THE SURREY COUNTY COUNCIL GOLDSWORTH ROAD (A320) WOKING (LOADING BAYS) ORDER 2016

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ARRANGEMENT OF THE SCHEDULE

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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 1984 Act hereby make the following Order:-

<u>PART I</u>

GENERAL

Citation and commencement

THIS Order may be cited as "The Surrey County Council Goldsworth Road (A320) Woking (Loading Bays) Order 2016" and shall come into operation on 27 May 2016

<u>Interpretation</u>

- 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 authorized by except head to the
 - "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 Woking Borough Council of the Civic Offices Gloucester Square Woking Surrey GU21 1YL
 - "bus stop clearway" has the same meaning as in sub-paragraph (a) paragraph 1 of Schedule 19 to the Traffic Signs Regulations and General Directions 2002 (S.I. 2002/3113)
 - "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
 - "Council" means the Surrey County Council or its appointed agents
 - "driver" in relation to a vehicle waiting in the 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 the part of a road authorised by this Order to be used as an on-street loading bay

"maximum gross weight" has the same meaning as in Schedule 1 to the Traffic Signs Regulations and General Directions 2016 (S.I. 2016 No. 362)

"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

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

"the 1986 Regulations" means the Removal and Disposal of Vehicles Regulations 1986 (S.I. 1986/183)

"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 sub-section (1) of 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 10 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_____

Order_				.2					- USSS				
or Pa	ırt	bearing	that	number	in	this	Order	or	to	The	Schedule	to	this
shall u	nle	ss the co	ntext	otherwise	req	uires	be cons	true	d as	a ref	erence to th	ıe Aı	rticle
(2)	Ar	ny referer	nce in	this Orde	r to	a nur	nbered .	Artic	le o	r Part	or to The S	3che	dule

(3)	Any reference in this Order to any enactment shall be construed as a
refere	nce to that enactment as amended applied consolidated re-enactment by or as
having	g effect by virtue of any subsequent enactment
	<u>PART II</u>
	AUTHORISATION AND USE OF FREE ON-STREET LOADING BAYS
<u>Author</u>	risation of loading bays
3	EACH area of highway comprising the length of carriageway of Goldsworth
Road	(D7244) Woking identified on the plans as a loading bay and bounded on one
side o	of that length by the edge of the carriageway and having a minimum width
throug	hout of 1.8 metres is authorised to be used subject to the following provisions
of this	Order as a loading bay
<u>Vehicl</u>	es for which such loading bays are authorised to be used
4	EACH loading bay may be used subject to the provisions of this Order for the
leaving	g free of charge and without time limit during the permitted hours of all classes
of veh	icle specified in Section 136 of the Act and includes any trailer which is being
drawn	by such a vehicle
PROV	IDED 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
deliver	ring goods or burden of any description to any premises situated adjacent to or
in the	vicinity of that loading bay
FOR t	he avoidance of doubt it is hereby stated by the Council that the provisions of
the Lo	ocal Authorities' Traffic Orders (Exemptions for Disabled Persons) (England)
Regula	ations 2000 (S.I. 2000/683) shall not apply to this Order
Manne	er of standing in a loading bay
5	THE driver of a vehicle waiting in a loading bay during the permitted hours in
accord	lance 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
(b)	that the distance between the edge of the carriageway and the nearest wheel
	of the vehicle is not more than 300 millimetres and
(c)	that every part of the vehicle is within the limits of the loading bay and

