

THE SURREY COUNTY COUNCIL

(VARIOUS ROADS IN EPSOM AND EWELL)

**(CONSOLIDATION AND REVOCATION OF FREE STREET
PARKING PLACES) (DISABLED PERSONS) ORDER 2018**

THE SURREY COUNTY COUNCIL
(VARIOUS ROADS IN EPSOM AND EWELL)
(CONSOLIDATION AND REVOCATION OF FREE STREET PARKING PLACES) (DISABLED PERSONS) ORDER 2018

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ARRANGEMENT OF SCHEDULES

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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 and Revocation of Free Street Parking Places) (Disabled Persons) 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
 - “Borough Council” means the Epsom and Ewell Borough Council
 - “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
 - “disabled person’s badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (S.I. 2000 No 682)
 - “disabled person’s vehicle” 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)
 - “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.

"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 place" or "disabled persons' parking place" means an area on a highway authorised as a disabled persons' free on-street parking place by this Order

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

"permitted hours" means the hours identified on the plans as such

"plans" means the drawings listed in the First 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

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

"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

- (2) For the purpose of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position or the prescribed manner when –
- (i) the badge is exhibited thereon on the dashboard or facia of the vehicle or
 - (ii) where the vehicle is fitted with a dashboard or facia the badge is exhibited in a conspicuous position on the vehicle –
- so that the front of the badge is clearly legible from the outside of the vehicle
- (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended applied consolidated re-enacted by or as having effect by virtue of any subsequent enactment

- (4) Any reference in this Order to a 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 AND USE OF DISABLED PERSONS'S FREE ON-STREET PARKING PLACES

Authorisation of parking places

- 3 EACH part of a highway comprising the length of carriageway of a road specified on the plans (excluding the areas marked by a black broken line and labelled as Controlled Parking Zone - A) as a disabled persons' 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 2.7 metres is authorised to be used subject to the following provisions of this Order as a disabled persons' free on-street parking place for use on such days and during such hours as identified on the aforesaid plans

Vehicles for which parking places are authorised to be used

- 4 EACH disabled persons' parking place may be used subject to the provisions of this Order for the leaving during the permitted hours of such vehicles only as display in the relevant position or in prescribed manner a disabled persons' badge

Period for which a vehicle may be left in 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 disabled persons' parking place for longer than the maximum period permitted for waiting specified in relation to that parking place as identified on the plans (excluding the areas marked by a black broken line and labelled as Controlled Parking Zone - A)

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

- 6 WITHOUT prejudice to the provisions of Article 12 no vehicle which has been taken away from a disabled persons' parking place specified in the plans (excluding the areas marked by a black broken line and labelled as Controlled Parking Zone – A) 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/waiting in a parking place

- 7 THE driver of a vehicle standing in a parking place during the permitted hours in accordance with the provisions of this Order or waiting in a parking place during the permitted hours in accordance with sub-paragraphs (1)(e) (f) (g) or (h) of Article 12 this Order shall cause it so to stand or wait 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 (excluding the areas marked by a black broken line and labelled as Controlled Parking Zone - A) 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) every part of the vehicle is within the limits of a parking space and/or a parking place
 - (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
- PROVIDED THAT in relation to paragraphs (b) and (c) of this Article any person causing or permitting a vehicle to wait in a parking place by virtue of the provisions of sub-paragraph (1)(e) (f) (g) or (h) of Article 12 where if the length of the vehicle precludes compliance with these paragraphs that person shall cause the vehicle to wait 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

Alteration of position of a vehicle in a parking place

- 8 WHERE any vehicle is standing in a parking place in contravention of the provisions of Article 7 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 a parking place

- 9 (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 demolition or excavation operations 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 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 parking place at times of weddings or funerals or on other special occasions
- (2) Subject to paragraph (1) of this Article a police constable in uniform or a civil enforcement officer or any person duly authorised by the Council 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 a parking place or a vehicle in a parking place

