



TRAFFIC REGULATION ORDER

**ARGYLL AND BUTE COUNCIL
(B8003 BALVICAR-CUAN ROAD)(NORTH CUAN FERRY)
(PROHIBITION OF WAITING) ORDER 2017**

**ARGYLL AND BUTE COUNCIL
(B8003 BALVICAR-CUAN ROAD)(NORTH CUAN FERRY)
(PROHIBITION OF WAITING) ORDER 2017**

PART 1

Argyll and Bute Council in exercise of their powers under Sections 1(1), 2(1) to 2(3), and 4 of the Road Traffic Regulation Act 1984, as amended, The Road Traffic (Permitted Parking Area and Special Parking Area)(Argyll and Bute Council) Designation Order 2014; The Road Traffic Act 1991, as amended and all other enabling powers and after consultation with the Chief Constable of Police Scotland in accordance with Part III of Schedule 9 to the 1984 Act, hereby make the following Order:-

1. Citation and commencement

This Order may be cited as “Argyll and Bute Council (B8003 Balvicar-Cuan Road) (North Cuan Ferry) Order 2017” and shall come into operation on the Fifth day of May Two Thousand and Seventeen.

2. Provisions

To make provisions in relation to waiting restrictions at North Cuan Ferry as specified in the Articles and Schedule annexed and executed as relative hereto.

3. Interpretation

The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

“**the 1984 Act**” means the Road Traffic Regulation Act 1984;

“**the 1991 Act**” means the Road Traffic Act 1991;

“**Council**” means Argyll and Bute Council;

“**disabled person**” means the disabled driver of or a disabled passenger in a motor vehicle, being such a disabled person as is described in Regulation 4 of the Disabled Person (Badges for Motor vehicles) (Scotland) Regulation 2000;

“**disabled person’s badge**” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 as amended;

“**disabled person’s vehicle**” has the same meaning as in Section 142(1) of the 1984 Act as amended;

"driver" means the person driving or having control or charge of the vehicle at any given time;

"goods" includes postal packets of any description; and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, or a trailer so constructed or adapted;

"motor vehicle" has the same meaning as in Section 136 of the 1984 Act;

"parking attendant" has the same meaning as in section 63A of the 1984 Act;

"penalty charge" has the same meaning as in Section 66 of the 1991 Act;

"penalty charge notice" means a notice issued by a parking attendant pursuant to the provisions of Section 43 and Section 66 of the 1991 Act;

"public service vehicles" has the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981;

"road" has the same meaning as in Section 151 of the Roads (Scotland) Act 1984, and for the avoidance of doubt, a road includes part of a road;

"schedule" means the schedule annexed to this order and which form part of this order;

"universal service provider" has the same meaning as in Sections 4(3) and (4) of the Postal Services Act 2000;

"vehicle" has the same meaning as that assigned to "motor vehicle" in Section 136 of the 1984 Act;

Sealed with the Common Seal of the Argyll and Bute Council and subscribed for them and on their behalf by Charles Reppke, their Head of Governance and Law at Lochgilphead on Monday the Twentieth day of March Two Thousand and Seventeen.

C. G. R.

PART 2

PROHIBITION AND RESTRICTION ON WAITING

4. Save as provided in Articles 5, 6 and 7 no person shall, except upon the direction or with the permission of a parking attendant or police officer in uniform, cause or permit any vehicle to wait at any time on any of the lengths of road specified in the Schedule to this Order.
5. Nothing in Articles 4 of this Order shall:
 - (a) prevent any person from causing or permitting a vehicle to wait in any of the lengths of road referred to in those Articles.
 - (i) for so long as may be necessary to enable a person to board or alight from the vehicle or to load thereon or unload therefrom their personal luggage;
 - (ii) for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any lengths of the roads so referred to, or the laying, erection, alteration or repair in or near to any of the said lengths of the roads, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus, as defined in the Telecommunications Act 1964;
 - (iii) if the vehicle is a public service vehicle while waiting at an authorised stopping place or at a terminal or turning point;
 - (iv) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in pursuance of statutory powers and duties and in particular, but without prejudice to the generality of the foregoing, to enable the vehicle to be used in connection with police, fire brigade, ambulance or coastguard purposes;
 - (v) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or in order to avoid an accident;
 - (vi) If the vehicle being a vehicle in the service of or employed by a universal service provider is in actual use while postal packets addressed to premises adjacent to that road are being unloaded from the vehicle, or having been unloaded therefrom, are being delivered or while postal packets are being collected from postal boxes or premises adjacent to that road for loading on the vehicle;;

- (vii) for the purpose of loading or unloading the vehicle while the vehicle is standing at the kerb and is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (viii) to enable the vehicle to be used in connection with funeral operations;
 - (b) apply to a licensed taxi waiting in a taxi stance during any period for which that stance has been designated by the Argyll and Bute Council under the Civic Government (Scotland) Act 1982.
6. Nothing in Articles 4 of this Order shall apply to any disabled person's vehicle which is not causing an obstruction and which displays a disabled person's badge issued by a local authority in exercise of its powers under Section 21 of the Chronically Sick and Disabled Persons Act 1970.
7. Nothing in Articles 4 of this Order shall prevent any person from causing or permitting a vehicle to wait in the length of the road for so long as may be necessary for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjoining that road provided that;
- (a) no vehicle engaged in delivering or collecting goods or being loaded or unloaded shall wait for a longer period than thirty minutes in the same place and no such vehicle shall wait for a longer period than 10 minutes in the same place without goods being loaded onto or unloaded from the vehicle;
 - (b) notwithstanding anything in paragraph (b) of this Article the driver of a vehicle waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle shall move the vehicle on the instruction of a police constable in uniform whenever such moving may be reasonably necessary for the purpose of preventing an obstruction.
8. Notwithstanding any exemption or exception contained in this part of the Order, the person in control of any vehicle waiting in any length of road specified in the Schedule shall move the vehicle on the instructions of a Police Officer in uniform or parking attendant whenever such removal is reasonably necessary for the purpose of facilitating the passage of traffic.

PART 3

SUPPLEMENTARY PROVISIONS

9. **Contravention of this Order**

- (a) If a motor vehicle is parked in contravention of any of the Articles, provisions and requirements of this Order then a contravention shall have occurred, and a penalty charge shall be payable. A penalty charge notice may then be issued by a Parking Attendant.
- (b) Where a vehicle remains in a position so as to incur a penalty charge on the issue of a penalty charge notice, a further penalty charge notice may be issued on each calendar day thereafter.

