

COPY

THE INVERCLYDE COUNCIL

**GOUROCK WATERFRONT
(WAITING RESTRICTIONS) ORDER 2014**

TRAFFIC REGULATION ORDER

**THE INVERCLYDE COUNCIL
GOUROCK WATERFRONT
(WAITING RESTRICTIONS) ORDER 2014**

We, The Inverclyde Council, in exercise of the powers conferred on us by Sections 1(1), 2(1) to (3), 4(2), 32(1), 35(1), 45, 46, 49, 53, 101 and 102 of the Road Traffic Regulation Act 1984 (as amended) ("the Act") and of Part IV of Schedule 9 to the Act and of all other enabling powers and after consulting the Chief Constable of the Police Service of Scotland (Seirbheis Phoilis na h-Alba) in accordance with Part III of Schedule 9 to the Act hereby make the following Order:

1.0 Commencement and citation

- 1.1 This Order shall come into operation on the Thirtieth day of January, Two Thousand and Fifteen and may be cited as the "The Inverclyde Council Gourock Waterfront (Waiting Restrictions) Order 2014".
- 1.2 The Plan Index titled "The Inverclyde Council Gourock Waterfront (Waiting Restrictions) Order 2014 Plan Index" attached to this Order is incorporated into this Order.
- 1.3 The On-Street Plan titled "The Inverclyde Council Gourock Waterfront (Waiting Restrictions) Order 2014" attached to this Order is incorporated into this Order.

2.0 Interpretation

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

"Ambulance Parking Place" means a part of a Road identified for use as a Parking Place for a Motor Vehicle being used in pursuance of ambulance service duties;

"Authorised Person" means an employee or agent of the Council authorised to exercise all or any of the functions of the Council under this Order;

"Bus" has the same meaning as in Regulation 22 of the Traffic Signs Regulations and General Directions 2002 (as amended);

"Bus Stand" is a designated parking location where a Bus waits out of service between scheduled public transport services;

"Bus Stop" is a place on a bus route, usually marked with a pole and sign, where Buses stop to discharge and take on passengers;

"Carriageway" and "Footway" have the same meanings as in Section 151(1) of the Roads (Scotland) Act 1984 (as amended);

"Council" means The Inverclyde Council or its successors as Roads Authority;

“Disabled Person’s Badge” means a badge which was:

- (a) issued under Section 21 of the Chronically Sick and Disabled Persons Act 1970 (as amended);
- (b) issued under a provision of the law of Northern Ireland corresponding to that section; or
- (c) issued by any member State other than the United Kingdom for purposes corresponding to the purposes for which badges under that section are issued;

and has not ceased to be in force;

“Disabled Person’s Parking Place” means a part of a Road identified as such on the On-Street Plans for use as a Parking Place for a Motor Vehicle which displays in the Relevant Position a Disabled Person’s Badge;

“Disabled Person’s Vehicle” means a Motor Vehicle which is displaying a Disabled Person’s Badge in a Relevant Position as prescribed by the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002;

“Driver” means the person driving or having control or charge of a Motor Vehicle at any given time and, in particular, in relation to a Motor Vehicle waiting in a Parking Place, the person driving when it was left in the Parking Place;

“Electronic Communications Apparatus” has the same meaning as in Schedule 2 to the Telecommunications Act 1984 (as amended);

“Goods” includes Relevant 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 of any description or a Trailer so constructed or adapted;

“Limited Waiting Parking Place” means each part of a Road identified as limited waiting on the On-Street Plans;

“Loading” includes unloading and references to “Load” and “Loaded” shall be construed accordingly;

“Loading Bay” means part of a Road identified as such on the On-Street Plans where no Motor Vehicles may wait except to Load;

“Motor Cycle” and “Invalid Carriage” have the same meanings respectively as in Section 136 of the Act;

“Motor Vehicle” means a mechanically propelled vehicle intended or adapted for use on Roads;

“On-Street Plan” means the plan titled “The Inverclyde Council Gourock Waterfront (Waiting Restrictions) Order 2014 On-Street Plan” incorporated

