

DATED 9 APRIL 2008

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

**SURREY COUNTY COUNCIL
(VARIOUS ROADS IN THE BOROUGH
OF WOKING)
(AMENDMENT OF LOADING
BAYS ORDER)(AMENDMENT NO. 1)
ORDER 2008**

THE SURREY COUNTY COUNCIL
(VARIOUS ROADS IN THE BOROUGH OF WOKING) (AMENDMENT OF LOADING
BAYS ORDER) (AMENDMENT NO. 1) ORDER 2008

THE 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:-

Citation and commencement

1 THIS Order may be cited as "The Surrey County Council (Various Roads in The Borough of Woking) (Amendment of Loading Bays Order) (Amendment No.1) Order 2008" and shall come into operation on 11 April 2008

Interpretation

2 (1) In this Order the expression "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

(2) In this Order the expression "the Principal Order" means "The Surrey County Council (Various Roads in Woking)(Various Roads in Woking) Loading Bays Order 2006"

(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) Unless the context otherwise requires any expression used in this Order which is also used in the Principal Order shall have the same meaning as in that Order

Amendment of the Principal Order

3 WITHOUT prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order the Principal Order shall have effect as though:-

(a) in paragraph (1) of Article 2 the expression "parking attendant" and the meaning assigned thereto was deleted in its entirety

- (b) in paragraph (1) of Article 2 there were added the following expressions -
"penalty charge notice" has the same meaning as in the General Regulations
"civil enforcement officer" has the same meaning as in Section 76 of the Traffic Management Act 2004
"the General Regulations" means The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (S.I. 2007/3483)
"the 1986 Regulations" means the Removal and Disposal of Vehicles Regulations 1986 (S.I. 1986/183)"
- (c) in paragraph (1) of Article 2 for the expressions "owner" and "penalty charge" and the meanings assigned thereto there were substituted respectively the following expressions and meanings assigned thereto -
"owner" has the same meaning as defined in sub-section (1) of Section 92 of the Traffic Management Act 2004
"penalty charge" has the same meaning as defined in Section 92 of the Traffic Management Act 2004"

Amendment of The Surrey County Council (Various Roads in Woking) Loading Bays Order 2006

4 WITHOUT prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order The Surrey County Council (Various Roads in Woking) Loading Bays Order 2006 shall have effect as though:-

- (a) in Articles 21 and 23 for the words "parking attendant" wherever those words occur there were substituted the words "Civil Enforcement Officer"
- (b) for paragraph (1) of Article 12 there was substituted the following similarly numbered paragraph -

"(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 that loading bay

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

Regulations"

- (c) in Article 21 in the third and fourth lines thereof for the words "required by the Road Traffic Act 1991" there were substituted the words "required by Section 78 of the Traffic Management Act 2004 or any Regulations made thereunder"
- (d) in Article 21 in the fifth line thereof for the words "the Road Traffic Act 1991" there were substituted the words "Section 78 of the Traffic Management Act 2004 or any Regulations made thereunder"
- (e) for Article 22 there was substituted the following similarly numbered Article -
"Notice of penalty charge
22 IN the case of a vehicle in respect of which a penalty charge may have been incurred a civil enforcement officer may serve a penalty charge notice in accordance with the requirements of Regulation 9 or Regulation 10 of the General Regulations and which penalty charge notice shall comply respectively with the requirements of paragraph 1 or paragraph 2 of the Schedule to the General Regulations"
- (f) in paragraph (2) of Article 24 after the words "the amount of the penalty charge will be reduced by the specified proportion" there were added the words "PROVIDED THAT in this paragraph "specified proportion" means such proportion applicable to all cases as may be determined by the Local Authorities acting through the Joint Committee"
- (g) in Article 8 (2) for the words "traffic warden" there were substituted the words "any person duly authorised by the Council"

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



Head of Legal Services/Authorised Signatory

SURREY COUNTY COUNCIL

No. IN SEALING REGISTER 96770

MIN 31807 SCC

ORDERED TO BE SEALED EXECUTIVE
18 DECEMBER 2007