

THE SURREY COUNTY COUNCIL
(BOROUGH OF WOKING)
ON-STREET BUS PARKING PLACES
ORDER 2015

ARRANGEMENT OF ARTICLES

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SCHEDULE 1

Plans

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 (Borough of Woking) On-Street Bus Parking Places Order 2015” and shall come into operation on 1 August 2015

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 parking place or loading bay

“Borough Council” means Woking Borough Council Council Offices Gloucester Square Woking Surrey

“bus” has the same meaning as in The Traffic Signs Regulations and General Directions 2002

“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

“civil enforcement officer” has the same meaning as in Section 76 of the Traffic Management Act 2004

“bus parking place” means any part of the road authorised by this Order as a parking place for the leaving free of charge of buses by virtue of Article 3

“Council” means Surrey County Council or its appointed agents

“credit card” has the same meaning as in Paragraph (6) of Section 35A of the Act

“debit card” has the same meaning as in Paragraph (6) of Section 35A of the Act

“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 and Sections 106 and 151 of the Communications Act 2003

“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.

“goods vehicle” means a motor vehicle the maximum gross weight of which does not exceed 5 tonnes and which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer

“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 any 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 35 and 36 of and/or Part IV of Schedule 9 to the Act within the Borough of ??? in the County of Surrey 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” has the same meaning as defined in sub-section (1) of Section 92 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)

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

“parking space” means a space in any 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

“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

“plans” means the drawings listed in the Schedule to this Order 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 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

“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 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 Council for the purposes of Article 12 (j), permitting a specified vehicle to wait in special circumstances on a length or lengths of roads where the waiting of that vehicle would otherwise be restricted or prohibited.

- (2) 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
- (3) 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
- (4) Any reference in this Order to a numbered Part or Article or Schedule shall unless the context otherwise requires be construed as a reference to the Part or Article or Schedule bearing that number in this Order
- (5) 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

AUTHORISATION OF ON-STREET BUS PARKING PLACES

Authorisation of such parking places

3 EACH area on a highway comprising the length of carriageway of a road identified on the plans as a bus parking place and unless otherwise so specified bounded on one side of that length by the edge of the carriageway and having a width throughout of no less than 1.8 metres is authorised as a bus parking place for use on such days and during such hours as identified on the plans

Vehicles for which such parking places are authorised

4 EACH bus parking place may be used subject to the provisions of this Order for the leaving during the permitted hours of such vehicles only as are buses

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

5 WITHOUT prejudice to the provisions of Article 12 no person shall cause any vehicle to be left during the permitted hours in a time limited bus parking place for longer

than the maximum period permitted for waiting specified in relation to that parking place as identified on the plans

PROVIDED THAT nothing in this Article shall apply to such vehicles as display 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 Borough 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 Borough 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 Borough Council believes to be that person's address and the certificate shall forthwith be surrendered to the Borough Council

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

6 WITHOUT prejudice to the provisions of Article 12 no vehicle which has been taken away from a bus parking place described on the plans during the permitted hours shall until the expiration of the period of time indicated on the said plans from the time it was taken away again be left in that parking place during the permitted hours

Manner of standing in such a parking place

7 THE driver of a vehicle waiting in a parking place during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand: -

(a) in the case of a 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 so as to be in accordance with those provisions

(b) in the case of any other parking place -

(i) if the said parking place 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 said 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) that every part of the vehicle is within the limits of a parking space and/or a 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 such 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 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

Power to suspend the use of such a parking place

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 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 electronic communications apparatus 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) Subject to the provision set out in paragraph (1) of this Article 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 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 civil enforcement officer acting in the exercise of lawful authority

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

PROVIDED THAT nothing in this Article shall prevent the sale of goods from a vehicle -

- (a) if the vehicle is one which may wait in a parking place in accordance with Article 9 and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected or
- (b) if the vehicle is one to which the provisions of Article 12(1)(h) or (i) apply

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 such 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 civil enforcement officer acting in accordance with lawful authority 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

- (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 civil enforcement officer may approve or
- (i) goods are being sold or offered or exposed for sale from the vehicle by a person who is licensed by the Council or the Woking Borough Council to sell goods from a stationary vehicle on a pitch situated in the parking place whether or not that pitch is situated within a parking space or part thereof or not as the case may be
- (j) 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) 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

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 No. 683) shall not apply to this Order

Manner of waiting in such 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) (h) (i) or (j) of the last preceding Article otherwise than so that:

(a) in the case of a 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 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 aforesaid 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 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 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 paragraph (1)(h) of that Article

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

14 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 parking place

Removal of a vehicle from such 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 or a civil enforcement officer may remove the vehicle or arrange for it to be moved from that parking place

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 parking place 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 parking place:

PROVIDED THAT where the Borough Council or a police constable in uniform propose to move such a vehicle which in the opinion of the Borough 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

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 such 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 -

- (a) place and maintain a traffic sign or traffic signs indicating the limits of a parking place and/or each parking space and
- (b) place and maintain in or in the vicinity of each parking place referred to in the plans a traffic sign or traffic signs indicating that such parking place 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 parking place

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 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

24 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

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 civil enforcement officer 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 the Council EITHER by cheque or postal order which shall be delivered or sent by post so as to reach the Cash Office of the Woking Borough Council situated at Civic Offices Gloucester Square Woking Surrey GU21 6LY or the office of any agents thereof 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

Executed as a Deed by Surrey County Council on 29 July 2015

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

Authorised Signatory

DATE: 29 JULY 2015

**ROAD TRAFFIC REGULATION
ACT 1984
SECTIONS 32 35 AND 36**

**THE SURREY COUNTY
COUNCIL
(BOROUGH OF WOKING)
ON-STREET BUS
PARKING PLACES
ORDER 2015**