

ROAD TRAFFIC REGULATION ACT 1984
(as amended)
SECTIONS 32 AND 35
EAST LOTHIAN
COUNCIL (OFF-STREET COASTAL PARKING
PLACES) (ONE WAY) CONSOLIDATION ORDER
2017
TO/286/16

ROAD TRAFFIC REGULATION ACT 1984 (as amended)

The East Lothian Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1(1) and 2(1), 32, 35 and 101 of the Road Traffic Regulation Act 1984 (as amended) (hereinafter referred to as "the Act of 1984") Schedule 9 to the Act of 1984 and all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984 hereby make the following Order.

List of Parts

1. General
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**PART 1
GENERAL**

1. Revocation, Commencement and Citation

(a) This Order revokes and replaces The East Lothian Council (Off-Street Coastal Parking Places) (Various Roads (Prohibition and restriction on waiting, loading and unloading etc)) Order 2014, and all Notices varying the tariffs thereunder.

(b) This Order shall come into operation on the 23 day of January 2017; and may be cited as the East Lothian Council Coastal (Off-Street Coastal Parking Places) Consolidation Order 2016.

2. Interpretation

(a) In this Order, except where the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them and each meaning shall apply whether the expression is printed in this Order with capital or lower case letters:-

"**the 1984 Act**" means the Road Traffic Regulation Act 1984 as subsequently amended and varied;

"**the 1988 Act**" means the Road Traffic Act 1988 as subsequently amended and varied;

"**Caravan**" means a mechanically propelled vehicle or vehicle which can only be moved on a public highway if towed by or carried on another vehicle, in any such case, designed, constructed or adapted to provide cooking, eating, washing and sleeping facilities (or any of such facilities) for one or more persons, but does not include any commercial vehicle;

"**Carriageway**" means an area of road over which all vehicles have right of passage;

"**Certificate of Exemption**" means a Certificate issued for the purposes of Article 18 hereof;

"**Chief Constable**" means the Chief Constable of Police Scotland;

"**Coach**" has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986, as amended;

"**Commercial Vehicle**" means any goods vehicle as defined in the 1988 Act or any vehicle or trailer (except a caravan, dinghy or baggage trailer) drawn by a motor vehicle;

"**Council**" means East Lothian Council or its predecessor or successor authority as Roads Authority for the East Lothian area or any apart or parts thereof

"**Disabled Person's Badge**" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000;

"**Disabled Person's Vehicle**" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002, or any re-enactment or modification thereof from time to time in force, and may include any type of self-propelled buggy;

"**Driver**" in relation to a motor vehicle or motor-cycle waiting in a parking place means the person driving the motor vehicle or motor-cycle at the time that it was left in the parking place;

"**Heavy Goods Vehicle**" has the same meaning as "heavy commercial vehicle" as defined in the 1988 Act Section 20, that is to say any goods vehicle which has an operating weight exceeding 7.5 kilograms;

"Invalid Carriage" means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person, and may include any type of self-propelled buggy;

"Light commercial vehicle" means any motor vehicle designed or adapted as a van, pick-up truck or utility vehicle for the carriage of goods which has a design gross weight not exceeding 3500 kilograms;

"m" means metre;

"Marked Bay" has the same meaning as **Parking Space**;

"Mechanical Device" means a device used as a means to indicate the time at which a motor vehicle or motor-cycle arrived at a parking place and the fees or charges paid or payable for parking on any of the parking places specified in this Order and as a means to collect fees or charges;

"Minibus" means a motor vehicle which is constructed or adapted to carry more than 8 but not more than 16 seated passengers in addition to the driver;

"Motor-cycle" means a mechanically propelled vehicle, not being an invalid carriage, with not more than two wheels and the weight of which unladen does not exceed 406.4 kilograms;

"Motorised Caravan" means a motorised or self-propelled caravan, camper van, dormobile, motorhome or similar vehicle and includes any bus, coach, lorry, van or other vehicle adapted for human habitation whether permanent or temporary;

"Motor Vehicle" means a mechanically propelled vehicle intended or adapted for use on roads, and not being a motor-cycle;

