

DATED 20 JULY 2005

**ROAD TRAFFIC REGULATION
ACT 1984
SECTIONS 32 35 AND 36
AND PART IV
OF SCHEDULE 9**

**THE SURREY COUNTY
COUNCIL
(VARIOUS ROADS IN WOKING)
(CONSOLIDATION OF FREE
STREET PARKING PLACES)
(DISABLED PERSONS)
ORDER 2005**

REF: MC/WOK DISABLED

THE SURREY COUNTY COUNCIL
(VARIOUS ROADS IN WOKING)
(CONSOLIDATION OF FREE STREET PARKING PLACES)
(DISABLED PERSONS) ORDER 2005

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SURREY COUNTY COUNCIL in exercise of their powers under Sections 32 35 and 36 and Part IV of Schedule 9 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 Roads in Woking) (Consolidation of Free Street Parking Places) (Disabled Persons) Order 2005” and shall come into operation on 25 July 2005

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)

“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” means a motor vehicle being driven by a disabled person or being used for the carriage of a disabled person or disabled

persons

“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

“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

“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 for the purposes of this Order is either -

- (a) designated for the time being as a street parking place by this 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 and 35 and 36 of and/or Part IV of Schedule 9 to the Act within the Borough of Woking in the County of Surrey and/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

“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 Attendant” means a person authorised by or on behalf of the Council to enforce the restrictions imposed by this Order

"parking place" means an area on a highway designated as a street parking place by this Order

"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” means the charge set by the Council under the provisions of the Road Traffic Act 1991 which is to be paid to the Council following the issue of a Penalty Charge Notice within twenty-eight days of the issue of that Notice

"permitted hours" means the hours identified on the plans attached to this Order

“plans” means the drawings listed in the Second 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

“street parking place” has the same meaning as in Section 142 of the Act and designated as such as a street parking place by this Order

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

"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

"verge" means any part of a road which is not a carriageway a footway or a lay-by

(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 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

(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 Article or Schedule shall unless the context otherwise requires be construed as a reference to the Part Article of Schedule bearing that number in this Order
- (6) For the purposes of sub-paragraph (i) of paragraph (4) of Article 9 and of Article 12 a vehicle and any trailer drawn thereby shall be deemed to be a single vehicle

PART II

DESIGNATION OF FREE STREET PARKING PLACES

Designation of parking places

3 EACH area on a highway comprising the length of carriageway of a road identified on the plans (excluding the areas marked by a black broken line and labelled as Woking Controlled Parking Zone or West Byfleet Controlled Parking Zone or Brookwood Controlled Parking Zone) and unless otherwise so specified bounded on one side of that length by the edge of the carriageway and having a width throughout of 2.7 metres is designated as a parking place for use on such days and during such hours as identified on the plans (excluding the areas marked by a black broken line and labelled as Woking Controlled Parking Zone or West Byfleet Controlled Parking Zone or Brookwood Controlled Parking Zone) attached to this order

Vehicles for which parking places are designated

4 EACH parking place may be used subject to the provisions of this Order for the

leaving during the permitted hours of such disabled persons' vehicles as display in the relevant position or in the prescribed manner a disabled person's badge

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

5 WITHOUT prejudice to the provisions of Article 12 a vehicle may be left in a parking place described in the plans attached to this Order (excluding the areas marked by a black broken line and labelled as Woking Controlled Parking Zone or West Byfleet Controlled Parking Zone or Brookwood Controlled Parking Zone) during the permitted hours for a continuous period without time limit

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

6 WITHOUT prejudice to the provisions of Article 12 a vehicle which has been taken away from a parking place described in the plans attached to this Order (excluding the areas marked by a black broken line and labelled as Woking Controlled Parking Zone or West Byfleet Controlled Parking Zone or Brookwood Controlled Parking Zone) during the permitted hours may without interval again be left in that parking place during the permitted hours

Manner of standing in a parking place

7 THE driver of a vehicle waiting in a disabled person's parking place in accordance with the foregoing provisions of this Order shall cause it so to stand:-

(a) in the case of a disabled person's parking place in relation to which special provisions as to the manner of standing of a vehicle are identified on the plans (excluding the areas marked by a black broken line and labelled as Woking Controlled Parking Zone or West Byfleet Controlled Parking Zone or Brookwood Controlled Parking Zone) attached to this Order so as to be in accordance with those provisions

(b) (i) if the said disabled person's parking place is not in a one way road that the left 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 said disabled person's parking place 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

(c) (i) that every part of the vehicle is within the limits of a parking space and/or

(ii) that every part of the vehicle is within the limits of a disabled person's parking place and

(d) that 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

Alteration of position of a vehicle in a parking place

8 WHERE any vehicle is standing in a parking place in contravention of the provisions of Article 7 or of the provisions of Article 13 a police constable in uniform or a parking attendant 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

Power to suspend the use of a parking place

9 (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 highway 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 telecommunication system or the placing maintenance or removal of any traffic sign

- (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the parking place 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 parking place at times of weddings or funerals or on other special occasions

(2) A police constable in uniform or a parking attendant 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 any vehicle which is waiting for any reason specified in Article

12(1)(b) (d) or (e) or

- (ii) to anything done with the permission of the person suspending the use of the parking place or part thereof in pursuance of paragraph (1) of this Article or a police constable in uniform or a parking attendant

Restriction on the use of a parking place or a vehicle in a parking place

10 DURING the permitted hours no person shall use any parking place or any vehicle while it is in a parking place in connection with the sale or offering or exposing for sale of any goods to any person in or near the parking place or in connection with the selling or offering for sale of his skill in handicraft or his services in any other capacity

