

North Lanarkshire Council

Kilsyth Area

(Traffic Regulation) (Consolidation) Order 2018

The North Lanarkshire Council, in exercise of the powers conferred on them by Section 1(1), 2(1) to (3), 4, 32, 35, 99, 101, 102 and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers, and after consultation with the Chief Constable of Police Scotland in accordance with Part III of Schedule 9 to the Act, hereby make the following Order.

1. This Order may be cited as "The North Lanarkshire Council (Kilsyth Area) (Traffic Regulation) (Consolidation) Order 2018" and shall come into operation Monday, the twenty-fourth day of September, Two thousand and eighteen.

2. In this Order the following expressions have the meanings hereby assigned to them:-

"blue badge" means the same as "disabled person's badge" below;

"bus" means a motor vehicle constructed or adapted to carry 8 or more passengers (exclusive of the driver);

"Council" means North Lanarkshire Council;

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000, as amended;

"local bus services" has the same meaning as "local services" as defined in the Transport Act 1985;

"owner" in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who the owner at any time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has use of such vehicle and who is entitled to use such vehicle though they were the registered keeper thereof;

"parking attendant" means a person employed in accordance with Section 63A of the Road Traffic Regulation 1984 Act to carry out the functions therein;

"penalty charge" has the same meaning as in Section 82(1) of the Road Traffic Act 1991;

"Penalty Charge Notice" means a notice issued or served by a parking attendant pursuant to the provisions of Section 66 of the Road Traffic Act 1991;

"private hire" means a hire car other than a taxi as in Section 23(1) of the Civic Government (Scotland) Act 1982;

"taxi" has the same meaning as in Section 23(1) of the Civic Government (Scotland) Act 1982;

"universal service provider" has the same meaning as in the Postal Services Act 2000, and

"vehicle" unless the context otherwise requires, means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads whether or not by mechanical power;

3. Save as provided in Articles 6, 7, 8 and 9 of this Order no person, except upon the direction or with the permission of a police constable or parking attendant, in uniform, cause or permit any vehicle to wait at any time in any of the lengths of road specified in Schedules I to II of this Order.
4. Save as provided in Articles 6, 7, 8 and 9 of this Order no person shall, except upon the direction or with the permission of a police constable, or parking attendant, in uniform, cause or permit any vehicle to wait in any of the lengths of road, and during such times and days, as specified in Schedules III to IV of this Order.
5. Save as provided in Articles 6, 7, 8 and 9 of this Order no person shall, except upon the direction or with the permission of a police constable, or parking attendant in uniform, cause or permit any vehicle to wait in any of the lengths of road, and during such times and days, as specified in Schedules V to this Order;
 - (a) for a period longer than that specified in that Schedule, or
 - (b) if a period less than that specified in the Schedule has elapsed since the termination of the last period of waiting (if any) of the vehicle in the relevant length of road.
6. Nothing in Articles 3, 4 & 5 of this Order shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of road specified in Schedules II, III, IV and V while the vehicle is in actual use for the purposes of loading goods onto or unloading goods from the vehicle at premises adjacent to the length of road, during such hours and on such days as are specified and permitted in that Schedule.
7. Nothing in Articles 3, 4 and 5 of this Order shall apply to:-
 - (a) Any vehicle, while being used for fire and rescue, ambulance or police purposes, if the observance of any restriction in these articles would likely hinder the use of the vehicle for such purposes;
 - (b) Any vehicle, not being a passenger 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 public service vehicle while waiting at any authorised stopping place;
 - (d) 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 the road of any sewer or main, pipe or apparatus for the supply of gas, water or electricity, or any apparatus comprised in any electronic communications network;
 - (e) 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 on to the vehicle or are being so loaded;
 - (f) 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.
8. Nothing in Articles 3, 4 and 5 shall prevent any person from causing or permitting a vehicle to wait in any of lengths of road specified in Schedules I, II, III, IV and V for as long as may be necessary:-
 - (a) To enable a person to board or alight a vehicle;
 - (b) If the vehicle is in actual use in connection with the removal of furniture to or from any residential or commercial premises adjacent to the road in question, and
 - (c) If the vehicle is in actual use in connection with a funeral undertaking.

