THE SURREY COUNTY COUNCIL

(VARIOUS ROADS IN WAVERLEY)

(FREE ON-STREET LOADING BAYS)

(NO. 1) ORDER 2013

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ARRANGEMENT OF THE SCHEDULE

THE SCHEDULE-

FIRST PART - Plan to be amended

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Preamble

THE SURREY COUNTY COUNCIL in exercise of their powers under Sections 32 35 and 36 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and 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 Roads in Waverley) (Free On-Street Loading Bays) (No. 1) Order 2013" and shall come into operation on 15 July 2013

Interpretation

2 (1) In this Order except where 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 the loading bay

"Borough Council" means the Guildford Borough Council of Millmead House Millmead Guildford Surrey GU2 4BB

"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 the Surrey County Council or its appointed agents

"credit card" has the same meaning as in paragraph (6) of Section 35A of the 1984 Act

"debit card" has the same meaning as in paragraph (6) of Section 35A of the 1984

Act

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

"electronic communications apparatus" has the same meaning as in paragraph 1 of Schedule 2 to the Telecommunications Act 1984 and Sections 106 and 151 of the Communications Act 2003

"enactment" means any enactment whether public general or local and includes any order bye-law 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

"loading bay" means any part of a road authorised by this Order to be used as an on-street loading bay

"motor cycle" "motor vehicle" and "invalid carriage" have the same meanings as in Section 136 of the 1984 Act

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

"Owner" has the same meaning as defined in sub-section (1) of Section 92 of the Traffic Management Act 2004

"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 "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

"permitted hours" means the hours identified as such in the key relating to the

plans which indicate by reference to the aforesaid key any loading bay authorised

to be used as such by this Order

"plans" means the drawings listed in the Schedule the drawing number of each of those drawings being given in the first column of that Schedule

"postal packets" has the same meaning as in Sub-section (1) of Section 125 of the Postal Services Act 2000

"road" includes any part of a road and has the same meaning as in Section 142 of the 1984 Act

"the General Regulations" means The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (S. I. 2007 No. 3483)

"the 1986 Regulations" means The Removal and Disposal of Vehicles Regulations 1986 (S. I. 1986 No. 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 1984 Act

"trailer" has the same meaning as in Section 136 of the 1984 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 (g) of Article 12 of this Order 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) Any reference in this Order to a numbered Article or Schedule shall unless the context otherwise requires be construed as a reference to the Article or Schedule bearing that number in this Order
- (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended applied consolidated re-enactment by or as having effect by virtue of any subsequent enactment

PART II

AUTHORISATION AND USE OF GOODS VEHICLES' FREE ON-STREET LOADING BAYS

Authorisation of loading bays

3 EACH area on a highway comprising the length of carriageway of a road identified on the plans as a free on-street loading bay (excluding the areas marked by a black broken line and labelled as either Controlled Parking Zone A or Controlled Parking Zone B on any of the plans) and bounded on one side of that length by the edge of the carriageway and having a minimum width throughout of 1.8 metres or a maximum width throughout of 4.2 metres is authorised to be used subject to the following provisions of this Order as a free on-street loading bay for use as such during the permitted hours

Vehicles for which loading bays are authorised

4 EACH loading bay may be used subject to the provisions of this Order for the leaving without charge during the permitted hours of all classes of vehicle (including any trailer that is being drawn by any such vehicle)

PROVIDED THAT the vehicle left in the loading bay is actually in the process of being used for the purpose of collecting goods or burden of any description from or delivering

goods or burden of any description to any premises situated adjacent to or in the vicinity of that loading bay

FOR the avoidance of doubt it is hereby stated by the Council that the provisions of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (S.I. 2000/683) shall not apply to this Order