The Inverclyde Council Gourock Waterfront (Waiting Restrictions) Order 2014

into this Order, which is recorded as current for the purposes of interpretation of this Order in the Plan Index;

“One-Way Street” means a Road in which Motor Vehicles are prohibited at all times from proceeding other than in the direction specified;

“Parking Attendant” means a person employed in accordance with Section 63A of the Act to carry out the functions therein;

“Parking Place” means the various types of Parking Place identified in Article 2.2 and identified as such on the On-Street Plans; the limits of each Parking Place shall be indicated by the Council on the Carriageway by appropriate Traffic Signs;

“Parking Space” means a space provided for the leaving of Motor Vehicles in a Parking Place;

“Passenger Vehicle” means a Motor Vehicle (other than a Motor Cycle or Invalid Carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than sixteen passengers exclusive of the Driver;

“Penalty Charge Notice” means a notice issued and fixed to a Motor Vehicle by or on behalf of the Council in relation to a contravention of one or more of the provisions of this Order;

“Plan Index” means the sheet titled “The Inverclyde Council Gourock Waterfront (Waiting Restrictions) Order 2014 Plan Index”, in this Order which records plans that are current for the purposes of interpretation of this Order;

“Police Parking Place” means a part of a Road identified for use as a Parking Place for a Motor Vehicle being used in pursuance of police service duties;

“Registered Keeper” means the person or organisation recorded by the Driver and Vehicle Licensing Agency as being the legal keeper of a Motor Vehicle;

“Relevant Position” means as prescribed by Regulation 12 of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 (as amended);

“Relevant Postal Packets” means postal packets whose weight does not exceed 20 kilograms and whose dimensions fall within permitted limits;

“Road” means all Carriageways, Footways and verges;

“Taxi” has the same meaning as in Section 23(1) of the Civic Government (Scotland) Act 1982 (as amended);

“Taxi Stance” means any part of a Road designated by the Council under the Civic Government (Scotland) Act 1982 (as amended);

“Traffic Sign” means a sign prescribed or authorised under Section 64 of the Act;

“Trailer” means a vehicle drawn by a Motor Vehicle; and

“Universal Service Provider” has the same meaning as in Section 4 (3) and (4) of the Postal Services Act 2000 (as amended).

- 2.2 Where the context so permits all references in this Order to a “Parking Place” shall include reference to an Ambulance Parking Place, a Disabled Person’s Parking Place, a Limited Waiting Parking Place, a Loading Bay or a Police Parking Place.
- 2.3 For the purpose of this Order a Motor Vehicle shall be deemed to wait for a period of more than the time specified on the waiting restriction signs for the length of restriction in the same place in any Road if any point in that Road, which is below the Motor Vehicle when it first stops, remains below the Motor Vehicle or its load (if any) throughout such period, whether or not the Motor Vehicle is moved during that period.
- 2.4 The prohibitions and restrictions of waiting imposed by this Order shall also apply to the footways and verges contiguous to the various parts of Road referred to in this Order.
- 2.5 Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
- 2.6 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, modified, re-enacted, replaced or supplemented by any subsequent enactment.
- 2.7 The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the Act or by or under any other enactment provided that where a prohibition or restriction which is imposed, varied or revoked by this Order is in conflict with a prohibition or restriction imposed by a previous Order, then the provision of this Order shall prevail.
- 2.8 The Order listed in Schedule 1 is varied to the extent specified in the On-Street Plan.
- 2.9 The Order listed in Schedule 2 is partially revoked to the extent specified in the On-Street Plan.
- 2.10 The Plan Index and On-Street Plan form Schedule 3.
- 2.11 The Interpretation Act 1978 (as amended) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3.0 General

