



SOUTH AYRSHIRE COUNCIL

(TOWN OF AYR) (RESIDENTS - ONLY PARKING STREETS)

(CIVIL ENFORCEMENT) ORDER 2012

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SOUTH AYRSHIRE COUNCIL

(TOWN OF AYR) (RESIDENTS - ONLY PARKING STREETS) (CIVIL ENFORCEMENT) ORDER 2012

South Ayrshire Council in exercise of the powers conferred on them by Sections 32, 35, 45, 99, 101, 102, 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 as amended, the Road Traffic (Permitted Parking Area and Special Parking Area) (South Ayrshire Council) Designation Order 2012 and the Road Traffic Act 1991 and of all other enabling powers, and after consultation with the Chief Constable of Strathclyde Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

Citation and commencement

1. This Order may be cited as the "South Ayrshire Council (Town of Ayr) (Residents-Only Parking Streets) (Civil Enforcement) Order 2012" and shall come into operation on Saturday the First day of September, Two Thousand and Twelve.

Interpretation

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

"the 1984 Act" means the Road Traffic Regulation Act 1984;

"the 1991 Act" means the Road Traffic Act 1991;

"the Council" means South Ayrshire Council;

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

"disabled person's vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled person's) (Scotland) Regulations 2000;

"local authority" means the South Ayrshire Council;

"owner" in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was 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 the use of such vehicle in the course of his/her

employment and who is entitled to use such vehicle as though he/she were the registered keeper thereof;

"owner or occupier" in relation to a place of abode means a person whose normal place of residence is at the said abode;

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

"parking bay" means the area of a road within a parking place which is provided for the leaving of a vehicle and is indicated in such a manner as the local roads authority may determine by signs, carriageway markings, lines or other indications;

"parking place" means an area of a road within which parking bays may be indicated;

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

"penalty charge notice" means a notice issued or served by a parking attendant pursuant to the provisions of Section 66 of the 1991 Act;

"permit" means a permit issued under the provisions of Article 18 of this Order, subject to the said Council having power to issue one or more permits to each owner or occupier as they may so resolve from time to time;

"vehicle" means a motor cycle, private car or commercial vehicle not exceeding thirty hundredweights;

3. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
4. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies to an Act of Parliament.

Prohibition of Waiting

5. Save as provided in Articles 6, 7 and 8 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or a parking attendant in uniform, cause or permit any vehicle to wait between the hours of 10.00 a.m. and 5.00 p.m. in any of the lengths of roads specified in Schedule 1 to this Order.
6. Nothing in Article 5 of this Order shall -

- (a) prevent any person from causing or permitting a vehicle to wait in any of the lengths of the roads specified in that Article -
- (i) for so long as is necessary to enable a person to board or alight from the vehicle or to enable goods to be loaded on to or unloaded from the vehicle;
 - (ii) 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 said 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 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;
 - (iii) for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purposes 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;
 - (iv) 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;
 - (v) 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 the 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;
 - (vi) 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 such premises to a depository or to such premises from a depository;
 - (vii) to enable the vehicle to be used in connection with funeral operations and weddings.
- (b) notwithstanding anything in paragraph (a) of this Article, the driver of a vehicle waiting shall move the said vehicle on the

instruction of a police constable in uniform or a parking attendant in uniform, whenever such moving may be reasonably necessary for the purpose of preventing an obstruction or danger to others.

7. Nothing in Article 5 of this Order shall apply to:-
 - (a) any disabled person's vehicle which displays a disabled person's badge issued by a local authority in exercise of its powers under Section 21 of the Chronically Sick and Disabled person's Act 1970 as amended; and
 - (b) motor vehicles having displayed thereon permits issued to owners or occupiers residing in streets adjoining those specified in the Schedule to this Order, as the Council may from time to time determine.
8. Nothing in Article 5 of this Order shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of the roads specified in that Article if such person is an owner or occupier whose usual place of abode is at premises the postal address of which is in any of the roads specified in the Schedule to this Order, and as such owner or occupier has been given a permit in writing by the said Council that if such permit is displayed in the vehicle in a conspicuous position the vehicle is exempt from the restriction contained in the said Article 5.