(d) that no part of the vehicle obstructs any vehicular means of ingress to egress from any premises
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 12 a police constable in uniform or
a person duly authorised by the Council may alter or cause to be altered the position
·
Provisions
7 DURING the permitted hours no person shall use a loading bay or any vehicle
while it is in the 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 the 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) A duly authorised civil enforcement officer or 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
(2)	enford use of suspe	ct to paragraph (1) of this Article a police constable in uniform or a civil cement officer may suspend for not longer than twenty-four hours the of a loading bay or any part thereof whenever he considers such ension reasonably necessary for the purpose of facilitating the movement offic or promoting its safety
(3)	On su with the suspection of the	aspension of the use of the loading bay or any part thereof in accordance the provisions of this Article the person authorising or causing such ension shall place or cause to be placed in or adjacent to the loading bay at part thereof as the case may be a traffic sign or traffic signs indicating the waiting by vehicles is prohibited
(4)	No perpendicular part that perpendicular (3) of	erson shall cause or permit any vehicle to wait in a loading bay or any hereof during such period as there is in or adjacent to the loading bay or eart thereof a traffic sign or traffic signs placed in pursuance of paragraph this Article:
	PRO (i)	VIDED THAT nothing in this paragraph shall apply - 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 the loading bay or that 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
Rest	riction o	on waiting by a vehicle in a loading bay
10	(1)	Notwithstanding the foregoing provisions of this Order any vehicle
may	wait du	ring the permitted hours anywhere in any part of a loading bay if the use
of the	at part I	nas 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
(g)	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 the
		loading bay in accordance with the provisions of paragraphs (a) to (f)
		of paragraph (1) of this Article
Offence	<u>e</u>	
11	EXCE	PT as provided by this Order the driver or person in charge of a vehicle
shall n	ot caus	se or permit a vehicle to wait in a loading bay or any part thereof during
the per	rmitted	hours
Manne	r of wa	iting in such a loading bay
12	NO pe	erson shall cause or permit a vehicle to wait in a loading bay by virtue of
the pro	ovisions	s of sub-paragraph (1) (d) (e) (f) and (g) of Article 10 otherwise than so
that:		
(a)	the lor	ngitudinal axis of the vehicle is parallel to the edge of the carriageway
	neares	st to the vehicle and
(b)	the dis	stance between the said edge and the nearest wheel of the vehicle is
	not mo	ore than 300 millimetres and
(c)	no pa	rt of the vehicle obstructs any vehicular means of ingress to or egress
	from a	any premises adjacent to the side of the road on which the vehicle is
	waiting	g
For the	e purpo	oses of the last foregoing paragraph the expression "premises" shall not
include	e any p	remises to or from which any furniture is being removed by virtue of the
provisi	ions of	sub-paragraph (1)(f) of Article 10
Moven	nent of	a vehicle in a loading bay in an emergency
13	ANY ;	person duly authorised by the Council or a police constable in uniform or
a civil	enforce	ement officer may move or cause to be moved in case of emergency to
any pl	ace he	thinks fit any vehicle left unattended in the loading bay
Remo	val of a	vehicle from a loading bay
14	(1)	When a vehicle is left in the 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
	(2)	Where it appears to the Borough Council or a police constable in
		uniform that a vehicle left in the 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
	Borough Council or a police constable in uniform 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
15 W	HEN a person authorised by the Council or a police constable in uniform or
	forcement officer removes or makes arrangements for the removal of a
	om the loading bay by authority of Article14 he shall except in the case of a
	hich in the opinion of the Council or the Chief Constable is in such condition
	ught to be destroyed make such arrangements as may be deemed
	oly necessary for the safe custody of the vehicle
	for the removal and storage of vehicles from a loading bay
	/HERE a vehicle is removed by the Council or a police constable in uniform
	ading bay in pursuance of Article 14 there shall be payable to the Council or
	f Constable pursuant to Section 102 of the 1984 Act and the Removal,
	and Disposal of Vehicles (Prescribed Sums and Charges etc) Regulations
	arges for the removal storing and disposal of the said vehicle in accordance
	provisions of the said Regulations
	of traffic signs etc
	HE Council shall -
	lace and maintain a traffic sign or traffic signs indicating the limits of each
	pading bay and
	a traffic sign or traffic signs indicating that the loading bay may be used
	luring the permitted hours for the leaving only of the vehicles specified in
	Article 4 and
	earry out such other work as is reasonably required for the purposes of the
S	satisfactory operation of the loading bay
	PART III
	SUPPLEMENTARY PROVISIONS
Savina i	in respect of pedestrian crossings
Davirigi	III TOOPOOL OF POGGSTIME.

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 conflicts with a provision 19 which is contained in paragraphs 1 of Part 6 and item 9 of Part 4 to the Traffic Signs Regulations and General Directions 2016 (S.I. 2002 No. 362) then the provision contained in the said paragraphs of the said Regulations shall prevail_ Saving with respect to the loading bay INSOFAR as any provision contained in PART II conflicts with any provision 20 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 the waiting loading and/or unloading by vehicles and/or_____ (a) the delivering or collecting of goods by vehicles_ (b) or grants an exemption from any such restriction or prohibition_____ (c) 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 18 19 and 20 the 21 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 over)

SCHEDULE

List of Plans

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Executed as a Deed by Surrey County Council on 25 May 2016

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



~

Authorised Signatory

DATED 25 MAY 2016

SURREY COUNTY COUNCIL

NO. IN SEALING REGISTER

ORDERED TO CABLUET MEMBER FOR BE SEALED HIGHWAYS TRANSPORT AND FOODING 14 OCTOBER 2015

ROAD TRAFFIC REGULATION ACT 1984 SECTIONS 32 35 AND 36

THE SURREY COUNTY

COUNCIL

GOLDSWORTH ROAD (A320)

WOKING

(LOADING BAYS)

ORDER 2016