- 3.1 When a Motor Vehicle is left in a Road in contravention of any of the provisions of this Order, the Registered Keeper will become liable for a penalty charge and a police constable in uniform, a Parking Attendant or an Authorised Person may affix a Penalty Charge Notice to the Motor Vehicle and, subsequently, may remove or arrange for the removal of the Motor Vehicle from that Road.
- 3.2 An Authorised Person removing a Motor Vehicle by virtue of Article 3.1 may do so by towing or driving the Motor Vehicle or in such other manner as he may think necessary and may take such measures in relation to the Motor Vehicle as he may think necessary to enable him to remove it as aforesaid.
- 3.3 When an Authorised Person removes or makes arrangements for the removal of a Motor Vehicle from a Road by virtue of Article 3.2, he shall make such arrangements as may be reasonably necessary for the safe custody of the Motor Vehicle.
- 3.4 Any expenses incurred by the Council in removing a Motor Vehicle from a Road by virtue of Article 3.2 or in making arrangements for the safe custody of the Motor Vehicle by virtue of Article 3.3 shall be recoverable by the Council from the Registered Keeper of the Motor Vehicle.
- 3.5 The Council may, as respects a Motor Vehicle which has been removed from a Road in pursuance of Article 3.1, if it appears to have been abandoned, sell or otherwise dispose of the Motor Vehicle after having made reasonable enquiry to ascertain the name and address of the Registered Keeper of the Motor Vehicle in accordance with the procedure set out in the Refuse Disposal (Amenity) Act 1978 (as amended).
- 3.6 Where a Penalty Charge Notice or any other notice has been attached to a Motor Vehicle as a result of a failure to comply with the provisions of this Order, no person not being the Driver of the Motor Vehicle, a police constable in uniform, a Parking Attendant or an Authorised Person shall remove the notice from the Motor Vehicle unless authorised to do so by the Driver.
- 3.7 Where a Penalty Charge Notice has been issued, the penalty charge shall be paid to the Council in accordance with the instructions on the Penalty Charge Notice.

4.0 Prohibition and restriction of waiting

- 4.1 Where, in relation to any part of a Road shown on the On-Street Plans, a period of 'no waiting' is indicated then, subject to the provisions of Articles 4.2, 4.3.1, 4.3.2, 4.4.1 and 4.5, no person shall, except upon the direction of or with the permission of a police constable in uniform, a Parking Attendant or an Authorised Person, cause or permit any Motor Vehicle to wait during that period in that part of the Road.
- 4.2 Nothing in Article 4.1 shall prohibit any persons from causing or permitting any Motor Vehicle to wait in the parts of the Road referred to therein for so long as may be necessary:

- (a) to enable a person to board or alight from the Motor Vehicle or to Load thereon his personal luggage;
- (b) if the Motor Vehicle is waiting owing to the Driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
- (c) to enable the Motor Vehicle if it bears the livery of a Universal Service Provider being used for the purposes of the provision of a universal postal service as defined in the Postal Services Act 2000 (as amended);
- (d) to enable the Motor Vehicle to be used for police, ambulance or fire and rescue service purposes;
- (e) to enable the Motor Vehicle (other than a Passenger Vehicle), if it cannot conveniently be used for such purpose in any other Road, to be used in pursuance of statutory powers and duties;
- (f) to enable up to a maximum of three Motor Vehicles involved in a funeral or a wedding ceremony to wait at or near to any premises situated on or adjacent to the said parts of the Road so long as the waiting by these Motor Vehicles is reasonably necessary;
- (g) to enable the Motor Vehicle if it cannot conveniently be used for such purpose in any other Road to be used in connection with any of the following operations, namely:
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said parts of the Road; or
 - (iv) the laying, erection, alteration, removal or repair in or adjacent to any Road, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any Electronic Communications Apparatus or Traffic Sign; and
- (h) if the Motor Vehicle is a Taxi waiting in any Taxi Stance.

4.3 Loading

4.3.1 Nothing in Article 4.1 shall prohibit any persons from causing or permitting any Motor Vehicle to wait in the parts of the Road referred to therein for so long as may be necessary to enable Goods to be Loaded except for any period indicated on the On-Street Plans when Loading is not permitted in that part of the Road.

