

**THE INVERCLYDE COUNCIL
(VARIOUS ROADS) (PORT GLASGOW,
KILMACOLM & QUARRIERS VILLAGE)
(WAITING RESTRICTIONS) (VARIATION 7)
ORDER 2020**

TRAFFIC REGULATION ORDER

**THE INVERCLYDE COUNCIL,
(VARIOUS ROADS) (PORT GLASGOW, KILMACOLM & QUARRIERS VILLAGE)
(WAITING RESTRICTIONS) (VARIATION 7) ORDER 2020**

We, The Inverclyde Council, with the consent and concurrence of The Scottish Ministers, 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 August, Two Thousand and Twenty One and may be cited as “The Inverclyde Council, (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) (Variation 7) Order 2020”.

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:

“End Date” means the date on which the particulars of a Printed Permit or a Virtual Permit retained on the Telephone Parking System are removed from the Telephone Parking System;

“Hand-held Device” means apparatus used by a Parking Attendant, an Authorised Person or a police constable in uniform which is programmed to interface with the Telephone Parking System;

“Identification Code” means a combination of letters and/or numerals by which the Council identifies a Parking Place;

“Permit” means a Printed Permit or a Virtual Permit issued by the Council in accordance with the Permit scheme set out in this Order;

“Printed Permit” means a document specified in Article 4.3 of this Order which may be issued by the Council and if so issued shall be displayed and used in accordance with the particulars stipulated thereon;

“Residents’ Parking Permit” means a Printed Permit or a Virtual Permit issued by the Council, in accordance with the provisions of Article 3.0 of this Order, at such charge and on such terms and conditions as the Council may determine;

“Service Provider” means a person or company providing services to or on behalf of the Council;

“Start Date” means the date on which the particulars of a Printed Permit or a Virtual Permit are entered on the Telephone Parking System;

“Telephone Parking System” means a system to facilitate and monitor any Permits, whether Virtual Permits or Printed Permits, using any telephone or internet enabled device via communication with the Service Provider;

“Virtual Permit” means a Permit which is not a Printed Permit, which is specified in Article 4.2 of this Order and which may be issued by the Council; and

“Zone PG1” means any road or part of a road within the boundary of Zone PG1 specified in the maps forming Schedule 1 to this Order.

- 2.2 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.
- 2.3 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.
- 2.4 Where the context so permits, references in this Order to a “Parking Place” shall include reference to a Limited Waiting Parking Place.
- 2.5 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.
- 2.6 The 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.
- 2.7 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 On-Street Plans forming Schedule 1 to this Order and titled “The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) (Variation No. 7) Order 2020 On-Street Plans” are hereby incorporated into “The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) Order 2013” and which are recorded as current for the purposes of interpretation of this Order in the Plan Index.
- 2.9 The Plan Index forms Schedule 2.
- 2.10 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 Residents' Parking Permit

- 3.1 The Council may issue a Residents' Parking Permit, at such a charge and on such terms and conditions as the Council may determine, to a person who ordinarily resides in a dwelling house in any road within the boundary of Zone PG1, specified in the maps forming Schedule 1 to this Order.

4.0 Form of Permit

- 4.1 A Permit shall be either a Virtual Permit or a Printed Permit.
- 4.2 The following information shall be retained on the Telephone Parking System as an indication that a Virtual Permit has been granted:-

- (a) the name and address of the applicant;
- (b) the name of Zone PG1 in which the Virtual Permit is valid;
- (c) the Identification Code of Zone PG1 in which the Virtual Permit is valid.
- (d) the Virtual Permit number;
- (e) the registration number of the Motor Vehicle, Motor Cycle or Invalid Carriage in respect of which the Virtual Permit has been issued;
- (f) the Start Date; and
- (g) the End Date.

- 4.3 Where a Printed Permit is issued by the Council:-

- (a) it shall include the particulars listed in sub-paragraphs (b) to (g) of Article 4.2;
- (b) it is not transferrable; and
- (c) it shall remain the property of the Council at all times.

5.0 Use of Permit

- 5.1 A Permit shall be used only in accordance with the Permit scheme set out in this Article.

