

THE FIFE COUNCIL (NIGHTINGALE PLACE, DUNFERMLINE) (PROHIBITION OF MOTOR VEHICLES) ORDER 2016

The Fife Council ("the Council"), in exercise of the powers conferred on them by sections 1, 2, 4 and 124 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and of all other enabling powers, and after consultation with the chief officer of police for the Council's area in accordance with Part III of Schedule 9 to the 1984 Act, hereby make the following Order:-

Part 1 - Citation, Commencement and Interpretation

1. This Order may be cited as "The Fife Council (Nightingale Place, Dunfermline) (Prohibition of Motor Vehicles) Order 2016" and shall come into operation on the 4th day of April, 2016.

2.
 - (1) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

 - (2) References in this Order to a disabled person, to a disabled person's badge and to a vehicle displaying a disabled person's badge in the relevant position shall be construed in accordance with the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 and the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002.

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

"Article" means an article of this Order;

"bus" means a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver) or a local bus not so constructed or adapted;

"driver", in relation to a vehicle, means the person authorised by the owner to drive the vehicle and, for the avoidance of doubt, includes the owner of the vehicle;

“Duloch Campus” means the schools and community buildings with shared facilities situated at Nightingale Place, Dunfermline;

“Duloch Campus Permit” means a permit issued by the Council under Part 5 of this Order;

“electronic communications network” has the same meaning as in section 32 of the Communications Network Act 2003;

“goods” means merchandise, produce and corporeal moveable items of a similar nature (excluding money) 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 of any description;

“local bus” means a bus used for the provision of a local service as defined in section 2 of the Transport Act 1985;

“motor vehicle” has the same meaning as in section 136 of the 1984 Act;

“nearside”, in relation to a vehicle, means the left side of the vehicle viewed from the perspective of the driver sitting in the vehicle facing forwards;

“owner”, in relation to a vehicle, means the registered keeper of the vehicle;

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

“road” has the same meaning as in section 151 of the Roads (Scotland) Act 1984;

“Schedule” means the schedule to this Order;

“security vehicle” means a liveried vehicle in the service of, or being employed by, a security company; and

“universal service provider” has the same meaning as in section 4 of the Postal Services Act 2000.

Part 2 - Prohibition of Motor Vehicles

3. (1) Save as provided in the following paragraph of this Article, no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any motor vehicle to be driven at any time in any of the lengths of road specified in the Schedule.
- (2) The foregoing paragraph of this Article shall not apply to:-
- (a) any vehicle displaying a disabled person's badge in the relevant position;
 - (b) any vehicle displaying a valid Duloch Campus Permit at the front or nearside of the vehicle so as to be clearly visible from the front or nearside of the vehicle;
 - (c) any bus;
 - (d) any goods vehicle being driven for the purpose of loading or unloading goods at premises adjoining the length of road.

Part 3 – Prohibition of Waiting

4. (1) Save as provided in the following paragraph of this Article, no person shall, except upon the direction or with the permission of a parking attendant, cause or permit any vehicle to wait at any time in any of the lengths of road specified in the Schedule.
- (2) The foregoing paragraph of this Article shall not apply to:-
- (a) any vehicle which is not causing an obstruction and on which is displayed, in the relevant position, a disabled person's badge;

- (b) any vehicle which is not causing an obstruction and on which is displayed, at the front or nearside of the vehicle so as to be clearly visible from the front or nearside of the vehicle, a valid Duloch Campus Permit;
- (c) any bus while in actual use for the purpose of dropping off or picking up passengers;
- (d) any goods vehicle while in actual use for the purpose of loading goods onto or unloading goods from the vehicle at premises adjoining the length of road;

provided that the person in control of any vehicle waiting in any length of road shall, on the instructions of a parking attendant, move or cause to be moved the vehicle whenever such removal is reasonably necessary for the purpose of facilitating the passage of traffic.

Part 4 – Exceptions from Restrictions in Parts 2 and 3

5. Articles 3(1) and 4(1) shall not apply to:-

- (a) any vehicle while being used for fire and rescue, ambulance or police purposes if the observance of those Articles would be likely to hinder the use of the vehicle for such purposes;
- (b) any vehicle while being used in the service of the Council in pursuance of statutory powers or duties, if it cannot conveniently be used for such purposes in any other length of road;
- (c) any vehicle, if it cannot conveniently be used for such purposes in any other length of road, while being used in connection with any building operation, demolition or excavation, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the road, or the laying, erection, alteration, removal or repair in or near to the road, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any apparatus comprised in an electronic communications network;

- (d) any liveried vehicle in the service of, or employed by, a universal service provider and in actual use in a length of road while postal packets
 - (i) addressed to premises adjacent to the length of road are being unloaded from the vehicle or, having been unloaded, are being delivered to those premises; or
 - (ii) are being collected from postal boxes or premises adjacent to the length of road for loading onto the vehicle or are being so loaded;

- (e) any security vehicle in actual use in a length of road while currency or other valuables;
 - (i) are being unloaded from the vehicle for delivery to premises adjacent to the length of road or, having been unloaded, are being so delivered; or
 - (ii) are being collected from premises adjacent to the length of road for loading onto the vehicle or, having been collected, are being so loaded.

