

**SURREY COUNTY COUNCIL  
(VARIOUS ROADS IN ELMBRIDGE)  
(CONSOLIDATION AND REVOCATION OF PROHIBITION  
OF WAITING OF HEAVY COMMERCIAL VEHICLES)  
ORDER 2021**

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**ARRANGEMENT OF SCHEDULES**

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THE SURREY COUNTY COUNCIL in exercise of their powers under Sections 1 (1) and 2 to 3 and 4(2) of and Part IV of Schedule 9 to 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 11 December 2021 and may be cited as "The Surrey County Council (Various Roads in Elmbridge) (Consolidation and Revocation of Prohibition of Waiting of Heavy Commercial Vehicles) Order 2021"

**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

"cashless parking system" is a computer based system that holds information on cashless parking transactions which may include the type of permit or ticket, period of validity, end of period of validity, vehicle registration mark and the location at which the cashless parking transaction is valid

"cashless parking transaction" is amongst other things a cashless waiver certificate

"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

"hand held device" is a device used by a civil enforcement officer which is updated from time to time with information from the cashless parking system on valid and invalid (expired) virtual parking transactions

"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 drawings listed in the First Schedule to this Order created and retained by the Council for the purpose of this Order the drawing number of each of those drawings being given in the first column of that Schedule

"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

"virtual waiver certificate" means a waiver certificate that is issued and verified by the cashless parking system

"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 facia 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 OF 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 except upon the direction or with the permission of a police constable in uniform or a civil enforcement officer 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 in the roads and lengths of roads identified on the plans

#### **Exceptions and exemptions from the Prohibition on waiting by heavy commercial vehicles**

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
- (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 OR as have been recorded by the hand held device as having a valid virtual waiver certificate in which case no waiver certificate needs to be displayed on the vehicle

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 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 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 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 length of road)

PROVIDED THAT where the period of prohibition is less than three hours such exemption shall be for the whole of that period

### **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**

### **SUPPLEMENTARY PROVISION**

#### **Saving with respect to other enactments**

8 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**

### **REVOCATIONS**

#### **Revocation**

9 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













**SECOND SCHEDULE**

**Revocations**

1. The Surrey County Council (Various Roads in Weybridge) (Prohibition of Waiting of Heavy Commercial Vehicles) Order 2013
2. The Surrey County Council (Various Roads in Weybridge) (Prohibition of Waiting of Heavy Commercial Vehicles) (Amendment No.1) Order 2014
3. The Surrey County Council (Various Roads in Weybridge) (Prohibition of Waiting of Heavy Commercial Vehicles) (Amendment No.2) Order 2015
4. The Surrey County Council (Various Roads in Weybridge) (Prohibition of Waiting of Heavy Commercial Vehicles) (Amendment No.3) Order 2016
5. The Surrey County Council (Various Roads in Weybridge) (Prohibition of Waiting of Heavy Commercial Vehicles) (Amendment No.5) Order 2017
6. The Surrey County Council (Various Roads in Weybridge) (Prohibition of Waiting of Heavy Commercial Vehicles) (Amendment No.6) Order 2018
7. The Surrey County Council (Various Roads in Weybridge) (Prohibition of Waiting of Heavy Commercial Vehicles) (Amendment No.7) Order 2019
8. The Surrey County Council (Various Roads in Weybridge) (Prohibition of Waiting of Heavy Commercial Vehicles) (Amendment No.8) Order 2019

Executed as a Deed by Surrey County Council on 7 December 2021

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



A handwritten signature in blue ink, appearing to read 'J. Freeman', written in a cursive style.

Authorised Signatory

SURREY COUNTY COUNCIL

DATE: 7 DECEMBER 2021

SURREY COUNTY COUNCIL

No. IN SEALING  
REGISTER .....30957.....

ORDERED TO  
BE SEALED  
Elmbridge Local Committee  
14 July 2021 Item 10

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

SURREY COUNTY COUNCIL  
(VARIOUS ROADS IN ELMBRIDGE)  
(CONSOLIDATION AND REVOCATION  
OF PROHIBITION OF WAITING  
OF HEAVY COMMERCIAL  
VEHICLES)  
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