

THE SURREY COUNTY COUNCIL
(VARIOUS ROADS IN EPSOM AND EWELL)
(CONSOLIDATION OF FREE ON-STREET LOADING BAYS
AND GOODS VEHICLES' FREE ON-STREET LOADING
BAYS) ORDER 2018

THE SURREY COUNTY COUNCIL
(VARIOUS ROADS IN EPSOM AND EWELL)
(CONSOLIDATION OF FREE ON-STREET LOADING BAYS AND GOODS VEHICLES' FREE ON-STREET LOADING BAYS) ORDER 2018

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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 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 Epsom and Ewell) (Consolidation of Free On-Street Loading Bays and Goods Vehicles’ Free On-Street Loading Bays) Order 2018” and shall come into force on 1 March 2018

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 the Epsom and Ewell Borough Council or any person acting on behalf thereof
- “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 Surrey County Council or its appointed agents
- “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

“loading bay” means the part of a road authorised by this Order to be used as a free on-street loading bay or as a goods vehicles’ free on-street loading bay

“maximum gross weight” has the same meaning as in Schedule 1 of 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 Act

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

“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)

“permitted hours” means the hours identified on the plans

“plans” means the drawings listed in the Schedule 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 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

“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 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(1)(g) 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 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

- (4) For the purposes of sub-paragraph (i) of paragraph (4) of Article 11 and of Article 12 a vehicle and any trailer drawn thereby shall be deemed to be a single vehicle

PART II

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

Authorisation of goods' vehicles loading bays

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

Vehicles for which such loading bays are authorised

- 4 THE loading bays may be used free of charge subject to the provisions of this Order for the leaving during the permitted hours of such class of vehicles only as are goods vehicles and includes any trailer which is being drawn by such a vehicle
PROVIDED THAT the vehicle left in the loading bay is actually in the process of being used for the purpose of collecting goods or burden of any description from or delivering goods or burden of any description to any premises situated adjacent to or in the vicinity of that loading bay
FOR the avoidance of doubt it is hereby stated by the Council that the provisions of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (S.I. 2000/683) shall not apply to this Article

PART III

AUTHORISATION AND USE OF FREE ON-STREET LOADING BAYS

Authorisation of loading bays

- 5 EACH area on a highway comprising the length of carriageway of a road identified on the plans as a free on-street loading bay (excluding the areas marked by a black broken line

and labelled as Controlled Parking Zone – A) and bounded on one side of that length by the edge of the carriageway and having a minimum width throughout of 1.8 metres is authorised to be used subject to the following provisions of this Order as a free on-street loading bay for use on such days and during such hours as identified on the plans

Vehicles for which such loading bays are authorised

6 THE loading bays may be used free of charge subject to the provisions of this Order for the leaving during the permitted hours of such class of vehicles only as are all classes of vehicles specified in Section 136 of the Act and includes any trailer which is being drawn by such a vehicle

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

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

PART IV

SUPPLEMENTARY PROVISIONS RELATING TO GOODS VEHICLES' FREE ON-STREET LOADING BAYS AND FREE ON-STREET LOADING BAYS

Manner of standing in such loading bays

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

- (a) (i) if the loading bay is not in a one-way road that the left or near- side or right or off-side of the vehicle is parallel to the edge of the carriageway nearest to the vehicle or
- (ii) if the loading bay is in a one-way road that the left or near-side of the vehicle is adjacent to the left-hand edge of the carriageway or that the right or off-side of the vehicle is adjacent to the right-hand edge of the carriageway and
- (iii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres and
- (b) that every part of the vehicle is within the limits of the loading bay and

- (c) that no part of the vehicle obstructs any vehicular means of ingress to egress from any premises adjacent to the side of the road on which the vehicle is waiting

Alteration of position of a vehicle in such loading bays

8 WHERE any vehicle is standing in a loading bay 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

Restriction on the use of such loading bays

9 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 Article 6 and the goods are immediately delivered and taken into premises adjacent to the vehicle from which the sale is effected

10 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 such loading bays

11 (1) A duly authorised civil enforcement officer a police constable in uniform a person acting under the instructions (whether general or specific) of the Chief Officer of Police or a person duly authorised by the Council or the Borough Council may suspend the use of a loading bay or any part thereof whenever he considers such suspension reasonably necessary:

- (a) for the purpose of facilitating the movement of traffic or promoting its safety
- (b) for the purpose of any building demolition or excavation operations 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 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 or 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) Subject to paragraph (1) of this Article a police constable in uniform may suspend for not longer than twenty-four hours the use of the loading bay or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety
- (3) On suspension of the use of the loading bay or any part thereof in accordance with the provisions of this Article the person authorising or causing such suspension shall place or cause to be placed in or adjacent to the loading bay or that part thereof as the case may be a traffic sign or traffic signs indicating that the waiting by vehicles is prohibited
- (4) No person shall cause or permit any vehicle to wait in the loading bay or any part thereof at any time during the permitted hours during which there is displayed or adjacent to the loading bay or that part thereof as the case may be a traffic sign or traffic signs placed in pursuance of paragraph (3) of this Article:-
 PROVIDED THAT nothing in this paragraph shall apply -
- (i) in respect of any vehicle being used for fire brigade ambulance or police purposes or any vehicle which is waiting for any reason specified in Article 12 (1) (b) (d) or (e) or
 - (ii) to anything done with the permission of the person suspending the use of the loading bay or part thereof in pursuance of paragraph (1) of this Article or a police constable in uniform or a civil enforcement officer acting in the exercise of lawful authority