Manner of standing in a loading bay

- 5 THE driver of a vehicle waiting in a loading bay during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand -
- (a) (i) if the loading bay is not in a one-way road that the left or near-side or right or off-side of the vehicle is parallel to the edge of the carriageway nearest to the vehicle or
 - (ii) if the loading bay is in a one-way road that the left or near-side of the vehicle is adjacent to the left-hand edge of the carriageway or that the right or off-side of the vehicle is adjacent to the right-hand edge of the carriageway

and

- (iii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres and
- (b) that every part of the vehicle is within the limits of the loading bay and
- (c) that no part of the vehicle obstructs any vehicular means of ingress to egress from any premises adjacent to the side of the road on which the vehicle is waiting

Alteration of position of a vehicle in a loading bay

6 WHERE any vehicle is standing in a loading bay in contravention of the provisions of Article 5 or of the provisions of Article 11 a police constable in uniform or a civil enforcement officer or a person duly authorised by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions

Restriction on the use of a loading bay

- DURING the permitted hours no person shall use any loading bay or any vehicle while it is in a loading bay in connection with the sale or offering or exposing for sale of any goods to any person in or near the loading bay or in connection with the selling or offering for sale of his skill in handicraft or his services in any other capacity
- PROVIDED THAT nothing in this Article shall prevent the sale of goods from a vehicle if the vehicle is one which may wait in a loading bay in accordance with Article 4 and the goods are immediately delivered at taken into premises adjacent to the vehicle from which the sale is effected
- THE driver of a motor vehicle using a loading bay shall stop the engine as soon as the vehicle is in position in the loading bay and shall not start the engine except when about to change the position of the vehicle in or to depart from the loading bay

Power to suspend the use of a loading bay

- 9 (1) Subject to the following persons or organisations being able to exercise the function described below by virtue of legislation, a civil enforcement officer a police constable in uniform, a person acting under the instructions (whether general or specific) of the Chief Officer of Police, or a person duly authorised by the Council or the Borough Council may suspend the use of a loading bay 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 loading bay the maintenance improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the loading bay the laying erection alteration or repair in or adjacent to the loading bay 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) for the convenience of occupiers of premises adjacent to the loading bay on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the loading bay from or to a depository another office or dwelling-house
- (d) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed or
- (e) for the convenience of occupiers of premises adjacent to the loading bay at times of weddings or funerals or on any other special occasions
- Subject as set out in sub-article (1) of this Article a civil enforcement officer or a police constable in uniform may suspend for not more than twenty-four hours the use of a loading bay 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 suspension of the use of a loading bay 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 loading bay 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 loading bay or any part thereof during such period as there is in or adjacent to that loading bay or that part thereof as the case may be 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 any vehicle which is waiting for any reason specified in Article 10 (1) (b) (d) or (e) or
- (ii) to anything done with the permission of the person suspending the use of

that loading bay or part thereof in pursuance of paragraph (1) of this Article or a police constable in uniform or a civil enforcement officer acting in the exercise of lawful authority

Restriction on waiting by a vehicle in a loading bay

- 10 (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours anywhere in any part of a loading bay if the use of that part has not been suspended and if:
 - (a) 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
 - (b) 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 of the vehicle to wait in the place in which it is waiting
 - (c) 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
 - (d) the vehicle is waiting -
 - (i) while postal packets addressed to premises adjacent to the loading bay 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 loading bay in which the vehicle is waiting or having been so collected are being loaded thereon
 - (e) the vehicle not being a passenger vehicle a motor-cycle or an invalid

- carriage is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 9 (1) (b)
- (f) the vehicle is in actual use in connection with the removal of furniture to or from one office or dwelling-house adjacent to the loading bay in which the vehicle is waiting from or to a depository another office or dwelling-house
- 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

- (2) No charge shall be payable in respect of any vehicle waiting in a loading bay in accordance with the provisions of paragraphs (a) to (f) inclusive of this Article and no certificate or permit of any form whatsoever need by displayed on such a vehicle waiting in the aforesaid loading bay
- (3) 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 loading bay during the permitted hours

