

DATED 20 JULY 2005

ROAD TRAFFIC REGULATION ACT 1984
SECTIONS 1(1) AND 2(1) TO (3) and 4(2)

SURREY COUNTY COUNCIL
(VARIOUS ROADS IN WOKING)
(PROHIBITION OF STOPPING
OUTSIDE SCHOOLS) (NO.1)
ORDER 2005

THE SURREY COUNTY COUNCIL
(VARIOUS ROADS IN WOKING)
(PROHIBITION OF STOPPING OUTSIDE SCHOOLS) (NO.1)

ORDER 2005

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A R R A N G E M E N T O F S C H E D U L E S

FIRST SCHEDULE	Prohibition of Stopping Outside Schools in respect of Community Community Special Voluntary Controlled Voluntary Aided Foundation and Foundation Special Schools
SECOND SCHEDULE	Prohibition of Stopping Outside Schools in respect of Independent and Private Schools
THIRD SCHEDULE	List of Plans

SURREY COUNTY COUNCIL ("the Council") in exercise of their powers under Sections 1(1) and 2(1) to (3) and 4(2) of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

PART I

GENERAL

Commencement and citation

1 THIS Order shall come into operation on 25 July 2005 and may be cited as "The Surrey County Council (Various Roads in Woking) (Prohibition of Stopping Outside Schools) (No.1) Order 2005"

Interpretation

2 (1) In this Order the expression -

"agents" means any person or persons authorised by or on behalf of the Council to supervise and/or enforce any prohibition and restriction on the waiting by vehicles and/or any parking place

"Community School" "Community Special School" "Voluntary Controlled School" "Voluntary Aided School" "Foundation School" and "Foundation Special School" have the same meanings as in Section 20 of the Schools Standards and Framework Act 1998

"Council" means Surrey County Council or its appointed agents

"carriageway" has the same meaning as in Section 329 of the Highways Act 1980

"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

"footway" has the same meaning as in Section 329 of the Highways Act 1980

"Owner" means the person by whom the vehicle is kept and in determining who was the owner of a vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994

"Parking Attendant" means a person authorised by or on behalf of the Council to enforce the restrictions imposed by this Order

"Penalty Charge" means the charge set by the Council under the provisions of the Road Traffic Act 1991 which is to be paid to the Council following the issue of a Penalty Charge Notice within 28 days of the issue of that Notice

"Plans" means the drawings listed in the Third Schedule to this Order the drawing number of each of those drawings being given in the first column of that Schedule and which drawings are attached to this Order

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

"school day" has the same meaning as in Section 579 of the Education Act 1996

"school term time" means those days of the year which have been determined as school days in accordance with Section 32 of the Education Act 2002 ("the 2002 Act") in respect of each of the Community or Community Special or Voluntary Controlled or Voluntary Aided or Foundation or Foundation Special Schools specified in the First Schedule to this Order or as determined by the Governing Body or Head Teacher of the Independent and/or Private Schools specified in the Second Schedule to this Order

"Waiver Certificate" means a certificate issued on behalf of the Council for the purposes of Article 4(d) 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

(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

PART II

PROHIBITION OF STOPPING OUTSIDE SCHOOLS

Prohibition on vehicles stopping outside schools

3 NO person shall cause or permit any vehicle to stop or remain at rest during school term time on those lengths of road, which are adjacent to the schools identified in the First Schedule and the Second Schedule of this Order and which are shown on the plans between 8.15am and 9.15am and between 2.30pm and 4.00pm on Mondays to Fridays inclusive

Exceptions and exemptions from the prohibition on vehicles stopping outside schools

4 NOTHING in Article 3 of this Order shall apply to -

- (a) any person causing or permitting a vehicle to stop or remain at rest -
 - (i) if that person is obliged to do so in order to avoid an accident
 - (ii) if that person is required to do so by law
- (b) anything done with the permission or at the direction of a police constable in uniform
- (c) any person who causes any vehicle to proceed in accordance with any prohibition restriction or requirement indicated by traffic signs placed by the Police pursuant to Section 66 or Section 67 of the Act
- (d) a vehicle which 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

5 THE prohibition imposed by this Order is in addition to and not in derogation of any prohibition restriction or requirement imposed by any other enactment and any exemption or exception from the provisions of this Order is without prejudice to the provisions of any other enactment

