

East Ayrshire **COUNCIL**

Department of Neighbourhood Services,
Roads & Transportation Services.

COPY OF MADE CONSOLIDATION ORDER

**THE EAST AYRSHIRE COUNCIL
(KING STREET, PORTLAND STREET AND THE CROSS, KILMARNOCK)
(PEDESTRIAN ZONE, PROHIBITION OF VEHICLES, PROHIBITION OF
WAITING & BANNED LEFT TURN) (AMENDMENTS & REVOCATIONS)
(CONSOLIDATION) ORDER 2012**

Available for inspection until 23rd July 2012

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(KING STREET, PORTLAND STREET AND THE CROSS, KILMARNOCK)
(PEDESTRIAN ZONE, PROHIBITION OF VEHICLES, PROHIBITION OF
WAITING & BANNED LEFT TURN) (AMENDMENTS & REVOCATIONS)
(CONSOLIDATION) ORDER 2012**

East Ayrshire Council, in exercise of the powers conferred on them by Sections 1(1), and 2(1), 2(2), 63A, and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended, the Road Traffic (Permitted Parking Area and Special Parking Area) (East Ayrshire Council) Designation Order 2012, Sections 66, 73, 74, 79 and Schedule 6 of the Road Traffic Act 1991, as amended, and Regulation 19 and Part I of Schedule 6 of the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, as amended, and of all other enabling powers hereby make the following Order—

PART I

GENERAL

Citation and commencement

1. This Order may be cited as “The East Ayrshire Council (King Street, Portland Street and The Cross, Kilmarnock) (Pedestrian Zone, Prohibition of Vehicles, Prohibition of Waiting and Banned Left Turn) (Amendments & Revocations) (Consolidation) Order 2012” and shall come into operation on the 1st day of July 2012

Interpretation

2. In this Order unless the context otherwise requires—
 - (a) The following expressions have the meanings hereby assigned to them—
 - “Council” means East Ayrshire Council;
 - “disabled person” has the meaning given by The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000, as amended;
 - “disabled person’s badge” has the meaning given by The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000, as amended;
 - “disabled persons vehicle” means a vehicle lawfully displaying a disabled person’s badge;
 - “electronic communications apparatus” means—
 - (i) any apparatus (within the meaning of the Communications Act 2003) which is designed or adapted for use in connection with the provision of an electronic communications network;
 - (ii) any apparatus (within the meaning of that Act) that is designed or adapted for a use which consists of or includes the sending or receiving of communications or other signals that are transmitted by means of an electronic communications network;

(iii) any line, conduit, structure, pole or other thing in, on, by or from which any electronic communications apparatus is or may be installed, supported, carried or suspended; and references to the installation of electronic communications apparatus are to be construed accordingly;

“eligible vehicle” means a vehicle used for the purpose of holding or carrying out fundraising, sales, recruitment, exhibition, information or any other event or activity the Council deems appropriate;

“emergency service vehicle” means a vehicle being used by the Police, Fire & Rescue or Ambulance Services;

“exempt hours” means on any day between the hours of 4:30pm and 10:30am.

“goods vehicle” means a motor vehicle or trailer constructed or adapted for use for the haulage of goods or burden of any description;

“parking attendant” has the same meaning as in Section 63A of the Road Traffic Regulation Act 1984;

“Pedestrian Zone” means those lengths of roads specified in Column 1 of Schedule 1

“Pedestrian Zone permit” means a permit issued by an authorised officer of the Council to indicate that the vehicle is permitted to enter the Pedestrian Zone and wait therein during the times and on the dates stated on the said permit

“Pedestrian Zone permit holders vehicle” means a vehicle lawfully displaying a valid permit

“universal service provider” has the same meaning as in the Postal Services Act 2000;

“universal postal service” has the same meaning as in the Postal Services Act 2000;

“vehicle” 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;

- b) A reference in this Order to any enactment or order is a reference to that enactment or order as amended by any subsequent enactment or order.
- c) A reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.

PART II

PEDESTRIAN ZONE

Prohibition of vehicles

3. Save as provided in Articles 4, 5, 6, 7 and 13 no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to be driven so as to enter those lengths of roads in Column 1 of Schedule 1 at any time.

