

**SURREY COUNTY COUNCIL
(BOROUGH OF ELMBRIDGE)
(CONSOLIDATION AND REVOCATON
OF SOLO MOTOR CYCLE PARKING PLACES)**

ORDER 2021

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SURREY COUNTY COUNCIL in exercise of their powers under Sections 32 35 and 36 of and Part IV of Schedule 9 to 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 of the Act hereby make the following Order:

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PART 1 GENERAL

Citation and commencement

1 THIS Order may be cited as "The Surrey County Council (Borough of Elmbridge) (Consolidation and Revocation of Solo Motor Cycle Parking Places) Order 2021" and shall come into operation on 11 December 2021

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
 - "Borough Council" means the Elmbridge Borough Council
 - "carriageway" has the same meaning as in Section 329 of the Highways Act 1980
 - "cashless parking system" is a computer based system that holds information on cashless parking transactions which may include the type of permit or ticket, period of validity, end of period of validity, vehicle registration mark and the location at which the cashless parking transaction is valid
 - "cashless parking transaction" is amongst other things a cashless waiver certificate
 - "civil enforcement officer" has the same meaning as in Section 76 of the Traffic Management Act 2004
 - "Council" means Surrey County Council or its appointed agents
 - "driver" in relation to a vehicle waiting in the parking place means the person driving or riding 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 bylaw 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

"hand held device" is a device used by a civil enforcement officer which is updated from time to time with information from the cashless parking system on valid and invalid (expired) virtual parking transactions

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

"solo motor cycle" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002 and excludes any motor cycle which has a side-car

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

"parking place" means an area on a highway authorised as a solo motor cycle parking place by this Order

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

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

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

"plans" means the drawings listed in the First Schedule to this Order created and retained by the Council for the purpose of 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 Section 125(1) of the Postal Services Act 2000

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

"solo motor cycle parking place" means an area of highway authorised to be used as a solo motor cycle parking place by this Order

"street parking place" has the same meaning as in Section 142 of the Act and authorised to be used as such a street parking place by this Order

"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 Section 64 of the Act

"virtual waiver certificate" means a waiver certificate that is issued and verified by the cashless parking system

"waiver certificate" means a certificate issued on behalf of the Council for the purposes of Article 10(1)(i) 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 an 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 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 shall unless the context otherwise requires be construed as a reference to the Part or Article bearing that number in this Order

PART II

AUTHORISATION AND USE OF SOLO MOTOR CYCLE PARKING PLACES

Authorisation of solo motor cycle parking places

3. EACH area on a highway comprising the length of carriageway of a road specified on the plans as a solo motor cycle 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 1.80 metres is authorised for use on such days and during such hours as identified on the plans as a solo motor cycle parking place

Vehicles for which such parking place is authorised to be used

4 THE solo motor cycle parking place may be used subject to the provisions of this Order for the leaving during the permitted hours free of charge and without time limit of such vehicles as only are solo motor cycles

Manner of standing in such a parking place

5. THE driver of a vehicle waiting in the solo motor cycle parking place during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand that every part of the vehicle is within the limits of the solo motor cycle parking place

Alteration of position of a vehicle in the solo motor cycle parking place

6. WHERE any vehicle is standing in the solo motor cycle parking place in contravention of Article 5 or Article 12 a police constable in uniform a civil enforcement officer or a person duly authorised by the Council may alter of cause to be altered the position of the vehicle in order that its position shall comply with these provisions

Power to suspend the use of such a parking place

7. (1) A duly authorised civil enforcement officer or police constable in uniform or a person under the instructions (whether general or specific) of the Chief Officer of Police or a person duly authorised by the 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 10(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 waiting by a vehicle in such a parking place

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

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

Restriction on waiting in a solo motor cycle parking place

10. (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours anywhere in any part of the solo motor cycle 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 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

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- 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 or ambulance purposes or 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 solo motor cycle 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 solo motor cycle parking place in which the vehicle is waiting or having been so collected are being loaded thereon
 - (f) the vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 7 (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 solo motor cycle 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 solo motor cycle 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
 - (i) 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
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- 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
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prescribed by the said certificate OR as have been recorded by the hand held device as having a valid virtual waiver certificate in which case no waiver certificate needs to be displayed on the vehicle

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 the solo motor cycle parking place during the permitted hours

11. 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 a solo motor cycle parking place

