

**THE SURREY COUNTY COUNCIL  
(ELMSLEIGH ROAD STAINES-UPON-THAMES)  
LOADING BAYS ORDER 2023**

**ARRANGEMENT OF ARTICLES**

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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 (Elmsleigh Road Staines-Upon-Thames) Loading Bays Order 2023” and shall come into force on 2 October 2023

#### **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 loading bay

“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 loading bay means the person driving the vehicle at the time it was left in the loading bay

“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" has the same meaning as in Regulation 3(2) of The Road Vehicles (Construction and Use) Regulations 1986

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

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

"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

"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

“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

“virtual parking transaction” is amongst other things a virtual waiver certificate

“virtual waiver certificate” means a waiver certificate that is electronically issued and verified by the Council

“waiver certificate” means a virtual or paper certificate issued on behalf of the Council for the purposes of Article 10(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 7 and of Article 10 a vehicle and any trailer drawn thereby shall be deemed to be a single vehicle

## **PART II**

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

#### **Authorisation of free on-street loading bays**

3 EACH area of highway comprising the length of carriageway identified on the plans as a free on-street loading bay 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

#### **Vehicles for which such loading bays are authorised to be used**

4 EACH free on-street loading bay may be used subject to the provisions of this Order for the leaving free of charge and without time limit during the permitted hours of all classes of vehicle 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 free on-street 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 any exemption for vehicles displaying a blue badge pursuant to 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

#### **Manner of standing/waiting in a loading bay**

5 THE driver of a vehicle waiting in a loading bay during the permitted hours in accordance with the provisions of Articles 3 and 4 or sub-paragraph (1)(e) (f) (g) (h)

- (i) or (j) of Article 10 of this Order shall cause it so to stand or wait so that: -
- (a) (i) if the said 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 said 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
- (b) every part of the vehicle is within the limits of a loading bay  
PROVIDED THAT in relation to paragraphs (a) and (b) of this Article any person causing or permitting a vehicle to wait in a loading bay by virtue of the provisions of sub-paragraph (1)(e) (f) (g) (h) (i) or (j) of Article 10 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
- (c) 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

#### **Alteration of position of a vehicle in a loading bay**

6 WHERE any vehicle is standing in a loading bay in contravention of the provisions of Article 5 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 loading bay**

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 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 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 loading bay on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the loading bay 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 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 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 the suspension of the use of a 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 that 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 a loading bay or part thereof during such period as there is in or adjacent to that loading bay 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 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 the use of a loading bay or a vehicle in a loading bay**

8 DURING the permitted hours no person shall use any loading bay or any vehicle while it is in a 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 as applicable and the goods are immediately delivered and taken into premises adjacent to the vehicle from which the sale is effected

9 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

**Restriction on waiting by a vehicle in a loading bay**

10 (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours anywhere in any part of a loading bay if the use of that part has not been suspended and if -

- (a) The driver is 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 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
- (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 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 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)
- (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 or 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

PROVIDED THAT a vehicle which is validated by the hand held device as having a valid virtual waiver certificate then no certificate needs to be displayed on that vehicle"

- (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 loading bay during the permitted hours

### **Movement of a vehicle in a loading bay in an emergency**

11 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 a vehicle from a loading bay**

- 12 (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 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 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 that loading bay:

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

13 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 loading bay by authority of Article 12 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 loading bay**

14 WHERE a vehicle is removed by the Council or a police constable in uniform from a loading bay in pursuance of Article 12 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**

15 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 Article 3 of this Order 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

- (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a loading bay

### **PART III**

#### SUPPLEMENTARY PROVISIONS

##### **Saving with respect of pedestrian crossings**

16 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**

17 INSOFAR as any provision contained in PART II 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 loading bays**

18 INSOFAR as any provision contained in PART II conflicts with a provision which is contained in The Surrey County Council (Various Roads in Spelthorne) (Revocation and Consolidation of Waiting, Loading and Unloading Prohibition and Restriction) Order 2005 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 shall prevail

##### **Saving with respect to other enactments**

19 SUBJECT to the provisions contained in Articles 16 17 and 18 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










Executed as a Deed by Surrey County Council on 26 September 2023

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



  
Kate Patel (Sep 26, 2023 15:11 GMT+1)  
Principal Solicitor

Authorised Signatory



**SURREY COUNTY COUNCIL**

**DATE: 26 SEPTEMBER 2023**

**SURREY COUNTY COUNCIL**

No. IN SEALING  
REGISTER ..... 573 .....

ORDERED TO  
BE SEALED  
**Transport Development Planning  
Manager 22 September 2022**

**ROAD TRAFFIC REGULATION ACT 1984  
SECTIONS 32 35 AND 36**

**THE SURREY COUNTY COUNCIL  
(ELMSLEIGH ROAD  
STAINES-UPON-THAMES)  
LOADING BAYS  
ORDER 2023**








# Spelthorne Loading Bays Order 2023

Final Audit Report

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