"Owner" in relation to a motor vehicle or motor-cycle means the person by whom such motor vehicle or motor-cycle is kept and for the purpose of determining in the course of any proceedings brought by virtue of this Order who was the owner of the motor vehicle or motor-cycle at any time it shall be presumed that the owner was the person who was the registered keeper of the vehicle at that time unless the contrary is shown in which case it shall be open to the Council to prove that the motor vehicle or motor-cycle was owned or kept by some other person at that time;

"Parking Attendant" means a person authorised by or on behalf of the Council to supervise and carry out enforcement in respect of this Order;

"Parking Place" means any area of land or any building or part of a building specified by name in the Schedule or Schedules to this Order provided by the Council under Section 32(1) of the 1984 Act for use as a parking place;

"Parking Space" means, in any Parking Place in which there are displayed surface markings or other directions to indicate the position in which any vehicle should be parked, any one such space, Marked Bay or position so marked or directed;

"Penalty Charge Notice" means a form of Fixed Penalty Notice (FPN) issued by parking attendants or traffic wardens who have council backing to chase non-payment using civil action.

"Parking Ticket" means a pay and display ticket obtained by the driver of a motor vehicle or motor-cycle from a mechanical device indicating the parking fee paid or payable the date of issue and either the time of arrival at the parking place or the time by which the motor vehicle or motor-

cycle should depart from the parking place; or both the time of arrival and the time of the ticket's expiry;

"Parking Fee" means the charge to be paid with respect to the use of the parking place under Section 35 of the 1984 Act as subsequently amended or varied;

"Pay and Display Ticket" has the same meaning as parking ticket;

"Picnic" means an informal outdoor meal;

"Plan" means the plan or plans referred to in Article 4;

"Public Service Vehicle" has the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981

"Registered Keeper" means the person whose name and address appears on the records kept and maintained at the Driver and Vehicle Licensing Centre as the keeper of the vehicle on the date specified by the Council in any request made to the Centre in respect of that motor vehicle or motor-cycle;

"Restricted or Prohibited hours" means any period during which the restrictions or prohibitions imposed by Articles 3,4,6,7,8,9,12,13 or 15 of the Order apply

"Road" includes part of a road;

"Season Ticket" means a ticket or other document provided by the Council in accordance with Article 8 of this Order in respect of a motor vehicle or motor-cycle and valid for the period or for the number of occasions specified thereon, and for the parking place or places specified in it;

"Schedule" means a Schedule to this Order;

"The Highway Code" means the code published under the Road Traffic Act 1930 section 45 and continued in force as amended by the Road Traffic Act 1988 section 38;

"Telecommunication Apparatus" has the same meaning as in the Telecommunications Act 1984 as subsequently amended or varied

"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 of 1984;

"Trailer" means a vehicle drawn by a motor vehicle;

"Vehicle" means any mechanically propelled vehicle of any type or category described in this article.

- (a) Except where otherwise stated any reference in this Order to a numbered Part, Article or Schedule is a reference to the Part, Article or Schedule bearing that number in this Order.
- (b) The Interpretation Act 1978 or any Act amending or replacing it shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- (c) Any expression used in this Order and not otherwise defined herein shall be interpreted in accordance with the definitions contained in the 1988 Act or any statutory modification or re-enactment thereof.
- (d) Any reference in this Order to an Act of Parliament or Directive of the European Union or to a Statutory Instrument, Regulation, Bye-law or Order made thereunder shall include any modification, extension or re-enactment of that Act or Directive for the time being in force and shall include all instruments, orders, plans, regulations, bye-laws, permissions and directions for the time being made, issued or given under that Act or Directive or deriving validity from it.
- (e) Article headings are intended for ease of reference only.
- (f) The definitions set out in this Order shall also apply to terms or expressions used on any car park sign, notice or information board.

3. Parking Places to which this Order applies

Each area of land specified by name in Schedule 1 and shown on accompanying maps to this Order may only be used subject to the provisions of this Order as a parking place for such class or classes of vehicles and on payment of such charges, as are specified in relation to that area in Schedule 2 to this Order.