12. NO person shall cause or permit a vehicle to wait in the solo motor cycle parking place by virtue of the provisions of sub-paragraph (1)(e) (f) (g) or (h) of Article 10 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)(g) of the Article 10 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 the solo motor cycle parking place in an emergency

13. 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 solo motor cycle parking place

Removal of vehicles from the solo motor cycle parking place

14. (1) When a vehicle is left in a solo motor cycle 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 solo motor 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 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. WHEN a person duly authorised by the Council or a police constable in uniform or a Civil Enforcement Officer removes or makes arrangements for the removal of a vehicle from a parking place by authority of Article 14 he shall except in the case of a vehicle which in the opinion of the Council the Borough 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 vehicles from a solo motorcycle parking place

16. WHERE a vehicle is removed by the Council or a police constable in uniform from the solo motor cycle parking place in pursuance of Article 14 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

17. THE Council shall -

(a) place and maintain a traffic sign or traffic signs indicating the limits of the solo

- motor cycle parking place and/or of each parking space and
- (b) place and maintain in or in the vicinity of the solo motor cycle parking place identified in the plans a traffic sign or traffic signs indicating that such parking place may be used 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 the solo motor cycle parking place

PART III

SUPPLEMENTARY PROVISIONS

Saving in respect of pedestrian crossings

18. 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

19. 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 2002 (S.I. 2002 No. 3113) then the provision contained in the said paragraphs of the said Regulations shall prevail

Saving with respect to a solo motor cycle parking places

20. 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
- (c) 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 any Order or Notice made pursuant to Sections 14 (1) or (2) or Section 16A to 16C of the Act

Saving with respect to other enactments

21. SUBJECT to the provisions contained in Articles 18 19 and 20 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

Drawing No	Date Drawn	Rev' n	Date Rev'd	Rev' n	Date Rev'd	Rev' n	Date Rev'd	Rev' n	Date Rev'd
3282/ELM/U19	12/21								
3282/ELM/U20	12/21								
3282/ELM/U21	12/21								
3282/ELM/V07	12/21								
3282/ELM/V08	12/21								
3282/ELM/V09	12/21								
3282/ELM/V10	12/21								
3282/ELM/V11	12/21								
3282/ELM/U12	12/21								
3282/ELM/U13	12/21								
3282/ELM/W08	12/21								
3282/ELM/W09	12/21								
3282/ELM/W10	12/21								
3282/ELM/W11	12/21								
3282/ELM/X07	12/21								
3282/ELM/X08	12/21								
3282/ELM/X09	12/21								
3282/ELM/X10	12/21								
3282/ELM/X11	12/21								
3282/ELM/Y09	12/21								
3282/ELM/Y10	12/21								
3282/ELM/Y11	12/21								

SECOND SCHEDULE

Revocations

1. The Surrey County Council (Borough of Elmbridge) (Solo Motor Cycle Parking Places) Order 2014
2. The Surrey County Council (Borough of Elmbridge) (Solo Motor Cycle Parking Places) Order 2014 (Amendment No. 1) Order 2015
3. The Surrey County Council (Borough of Elmbridge) (Solo Motor Cycle Parking Places) Order 2014 (Amendment No. 2) Order 2016
4. The Surrey County Council (Borough of Elmbridge) (Solo Motor Cycle Parking Places) Order 2014 (Amendment No. 4) Order 2017
5. The Surrey County Council (Borough of Elmbridge) (Solo Motor Cycle Parking Places) Order 2014 (Amendment No. 5) Order 2018
6. The Surrey County Council (Borough of Elmbridge) (Solo Motor Cycle Parking Places) Order 2014 (Amendment No. 6) Order 2019
7. The Surrey County Council (Borough of Elmbridge) (Solo Motor Cycle Parking Places) Order 2014 (Amendment No. 7) Order 2019

Executed as a Deed by Surrey County Council on 7 December 2021

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



[Handwritten signature]

Authorised Signatory

SURREY COUNTY COUNCIL

DATE: 7 DECEMBER 2021

SURREY COUNTY COUNCIL

No. IN SEALING
REGISTER30958.....

ORDERED TO
BE SEALED
Elmbridge Local Committee
14 July 2021 Item 10

ROAD TRAFFIC REGULATION ACT 1984

SECTIONS 32 35 AND 36

AND PART IV OF SCHEDULE 9

THE SURREY COUNTY COUNCIL
(BOROUGH OF ELMBRIDGE)
(CONSOLIDATION AND REVOCATION OF
SOLO MOTOR CYCLE PARKING PLACES)
ORDER 2021