Requirement for driver to stop engine of the vehicle whilst in position in such a parking place

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

Restriction on waiting by a vehicle in a parking place

12 (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 or a parking attendant 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
- (f) 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)
- (g) the vehicle is in actual use in connection with the removal of furniture to or from one office or dwelling-house adjacent to the parking place in which the vehicle is waiting from or to a depository another office or dwelling-house or
- (h) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent

to the parking place in which the vehicle is waiting and the vehicle does not wait for such purpose for more than twenty minutes or for such longer period as a police constable in uniform or a parking attendant may approve

(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

Manner of waiting in a parking place

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

(a) in the case of a disabled person's parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place are identified on the plans (excluding the areas marked by a black broken line and labelled as Woking or West Byfleet or Brookwood Controlled Parking Zone) attached to this Order so that the vehicle shall stand -

(i) unless the length of the vehicle precludes compliance with this sub-paragraph in accordance with those provisions and so that every part of the vehicle is within the limits of the disabled person's parking place or

(ii) if the length of the vehicle does preclude compliance with the last preceding sub-paragraph so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres and

(b) in the case of any other disabled person's parking place so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres and

(c) so that 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)(g) of the last preceding Article or to or from which goods are being delivered or collected by virtue of the provisions of sub-paragraph (1)(h) of that Article

Movement of a vehicle in a parking place in an emergency

14 ANY person duly authorised by the Council a police constable in uniform or a parking attendant 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

15 (1) When a vehicle is left in a parking place 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 may remove the vehicle or arrange for it to be moved from that parking place

(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

16 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 15 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

17 WHERE a vehicle is removed by the Council or a police constable in uniform from a parking place in pursuance of Article 15 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

18 THE Council shall place and maintain a traffic sign or traffic signs indicating the limits of each parking place and that each parking place may only be used by vehicles referred to in Article 4

PART III

SUPPLEMENTARY PROVISIONS

Saving in respect of pedestrian crossings

19 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 bus stop clearways

20 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

21 INSOFAR as any provision contained in PART II conflicts with a provision which is contained 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

PROVIDED THAT nothing in this Article shall apply in respect of a bus stop clearway

Saving with respect to other enactments

22 SUBJECT to the provisions contained in Articles 19 20 and 21 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

23 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 the Road Traffic Act 1991 may then be issued by a Parking Attendant in accordance with the requirements of the Road Traffic Act 1991

Notice of penalty charge

24 IN the case of a vehicle in respect of which the penalty charge may have been incurred it shall be the duty of a Parking Attendant to attach to the vehicle in a

conspicuous position or to give a person appearing to be in charge of the vehicle a Notice which shall include the following particulars:

- (a) the grounds on which the Parking Attendant believes that a penalty charge is payable with respect to the vehicle and
- (b) the amount of the penalty charge which is payable and
- (c) that the penalty charge must be paid before the end of the period of twenty-eight days beginning with the date of the Notice and
- (d) that 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 and
- (e) that if the penalty charge is not paid before the end of the twenty-eight day period a Notice to the owner may be served by the Council on the person appearing to them to be the owner of the vehicle and
- (f) the address to which payment of the penalty charge must be sent

PROVIDED THAT in paragraph (d) above "specified proportion" means such proportion applicable to all cases as may be determined by the Local Authorities acting through the Joint Committee

Restriction on removal of Penalty Charge Notices

25 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 parking attendant shall remove that Notice from the vehicle unless authorised to do so by the driver

Manner of payment of penalty charge

26 (1) The owner of a vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to Woking Borough Council EITHER by cheque or postal order which shall be delivered or sent by post so as to reach The Parking Shop 33 Chobham Road Woking 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
- (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

27 WITHOUT prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order the Orders specified in the First Schedule to this Order are hereby revoked in their entirety

FIRST SCHEDULE

List of Revocations

1. The Woking Borough Council (High Street, Horsell) (Street Parking Places) Order 1994
2. Surrey County Council (Sappho Court, Goldsworth Park in The Borough of Woking)(Free Street Parking Places)(Disabled Persons) Order 2004

3. The Surrey County Council (Oakfield, Goldsworth Park in The Borough of Woking)(Free Street Parking Place)(Disabled Persons) Order 2005

SECOND SCHEDULE

LIST of DRAWINGS

Drawing No	Date Drawn	Rev'n	Date Revised	Rev'n	Date Revised	Rev'n	Date Revised
3282/WOK/20000	06/05						
3282/WOK/20001	06/05						
3282/WOK/20002	06/05						
3282/WOK/20003	06/05						
3282/WOK/20004	06/05						
3282/WOK/20005	06/05						
3282/WOK/20006	06/05						
3282/WOK/20007	06/05						
3282/WOK/20008	06/05						
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3282/WOK/20089	06/05						
3282/WOK/20090	06/05						
3282/WOK/20091	06/05						
3282/WOK/20092	06/05						
3282/WOK/20093	06/05						
3282/WOK/20094	06/05						

3282/WOK/20094	06/05						
3282/WOK/20095	06/05						
3282/WOK/20096	06/05						
3282/WOK/20097	06/05						
3282/WOK/20098	06/05						
3282/WOK/20099	06/05						
3282/WOK/20100	06/05						
3282/WOK/20101	06/05						

THE COMMON SEAL OF SURREY)
COUNTY COUNCIL was hereunto)
Affixed on 20 July 2005)
In the presence of: -



Carol McLaughlin

Authorised Signatory