9. Nothing in Articles 3, 4 and 5 shall apply to any vehicle waiting in any lengths of road specified in Schedules II, III, IV and V which is not causing an obstruction and on which is displayed, in the relevant position, a valid disabled persons' badge.
10. Save as provided in Article 11 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to wait at any time in the lengths of road specified in Schedule VI of this Order.
11. Nothing in Article 10 of this Order shall prevent any person from causing or permitting a vehicle to wait in the length of road referred to in that Article:-
 - (a) for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths of the roads so referred to, or the laying, erection, alteration or repair in or near to any of the said lengths of the roads, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (b) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in pursuance of statutory powers and duties and in particular, but without prejudice to the generality of the foregoing, to enable the vehicle to be used in connection with police, fire brigade and ambulance purposes;
 - (c) if the 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;
 - (d) if the vehicle is waiting in any of the lengths of the roads while postal packets addressed to premises adjacent thereto are being unloaded from the vehicle or having been unloaded therefrom are being delivered or while postal packets are being collected from premises or posting boxes adjacent thereto;
 - (e) apply to any disabled persons' vehicle which is not causing an obstruction and which displays a disabled persons' badge issued by a local authority in exercise of its powers under section 21 of the Chronically Sick and Disabled Persons Act 1970, and
 - (f) apply to a licensed taxi waiting in a taxi stance during any period for which that stance has been designated by the Council under the Civic Government (Scotland) Act 1982.
12. Save as provided in Article 14 of this Order no person shall, except upon the direction or with the permission of a police constable, or parking attendant, in uniform, cause or permit any vehicle to wait at any time in the lengths of road specified in Schedule VII of this Order.
13. Save as provided in Articles 14 and 15 of this Order no person shall, except upon the direction or with the permission of a police constable, or parking attendant, in uniform, cause or permit any vehicle to wait at any time in the lengths of road specified in Schedule VIII of this Order.
14. Nothing in Articles 12 and 13 of this Order shall prevent any person from causing or permitting a vehicle to wait in the length of road referred to in these Articles:
 - (a) for so long as may be necessary to enable a person to board or alight from the vehicle or to load thereon or unload therefrom his personal luggage;
 - (b) for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths of the roads so referred to, or the laying, erection, alteration or repair in or near to any of the said lengths of roads, of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraphic line as defined in the Telegraph Act 1978;
 - (c) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in pursuance of statutory powers and duties and in particular, but without prejudice to the generality of the foregoing, to enable the vehicle to be used in connection with police, fire brigade and ambulance purposes;