Alteration of Position of a Vehicle

9. Where any vehicle is standing in contravention of the provisions of Article 5 of this Order, a police constable in uniform, a parking attendant in uniform, or a person duly authorised by the Council may alter, or cause to be altered, the position of the vehicle in order that the manner of standing of the said vehicle shall comply with the aforementioned provisions.

Removal of a Vehicle

10. Where a police constable in uniform, a parking attendant in uniform, or a person duly authorised by the Council is of the opinion that any of the provisions contained in Article 5 of this Order have been contravened or have not been complied with in respect of a vehicle left in a length of road described by this Order, he or she may remove the vehicle, or cause the vehicle to be removed, from the length of road and, where it is so removed, shall provide for the safe custody of the vehicle.

Movement of a Vehicle in an emergency

11. Any person duly authorised by the Council, or a police constable in uniform or a parking attendant in uniform, may move or cause to be moved, in case of an emergency, to any place they think fit, any vehicles left in any length of road described by this Order.

Contraventions

12. If a vehicle is left on any of the roads specified in any of the Schedules to this Order or any parking place 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.
13. The particulars given in the penalty charge notice attached to a vehicle in accordance with Article 12 of this Order shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.
14. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 12 of this Order 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.
15. Where a parking attendant has moved or removed, or caused to be moved or removed a vehicle in accordance with Articles 10, 11, or 12 of this Order-
 - (a) he/she shall provide for the safe custody of the vehicle;
 - (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
 - (c) the provisions of the 1984 Act as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.

Abandoned Vehicles

16. Subject to Article 17 of this Order, the Council may as respects a vehicle which has been removed from any of the roads specified in any of the Schedules to this Order or any parking place in pursuance of Articles 10, 11, or 12 of this Order, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle after having

made reasonable enquiry to ascertain the name and address of the owner of the vehicle and to inform the owner of their intention.

17. The Council will be deemed to have made reasonable enquiry to ascertain the name and address of the owner of any vehicle to which Article 16 of this Order applies provided that they have taken such steps in relation to that vehicle that may be prescribed by any Regulations for the time being in force under Section 99 or 101 of the 1984 Act, for authorising the Council to sell or otherwise dispose of the vehicle if it had been left on a road and if it appeared to the Council that it had been abandoned.

Application for and Issue of Permits

18. (a) Any owner or occupier who is resident in one of the roads specified in the Schedule to this Order as defined in Article 8 above may apply to the Council for the issue of a permit for the leaving of a vehicle in the road in which he resides, and such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.
- (b) The Council may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council such evidence in respect of an application for a permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any permit issued by them as they may reasonably require to verify that the permit is valid.
- (c) On receipt of an application duly made under the foregoing provisions of this Article, the Council upon being satisfied that the applicant is an owner or occupier resident in one of the roads specified in the said Schedule, shall issue to the applicant therefor on payment of a non-returnable administration fee of Fifty pence, a permit for the leaving in the appropriate road of a vehicle by the permit holder.

Display of Permits

19. At all times during which a vehicle is left in any of the roads specified in the said Schedule, there shall be displayed in a conspicuous position in the vehicle a valid permit so that all the particulars referred to in Article 21 of this Order are readily visible to a person outside the vehicle.
20. Where a permit has been displayed on a vehicle in accordance with the provisions of Article 19 of this Order, no person, not being the permit holder or the driver of the vehicle, shall remove the permit from the vehicle unless authorised to do so by the permit holder.

Forms of Permits

21. A permit shall be in writing and shall include the following particulars:-
- (a) the name of the street in which the owner or occupier of the abode resides;
 - (b) an indication that the permit has been issued by the Council.