Part 5 – Duloch Campus Permits

- 6. (1) To facilitate safe access to Duloch Campus, the Council may issue permits in respect of the lengths of road specified in the Schedule (“Duloch Campus Permits”) for use by vehicles in circumstances where, owing to the type of vehicle or needs of the user, the car parking facilities at Duloch Campus are unsuitable.

- (2) The Council may provide by this or any other Order for the exemption of vehicles displaying Duloch Campus Permits from relevant driving and/or waiting restrictions.

- (3) Any person or organisation having a significant need to use the lengths of road specified in the Schedule shall be entitled to apply to the Council for a Duloch Campus Permit. An applicant will be required to demonstrate that there are significant barriers preventing the applicant from using the car parking facilities at or within the vicinity of Duloch Campus.

7.
 - (1) Application for a Duloch Campus Permit shall be made on a form supplied by the Council for the purpose and shall be submitted to the Council at the address specified on the form.
 - (2) An applicant for a Duloch Campus Permit shall produce to the Council such evidence as it may reasonably require in order to verify the information given in the application.
 - (3) On being satisfied that an applicant has demonstrated a significant need to use the lengths of road specified in the Schedule, the Council may grant the application and issue a Duloch Campus Permit which shall be valid for such period as the Council consider appropriate to the applicant's circumstances.
 - (4) The Council shall be entitled to refuse to issue a Duloch Campus Permit to an applicant who has previously been in possession of a Duloch Campus Permit which has been altered in any way.
 - (5) A Duloch Campus Permit shall be in such form as the Council may from time to time determine and may include the following particulars -
 - (a) the name of the Council;
 - (b) words signifying that it is a permit relating to Duloch Campus;
 - (c) an identifying number;
 - (d) the expiry date of the permit; and
 - (e) the registration mark of the vehicle or vehicles to which the permit relates.
8.
 - (1) The Council shall maintain a register of all Duloch Campus Permits issued under this Part of this Order and the terms of such register shall be conclusive as to the validity of any Duloch Campus Permit.
 - (2) A Duloch Campus Permit shall be displayed on a vehicle to which it relates at the front or nearside of the vehicle so as to be clearly visible from the front or nearside of the vehicle.

- (3) Only the display of a valid and original, unaltered Duloch Campus Permit shall indicate that a vehicle is exempt from the relevant driving and/or waiting restrictions.
9. (1) A Duloch Campus Permit shall cease to be valid following its expiry date or on the occurrence of any of the following events:-
- (a) the holder ceasing to have a significant need to use the lengths of road specified in the Schedule;
 - (b) the holder ceasing to be the keeper of any vehicle to which the permit relates;
 - (c) the issue of a duplicate permit by the Council in terms of this Article; and
 - (d) should the permit be altered, defaced or damaged to the extent that any of the information or details thereon has become illegible.
- (2) The Council may, by notice in writing sent by Recorded Delivery post to the holder of a Duloch Campus Permit at the address provided on the relevant application form or at any other address believed to be the holder's residence or place of business, intimate cancellation of the permit if it appears to the Council that any of the events specified in the foregoing paragraph has occurred and the holder shall surrender the permit to the Council within 48 hours of receipt of the notice.
- (3) A Duloch Campus Permit may be surrendered at any time before its expiry by or on behalf of the holder to whom it was issued.
- (4) The Council may at its discretion issue a duplicate of any Duloch Campus Permit which has become illegible or has been lost or accidentally destroyed. Any request for a duplicate Duloch Campus Permit must be made in writing by the holder to whom the original was issued who shall supply the Council with such evidence as it may reasonably require in connection with that request.

Part 6 – General

10. The Council shall place and maintain such traffic signs as are required to give effect to the provisions of this Order.
11. For the avoidance of doubt, anything done with the permission or at the direction of a police constable in uniform shall not constitute a contravention of this Order.
12. Drawing Number TM/S/15/14a showing the lengths of road affected by this Order is annexed and signed as relative hereto.

Dated this 14th day of March 2016.

.....*Julie E. Masters*.....