Manner of waiting in a loading bay

NO person shall cause or permit a vehicle to wait in a loading bay by virtue of the provisions of sub-paragraph (1) (d) (e) (f) and (g) of the last preceding Article otherwise than so that:

- (a) the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and
- (b) the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres and
- (c) no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting

For the purposes of the last foregoing paragraph the expression "premises" shall not include any premises to or from which any furniture is being removed by virtue of the provisions of sub-paragraph (1) (f) of the last preceding Article

Movement of a vehicle in a loading bay in an emergency

ANY person duly authorised by the Council a police constable in uniform or a civil enforcement officer may move or cause to be moved in case of emergency to any place he thinks fit any vehicle left unattended in a loading bay

Removal of vehicles from a loading bay

- 13 (1) When a vehicle is left in a loading bay in contravention of any of the provisions contained in this Order a person authorised in that behalf by the Council or a police constable in uniform or a civil enforcement officer may remove the vehicle or arrange for it to be moved from that loading bay BUT PROVIDED THAT civil enforcement officers shall not exercise the powers in this Article other than in accordance with the 1986 Regulations
 - (2) Where it appears to the Borough Council or a police constable in uniform that a vehicle left in a loading bay has been abandoned a civil enforcement officer 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 loading bay

PROVIDED THAT where the Borough 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 twenty-four hours 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

14 WHEN a civil enforcement officer or a police constable in uniform removes or makes arrangements for the removal of a vehicle from a loading bay by authority of Article13 he shall except in the case of a vehicle which in the opinion of the Council or the police 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 vehicles

WHERE a vehicle is removed by the Council or a police constable in uniform from a loading bay in pursuance of Article 13 there shall be payable to the Council or the Surrey Police pursuant to Section 102 of the 1984 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

- 16 THE Council and/or its agents (if any) shall -
- (a) place and maintain a traffic sign or traffic signs indicating the limits of each loading bay and
- (b) place and maintain in or in the vicinity of each loading bay identified on the plans a traffic sign or traffic signs indicating that such loading bay may be used during the permitted hours for the leaving only of the vehicles specified in Article 4 and
- (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a loading bay

PART III

SUPPLEMENTARY PROVISIONS

Saving in respect of pedestrian crossings

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 1984 Act

Saving in respect of bus stop clearways

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 of loading bays

- 19 INSOFAR as any provision contained in PART II of this Order conflicts with a provision imposed by 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 of this Order shall prevail

Saving with respect to other enactments

SUBJECT to the provisions contained in Articles 17 18 and 19 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

21 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

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

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

24 (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 Parking Services Offices of Guildford Borough Council situate at the Bedford Road Multi-storey Car Park (Level 2) Laundry Road Guildford Surrey GU1 4PX within twenty-eight days of the issue of the penalty charge OR in cash in

- person at either the said Guildford Borough Council Offices 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 as may be determined by the Council
- (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

FIRST SCHEDULE

Plan to be amended

1. The following plan specified in the Second Schedule to be amended as hereinafter specified - In the first second third fourth fifth sixth seventh and eighth columns thereto headed respectively "Drawing Nos." "Date Drawn" "Rev'n" "Date Revised" "Rev'n" and "Date Revised" for the letters and numbers "3282/WAV/24054" "03/07" "A" "01/08" "B" "11/08" "C" and "06/10" specified respectively in each of those columns there were added under the ninth and tenth columns headed respectively "Rev'n" and "Date Revised" the letters and numbers "D" and "10/12" respectively