PART III

ENFORCEMENT

Contraventions

6 IF a vehicle is left without complying with any of the requirements of this Order then a contravention will have occurred and a penalty charge shall be payable. A Penalty Charge Notice showing the information required by the Road Traffic Act 1991 may then be issued by a Parking Attendant in accordance with the requirements of the Road Traffic Act 1991

Notice of penalty charge

7 IN the case of a vehicle in respect of which the penalty charge may have been incurred it shall be the duty of a Parking Attendant to attach to the vehicle in a conspicuous position or to give to a person appearing to be in charge of the vehicle a Notice which shall include the following particulars:

- (a) the grounds on which the Parking Attendant believes that a penalty charge is payable with respect to the vehicle and
- (b) the amount of the penalty charge which is payable and
- (c) that the penalty charge must be paid before the end of the period of twenty-eight days beginning with the date of the Notice and
- (d) that if the penalty charge is paid before the end of the period of fourteen days beginning with the date of the Notice the amount of the penalty charge will be reduced by the specified proportion and

(e) that if the penalty charge is not paid before the end of the twenty-eight day period a Notice to the owner may be served by the Council on the person appearing to them to be the owner of the vehicle and

(f) the address to which payment of the penalty charge must be sent

PROVIDED THAT in paragraph (d) above "specified proportion" means such proportion applicable to all cases as may be determined by the Local Authorities acting through the Joint Committee

Restriction on removal of Penalty Charge Notices

8 WHERE a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of this Order no person not being the driver of the vehicle a police constable in uniform or a parking attendant shall remove that Notice from the vehicle unless authorised to do so by the driver

Manner of payment of penalty charge

9 (1) The owner of a vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to the Council EITHER by cheque or postal order which shall be delivered or sent by post so as to reach the Car Parks Manager The Parking Shop 37 Chobham Road Woking Surrey GU21 1JD not later than as aforesaid OR by credit card or debit card

(2) If the penalty charge is paid before the end of the period of fourteen days beginning with the date of the Notice the amount of the penalty charge will be reduced by the specified proportion

(3) If the owner fails to pay the penalty charge by the end of the twenty-eight day period a Notice to Owner may be served and if the charge is then not paid within a further period of twenty-eight days it may be increased by fifty per cent

If the fourteen or twenty-eight day periods referred to above fall on a day when the said Council Offices are closed the period within which payment shall be made shall

be extended until 4.30 p.m. on the next full day on which the said Council Offices are
open

(SEE FIRST SCHEDULE OVERLEAF)

FIRST SCHEDULE

**COMMUNITY, COMMUNITY SPECIAL, VOLUNTARY CONTROLLED, VOLUNTARY
AIDED, FOUNDATION AND FOUNDATION SPECIAL SCHOOLS**

Goldsworth County Primary School	Bridge Barn Lane
New Monument School	Alpha Road
Horsell C of E Junior School	Meadway Drive
West Byfleet Community Infant School & West Byfleet Junior School	Camphill Road
Barnsbury County Infant and Junior Schools	Almond Avenue
St Dunston's Roman Catholic Primary School	Onslow Crescent
Brookwood Primary School	Connaught Road
Woking High School	Morton Road
Sythwood Primary School	Sythwood
Horsell County First School	Church Hill
St Mary' C of E Primary Primary School	Hart Road
The Manor School	Magdalen Crescent
Knaphill School	High Street
Knaphill Lower School	Chobham Road
St John's Primary School	Victoria Road
St Hugh of Lincoln Catholic Primary School	Gorsewood Road
The Oaktree Primary School	Gorsewood Road
Oakfield School Pyrford	Coldharbour Road
Pyrford Church of England Primary School	Coldharbour Road
Broadmere School	Devonshire Avenue
Westfield Primary School	Bonsey Lane

SECOND SCHEDULE

INDEPENDENT AND/OR PRIVATE SCHOOLS

Halstead Preparatory School	Woodham Rise
Greenfield School	Brooklyn Road

THIRD SCHEDULE

LIST OF DRAWINGS

Drawing No	Date Drawn	Rev'n	Date Revised	Rev'n	Date Revised	Rev'n	Date Revised
3282/WOK/20000	06/05						
3282/WOK/20001	06/05						
3282/WOK/20002	06/05						
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THE COMMON SEAL of SURREY
COUNTY COUNCIL was hereunto
affixed on 20 July 2005
in the presence of:-

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Carol M. Lloyd

Authorised Signatory