Proper Officer of the Council

SCHEDULE

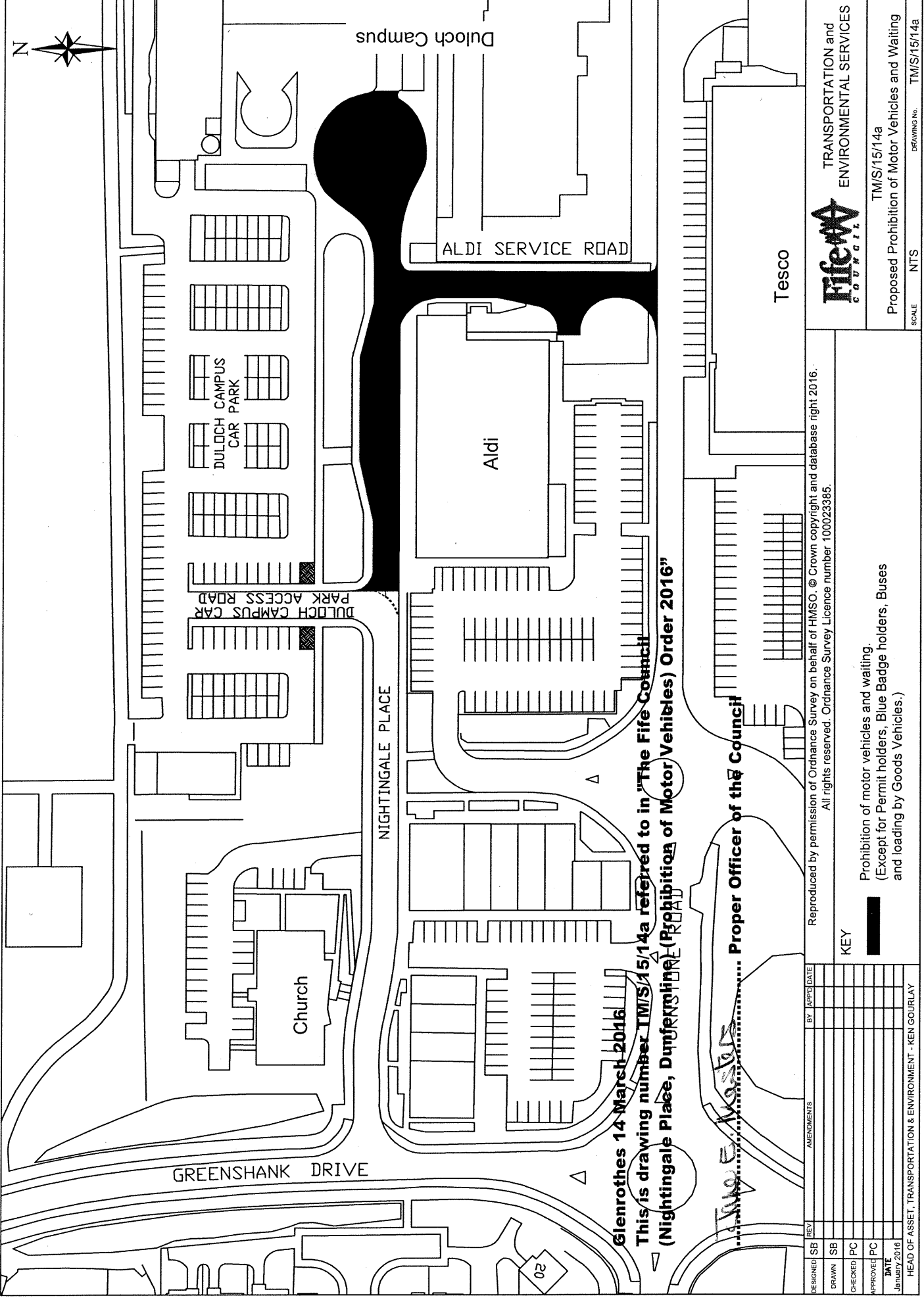
Lengths of road affected by restrictions in Parts 2 and 3 of the Order

1. Aldi Service Road, Dunfermline – whole length from its junction with Nightingale Place to its junction with Turnstone Road

2. Nightingale Place, Dunfermline - from the extended east kerbline of Duloch Campus Car Park Access Road eastwards and including the turning circle at its terminus

.....*June E. Masters*.....

Proper Officer of the Council



Glenrothes 14-March-2016
This is drawing number TM/S/15/14a referred to in "The Fife Council
(Nightingale Place, Dumfermline) (Prohibition of Motor Vehicles) Order 2016"

Proper Officer of the Council

DESIGNED	SB	REV	AMENDMENTS	BY	APPRO DATE
DRAWN	SB				
CHECKED	PC				
APPROVED	PC				
DATE					
January 2016					

KEY



Prohibition of motor vehicles and waiting.
 (Except for Permit holders, Blue Badge holders, Buses
 and loading by Goods Vehicles.)

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Fife COUNCIL
 TRANSPORTATION and ENVIRONMENTAL SERVICES
 TM/S/15/14a
 Proposed Prohibition of Motor Vehicles and Waiting
 SCALE NTS DRAWING No. TM/S/15/14a