- 10 DURING the permitted hours no person shall use any disabled persons' 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
- 11 THE driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place

Restriction on waiting by a vehicle in a parking place

- 12 (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours anywhere in any part of a parking place if the use of that part has not been suspended and if:
 - (a) the vehicle is waiting for a period not exceeding two minutes or such longer period as a police constable in uniform or a 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 driver is 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 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 or 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

- (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

Movement of a vehicle in a 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 parking place

Removal of a vehicle from a parking place

- 14 (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 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 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

- 15 WHEN a person 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 or the Chief Constable is in such condition that it ought to be destroyed make such arrangements as may be deemed reasonably necessary for the safe custody of the vehicle

Charges for the removal and storage of a vehicle from a parking place

- 16 WHERE a vehicle is removed by the Council or a police constable in uniform from a 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 a parking space and/or each parking place and
 - (b) place and maintain in or in the vicinity of each parking place referred to in Article 3 of this Order 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 with 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 with respect of bus stop clearways

19 INsofar as any provision contained in PART II or PART III 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 waiting restrictions

20 INsofar as any provision contained in PART II or PART III 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 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 or 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 without prejudice to the provisions of any other enactment

PART IV

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/03120	12/17								
3282/E&E/03121	12/17								
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) (Free Street Parking Places) (Disabled Persons) Order 2005
2. The Surrey County Council (Various Roads in Epsom) (Free Street Parking Places) (Disabled Persons) Order 2005 (Amendment No.1) Order 2005
3. The Surrey County Council (Various Roads in Epsom) (Free Street Parking Places) (Disabled Persons) Order 2005 (Amendment No.2) Order 2006
4. The Surrey County Council (Various Roads in Epsom) (Free Street Parking Places) (Disabled Persons) Order 2005 (Amendment No.3) Order 2007
5. The Surrey County Council (Various Roads in Epsom) (Free Street Parking Places) (Disabled Persons) Order 2005 (Amendment No.4) Order 2009
6. The Surrey County Council (Various Roads in Epsom) (Free Street Parking Places) (Disabled Persons) Order 2005 (Amendment No.5) Order 2009
7. The Surrey County Council (Various Roads in Epsom) (Free Street Parking Places) (Disabled Persons) Order 2005 (Amendment No.6) Order 2010

8. The Surrey County Council (Various Roads in Epsom) (Free Street Parking Places) (Disabled Persons) Order 2005 (Amendment No.7) Order 2011
9. The Surrey County Council (Various Roads in Epsom) (Free Street Parking Places) (Disabled Persons) Order 2005 (Amendment No.9) Order 2012
10. The Surrey County Council (Various Roads in Epsom) (Free Street Parking Places) (Disabled Persons) Order 2005 (Amendment No.10) Order 2013
11. The Surrey County Council (Various Roads in Epsom) (Free Street Parking Places) (Disabled Persons) Order 2005 (Amendment No.11) Order 2014
12. The Surrey County Council (Various Roads in Epsom) (Free Street Parking Places) (Disabled Persons) Order 2005 (Amendment No.12) Order 2014
13. The Surrey County Council (Various Roads in Epsom) (Free Street Parking Places) (Disabled Persons) Order 2005 (Amendment No.13) Order 2015
14. The Surrey County Council (Various Roads in Epsom) (Free Street Parking Places) (Disabled Persons) Order 2005 (Amendment No.14) Order 2016
15. The Surrey County Council (Various Roads in Epsom) (Free Street Parking Places) (Disabled Persons) Order 2005 (Amendment No.15) Order 2017

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

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



Wanda D. Nelson
 Authorised Signatory

SURREY COUNTY COUNCIL

DATE: 14 FEBRUARY 2018

No. IN SEALING
REGISTER 21131

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 AND REVOCATION OF)
(FREE STREET PARKING PLACES)
(DISABLED PERSONS) ORDER 2018