Provision for access

4. Nothing in Article 3 shall—
- (a) prevent any person from causing or permitting a vehicle to enter those lengths of roads referred to in that Article—
 - (i) 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 of the lengths of roads so referred to, or the laying, erection, alteration or repair in or near to any of the said lengths of roads, of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications apparatus;
 - (ii) to enable the vehicle, if it cannot conveniently be used for such purposes 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 & rescue and ambulance purposes;
 - (iii) if the vehicle bearing the livery of a provider of a universal postal service which, whilst used by a universal service provider in the course of the provision of a universal postal service, requires access for postal packets to be collected or delivered to or from adjacent premises or posting boxes;
5. Nothing in Article 3 shall—
- (a) prevent any person from causing or permitting a vehicle to be driven so as to enter those lengths of roads referred to in that Article on any day during the exempt hours specified in Column 2 of Schedule 1 so long as—
 - (i) that vehicle being a goods vehicle, requiring access for the purpose of loading or unloading the vehicle while the vehicle is standing 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;
 - (ii) that vehicle being a goods vehicle, requiring access for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjoining that road;

- (iii) that vehicle being a disabled person's vehicle which is not causing an obstruction or danger to others which displays a valid disabled person's badge;
 - (iv) that vehicle (other than a goods vehicle) is displaying on the windscreen of the vehicle a Pedestrian Zone permit issued by an authorised officer of the Council indicating that that vehicle is permitted to be used in the lengths of roads specified in Column 1 of Schedule 1;
6. Notwithstanding anything in Articles 4, 5, and 12 the driver of a vehicle shall be prevented from entering the said roads on the instruction of a police constable in uniform whenever such prevention may be reasonably necessary for the purpose of preventing an obstruction or danger to others.

PART III

WAITING RESTRICTIONS

Prohibition of waiting

7. Save as provided in Articles 5, 8, 9, 10, 11 and 12 no person shall, except upon the direction or with the permission of a police constable in uniform or parking attendant in uniform, cause or permit any vehicle to wait in any of the lengths of roads specified in Column 1 of Schedule 2 at any time.
8. Nothing in Article 7 shall—
- (a) prevent any person from causing or permitting a vehicle to wait in any of the lengths of roads referred to in that Article—
 - (i) 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 of the lengths of roads so referred to, or the laying, erection, alteration or repair in or near to any of the said lengths of roads, of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications apparatus;
 - (ii) to enable the vehicle, if it cannot conveniently be used for such purposes 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 & rescue and ambulance purposes;
 - (iii) if the vehicle bearing the livery of a provider of a universal postal service which, whilst used by a universal service provider in the course of the provision of a universal postal service, requires access for postal packets to be collected or delivered to or from adjacent premises or posting boxes;

- (iv) to enable a vehicle, if it cannot conveniently be used for such purpose in any other road and that vehicle being a goods vehicle is waiting for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjoining that road;
 - (v) that vehicle (other than a goods vehicle) is displaying on the windscreen of the vehicle a Pedestrian Zone permit issued by an authorised officer of the Council indicating that that vehicle is permitted to wait in the lengths of roads specified in Column 1 of Schedule 2;
9. Nothing in Article 7 shall apply to any disabled person's vehicle which is not causing an obstruction or danger to others and which displays a valid disabled person's badge.
10. Notwithstanding anything in Articles 8, 9 and 12, the driver of a vehicle waiting shall move the said vehicle on the instruction of a police constable in uniform or parking attendant in uniform whenever such moving may be reasonably necessary for the purpose of preventing an obstruction or danger to others.
11. Notwithstanding anything in Article 8 (iii) and (iv), nothing in Article 7 shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of roads on the days and during the times specified in Column 2 of Schedule 2—
- (a) 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 no vehicle engaged in delivering or collecting postal packets, goods or merchandise 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 longer than ten minutes in the same place without goods being loaded onto or unloaded from the vehicle;
 - (b) notwithstanding anything in paragraph (a) of this Article, the driver of a vehicle waiting for the purpose of delivering or collecting postal packets, goods or merchandise or loading or unloading the vehicle shall move the same on the instruction of a police constable in uniform or parking attendant in uniform whenever such moving may be reasonably necessary for the purpose of preventing an obstruction or danger to others;

PART IV

PERMITS

Pedestrian Zone Permit

Provision of Pedestrian Zone permits for vehicles (other than a goods vehicle)

12. Save as provided in Articles 5 and 8, the driver of any vehicle referred to in Articles 5 (a)(iv) and 8 (a)(v) on which a Pedestrian Zone permit is displayed shall comply with any condition attached to the issue of the permit including, without prejudice to the generality of the foregoing, any condition regarding the time or times during which the permit may be used and that part of the road on which the vehicle may be driven or permitted to wait as determined by an authorised officer of the Council.
13. The issued Pedestrian Zone permit is subject to a charge as specified in Schedule 3 and this charge may be varied from time to time by the Council.