4.3.2 Provided that no Motor Vehicle engaged in Loading Goods or merchandise, including, so far as a bank is concerned, cash or other valuables or valuable securities, shall wait during the period of 'no waiting' in the same

place in any Road for a period of more than thirty minutes or such longer period as a police constable in uniform, a Parking Attendant or an Authorised Person may authorise and no such Motor Vehicle shall wait for longer than ten minutes in the same place without Goods being Loaded onto the Motor Vehicle.

4.3.3 Notwithstanding anything in Articles 4.3.1 and 4.3.2, the Driver of a Motor Vehicle waiting for the purpose of delivering or collecting Goods or merchandise or Loading the Motor Vehicle shall move the Motor Vehicle on the instruction of a police constable in uniform, Parking Attendant or Authorised Person whenever such moving may be reasonably necessary for the purpose of preventing obstruction.

4.4 Exemption for Disabled Person's Vehicle

4.4.1 Nothing in Article 4.1 of this order shall apply to a Disabled Person's Vehicle which is not causing an obstruction.

4.5 The restrictions specified in Article 4.1 shall not apply to a person causing or permitting a Bus to wait in a Bus Stop or Bus Stand.

5.0 Limited waiting

5.1 Where, in relation to any part of a Road shown on the On-Street Plans, a period of 'limited waiting' is indicated then, subject to the provisions of Article 5.2, no person shall, except upon the direction of a police constable in uniform, a Parking Attendant or an Authorised Person, cause or permit any Motor Vehicle to wait during that period in that part of the Road:

- (a) for longer than the maximum period of waiting specified for that part of the Road; or
- (b) if a period of less than the no return interval specified for that part of the Road has elapsed since the termination during the said hours of the last period of waiting (if any) of the Motor Vehicle in that part of the Road.

5.2 Nothing in Article 5.1 of this Order shall apply to:

- (a) any two wheeled Motor Cycle not having a sidecar attached thereto.
- (b) any Disabled Person's Vehicle which is not causing an obstruction and which displays in the Relevant Position a Disabled Person's Badge.
- (c) any Motor Vehicle from which Goods are being Loaded.
- (d) any Motor Vehicle from which a person is boarding or alighting.
- (e) any Motor Vehicle being used in connection with;
 - (i) building, industrial or demolition operations;

- (ii) the removal of any obstruction to traffic;
- (iii) the maintenance, improvement or reconstruction of the said parts of the Road; or
- (iv) the laying, erection, alteration, removal or repair in or adjacent to any Road, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any Electronic Communications Apparatus or Traffic Sign

if it cannot conveniently be used for such purpose in any other Road.

- (f) any Motor Vehicle being used in pursuance of statutory powers and duties if it cannot conveniently be used for such purpose in any other Road.
- (g) any Motor Vehicle which is being used for fire and rescue service, police, ambulance or other emergency service purposes.
- (h) a maximum of three Motor Vehicles involved in a funeral or a wedding ceremony waiting at or near to any premises situated on or adjacent to the said parts of the Road so long as the waiting by these Motor Vehicles is reasonably necessary.

6.0 Other Parking Places

6.1 Disabled Person's Parking Places

6.1.1 Where a part of a Road shown on the On-Street Plans is identified as a Disabled Person's Parking Place then subject to the provisions of this Order, no person shall except upon the direction of a police constable in uniform, a Parking Attendant or an Authorised Person, cause or permit any Motor Vehicle to wait in the Disabled Person's Parking Place unless it is a Motor Vehicle displaying a Disabled Person's Badge in the Relevant Position and the Disabled Person's Badge is so displayed for the whole time that the Motor Vehicle remains in the Disabled Person's Parking Place.

6.2 Loading Bays

6.2.1 Where a part of a Road shown on the On-Street Plans is identified as a Loading Bay, then subject to the provisions of this Order, no person shall except upon the direction of a police constable in uniform, a Parking Attendant or an Authorised Person, cause or permit any Motor Vehicle to wait in the Loading Bay other than during the process of Loading provided that no such Motor Vehicle shall wait for longer than ten minutes in the same place without Goods being Loaded onto the Motor Vehicle.

