

SURREY COUNTY COUNCIL

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ORDERED TO  
BE SEALED

Tandridge Local  
Committee - 22/6/  
07, Item No. 16,  
Min No. 47/07.

DATED 5 NOVEMBER 2008

ROAD TRAFFIC REGULATION ACT 1984

SECTIONS 32 35 AND 36

SURREY COUNTY COUNCIL

(VARIOUS LAY-BYS IN TANDRIDGE

(FREE ON-STREET PARKING

PLACES) (NO. 1) ORDER 2008

REF: E.LEGAL/AK/17/10/GEN/TAN

THE SURREY COUNTY COUNCIL  
(VARIOUS LAY-BYS IN TANDRIDGE)  
(FREE ON-STREET PARKING PLACES)  
(NO. 1) ORDER 2008

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THE SCHEDULE - Parts of roads authorised to be used as parking places

SURREY COUNTY COUNCIL in exercise of their powers under Sections 32 35 and 36 of 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 I**

### **GENERAL**

#### **Citation and commencement**

1 THIS Order may be cited as "The Surrey County Council (Various Lay-bys in Tandridge) (Free On-Street Parking Places) (No. 1) Order 2008" and shall come into operation on 10 November 2008

#### **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 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)

"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)

"driver" in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in the parking place

"electronic communications 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 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

"lay-by" means any area of carriageway not forming part of a main carriageway and which is authorised to be used by this Order for the time being as a street parking place

"main carriageway" means any carriageway used primarily by through traffic but excludes any lay-by

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

"one-way road" means a highway in which the driving of vehicles otherwise than in one direction is prohibited

"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 place" means any part of a road authorised by this Order to be used free of

charge as a street parking place

"parking space" means a space in a parking place which is provided for the leaving of vehicles

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed or adapted solely for the carriage of not more than eight passengers (exclusive of the driver) and their effects and not drawing a trailer

"permitted hours" in relation to a parking place means the period specified at the beginning of the Schedule relating to that parking place

"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

"street parking place" has the same meaning as in Section 142 of the Act and [authorised to be used](#) as a street parking place by this Order

"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

(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
- (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 length of a road shall unless otherwise specified be construed as a reference to the whole width of that length of road
- (5) Any reference in this Order to a numbered Part or Article or to The Schedule shall unless the context otherwise requires be construed as a reference to the Part or Article bearing that number in this Order or to The Schedule to this Order

### **PART III**

(See over)

## **PART II**

### **AUTHORISATION AND USE OF FREE STREET PARKING PLACES**

#### **IN VARIOUS LAY-BYS IN THE DISTRICT OF TANDRIDGE**

##### **Authorisation of parking places**

3 EACH part of a highway comprising the length of carriageway of a road and/or the area of carriageway adjacent to a road and/or a lay-by specified and described in The Schedule is authorised to be used subject to the following provisions of this Order as a parking place

##### **Vehicles for which parking places are authorised to be used**

4 EACH parking place referred to in The Schedule may be used subject to the provisions of this Order for the leaving during the permitted hours of all classes of vehicle

##### **Period for which a vehicle may be left in a parking place**

5 WITHOUT prejudice to the provisions of Article 20 no person shall cause any vehicle to be left during the permitted hours in a parking place referred to in The Schedule for a continuous period of more than two hours:

PROVIDED THAT nothing in this Article shall apply to 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

##### **Interval before a vehicle may again be left in a parking place**

6 WITHOUT prejudice to the provisions of Article 20 no vehicle which has been taken away from a parking place referred to in The Schedule during the permitted hours shall until the expiration of two hours from the time it was taken away again be left in that parking place during the permitted hours:

PROVIDED THAT nothing in this Article shall apply to 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

### **Conditions of use of a parking place**

7 THE driver of a motor vehicle using a parking place shall stop the engine as soon as the motor vehicle is in position in that parking place and shall not start the engine except when about to change the position of the motor vehicle in or to depart from that parking place

8 EVERY vehicle left in a parking place shall be left in such a position as will not obstruct any other vehicle from entering or leaving that parking place

9 NO person shall use any parking place in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skills or services -

PROVIDED THAT nothing in this Article shall apply to a vehicle waiting anywhere in any part of a parking place if the use of that part has not been suspended if goods of any description are being sold or offered or exposed for sale from that vehicle by a person who is licensed by the Council or the Tandridge District Council of the Council Offices Station Road East Oxted Surrey RH8 0BT to sell goods of any description from a stationary vehicle on a pitch situated in that parking place whether or not that pitch is situated within a parking space or part thereof or not as the case may be

10 NO person shall use any part of a parking place or cause or permit any vehicle to be left in a parking place -

- (a) for sleeping or camping purposes
- (b) for cooking purposes
- (c) for lighting or causing to be lit any fire
- (d) for the purposes of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from a parking place

11 NO person shall drive any vehicle in a parking place other than for the purpose of leaving that vehicle in that parking place in accordance with the provisions of this Order or for the purpose of departing from that parking place