Display of a Pedestrian Zone permits

14. A Pedestrian Zone permit issued by the Council shall be displayed on the vehicle in a conspicuous position so that the indications on the front of the permit are clearly visible to a person standing outside the vehicle and at its front nearside.

Information to be included on a Pedestrian Zone permit

15. A Pedestrian Zone permit issued by the Council shall carry the following information—
 - (a) the name of the roads in which the permit is valid;
 - (b) registration mark of the vehicle to which it applies;
 - (c) a unique number or other such identifying mark;
 - (d) the date upon which the permit shall expire;
 - (e) any other information deemed to be necessary by the Council.

Restrictions on the use of Pedestrian Zone permits

16. An issued Pedestrian Zone permit shall—
 - (a) be used only on the vehicle for which it was issued and which bears the same registration mark as the permit;
 - (b) be used only on the lengths of named roads and during the times and dates stated on the permit;
 - (c) not be altered or defaced in any way;

- (d) remain the property of East Ayrshire Council;

Applications for duplicate or replacement Pedestrian Zone permit

- 17. The applicant of an eligible vehicle may make an application for a duplicate or replacement Pedestrian Zone permit if—
 - (a) the original Pedestrian Zone permit is mutilated or defaced or faded so that the identifying mark as referred to in Article 15 is illegible; or
 - (b) the eligible vehicle for which the Pedestrian Zone permit was issued is no longer kept and used by the permit holder and has been replaced by another eligible vehicle;

In both the aforementioned cases the Pedestrian Zone permit shall be surrendered to the Council at which time it shall be rendered invalid,

- (c) a Pedestrian Zone permit is lost, stolen or destroyed.

In all cases the duplicate or replacement Pedestrian Zone permit shall be issued at the Councils discretion and upon the payment of an administration fee of an amount to be decided by the Council from time to time.

Application of Order equally to original and replacement Pedestrian Zone permits

- 18. The provisions contained in Articles 12 to 17 as they pertain to Pedestrian Zone permits shall apply equally to duplicate or replacement permits as to the Pedestrian Zone permit originally issued.

PART V

RESTRICTED MOVEMENT OF TRAFFIC

Prohibited left turn

- 19. No person shall drive or cause or permit to be driven a vehicle onto any of the roads specified in Column 2 of Schedule 4 to this Order from such road in the same line of Column 1 of the said Schedule.

PART VI

AMENDMENTS AND REVOCATIONS

Orders to be amended

20. The Orders specified in Schedule 5 shall have effect subject to the amendments specified in that Schedule.

Orders to be revoked

21. The Orders specified in Schedule 6 are hereby revoked.

Sealed with the Common Seal of East Ayrshire Council and subscribed for them and on their behalf by David John Mitchell, Proper Officer and Solicitor to the Council, at Kilmarnock on the 12th day of June 2012.



12th June 2012

SCHEDULE 1
RESTRICTED PEDESTRIAN ZONE

PART I

PROHIBITION OF VEHICLES

Lengths of Road in the Area
of East Ayrshire within the
Town of **Kilmarnock**

<u>Column 1</u>	<u>Column 2</u>
<u>King Street</u>	
1. From its intersection with Portland Street and The Cross southwards to the extended north kerb line of St. Marnock Street.	4.30pm to 10.30am
<u>Portland Street</u>	
1. From the extended south kerb line of West George Street southwards to its intersection with King Street and The Cross.	4.30pm to 10.30am
<u>The Cross</u>	
1. In its entirety.	4.30pm to 10.30am

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SCHEDULE 2
WAITING RESTRICTIONS

PART I

PROHIBITION OF WAITING AT ANY TIME

Lengths of Road in the Area
of East Ayrshire within the
Town of Kilmarnock

Column 1

Column 2

King Street

1. From its intersection with Portland Street and The Cross southwards to the extended north kerb line of St. Marnock Street.