6.3 Police Parking Places

6.3.1 Where a part of a Road shown on the On-Street Plans is identified as a Police Parking Place then subject to the provisions of this Order, no person shall except upon the direction of a police constable in uniform, a Parking

Attendant or an Authorised Person, cause or permit any Motor Vehicle to wait in the Police Parking Place during its specified hours of operation unless it is a Motor Vehicle being used in pursuance of police duties.

6.4 Ambulance Parking Places

6.4.1 Where a part of a Road shown on the On-Street Plans is identified as an Ambulance Parking Place then subject to the provisions of this Order, no person shall except upon the direction of a police constable in uniform, a Parking Attendant or an Authorised Person, cause or permit any Motor Vehicle to wait in the Ambulance Parking Place during its specified hours of operation unless it is an Ambulance being used in pursuance of Ambulance Service duties.

6.5 Exemptions

6.5.1 Nothing in Articles 6.1.1 and 6.2.1 shall prohibit any persons from causing or permitting any Motor Vehicle to wait in the parts of the Road referred to therein for so long as may be necessary to enable the Motor Vehicle to be used for police, ambulance or fire and rescue service purposes.

7.0 Parking Places in general

7.1 Power to suspend use of Parking Places

7.1.1 A Parking Attendant may suspend the use of any Parking Place or any part thereof for up to seven days and for longer periods with the permission of an Authorised Person whenever he considers such suspension reasonably necessary:

- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
- (b) for the purpose of any building operation, demolition or excavation in or adjacent to the Parking Place or the maintenance, improvement or reconstruction of the Parking Place or the laying, erection, alteration, removal or repair in or adjacent to the Parking Place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any Electronic Communications Apparatus or Traffic Sign;
- (c) for the convenience of occupiers of premises adjacent to the Parking Place on any occasion of 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;
- (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
- (e) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals.

7.1.2 A police constable in uniform may suspend for not longer than twenty-four hours the use of any Parking Place or any part thereof whenever he

considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

- 7.1.3 Any person suspending the use of any Parking Place or any part thereof in accordance with the provisions of Articles 7.1.1 or 7.1.2 shall thereupon place or cause to be placed in or adjacent to the Parking Place or part thereof the use of which is suspended a Traffic Sign indicating that waiting by Motor Vehicles is prohibited.
- 7.1.4 No person shall cause or permit a Motor Vehicle to be left in any part of any Parking Place during such period as there is in or adjacent to that part of the Parking Place a Traffic Sign placed in pursuance of Article 7.1.3. Provided that nothing in this Article shall render it unlawful to cause or permit any Motor Vehicle being used for fire and rescue service, ambulance or police purposes to be left in any part of the Parking Place during such period as is referred to therein, or to any other Motor Vehicle so left if that Motor Vehicle is left with the direction of a police constable in uniform, a Parking Attendant or an Authorised Person.
- 7.2 Every Motor Vehicle left in a Parking Place shall so stand such that every part of the Motor Vehicle is within the limits of a Parking Space as bounded by surface markings. Provided that, where the length of any Motor Vehicle precludes it from standing wholly within the limits of a Parking Space, such Motor Vehicle may so stand in that Parking Space, if:
- (a) the extreme front portion or the extreme rear portion, as the case may be, of the Motor Vehicle overhangs by no more than 0.3 metres the limits of that Parking Space; and
 - (b) no part of the Motor Vehicle is within the limits of any other Parking Space.
- 7.3 Every Motor Vehicle left in a Parking Place in a One-Way Street shall stand such that the Motor Vehicle is not parked in a direction that opposes the direction of travel.
- 7.4 Where any Motor Vehicle is standing in a Parking Place in contravention of the provisions of the Articles 7.2 and 7.3 a police constable in uniform, a Parking Attendant or an Authorised Person may alter or cause to be altered the position of the Motor Vehicle in order that its position shall comply with those provisions.
- 7.5 A police constable in uniform, a Parking Attendant or an Authorised Person may move or cause to be moved, in case of emergency, to any place he thinks fit, Motor Vehicles left in any Parking Place.
- 7.6 The Driver of a Motor Vehicle using any Parking Place shall not permit the carrying out of any work of construction or repair except such as may be necessary to enable the Motor Vehicle to be removed from the Parking Place.
- 7.7 No person shall use any Motor Vehicle, while it is in any Parking Place, in connection with the sale of any article to any person in or near the Parking Place or in connection with the selling or offering for sale of his skill in