4. Limits of Parking Places

- (a) The limits of each parking place are shown in the plans prepared for that purpose and kept by the Council; such plans may be seen and inspected by any person at any time during normal office hours at the Council's offices at John Muir House, Haddington, EH41 3HA and on the Council's website www.eastlothian.gov.uk.
- (b) The Council may vary the limits of the parking place or places as expedient for good management of the parking place or places and alter the plans accordingly.
- (c) Notwithstanding the extent of the Parking Place or Places shown on the plans referred to in 4(a) above, the Council shall not be obliged to make the entire area of the Parking Place available for use as a parking area at all times.

5) Council's Powers to Vary or not to Apply any Provision of this Order

The Council shall have authority whether with or without advance warning (but so that the Council shall not be obliged to give any advance warning) or giving any reason therefore; to prohibit the use of a parking place or any part or parts of a parking place; or restrict admission by the public to a parking place at any time or times and for any period or periods.

6) Highway Code

- (a) The Highway Code shall apply to all parking places mentioned in this Order
- (b) The failure on the part of any person to observe a provision of the Highway Code shall not of itself render that person liable to criminal proceedings of any kind but any such failure may in any proceedings (whether civil or criminal) be relied on by any party to the proceedings as tending to establish or negate any liability which is in question in the proceedings.

PART 2

PAYMENT OF CHARGES

7. Introduction - Responsibility for Payment

When a vehicle enters a parking place the registered keeper and the driver of the vehicle are jointly and severally responsible for ensuring that payment of the parking fee is made for use of the parking place in accordance with one of the methods set out in Part 2 unless a Special Exemption as set out in Part 3 applies.

PART 2A

SEASON TICKETS

8. Issue of Season Tickets

- (a) a Season Ticket may be purchased, on application to the Council, in respect of any motor vehicle or motor-cycle for use in any of the parking places specified in this Order and that season ticket shall be valid in such parking place or places as is or are specified thereon for the period, times or occasions for which it is issued.
- (b) If any season ticket is lost the Council may on payment by its holder of an administration charge of £10.00 issue a duplicate or replacement ticket to cover the unexpired validity of the lost season ticket.

9. Validity of Season Tickets

- (a) a season ticket shall expire on the last day of the 12 month period for which it was purchased and no season ticket issued by the Council shall be dated for a date before the date on which it was purchased;
- (b) a 12 month season ticket shall apply from the first day of the month in which issued;
- (c) a season ticket shall apply in respect of all parking places, but only in respect of the vehicle for which it was issued;
- (d) the holder of a season ticket shall comply with the provisions of this Order unless any particular waiver is expressed on it;
- (e) purchase of a season ticket does not guarantee the availability of a parking space in any parking place in respect of which it was issued.

10. Cancellation of Season Tickets

- (a) Any season ticket issued to any person who has made any false or misleading statement in order to obtain that season ticket is not valid, and the Council may at any time cancel, without refund of any fee, that season ticket. The holder of any such season ticket shall return it to the Council on demand, such demand may be made in writing, or by any parking attendant.
- (b) If any motor vehicle or motor cycle is found or seen in any parking place to which this Order applies displaying a season ticket that has been cancelled in accordance with article 10(a) above, that motor vehicle or motor cycle shall be deemed to be parked without payment of a parking fee.

11. Display of Season Tickets

Where the owner or driver of a motor vehicle or motor-cycle has purchased from the Council a season ticket the season ticket shall be conspicuously displayed in the motor vehicle or on the motor-cycle as described in Article 13 hereof, but the owner or driver need not obtain any further ticket or evidence of permission to park in the car park to which the season ticket relates, while the season ticket remains valid.

PART 2B

CONTRACT PARKING

12. Contract Parking

- (a) Subject to the provisions of this Order the Council may by written agreement allocate any number of spaces at any parking place specified herein for use by any individual or organization, for such purpose not necessarily being restricted to use by permitted classes of vehicles
- (b) In any case in which the Council agrees that any person may use a parking space or spaces for any purpose it may require that person to enter into a licence or other agreement on terms to be agreed (including provisions as to payment, insurance, avoidance of damage, obstruction or nuisance &c).