Restriction on waiting by a vehicle in such loading bays

- 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 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 11 (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) 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 loading bay during the permitted hours

Manner of waiting in a loading bay

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

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

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

Movement of a vehicle in such loading bays 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 loading bay

Removal of vehicles from such loading bays

15 (1) When a vehicle is left in a loading bay in contravention of any of the provisions contained in this Order a person authorised in that behalf by the Council or a police constable in uniform or a civil enforcement officer may remove the vehicle or arrange for it to be moved from the loading bay

BUT PROVIDED THAT civil enforcement officers shall not exercise the powers in this Article other than in accordance with the 1986 Regulations

(2) Where it appears to the Borough Council or a police constable in uniform that a vehicle left in 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 the loading bay

PROVIDED THAT where the Borough Council or a police constable in uniform propose to move such a vehicle which in the opinion of the Council or the Chief Constable is in such a condition that it ought to be destroyed then they shall not less than twenty-four hours before removing it cause to be affixed to the vehicle a notice stating that they propose to remove it for destruction at the end of that period

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 loading bay 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 vehicles

17 WHERE a vehicle is removed by the Council or a police constable in uniform from a loading bay 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 each loading bay and
- (b) place and maintain in or in the vicinity of each loading bay referred to in the plans a traffic sign or traffic signs indicating that such loading bay may be used during the permitted hours for the leaving only of the vehicles specified in Article 4 and Article 6 and
- (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a loading bay

PART IV

SUPPLEMENTARY PROVISIONS

Saving with 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 with respect of bus stop clearways

20 INSOFAR as any provision contained in PART II or PART III or PART IV conflicts with a provision which is contained in paragraph 1 of Part 6 and item 9 of Part 4 to Schedule 7

to the Traffic Signs Regulations and General Directions 2016 (S.I. 2016 No. 362) 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 or PART III or PART IV conflicts with a provision which is contained in The Surrey County Council (Various Roads in Epsom and Ewell) (Revocation and Consolidation of Waiting Loading and Unloading Prohibition and Restriction) Order 2018 or 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 or PART III or PART IV 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

22 SUBJECT to the provisions contained in Articles 19 20 or 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 VI

REVOCATIONS

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

FIRST SCHEDULE

LIST OF PLANS

Drawing No	Date Drawn	Rev	Date Rev	Rev	Date Rev	Rev	Date Rev	Rev	Date Rev
3282/E&E/KEY	12/17								
3282/E&E/0301	12/17								
3282/E&E/0302	12/17								
3282/E&E/0303	12/17								
3282/E&E/0304	12/17								

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3282/E&E/03122	12/17								
3282/E&E/03123	12/17								
3282/E&E/03124	12/17								

SECOND SCHEDULE

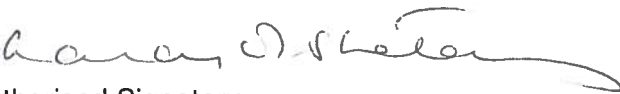
LIST OF REVOCATIONS

1. The Surrey County Council (Various Roads in Epsom and Ewell) (Goods Vehicles' Free On-Street Loading Bays) Order 2012
2. The Surrey County Council ((Various Roads in Epsom and Ewell) (Goods Vehicles' Free On-Street Loading Bays) Order 2012) (Amendment No.1) Order 2013
3. The Surrey County Council ((Various Roads in Epsom and Ewell) (Goods Vehicles' Free On-Street Loading Bays) Order 2012) (Amendment No.2) Order 2014
4. The Surrey County Council ((Various Roads in Epsom and Ewell) (Goods Vehicles' Free On-Street Loading Bays) Order 2012) (Amendment No.3) Order 2014
5. The Surrey County Council ((Various Roads in Epsom and Ewell) (Goods Vehicles' Free On-Street Loading Bays) Order 2012) (Amendment No.4) Order 2015
6. The Surrey County Council ((Various Roads in Epsom and Ewell) (Goods Vehicles' Free On-Street Loading Bays) Order 2012) (Amendment No.5) Order 2016
7. The Surrey County Council ((Various Roads in Epsom and Ewell) (Goods Vehicles' Free On-Street Loading Bays) Order 2012) (Amendment No.6) Order 2017

Executed as a Deed by Surrey County Council on 14 February 2018

EXECUTED AS A DEED by)
Affixing THE COMMONT SEAL of)
SURREY COUNTY COUNCIL)
In the presence of and attested by:)




Authorised Signatory

SURREY COUNTY COUNCIL

DATE: 14 FEBRUARY 2018

No. IN SEALING
REGISTER21180.....

ORDERED TO
BE SEALED
EPSOM AND EWELL LOCAL
COMMITTEE
ITEM 9 – 6 March 2017
ITEM 11 – 19 June 2017
CABINET MEMBER FOR HIGHWAYS
7 June 2017

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

THE SURREY COUNTY COUNCIL
(VARIOUS ROADS IN EPSOM AND
EWELL)
(CONSOLIDATION OF
FREE ON-STREET LOADING BAYS AND
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