handicraft or his services in any other capacity. Provided that nothing in this Article shall prevent the sale of Goods from a Motor Vehicle if the Motor Vehicle is a Passenger Vehicle or a Goods Vehicle not exceeding 5 tonnes maximum gross weight left in any Parking Place and the Goods are immediately delivered at or taken into premises adjacent to the Motor Vehicle from which the sale is effected.

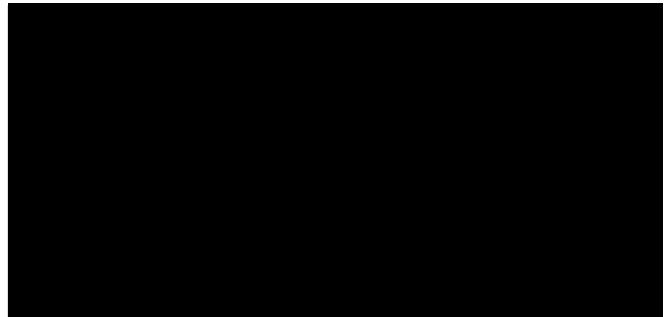
7.8 A Driver of a Motor Vehicle shall not use a Parking Place so as unreasonably to prevent access to any premises adjoining the Road, or prevent the use of the Road by other persons, so as to be a nuisance.

7.9 The Driver of a Motor Vehicle using a Parking Place shall stop the engine as soon as the Motor Vehicle is in position in the Parking Place, and shall not start the engine except when about to change position of the Motor Vehicle in or depart from the Parking Place.

8.0 Variation and revocation of existing traffic regulation orders

8.1 The Orders specified in Schedule 1 to this Order shall have effect subject to the variations specified in that part of the said Schedule.

8.2 The Order specified in Schedule 2 to this Order shall be partially revoked. This Order and the three Schedules annexed hereto are sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by James Fraser Jarvie, Proper Officer at Greenock on the Fifteenth day of December Two Thousand and Fourteen

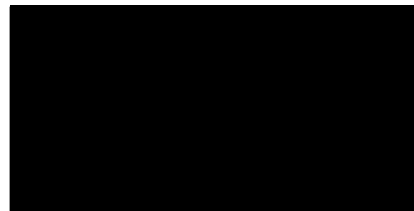


SCHEDULE 1 (Article 8.1)

VARIED ORDERS

The following Order made by The Inverclyde Council (or its statutory predecessors) and all of its amendments and any other Orders and Regulations of whatever nature are hereby varied in the manner and to the extent specified in this Order and the On-Street Plan attached hereto:

1. The Inverclyde Council (Various Roads)(Gourock, Inverkip & Wemyss Bay)
(Waiting Restrictions) Order 2013.



SCHEDULE 2 (Article 8.2)

REVOKED ORDERS

The following Order made by The Inverclyde Council (or its statutory predecessors) and all of its amendments and any other Orders and Regulations of whatever nature are hereby partially revoked to the extent specified in this Order and the On-Street Plan attached hereto:

1. The Burgh of Gourock (Various Streets)(Prohibition of Waiting) Order 1973.

SCHEDULE 3

**THE INVERCLYDE COUNCIL GOUROCK WATERFRONT
(WAITING RESTRICTIONS) ORDER 2014
PLAN INDEX**

Plan Reference	Effective date	1	2	3	4	5	6	7
TR/TRO/127	30/01/2015							