PART 2C

PARKING TICKETS

13. Purchase and Display of Parking Tickets

- (a) Save as otherwise expressly provided in this Order, the driver of a motor vehicle or motor-cycle shall immediately upon entry of the motor vehicle or motor-cycle into a parking place be responsible for paying the fees due in accordance with the scale of fees set out in Schedule 2 by reference to the Tariff Code for each parking place listed in Schedule 1 hereto, by inserting coins, tokens, electronic payment card, season ticket, credit card or debit card or other payment system as appropriate into a mechanical or electronic device, and for obtaining therefrom a parking ticket or tickets indicating the amount paid, and/or in the alternative the time of arrival at the parking place, or the time at which the motor vehicle or motor-cycle should depart therefrom.
- (b) The parking ticket(s) or season ticket shall be securely attached or displayed inside the motor vehicle or on the motor-cycle in a conspicuous position at all times while the motor vehicle or motor-cycle is parked in a parking place.
- (c) The parking ticket(s) or season ticket while attached to the motor vehicle or motor-cycle shall be so placed that the details shown on the front of the said ticket are clearly visible to persons standing outside the motor vehicle or beside the motor-cycle.
- (d) The driver of a motor vehicle or motor-cycle shall display as required by this Article only a currently valid parking ticket(s) or season ticket, so that (save in those parking places where multiple tickets valid for several days in sequence may be purchased) no used or expired tickets are left displayed.
- (e) In addition to the payment methods referred to in this Article, when the technology becomes available payment may also be made or authorised from a mobile phone or by means of vehicle recognition software and direct debit from the registered keeper's or driver's designated bank account.
- (f) Where the registered keeper or driver of a motor vehicle or motor-cycle obtains from the Council the means to pay charges via direct debit linked to vehicle recognition software the Council may by written agreement set terms for the payment of charges by direct debit, the cancellation or withdrawal of direct debit facilities and for the recovery of any unpaid charges.

14. Validity of Tickets

- (a) **No Refund**
Where a fee is specified for a period, the whole of the fee shall be due and payable for the use of the parking place for any part of that period, and no refund will be available for any time not used.
- (b) **No Refund**
A Parking Ticket is only valid in respect of the vehicle for which it was purchased and no parking ticket nor season ticket obtained in accordance with this Order shall be transferred to another motor vehicle, or motor-cycle. Any person who contravenes this Article shall be guilty of an offence. If it is shown that any parking ticket has been transferred by the

purchaser to a motor vehicle or motorcycle other than the motor vehicle or motorcycle for which it was purchased, it shall be deemed that the recipient motor vehicle or motorcycle is parking without payment of a parking fee.

- (c) **Parking Place Only**
A parking ticket or tickets shall be valid only in respect of the parking place in respect of which it is, or they are issued.
- (d) **Excess Time**
The driver of a vehicle shall not permit the vehicle to remain in a parking place in excess of the time permitted by the ticket.
- (e) **Defaced Tickets No person shall:-**
 - (i) after obtaining a parking ticket or tickets alter the indications given by that parking ticket or those tickets while the motor vehicle or motor-cycle to which the ticket or tickets relate remains in a parking place;
 - (ii) knowingly exhibit on any motor vehicle or motor-cycle any parking ticket which has been altered, defaced, mutilated or added to or upon which the figures or particulars have become illegible.

15. Mechanical and Electronic Devices

If any mechanical or electronic device is out of order the driver of a motor vehicle or motor-cycle shall use another one if there are two or more such mechanical devices in that parking place;

16. Payment to Parking Attendants

It shall always be within the powers of the Council at any time whether having given notice or not to require the driver of a motor vehicle or motor-cycle to make payment of fees specified in this Order whether on entry to, or on exit from, the parking place to a parking attendant or other person duly authorised by or on behalf of the Council instead of making payment as provided in Article 13 hereof.