Monday to Saturday
8am to 5pm

Portland Street

1. From the extended south kerb line of West George Street southwards to its intersection with King Street and The Cross.

Monday to Saturday
8am to 5pm

The Cross

1. In its entirety.

Monday to Saturday
8am to 5pm



SCHEDULE 3
PERMITS

PART I

CHARGES FOR PEDESTRIAN ZONE PERMITS

In the Area of East Ayrshire within the Town of Kilmarnock

The daily charge for a Pedestrian Zone Permit shall be as follows—

<u>Registered Charity</u>	£19.
<u>British Armed Forces</u>	£90.
<u>Commercial</u>	£180.

SCHEDULE 4
RESTRICTED MOVEMENT

PART I

PROHIBITED LEFT TURN

Lengths of Road in the Area
of East Ayrshire within the
Town of Kilmarnock

Column 1

1. Portland Street

Column 2

The Cross



SCHEDULE 5
ORDERS TO BE AMENDED

Title of Order

1. The Burgh of Kilmarnock Road Traffic Regulation Order (No1) – 1965

Extent of amendment in the First Schedule

Column One Length of roads in the Burgh of Kilmarnock	Column Two Direction
Portland Street	
Delete the words:	From a point 47 Lineal yards south of its junction with West George Street to The Cross.
And Substitute:	From its junction with West George Street to The Cross.

Extent of amendment in the Fourth Schedule

	Length of roads in the Burgh of Kilmarnock	Side of road on which waiting is prohibited on dates which bear even numbers	Side of road on which waiting is prohibited on dates which bear odd numbers	Maximum period of time for waiting on side on which waiting is permitted
Delete:	King Street			
	(a) From a point 15 Lineal yards south of its junction with Waterloo street to a point 4 Lineal yards north of its junction with Guard lane		East	30 minutes
	(b) From a point 2 Lineal yards south of its junction with Guard Lane to a point 2 Lineal yards north of its junction with Market lane		East	30 minutes
	(c) From a point 6 Linear yards south of its junction with Market Lane to a point 8 Linear yards north of its junction with Mitchell Street		East	30 minutes
	(d) From a point 3 Linear yards south of its junction with Mitchell Street to a point 7 Linear yards north of Mill lane		East	30 minutes

Extent of amendment in the Fourth Schedule

	Length of roads in the Burgh of Kilmarnock	Side of road on which waiting is prohibited on dates which bear even numbers	Side of road on which waiting is prohibited on dates which bear odd numbers	Maximum period of time for waiting on side on which waiting is permitted
	(e) From a point 3 Linear yards south of its junction with Mill Lane to a point 21 Linear yards north of its junction with Queen Street		East	30 minutes
	(f) From a point 26 Linear yards south of its junction with Cheapside Street to a point 3 Linear yards north of its junction with Sandbed Lane	West		30 minutes
	(g) From a point 3 Linear yards south of its junction with Sandbed Lane to a point 2 Linear yards north of its junction with Water Lane	West		30 minutes
	(h) From a point 4 Linear yards south of its junction with Water Lane to a point 7 Linear yards north of its junction with Bridge Lane	West		30 minutes
Delete:	Portland Street (c) From a point 38 Linear yards south of its junction with East George Street southwards for a length of 82 Linear yards		East	30 minutes
	(e) From a point 47 Linear yards south of its junction with West George Street to a point 12 Linear yards north of its junction with Croft Street		East	30 minutes

Extent of amendment in the Sixth Schedule

	Column One Length of roads in the Burgh of Kilmarnock	Column Two
Delete:	King Street	The whole except for those lengths referred to in the Fourth Schedule
Delete:	Portland Street	The whole except for those lengths referred to in the Fourth Schedule