- (d) if the 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;
 - (e) if the vehicle is in the service of or employed by the Post Office and is waiting in any of the lengths of the roads while postal packets addressed to the premises adjacent thereto are being unloaded from the vehicle or having being unloaded therefrom are being delivered or while postal packets are being collected from premises or posting boxes adjacent thereto;
 - (f) for the purpose of loading or unloading the vehicle while the vehicle is standing at the kerb and is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (g) to enable the vehicle to be used in connection with funeral operations.
15. Nothing in Article 13 shall apply to any disabled person's vehicle which is not causing an obstruction and which displays a disabled persons' badge issued by a local authority in exercise of its powers under Section 21 of the Chronically Sick and Disabled Persons Act 1970.
16. (a) Nothing in Article 13 of this Order shall prevent any person from causing or permitting a vehicle to wait in the lengths of roads referred to in that Article for so long as may be necessary for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjoining that road provided that no vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait for a longer period than thirty minutes in the same place;
- (b) Notwithstanding anything in paragraph (a) of this Article the driver of a vehicle waiting for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle shall move the same on the instruction of a police constable, or parking attendant, in uniform whenever such moving may be reasonably necessary for the purposes of preventing an obstruction.
17. Save as provided in Articles 18 and 19 of this Order no person shall, except upon the direction or with the permission of a police constable, or parking attendant, in uniform, cause or permit any vehicle to wait during the period between the hours of 8am and 6pm in any of the lengths of road specified in Schedule IX to this Order.
18. Nothing in Article 17 of this Order shall prevent any person from causing or permitting a vehicle to wait in the length of road referred to in that Article for so long as may be necessary:
- (a) To enable a person to board or alight from the vehicle, and
 - (b) To enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths of the roads so referred to, or the laying, erection, alteration or repair in or near to any of the said lengths of roads, of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraphic line as defined in the Telegraph Act 1978.
19. Nothing in Article 17 of this Order shall prevent any person from causing or permitting a vehicle to wait in the length of road referred to therein for so long as may be necessary to enable goods to be loaded onto or unloaded from the vehicle, provided that no vehicle (other than a postal vehicle) shall so wait:-
- (a) For longer than thirty minutes outside the said premises, or
 - (b) If a period of less than thirty minutes has elapsed since the termination, during the said hours of the last period of waiting (if any) of the vehicle of that length of road.
20. If a vehicle is left on any of the roads specified in Schedules I, II, III, IV, V, VI, VII, VIII and IX without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable. A Penalty Charge Notice showing the information required by the appropriate legislation may then be issued by a parking attendant in accordance with the requirements of the legislation or any subsequent applicable legislation or the vehicle may be removed from the location. The particulars given in the Penalty Charge Notice attached to a vehicle shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

Where a Penalty Charge Notice has been attached to a vehicle no person, not being the driver of the vehicle, a parking attendant in uniform, or some other person duly authorised by the Council, shall remove the notice from the vehicle unless authorised to do so by the owner of the vehicle.

21. All the Orders listed in Schedule X which form the basis of this Consolidation Order are hereby revoked or amended as specified in that Schedule.

Given under the Seal of the North Lanarkshire Council and subscribed for them and on their behalf by Archie Aitken, Head of Business for Legal and Democratic Solutions at Motherwell on Monday, the twenty-seventh day of August, Two thousand and eighteen.

A handwritten signature in black ink, appearing to read 'Archie Aitken', written in a cursive style.

SCHEDULE I

NO WAITING AND NO LOADING AT ANY TIME

Length(s) of Road in the region of
North Lanarkshire

Side of road to which
restriction applies

High Craigends

From a point 7 metres or thereby, east of the extended line of the eastern kerb of Burngreen, eastwards to the extended line of the northern kerb of High Craigends, a distance of 98 metres or thereby.

Both

Burngreen

From the extended line of the northern kerb of High Craigends, northwards for a distance of 28 metres or thereby.

Both

Market Street

From the extended line of the eastern kerb of the eastern access to Market Square Car Park, north eastwards to a point 7 metres or thereby, east of the extended line of the eastern kerb of Burngreen, a distance of 48 metres or thereby.

North

From a point 7 metres or thereby, east of the extended line of the eastern kerb of Burngreen, south westwards for a distance of 17 metres or thereby.

South

SCHEDULE II

PROHIBITION OF WAITING AT ANY TIME

Length(s) of Road in the region of North Lanarkshire	Side of road to which restriction applies
Market Street	
From the extended line of the western kerb of the eastern access to Market Square Car Park, south westwards for a distance of 31 metres or thereby.	North
Burngreen	
From the extended line of the eastern kerb of Burnbank Terrace, eastwards to its termination, a distance of 135 metres or thereby.	North

SCHEDULE III

NO WAITING 8AM – 6PM

LOADING ONLY FOR A MAXIMUM OF 30 MINUTES AND NO RETURN WITHIN 20 MINUTES

Length(s) of Road in the region of
North Lanarkshire

Side of road to which
restriction applies

Main Street

From the extended line of the northern kerb of West Burnside Street, north westwards to the extended line of the southern kerb of A803 Kingston Road, a distance of 82 metres or thereby.