17. Photographic Evidence

- (a) The Council may use photographic evidence as a means of recording and identifying any motor vehicle or motor-cycle left in any parking place otherwise than in accordance with the provisions of this Order and may rely on any photographs as evidence in any criminal or civil proceedings;
- (b) Such photographic evidence may be obtained by still (including digital) cameras used by parking attendants or by means of CCTV or other video recording apparatus

PART 3

SPECIAL EXEMPTIONS

18. Disabled Persons Vehicles

- (a) Subject to the provisions of this Order the Council may allocate any number of spaces at any parking place for use by disabled persons' vehicles only.
- (b) Notwithstanding the provisions contained in this Order all fees and charges shall be waived (wholly or for such time as may be specified by notice in respect of a particular parking place) in respect of any driver who displays on his motor vehicle or motor-cycle a certificate of exemption (otherwise known as a disabled person's badge or "blue badge") approved in accordance with the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 or any statutory modification or re-enactment thereof or any European Union equivalent thereof. This exemption for holders of a disabled person's badge does not apply to any bay or space set aside for parking motor-cycles or marked or signed as parking spaces reserved for parent and child parking.

19. Service Vehicles and Broken Down Vehicles

- (a) Nothing in this Order shall render it unlawful for any motor vehicle or motor-cycle used in connection with the repair maintenance or management of any of the parking places described in the Schedules hereto to enter any such parking place for the authorised maintenance or repair of that parking place, (subject to any height restriction) shall it be unlawful for any road rescue service person or mechanic to bring into a parking place a breakdown vehicle for the relief, assistance or removal of a motor vehicle or motor-cycle that has broken down.
- (b) No fee or charge shall be payable in respect of any such breakdown vehicle provided that it leaves the parking place within one hour of arrival, and does not cause any hindrance or obstruction of other users of the parking place.

PART 4

USE OF PARKING PLACES

20. Protection of Contract Parking Spaces

Where in this Order parking space or spaces have been allocated for use by any individual or organisation in accordance with Article 12 hereof and are clearly so marked no driver shall cause or permit any motor vehicle or motor-cycle to enter or wait in such space unless authorised to do so by the Council or the individual or organisation to whom the space or spaces have been allocated.

21. Protection of Spaces for Motor-cycle and Persons' with Disabilities

- (a) Where by virtue of this Order parking spaces have been allocated for use by Motor-cycles, Disabled Persons' Vehicles and are clearly so marked or signed no person shall cause or permit any vehicle other than a Motor-cycle, or a Disabled Person's Vehicle as the case may be to enter such spaces, or to remain thereon (even if a season ticket or other ticket or contract would otherwise be valid).
- (b) For the purposes of this Article
 - (i) the marking or sign "M/C" or "M/cycle" shall indicate a parking space allocated for Motor-cycles only;
 - (ii) any parking space allocated for use by disabled persons' vehicles may be indicated by a sign as prescribed in the Traffic Signs Regulations and General Directions 2016 Schedule 2 Number 661A or by a wheelchair symbol marked on the surface;

22. Improper Parking –

Where in this Order a parking place is described as available for the parking of motor vehicles or motor-cycles of a specified class or in a specified position or parking space the driver of a motor-vehicle or motor-cycle shall not permit it to wait in that parking place:-

- (a) unless it is of the specified class; or
- (b) for longer than a period of 10 hours on any one occasion (unless the Council shall have given its consent in writing);
- (c) for overnight parking between the hours of 11.00pm. and 6.00 am

23. Untidy Parking etc.

The driver of a motor vehicle or motor-cycle (including any in respect of which a disabled person's permit is in force) on entering a parking place shall ensure that:-

- (a) the motor vehicle or motor-cycle is parked in an orderly fashion; and
- (b) the motor vehicle or motorcycle is parked in a position whereby no other motor vehicle or motor-cycle is obstructed from changing its position in or from leaving the parking place; and
- (c) that the entrances and exits of the parking place are in no way obstructed; and
- (d) the motor vehicle or motor cycle (together with any caravan or trailer which may be permitted to be brought into the parking place) does not straddle or occupy two or more parking spaces (unless a parking ticket is bought for each space); and
- (e) the requirements or restrictions imposed by any yellow lines marked on the car park surface or on access and exit roads are complied with; and
- (f) directions given by a parking attendant or other persons so appointed by the Council are adhered to.

