

SURREY COUNTY COUNCIL

KINGSTON ROAD (D2887) LEATHERHEAD IN THE DISTRICT OF MOLE VALLEY

(PROHIBITION OF WAITING OF HEAVY COMMERCIAL VEHICLES)

ORDER 2017

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ARRANGEMENT OF ARTICLES

PART I

GENERAL

	Article(s)
Citation and commencement	1
Interpretation	2

PART II

PROHIBITION OF WAITING

Prohibition of waiting by heavy commercial vehicles the maximum gross weight of which exceeds 7.5 tonnes	3
Exceptions and Exemptions from the Prohibition of waiting by heavy commercial vehicles the maximum gross weight of which exceeds 7.5 tonnes	4 5 and 6
Furniture Removals	7

PART III

REVOCATION

Revocation	8
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ARRANGEMENT OF SCHEDULE

SCHEDULE	List of Plans
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THE 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 shall come into operation on 15 May 2017 and may be cited as "The Surrey County Council Kingston Road (D2887) Leatherhead (Prohibition of Waiting of Heavy Commercial Vehicles) Order 2017"

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 Schedule 1 of the

Traffic Signs Regulations and General Directions 2016 (S.I. 2016 No. 362)

"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 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

"waiver certificate" means a certificate issued on behalf of the District 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) a disabled person's badge in the prescribed manner when -
 - (i) the badge is exhibited on the dashboard or facia of the vehicle or
 - (ii) where the vehicle is not fitted with 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 the outside of the vehicle
 - (b) 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) 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 7.5 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 7.5 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 the maximum gross weight of which exceeds 7.5 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 7.5 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 and Section 106 and 151 of the Communications Act 2003
 - (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 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 7.5 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 exceeds 7.5 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 7.5 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

REVOCATION

8 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 Surrey County Council (Kingston Road (D2887) Leatherhead in the District of Mole Valley) (Prohibition of Waiting of Heavy Commercial Vehicles) Order 2016 is hereby revoked in its entirety

(SCHEDULE OVERLEAF)

THE SCHEDULE

LIST OF DRAWINGS

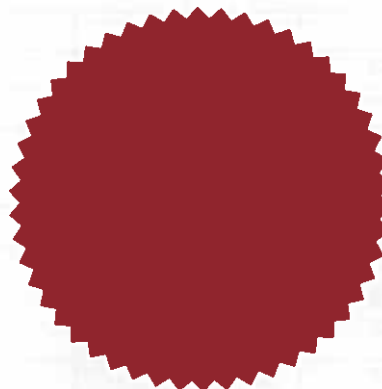
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3282/MVY/107	04/17								

Executed as a Deed by Surrey County Council on 10 May 2017

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



Sarah Baker

Authorised Signatory

DATE 10 MAY 2017

SURREY COUNTY COUNCIL

No. IN SEALING REGISTER 18697
MOLE VALLEY
ORDERED TO LOCAL COMMITTEE
BE SEALED 2 MARCH 2016
ITEM 8
+ 12 JUNE 2013 ITEM 8

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

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