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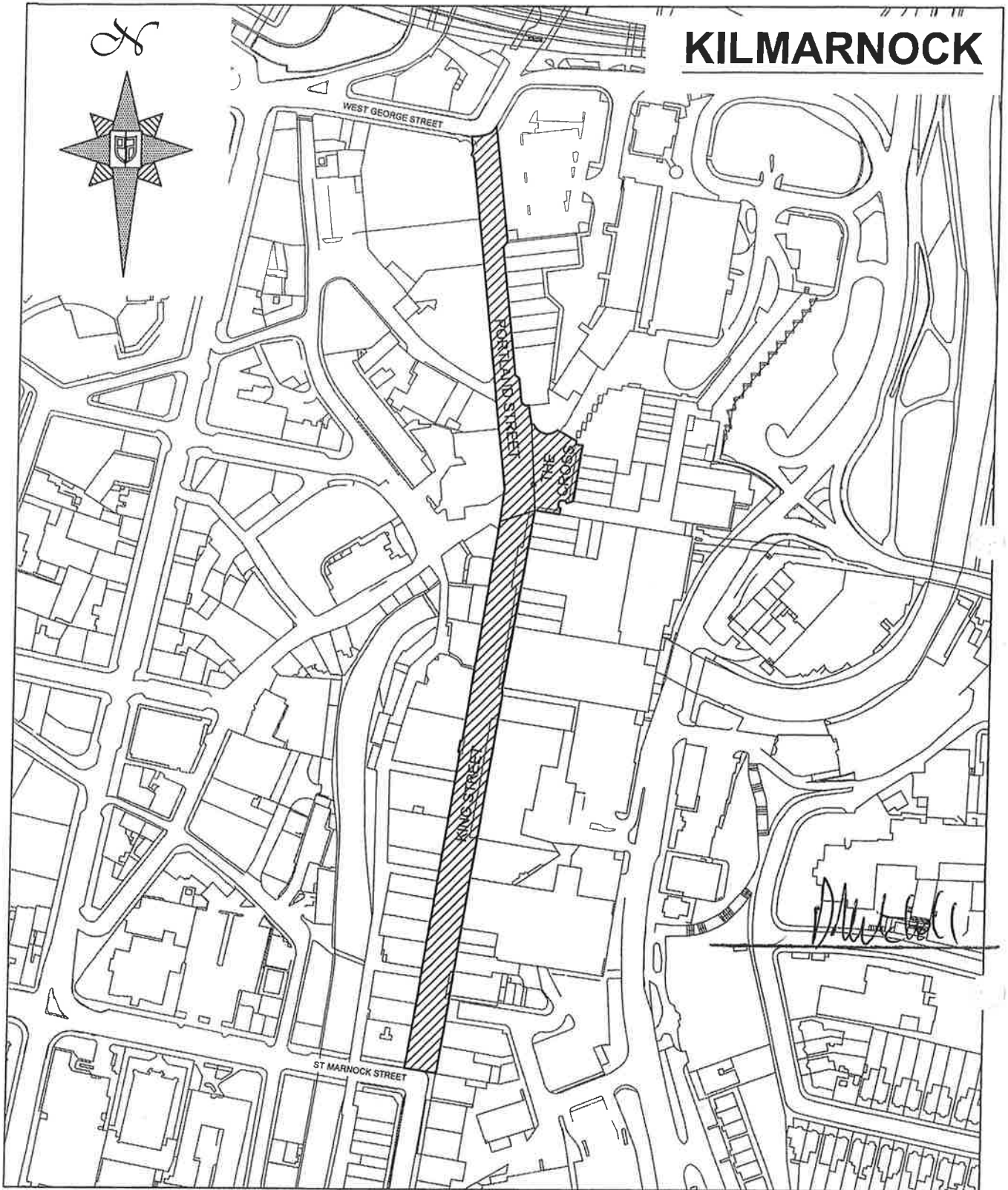
SCHEDULE 6
ORDERS TO BE REVOKED

Title of Order

- | | | |
|----|--|--------|
| 1. | The Burgh of Kilmarnock
(Pedestrian Priority) (Town
Centre) Order 1975 | Revoke |
| 2. | The Strathclyde Regional Council
(Pedestrian Priority, Kilmarnock
Town Centre) (Amendment)
Order 1981 | Revoke |

D. Mitchell

KILMARNOCK



Scale: 1:2500 Date: 10/06/2012

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KEY

 PEDESTRIAN ZONE

The East Ayrshire Council
(King St, Portland St & The Cross, Kilmarnock)
(Pedestrian Zone, Prohibition of Vehicles,
Prohibition of Banned Left Turn) (Amendments &
Revocations) (Consolidation) Order 2012



East Ayrshire
COUNCIL

Department of Neighbourhood Services
ROADS & TRANSPORTATION SERVICES

PLAN REF

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