24. Surface Markings and Direction Signs

- (a) Where in a parking place signs are erected or surface markings (including yellow or white lines) are laid or painted for the purpose of indicating the entrance to or exit from the parking place no person shall drive or cause or permit to be driven any motor vehicle or motor-cycle so that it enters the parking place otherwise than by an entrance or leaves the parking place otherwise than by an exit so indicated.
- (b) where in any parking place any signs or notices are erected or surface markings are laid or painted for the purpose of giving directions or providing information in or about any parking place or its use no person shall drive or cause or permit to be driven any motor vehicle or motor cycle otherwise than in compliance with the indication of such sign, notice or surface marking.
- (c) where such signs, notices or surface markings comply with the Traffic Signs and General Directions 2016 (the "2016 Directions") they shall have the same meaning and effect as is given by the 2016 Directions.

25. Car Park Margins

The driver of a motor vehicle or motor-cycle using a parking place shall not drive onto or across or park on any grass verges other than designated as parking spaces or onto or across any , flower beds or hard landscaped areas, and any person who contravenes this Article may be liable to a civil action by the Council for recovery of the cost of repairs or reinstatement and the registered keeper of such a motor vehicle or motor-cycle shall be jointly and severally liable with the driver to the Council.

26. Directions of Parking Attendant

The driver of a motor vehicle or motor-cycle using a parking place shall comply with any requirements given by a parking attendant or other person authorised by or on behalf of the

Council with regard to the position in which the motor vehicle or motor-cycle is parked or in respect of any other contravention of or non-compliance with the provisions of this Order.

27. Other Uses Prohibited

No person shall except with the permission of any parking attendant or other person duly authorised by the Council drive any motor vehicle or motor-cycle in a parking place other than for the purpose of leaving that motor vehicle or motor-cycle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place and while a motor vehicle or motor-cycle or caravan is in any parking place no person shall use any part of that parking place;

- (a) for overnight sleeping or camping purposes;
- (b) for commercial cooking purposes;
- (c) for the purpose of servicing, repairing or washing any motor vehicle or motor-cycle or part thereof other than is reasonably necessary to enable that motor vehicle or motor-cycle to depart from the parking place;
- (d) for playing any radio, cassette player, CD player or other means of sound reproduction or amplification to the disturbance or annoyance of users of the parking place, or residents of premises in the neighbourhood.

provided that paragraph (b) of this Article shall not be deemed to prohibit any person picnicking or barbequing or preparing meals in or around any motor vehicle, motor-cycle or caravan in any of the parking places specified as allowing picnics or barbeques in Schedule 1.

28. No Trading or Commercial Use

- (a) Unless the written consent of the Council has previously been obtained and such consent is made available for inspection on request, no person being the driver, owner or registered keeper of a motor vehicle, motor cycle, caravan or trailer, or having control of, or being the person to whom the motor vehicle, motor cycle, caravan or trailer is hired or leased shall while it is in any parking place use it in any of the following ways:-
 - i. For any activity connected with the sale or hire of display or offering for sale or for hire of any article, goods or merchandise in or near that parking place;
 - ii. For any activity connected with the selling or offering for sale or for hire of his skill or services or of vehicles used in connection with any business;
 - iii. For any activity connected with the sale or offering for sale or the hiring or the offering for hire of that motor vehicle, motor cycle, caravan or trailer or any other motor vehicle, motor cycle, caravan or trailer;
 - iv. Whilst being the proprietor or operator or manager of any business connected with the selling or offering for sale or hiring or offering for hire motor vehicles, motor cycles, caravans or trailers, to keep or leave any such motor vehicle, motor cycle, caravan or trailer in any parking place when it is not hired, or pending collection by any person to whom it has been hired;

- v. (vi) Leave in any parking place any vehicle designed or adapted for the display or broadcast or carrying of any advertisements;
 - vi. (v) Clean, repair, service or maintain any motor vehicle, motor cycle caravan or trailer (save such service or repair as may be necessary to enable any such vehicle as has broken down to be driven, towed or carried away from the parking place);
 - vii. Keep or leave or park any motor vehicle, motor cycle, caravan or trailer in any parking place pending or in anticipation of or following any of the matters mentioned in this Article;
- (b) Nor shall any person being the driver, owner or registered keeper of any motor vehicle, motor cycle, caravan or trailer without the Council's prior written consent seek to carry on in any parking place any trade business or commercial activity in any other manner;
 - (c) Nor shall any person without the Council's prior written consent bring into or leave in any parking place any building or construction materials, skip, container, pallet, goods vehicle or plant or apparatus for any trade, business or other purpose;
 - (d) The Council may, as a condition of giving any consent for the purposes of this Article, require the payment in advance of a fee other than a fee or charge specified in or for the purposes of this Order and impose terms and conditions as to public liability or other insurance and for maintaining the normal operation of the parking place for the public and for other controls and regulation.