12 IN a parking place no person shall erect or cause or permit to be erected any tent

booth stand building or other structure

13 WHERE in a parking place signs are erected or surface markings are laid for the purpose of indicating -

(a) the entrance to or exit from that parking place no person shall drive or cause or permit to be driven any vehicle so that it enters that parking place otherwise than by an entrance or leaves that parking place otherwise than by an exit so indicated

(b) parking spaces for the leaving of vehicles within that parking place no person shall cause or permit a vehicle to be left in that parking place unless the vehicle is left wholly within the limits of a parking space

PROVIDED THAT nothing in this paragraph of this Article shall apply to a vehicle to which the provisions of the proviso to Article 9 apply

14 ARTICLES 7 8 9 10 11 12 and 13 shall not apply to any person or vehicle with the written permission of the Council or its agents

15 THE driver of a vehicle shall not permit that vehicle to wait in a parking place -

(a) unless the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicles Excise and Registration Act 1994 and

(b) unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988

16 THE driver of a motor vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from that parking place

17 NO person shall in a parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of that parking place

18 NO person shall in a parking place use any threatening abusive or insulting language gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned

### **Power to suspend the use of a parking place**

19 (1) Any person duly authorised by the Council or the Chief Constable of the Surrey Police (hereinafter called the "Chief Constable") may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary:

- (a) for the purpose of facilitating the movement of traffic or promoting its safety
- (b) for the purpose of any building operation demolition or excavation adjacent to the parking place the maintenance improvement or reconstruction of the parking place or the cleansing of gullies in or adjacent to the parking place the laying erection alteration or repair in or adjacent to the parking place of any sewer or of any main pipe or apparatus for the supply of gas water or electricity or of any electronic communications apparatus or the placing maintenance or removal of any traffic sign
- (c) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed or
- (d) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions

(2) A police constable in uniform may suspend for not longer than twenty-four hours the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety

(3) On the suspension of the use of a parking place or any part thereof in accordance with the provisions of this Article the person authorising or causing such suspension shall place or cause to be placed in or adjacent to that parking place or that part thereof as the case may be a traffic sign or traffic signs indicating that the waiting by vehicles is prohibited

(4) No person shall cause or permit any vehicle to wait in a parking place or part thereof during such period as there is in or adjacent to that parking place or that part thereof a traffic sign or traffic signs placed in pursuance of paragraph (3) of this Article:

PROVIDED THAT nothing in this paragraph shall apply -

- (i) in respect of any vehicle being used for fire brigade ambulance or police

purposes or

- (ii) in respect of any other vehicle if that vehicle is left with the permission of any person authorised by the Council its agents or the Chief Constable in pursuance of paragraph (1) of this Article or a police constable in uniform in pursuance of paragraph (2) of this Article

**Restriction on waiting by a vehicle in a parking place**

20 (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours anywhere in any part of a parking place if the use of that part has not been suspended and if:

- (a) the vehicle is waiting for a period not exceeding two minutes or such longer period as a police constable in uniform may approve to enable a person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage:

PROVIDED THAT if the said person is a person suffering from any disability or injury which seriously impairs his ability to walk or who is blind the vehicle may wait for as long as may be necessary to enable that person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage

- (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident
- (c) the vehicle is being used for fire brigade ambulance or police purposes or not being a passenger vehicle a motor cycle or an invalid carriage is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting
- (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic

- (e) the vehicle is waiting:
    - (i) while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle or having been unloaded therefrom are being delivered or
    - (ii) while postal packets are being collected for loading on the vehicle from premises or posting boxes adjacent to the parking place in which the vehicle is waiting or having been so collected are being loaded thereon or
  - (f) the vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 19(1)(b)
  - (g) the vehicle is being used for the purpose of servicing or of carrying out any other works to the public lavatories situated adjacent to the A22 Godstone Hill Lay-by Godstone (See Parking Place No. 3 in The Schedule)
- (2) EXCEPT as provided by this Order the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in a parking place during the permitted hours

**Movement of a vehicle in a parking place in an emergency**

21 ANY person duly authorised by the Council its Agents a police constable in uniform or a traffic warden may move or cause to be moved in case of emergency to any place he thinks fit any vehicle left unattended in a parking place

**Removal of a vehicle from a parking place**

- 22 (1) When a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 4 5 6 8 9 10 and 15(a) a person authorised in that behalf by the Council or a police constable in uniform may remove the vehicle or arrange for it to be moved from that parking place
- PROVIDED THAT where a vehicle is waiting in a parking place in contravention of the provision of Article 13(b) a person authorised in that behalf by the Council or a police constable in uniform may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision

- (2) Where it appears to the Council or a police constable in uniform that a vehicle left in a parking place has been abandoned a person authorised in that behalf by the Council or a police constable in uniform may in such manner as they consider necessary for the purpose remove the vehicle or arrange for it to be moved from that parking place:

PROVIDED THAT where the Council or a police constable in uniform propose to move such a vehicle which in the opinion of the Council or the Chief Constable is in such a condition that it ought to be destroyed then they shall not less than seven days before removing it cause to be affixed to the vehicle a notice stating that they propose to remove it for destruction at the end of that period

23 ANY person removing a vehicle by authority of Article 22 may do so by towing or driving the vehicle or in other such manner as he may think necessary to enable him to remove it as aforesaid

24 WHEN a person authorised by the Council or a police constable in uniform removes or makes arrangements for the removal of a vehicle from a parking place by authority of Article 22 he shall except in the case of a vehicle which in the opinion of the Council or the Chief Constable is in such condition that it ought to be destroyed make such arrangements as may be deemed reasonably necessary for the safe custody of the vehicle

#### **Charges for the removal and storage of a vehicle from a parking place**

25 WHERE a vehicle is removed by the Council or a police constable in uniform from a parking place in pursuance of Article 22 there shall be payable to the Council or the Chief Constable pursuant to Section 102 of the Act and the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) Regulations 1989 charges for the removal storing and disposal of the said vehicle in accordance with the provisions of the said Regulations

#### **Placing of traffic signs etc**

26 THE Council shall -

- (a) place and maintain a traffic sign or traffic signs indicating the limits of each parking

place and each parking space and

- (b) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place

### **Responsibility of driver for Offences**

27 WHEN a vehicle is left in a parking place in contravention of or in non-compliance with any of the provisions contained in Articles 4 5 6 7 8 11 13 15 16 and 19(4) the driver shall be deemed the person responsible for the contravention of or non-compliance with the said Articles

## **PART III**

### **SUPPLEMENTARY PROVISIONS**

#### **Saving in respect of bus stop clearways**

28 INSOFAR as any provision contained in PART II conflicts with a provision which is contained in paragraphs 2 3 or 4 of Schedule 19 to the Traffic Signs Regulations and General Directions 2003 (S.I. 2002 No. 3113) then the provision contained in the said paragraphs of the said Regulations shall prevail

#### **Saving with respect to parking places**

29 INSOFAR as any provision contained in PART II conflicts with a provision which is contained in The Surrey County Council (Various Roads in Tandridge) (Revocation and Consolidation of Waiting Loading and Unloading Prohibitions and Restrictions) Order 2006 or in any other enactment existing at the time when this Order comes into operation and which imposes or has the effect of imposing any restriction or prohibition on -

- (a) the waiting loading and/or unloading by vehicles and/or
- (b) the delivering or collecting of goods by vehicles

or grants an exemption from any such restriction or prohibition then the provisions contained in PART II shall prevail

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

30 SUBJECT to the provisions contained in Articles 28 and 29 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

### THE SCHEDULE (SEE ARTICLE 3)

#### PARTS OF ROADS AUTHORISED TO BE USED AS PARKING PLACES

IN RELATION TO A PARKING PLACE REFERRED TO IN THIS SCHEDULE THE EXPRESSION "PERMITTED HOURS" MEANS THE PERIOD BETWEEN 8.00 A.M. AND 8.00 P.M. ON ANY DAY OF THE WEEK

PARKING PLACES IN RESPECT OF WHICH THE MAXIMUM PERIOD FOR WHICH A VEHICLE MAY BE LEFT DURING THE PERMITTED HOURS IS TWO HOURS NO RETURN PERMITTED WITHIN A FURTHER PERIOD OF TWO HOURS

FIRST COLUMN	SECOND COLUMN
No. of parking place	Designated parking place
1	A22 EAST BYSSHE LAY-BY NEWCHAPEL within the limits of the lay-by adjoining the west side of Eastbourne Road (A22) and which extends from a point approximately 240 metres north of Gate House Farm northwards for a distance of approximately 90 metres

- 2                    A22 GODSTONE HILL LAY-BY CATERHAM VALLEY within the limits of the lay-by adjoining the east side of Godstone Hill (A22) Caterham Valley and which extends from a point opposite the south-easternmost wall of St John's Church of England Middle School southwards for a distance of approximately 250 metres
- 3                    A22 GODSTONE HILL LAY-BY GODSTONE within the limits of the lay-by adjoining the east side of Godstone Hill (A22) Godstone which extends from a point approximately 140 metres south of the pedestrian bridge over Godstone Hill (A22) Godstone southwards for a distance of approximately 210 metres

Executed as a Deed by Surrey County Council on 5 November 2008

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

Head of Legal Services/Authorised Signatory

the lay-by adjoining the east side of Godstone Hill (A22) Caterham Valley and which extends from a point opposite the south-easternmost wall of St John's Church of England Middle School southwards for a distance of approximately 250 metres \_\_\_\_\_

3

A22 GODSTONE HILL LAY-BY GODSTONE within the limits of the lay-by adjoining the east side of Godstone Hill (A22) Godstone which extends from a point approximately 140 metres south of the pedestrian bridge over Godstone Hill (A22) Godstone southwards for a distance of approximately 210 metres \_\_\_\_\_

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of and attested by:- )

*[Handwritten Signature]*



Head of Legal Services/Authorised Signatory