Both

West Burnside Street

From the extended line of the western kerb of Main Street, westwards for a distance of 22 metres or thereby.

Both

SCHEDULE IV

NO WAITING 8AM-6PM

Length(s) of Road in the region of
North Lanarkshire

Side of road to which
restriction applies

King Street

From the extended line of the western kerb of Charles Street, south westwards to its termination, a distance of 54 metres or thereby.

Both

SCHEDULE V

**LIMITED LOADING, MONDAY TO SATURDAY 8AM-6PM FOR A MAXIMUM OF 30 MINUTES
RETURN PROHIBITED WITHIN 30 MINUTES AND LIMITED WAITING MONDAY TO SATURDAY 8AM-6PM
FOR A MAXIMUM OF ONE HOUR, RETURN PROHIBITED WITHIN ONE HOUR**

Length(s) of Road in the region of
North Lanarkshire

Side of road to which
restriction applies

Market Street

From a point 30 metres or thereby, north east of the extended line of the eastern
kerb of the eastern access to Market Square car park, south westwards for a
distance of 73 metres or thereby.

South

SCHEDULE VI

NO WAITING AT ANY TIME

Length(s) of Road in the region of
North Lanarkshire

Side of road to which
restriction applies

U.P. Road

From the extended line of the south western kerb of Low Craigends, south westwards for a distance of 143 metres or thereby.

South

From the extended line of the southern kerb of High Craigends south west to the extended line of the eastern kerb of U.P. Lane and from the extended line of the western kerb of U.P. Lane south westwards for a distance of 31 metres or thereby.

North

SCHEDULE VII

NO WAITING NO LOADING AT ANY TIME

Length(s) of Road in the region of
North Lanarkshire

Side of road to which
restriction applies

Market Street

From a point 8 metres or thereby, west of the extended west kerblines of Main Street, westwards for a distance of 19 metres or thereby.

North

Market Close

From the south east kerblines of Market Street, southwards and eastwards to its termination, a distance of 48 metres or thereby.

Both

SCHEDULE VIII

NO WAITING AT ANY TIME

Length(s) of Road in the region of
North Lanarkshire

Side of road to which
restriction applies

Market Street

From a point 8 metres or thereby, west of the extended western kerbline of Main Street, westwards for a distance of 16 metres or thereby.

South

SCHEDULE IX

NO WAITING 8AM – 6PM LOADING LIMITED TO 30 MINUTES RETURN PROHIBITED WITHIN 30 MINUTES

Length(s) of Road in the region of
North Lanarkshire

Side of road to which
restriction applies

Parkfoot Street

From its junction with Kingsway, eastwards to its junction with Kingston Road. North

From the east kerb of Kingsway, eastwards to the west kerb of Main Street. South

Kingston Road

From its junction with Parkfoot Street, eastwards to the extended line of the western kerb of Parkburn Road, a distance of 90 metres or thereby. North

From the extended line of the eastern kerb of Main Street, eastwards to the extended line of the western kerb of Charles Street, a distance of 124 metres or thereby. South

From the extended line of the eastern kerb of Edward Street, eastwards to the western kerb of Tak-Ma-Doon Road, a distance of 130 metres or thereby. Both

SCHEDULE X

ORDERS TO BE REVOKED

The Burgh of Kilsyth (Various Streets) (Prohibition of Waiting) Order 1969

The Strathclyde Regional Council (Various Streets, Kilsyth) (Waiting and Loading Restrictions and Amendment) Order 1983

The North Lanarkshire Council (U.P. Road, Kilsyth) (Waiting Restrictions) Order 2017

The North Lanarkshire Council (Various Streets, Kilsyth Area) (Waiting and Loading Restrictions) Order 2017

The North Lanarkshire Council (Various Locations, Kilsyth) (Traffic Regulation) (Variation) Order 2018