- 5.2 Subject to Article 5.1 a Permit may be used:-

- (a) within the Zone PG1;
- (b) in the case of a Virtual Permit, where the Motor Vehicle, Motor Cycle or Invalid Carriage has been recorded on the Telephone Parking System for that Virtual Permit; and
- (c) in the case of a Printed Permit, where details of the Motor Vehicle, Motor Cycle or Invalid Carriage are the same as those recorded on the Printed Permit and the Printed Permit is displayed on the Motor Vehicle, Motor Cycle or Invalid Carriage in accordance with Article 6.1 hereof.

- 5.3 If at any time a Motor Vehicle, Motor Cycle or Invalid Carriage is left in a Limited Waiting Parking Place on any road within the boundary of Zone PG1, and an inspection is carried out by a Parking Attendant, an Authorised Person or a police constable in uniform, and no indication that a Permit has been granted in respect of that Motor Vehicle, Motor Cycle or Invalid Carriage for

Zone PG1 appears on the Hand-held Device of a Parking Attendant, an Authorised Person or a police constable in uniform, it shall be presumed, unless the contrary is proved, that a Permit has not been granted for that Motor Vehicle, Motor Cycle or Invalid Carriage at the time of inspection.

5.4 A person holding a valid Residents' Parking Permit for Zone PG1 is permitted to wait in any Limited Waiting Parking Place on a road within the boundary of Zone PG1, shown in the maps forming Schedule 1 to this Order, without limit of time.

5.5 A Residents' Parking Permit for Zone PG1 shall not be valid in any Limited Waiting Parking Place other than on those roads within the boundary of Zone PG1, shown in the maps forming Schedule 1 to this Order.

6.0 Display of Printed Permit

6.1 Where the driver of a Motor Vehicle, Motor Cycle or an Invalid Carriage wishes to make use of a Printed Permit issued by the Council:-

(a) in the case of a Motor Vehicle, the driver of any Motor Vehicle parked in any Limited Waiting Parking Place shall attach or display the Printed Permit on the Motor Vehicle on the nearside thereof, behind the glass of the windscreen, in such position as to ensure that the front side of the Printed Permit is clearly visible to any person standing at the front nearside of the Motor Vehicle; and

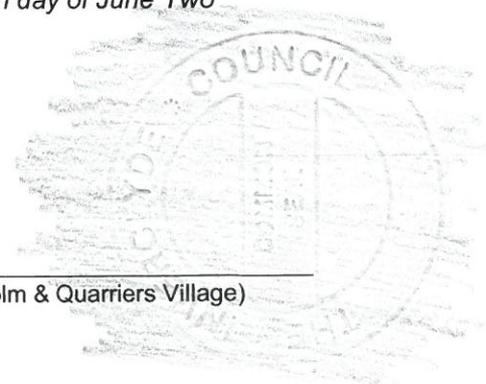
(b) in the case of a Motor Cycle or Invalid Carriage, the driver of any Motor Cycle or Invalid Carriage parked in any Limited Waiting Parking Place shall attach or display the Printed Permit on the Motor Cycle or Invalid Carriage in a conspicuous position in front of the driver's seat.

6.2 Where an inspection is carried out by a Parking Attendant, an Authorised Person or a police constable in uniform, and a Printed Permit issued in respect of that Motor Vehicle, Motor Cycle or Invalid Carriage is not displayed in accordance with Article 6.1 or the particulars shown on the Printed Permit indicate it has not yet commenced, it shall be deemed that a Printed Permit has not been issued in respect of that vehicle at the time of inspection.

7.0 Duration of Permit

7.1 A Permit shall be valid from the Start Date retained on the Telephone Parking System for one calendar year or, if earlier, until such time as it is revoked or cancelled by the Council.

This Order and the two Schedules annexed hereto are sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by Anne Margaret Sinclair, Proper Officer and authorised signatory, at Greenock on the Seventh day of June Two Thousand and Twenty One.



SCHEDULE 1

**The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions)
(Variation No. 7) Order 2020 On-Street Plans**