29. In Case of Breakdown

In any parking place where charges are levied the driver or person in charge of a broken down vehicle must purchase a parking ticket or tickets to cover the chargeable times that the vehicle is expected to be left at the parking place until it can be removed. Any broken down vehicle must be removed from the parking place as soon as possible.

30. Safe Use

The use of a parking place shall place on all persons using the parking place whether or not for the purposes of this Order a general obligation such that any activity entered into is done so in a safe and reasonable manner being free of risk and harm, injury or damage to themselves or others.

31. Damage to Parked Vehicles

Any driver who causes damage to any other vehicle while in any parking place shall deliver to the apparent owner or driver of that other vehicle particulars of his or her name and address or if the apparent owner or driver of that vehicle is not in the vicinity deliver those particulars in writing to the Council within 14 days of the damage being caused.

PART 5
PROHIBITED MATTERS

32. Offences — Introduction

Any person entering a parking place must comply with the provisions of this Part 5 and any person responsible for any contravention or non-compliance with any of the provisions of Articles 42 - 52 inclusive in this Part 5 or of Article 14(b) in Part 2 and Article 40(a) in Part 5 shall be guilty of an offence under Section 35A(1) of the 1984Act subsequently amended or varied.

33. Engines not to be left running

The driver of a motor vehicle or motor-cycle using a parking place shall stop the engine as soon as the motor vehicle or motor-cycle is in position in the parking place and shall not start the engine except when about to change the position of the motor vehicle or motor-cycle in or to depart from the parking place.

34. Road Fund Licence, Insurance and Driving Licence

The driver of a motor vehicle or motor-cycle shall not permit that motor vehicle or motorcycle to wait or be driven in a parking place unless:

- (a) the motor vehicle or motor-cycle is licensed in accordance with the provisions of the Vehicle (Excise) and Registration Act 1994 (or any statutory re-enactment or modification thereof); and
- (b) there is in relation to the use of that motor vehicle or motor-cycle by the driver such policy of insurance as complies with the requirements of Part VI of the 1988 Act (or any statutory re-enactment or modification thereof); and
- (c) the person driving holds a valid driving licence or provisional driving licence (issued in the UK or elsewhere).

35. No Offensive Matter

No person shall cause or permit to wait in a parking place any motor vehicle or motorcycle the carrying of dead animals, carcasses, bones or offal which is inedible or unfit for human consumption, or any offensive or deleterious matter which is prejudicial to health or a nuisance, unless at the direction of the Council.

36. Children and Animals, in Vehicles

- (a) No person shall leave an unattended child in a motor vehicle or motor-cycle or caravan in a parking place to which this Order applies;
- (b) No person shall leave a live animal in a motor vehicle or motor-cycle or caravan in a parking place to which this Order applies unless he shall have taken reasonable steps to ensure that an adequate supply of fresh air is available for such animal whilst in the motor vehicle or motor-cycle or caravan and that it is provided with adequate water; and that the

animal cannot escape from or molest persons passing near to the motor vehicle or motor-cycle or caravan.

37. Use of Horn

No person using a parking place shall sound the horn or other similar audible warning instrument of any motor vehicle or motor-cycle except when about to change the position of the motor vehicle or motor-cycle in or to depart from the parking place.

38. No Through Route

No person shall use a parking place as a means of passage or proceeding from one road to another road.

39. Leaking Fuel and other matter or fluid

No person shall cause or permit to wait in a parking place any motor vehicle, motor-cycle or caravan leaking oil, petrol or other fuel, radiator water or coolant or waste water.