SECOND SCHEDULE

List of Plans

SECOND SCHEDULE List of Plans												3282 3282 3282 3282 3282
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	3282/WAV/24070	03/07 03/07	A	01/08	В	10/09	С	09/11	<u> </u>	 		
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	3282/WAV/24072	03/07	A	10/09	В	09/11				 	1	
	3282/WAV/24073	03/07	A	06/10				00/40			 	
	3282/WAV/24074	03/07	A	01/08	В	10/09	С	06/10	<u> </u>	09/11		
	3282/WAV/240/5	03/07	A	01/08	В	10/09	С	06/10	D_	1 30,11	 	
	3282/WAV/24076	03/07	$\frac{\lambda}{A}$	01/08	В	10/09		00/40		+	++	
	3282/WAV/24077	03/07	$\frac{\overline{\lambda}}{A}$	01/08	В	10/09	С	06/10		+	+	
	3282/WAV/24078	03/07	Â	01/08	В	10/09			 	+	 	
	3282/WAV/24079	03/07	$\frac{\hat{A}}{\hat{A}}$	01/08			 	 	+	+	1	
	3282/WAV/24080	03/07	A	01/08	В	10/09		 	+	 		
	3282/WAV/24081			 		<u> </u>	 	00/44	 	+	11	
	3282/WAV/24082		Α	01/08	B_	10/09	C	09/11	 			
	3282/WAV/24083		A	01/08	В	10/09	C	09/11	+			
	3282/WAV/24084		A	01/08	В	06/10	С	09/11				
	3282/WAV/24085		A	10/09	В	09/11	 _		 		1	
	3282/WAV/24086						 	09/11	+			
	3282/WAV/24087		A	01/08	В	10/09	C	09/11				
	3282/WAV/24088 3282/WAV/24089		A	01/08	В	10/09	+-~	09/11	+			
	3282/WAV/24089 3282/WAV/24090		A	01/08	В	10/09	C	09/11				
	3282/WAV/24090 3282/WAV/24091		A	01/08	В	10/09	C	09/11	-			
	3282/WAV/24092		Α	01/08	В	10/09	 c	09/11				
-	3282/WAV/24093		A	01/08	В	10/09						
	3282/WAV/24094								+			
	3282/WAV/24095		A	09/11		20/10						1
	3282/WAV/24096		A	10/09	В	06/10						
	3282/WAV/2409											
	3282/WAV/2409											
	3282/WAV/2409											
	3282/WAV/2410					09/11						
	3282/WAV/2410		Α	01/08	В	06/10	- 	09/11				4
	3282/WAV/2410	2 03/07	Α	01/08	В	00/10						
	3282/WAV/2410	3 03/07										
	3282/WAV/2410	4 03/07			_							+
	3282/WAV/2410	5 03/07				-+						
	3282/WAV/2410	06 03/07			_ +							
	3282/WAV/2410	03/07										+
	3282/WAV/2410	03/07										
	3282/WAV/2410	03/07		00140	В	09/11						
	3282/WAV/241	10 10/09		06/10								
	3282/WAV/241	11 <u>10/09</u>		09/11								
	3282/WAV/241	12 10/09		09/11								
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	3282/WAV/241	14 06/10										_+_
	3282/WAV/241	15 06/10										
	3282/WAV/241	16 10/12									-+-	
	3282/WAV/241	17 10/12			_+	_						
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	3282/WAV/241	20 09/1	1									
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3282/WAV/24121	09/11			2 78	Roed			
3282/WAV/24122	09/11				60.0			
3282/WAV/24123	09/11			4			-	
3282/WAV/24124								
3282/WAV/24125	09/11					_		VA. III
3282/WAV/24126	09/11							

Executed as a Deed by Surrey County Council on 10 July 2013

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

SURREY COUNTY COUNCIL

DATED 10 JULY 2013

No. IN SEALING	8090.
REGISTER	
was.	erlay Local
ORDERED TO	m. Fran 10 1 1 1
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ROAD TRAFFIC REGULATION ACT 1984 SECTIONS 32 35 AND 36

SURREY COUNTY COUNCIL
(VARIOUS ROADS IN WAVERLEY)
(FREE ON-STREET LOADING BAYS)
(NO. 1)
ORDER 2013

REF: LSEN/11732/WAV/AK