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**THE ARGYLL AND BUTE COUNCIL
(OFF STREET PARKING PLACES AND CHARGES)
(ROTHESAY) (AMENDMENT) ORDER 2005**

Argyll & Bute Council in exercise of the powers conferred on them by sections 35(1) and (3), 35A and 35B of the Road Traffic Regulation Act 1984 ("the Act") and Part IV of Schedule 9 to the Act, and of all other enabling powers, and after consultation with the Chief Constable of Strathclyde Police in accordance with Part III of Schedule 9 to the Act, hereby make the following order:

1. This Order may be cited as "The Argyll and Bute Council (Off Street Parking Places and Charges) (Rothesay) (Amendment) Order 2005" and shall come into operation on Monday the Eighteenth day of April Two Thousand and Five.
2. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. The Order specified in the Schedule to this Order shall have effect subject to the amendments specified in that Schedule.

Sealed with the Common Seal of the Argyll & Bute Council and subscribed for them and on their behalf by Susan Mair, their Head of Legal and Protective Services at Lochgilphead on Monday the Twenty Eighth day of February Two Thousand and Five.

Susan Mair

SCHEDULE

ORDER TO BE AMENDED

<u>Name of Order</u>	<u>Extent of Amendment</u>
The Argyll and Bute Council (Off Street Parking Places and Charges) (Rothesay) Order 1999	In Article 2(i), the definition for "motor car" shall be deleted and the following definition shall be substituted "motor car" has the same meaning as in Section 136(2) of the Act; the definition for "motor cycle" and "invalid carriage" shall be deleted and the following definition shall be substituted "motor cycle" and "invalid carriage" has the same meaning as in Section 136 of the Act; and the following definitions shall be added at the end: "vehicle" unless the context otherwise requires, means a vehicle of any-description and includes a machine or implement of any kind drawn or propelled along roads whether or not by mechanical power; "car-derived van" has the same meaning as in Schedule 6, Part IV of the Act; "dual purpose vehicle" has the same meaning as in Regulation 3(1) of the Motor Vehicle (Construction and Use) Regulations 1978 as originally enacted; "initial charge" means an amount payable in respect of an initial period for vehicles left in a parking place and as specified in Article 6; "permitted hours" in relation to parking ticket machines means the period between 9am and 6pm Monday to Saturday inclusive, any such day not being a public holiday; "public holiday" means Christmas Day and New Years Day (or the Monday following when Christmas Day and New Year's Day fall on a Sunday);/

Lochgilthead: 28th February 2005

This is the Schedule referred to in the foregoing "The Argyll and Bute Council (Off Street Parking Places and Charges) (Rothesay) (Amendment) Order 2005"

Susan Harris

SCHEDULE (continued)**ORDER TO BE AMENDED****Name of Order**

The Argyll and Bute
Council (Off Street
Parking Places and
Charges) (Rothesay)
Order 1999

Extent of Amendment

"parking place" means an area designated in Schedule 1 as a parking place; "parking bay" means a space in a parking place which is provided for the leaving of a vehicle; "car park season ticket" means a ticket issued by the Council in accordance with the provisions of this Order; "day" means a period commencing at 0001 hours and ending at 2400 hours and any reference to hours shall be construed as referring to consecutive hours within one day."

In Article 5(i), for the words "authorised by Schedule 1 to this order" there shall be substituted the words "by Schedule 3 to this Order"; and in 5(ii) for the words "authorised by Schedule 1 to this order" there shall be substituted the words "authorised by Schedule 4 to this Order"; and the following article shall be added:

- "5 (v) If a bay is marked by the Council as being specifically provided or reserved for vehicles of a specific class or classes, no driver may leave in the bay a vehicle of any other class"

In Article 6/

SCHEDULE (continued)**ORDER TO BE AMENDED****Name of Order****Extent of Amendment**

The Argyll and Bute
Council (Off Street
Parking Places and
Charges) (Rothesay)
Order 1999

In Article 6, the number "(i)" shall be inserted before the words "Every person"; for the words "Schedule 1 to this Order, by" there shall be substituted the words "Schedule 1 to this Order, during the permitted hours, by"; for the words "parking attendant, in return" there shall be substituted the words "parking attendant or the Council as appropriate, in return"; and the following Article shall be added: /

"6 (ii) If the initial payment exceeds the time period during which the charges are applicable the time period for which the vehicle may be parked will extend into the next day."

Articles 7 to 13 inclusive shall be renumbered 8 to 14 inclusive and the following Article shall be added:

"7 (i) The Council may issue a car park season ticket in accordance with the provisions of this Order to enable the owner of a vehicle to park during the permitted hours in a parking place and during the period specified in said ticket;

(ii) /

SCHEDULE (continued)**ORDER TO BE AMENDED****Name of Order****Extent of Amendment**

The Argyll and Bute
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Order 1999

(ii) If a season ticket is mutilated or defaced or the figures or the particulars on it have become illegible, the holder shall surrender it to the Council and may then apply for the issue of a duplicate."

(iii) The charge payable to the Council for a car park season ticket shall be in accordance with Schedule 2 or such other sum as the Council may from time to time determine."

In the Article now numbered 8(vi), for the words "Act, 1984, to" there shall be substituted the words "Act 1984, as amended, to"

There shall be added at the end of Article 8:

"(ix) The amount of excess charge, no ticket charge and irregular parking charge are as provided in Schedule 2 to this Order."

In the Article now numbered 9 (iii) for the words "season ticket" there shall be substituted the word "car park season ticket" and there shall be added at the end of the paragraph the words "Such car park season ticket shall not guarantee the holder the use of a parking bay"

SCHEDULE (continued)**ORDER TO BE AMENDED****Name of Order**

The Argyll and Bute
Council (Off Street
Parking Places and
Charges) (Rothesay)
Order 1999

Extent of Amendment

In Schedule 1, under the heading
"Charges and Periods of
Operation" for the words "8am to
6pm" there shall be substituted the
words "9am to 6pm" and below the
words "Monday to Saturday" there
shall be added the words
"Categories 1 to 3".

The following Schedule shall be
added:

**"SCHEDULE 3
Categories of Vehicles**

<u>Category Number</u>	<u>Vehicle Type</u>
1.	Motor car Car-derived van Dual purpose vehicle
2.	Motor cycle
3.	Invalid carriage"

Lochgilphead: 28th February 2005

This is the Schedule referred to in the foregoing "The Argyll and
Bute Council (Off Street Parking Places and Charges) (Rothesay)
(Amendment) Order 2005"

Susan Howie