40. Other Uses, Unruly and Offensive Behaviour

No person shall in a parking place:-

- (a) wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood;
- (b) use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned;
- (c) use or display any indecent or offensive or obscene gesture or language;
- (d) light or cause or permit to be lit any fire or barbecue except in those parking places where picnicking is permitted (as identified in Schedule 1); and, where picnicking is permitted (as identified in Schedule 1), cause or permit any fire or barbecue to become a danger or nuisance to users of the parking place or residents of premises in the neighbourhood or to the surrounding vegetation, and before leaving the parking place they shall fully and effectively extinguish it and clear away all traces;
- (e) play or take part in any game nor cause or permit any child or young person to do so except in those parking places where picnicking is permitted (as identified in Schedule 1);
- (f) where picnicking is permitted (as identified in Schedule 1), cause or permit games played to become a danger or nuisance to users of the parking place or residents of premises in the neighbourhood;
- (g) drive, chip or pitch a hard golf ball;
- (h) throw or discharge any missile in such a manner as to cause danger or nuisance to users of the parking place or residents of premises in the neighbourhood;
- (i) fly any kite in such a manner as to cause danger or nuisance to users of the parking place or residents of premises in the neighbourhood;

- (j) ride, drive or use any vehicle powered by the wind whether by means of a kite, sail, windsurfer rig or otherwise;
- (k) release any power-driven, jet-propelled or rocket-propelled model aircraft for flight or control the flight of such an aircraft;
- (l) cause any power-driven, jet-propelled or rocket-propelled model aircraft to take off or land;
- (m) release or operate any power-driven model car or other model vehicle or control such a car or vehicle;
- (n) light, let off or discharge any firework without the written consent of the Council.

For the purposes of this Article:

"model aircraft" means an aircraft which either weighs not more than 7 kilograms without its fuel or is for the time being exempted (as a model aircraft) from the provisions of any Air Navigation Order for the time being in force;

"power-driven" means driven by the combustion of petrol vapour or other combustible vapour or other combustible;

"jet-propelled or rocket-propelled" means driven by jet propulsion or by means of a rocket.

41. No Tents, Booths etc.

In a parking place no person shall without the written consent of the Council first obtained (on such terms as the Council may reasonably require including terms as to payment of fees (not limited to those prescribed in this Order), insurance, indemnity and termination and removal):-

- (a) erect or cause or permit to be erected any, kiosk, hut, booth, stand, building or other structure;
- (b) in any parking place where a caravan may be parked, leave any unhitched caravan for any period longer than eight hours;
- (c) leave or store any yacht, dinghy, boat trestle, cradle, boat trailer, skip or container, or any building or construction materials, pallet or any other trade or business articles, plant or apparatus.

PART 6

PROHIBITION OF DIRECTION OF TRAVEL SPECIFIED IN SCHEDULE 3

42. One-Way lengths of road specified in Schedule 3

No person shall, except upon the direction or permission of a police constable in uniform or a parking attendant in uniform, cause or permit any vehicle to travel in any direction on the lengths of road in John Muir Country Park - Linkfield specified in Column 1 of Schedule 3 otherwise than in the direction specified opposite to that length of road in Column 2 of Schedule 3.

GIVEN UNDER THE SEAL of EAST LOTHIAN COUNCIL this day of

Authorised Signatory
East Lothian Council
John Muir House
Haddington
EH41 3HA

ORDER 16/286

EAST LoTHIAN COUNCIL
ROAD TRAFFIC REGULATION ACT 1984

2016

Subjects: Coastal Car Parks

EAST LoTHIAN COUNCIL
JOHN MuIR HOUSE
HADDINGTON



STATEMENT OF REASON

East Lothian Council operates public coastal car parks throughout East Lothian in accordance with powers and duties contained in the Road Traffic Regulation Act 1984 as amended.

The purpose of providing car parks is to provide a safer parking location; assist traffic management by providing facilities off-road; to support and boost economic activity within the Council area and to enhance and protect the environment.

The management and operation of coastal car parks requires maintenance, the provision of facilities, a safe low risk environment, as well as staff to manage, monitor and maintain use. It is appropriate for those who use coastal public car parks to pay to do so, but every intention will be made to keep the cost as low as reasonably practicable.