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 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 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 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 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)

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 of 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

(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 of and unloading from vehicles which is/are indicated on the key relating to the plans in the aforesaid road(s) or lengths of road(s) 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 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

### **PART III**

#### **SUPPLEMENTARY PROVISIONS**

#### **Saving in respect of pedestrian crossings**

9 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**

10 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

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**

11 INSOFAR as any provision contained in PART II of this Order conflicts with a provision which is contained in paragraphs 2 or 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**

12 SUBJECT to the provisions contained in Article 9 or 10 or 11 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**

### **ENFORCEMENT**

#### **Contraventions**

- 13 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**

- 14 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**

- 15 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**

- 16 (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 Elmbridge Borough Council situated at Civic Centre High Street Esher Surrey KT12 2XA 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 applicable to all cases as may be determined by the Local Authorities acting through the Joint Committee
- (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 force of this Order the Orders specified in the Second Schedule to this Order are hereby revoked in their entirety



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**SECOND SCHEDULE**  
LIST OF REVOCATIONS

- 1 The Surrey County Council (Various Roads in Elmbridge) (Revocation and Consolidation of Waiting, Loading and Unloading Prohibition and Restriction) Order 2006
  
- 2 The Surrey County Council ((Various Roads in Elmbridge) (Revocation and Consolidation of Waiting, Loading and Unloading Prohibition and Restriction) Order 2006) (Amendment No. 1) Order 2007
  
- 3 The Surrey County Council ((Various Roads in Elmbridge) (Revocation and Consolidation of Waiting, Loading and Unloading Prohibition and Restriction) Order 2006) (Amendment No. 2) Order 2008
  
- 4 The Surrey County Council ((Various Roads in Elmbridge) (Revocation and Consolidation of Waiting, Loading and Unloading Prohibition and Restriction) Order 2006) (Amendment No. 4) Order 2009
  
- 5 The Surrey County Council ((Various Roads in Elmbridge) (Revocation and Consolidation of Waiting, Loading and Unloading Prohibition and Restriction) Order 2006) (Amendment No. 5) Order 2010
  
- 6 The Surrey County Council ((Various Roads in Elmbridge) (Revocation and Consolidation of Waiting, Loading and Unloading Prohibition and Restriction) Order 2006) (Amendment No. 6) Order 2011

- 7 The Surrey County Council ((Various Roads in Elmbridge) (Revocation and Consolidation of Waiting, Loading and Unloading Prohibition and Restriction) Order 2006) (Amendment No. 7) Order 2011
  
- 8 The Surrey County Council ((Various Roads in Elmbridge) (Revocation and Consolidation of Waiting, Loading and Unloading Prohibition and Restriction) Order 2006) (Amendment No. 8) Order 2012
  
- 9 The Surrey County Council ((Various Roads in Elmbridge) (Revocation and Consolidation of Waiting, Loading and Unloading Prohibition and Restriction) Order 2006) (Amendment No. 9) Order 2013
  
- 10 The Surrey County Council (Various Roads in Elmbridge) (Revocation and Consolidation of Waiting, Loading and Unloading Prohibition and Restriction) Order 2006 (Amendment No. 10) Order 2014

Executed as a Deed by Surrey County Council on 6 August 2014

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



*Carol McLoghlin*

Authorised Signatory

SURREY COUNTY COUNCIL

DATED 6 AUGUST 2014

No. IN SEALING  
REGISTER ..... 10746  
ELMBRIDGE LOCAL  
ORDERED TO COMMITTEE  
BE SEALED 28/11/11

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

**THE SURREY COUNTY COUNCIL  
(VARIOUS ROADS IN ELMBRIDGE)  
(REVOCATION AND CONSOLIDATION  
OF WAITING, LOADING AND  
UNLOADING PROHIBITION AND  
RESTRICTION) ORDER 2014**