Surrender, Withdrawal and Validity of Permits

22. (1) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any of the events set out in paragraph (3) of this article.
- (2) The Council may, by notice in writing served on the permit holder by sending the same by the recorded delivery service to the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode, withdraw a permit if it appears to the Council that any one of the events set out in paragraphs 3(a) or 3(c) of this Article has occurred and the permit holder shall surrender the permit within forty-eight hours of the receipt of the afore-mentioned notice.
- (3) The events referred to in the foregoing provisions of this article are:
- (a) the permit holder ceasing to be a resident at the address for which the permit is issued;
 - (b) the withdrawal of such permit by the Council under the provisions of paragraph (2) of this Article;
 - (c) the issue of a duplicate permit by the Council under the provisions of Article 23 of this Order;
 - (d) the permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article.
- (4) Without prejudice to the foregoing provisions of this Article, a permit shall cease to be valid on the occurrence of any one of the events set out in paragraphs 3(a), 3(b) or 3(c) of this Article whichever is the earlier.

Application for and Issue of Duplicate Permits

23. (1) If a permit is mutilated or accidentally defaced or the particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall either surrender it to the Council or apply to the Council for the issue of a duplicate permit and the Council upon receipt of the permit shall, upon payment of an administration fee of Ten pence issue a duplicate permit so marked, and upon such issue the original permit shall become invalid.
- (2) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue of a duplicate permit and the Council, upon being satisfied as to such loss or destruction and upon payment of an administration fee of Ten pence, shall issue a duplicate permit so marked and upon such issue the original permit shall become invalid.
- (3) The provisions of this Order shall apply to a duplicate permit and an application therefor as if it were a permit or as the case may be an application therefor.

Revocations

24. The Order specified in Schedule 2 to this Order is hereby revoked.

This Order together with the Schedules annexed and signed as relative hereto is subscribed for and on behalf of South Ayrshire Council by Wynne Stewart Carlaw, our Legal and Democratic Manager, one of our officers authorised in that respect, at Ayr on the First day of August Two thousand and Twelve before this witness Laura Anne McChristie (subscribing her usual signature "Laura McChristie"), Solicitor with South Ayrshire Council at County Buildings, Wellington Square, Ayr.

Laura McChristie (witness)

Wynne S Carlaw

SCHEDULE 1

Parts of road authorised to be used as Street Parking places	Position in which vehicles may wait	Classes of vehicles	Days of operation of parking place	Hours of operation of parking place	Maximum period for which vehicles may wait
<u>AILSA PLACE</u> (North kerb) From a point on the kerbside 6 metres west of the line of the west-side kerb of Eglinton Terrace, along the kerb to Arran Terrace.	Parallel to the kerb with the nearside of the vehicle adjacent to the kerb.	Motor cycles Private cars Commercial vehicles up to 30 cwt.	Monday to Sunday inclusive	10.00 a.m. to 5.00 p.m.	Unlimited
(South kerb) From a point on the kerbside 6 metres west of the line of the west-side kerb of Cassillis Street, along the kerb to Arran Terrace.	do.	do.	do.	do.	do.
<u>ALLOWAY PARK</u> Along both kerbsides extending from 6 metres west of the west-side kerb of Alloway Place Lane the full length of the street.	do.	do.	do.	do.	do.
<u>ARRAN TERRACE</u> (West kerb) From a point on the kerbside 6 metres south of the line of the west-side kerb of Montgomerie Terrace, along the kerb to Ailsa Place.	do.	do.	do.	do.	do.
(East kerb) From a point on the kerbside 6 metres south of the west-side kerb of Montgomerie Terrace, along the kerb to Ailsa Place.	do.	do.	do.	do.	do.

Parts of road authorised to be used as Street Parking places	Position in which vehicles may wait	Classes of vehicles	Days of operation of parking place	Hours of operation of parking place	Maximum period for which vehicles may wait
<u>ASHGROVE STREET</u> Along both kerbsides extending from 6 metres east of the east-side kerb of Castlehill Road to 6 metres west of the west-side kerb of Dongola Road.	Parallel to the kerb with the nearside of the vehicle adjacent to the kerb.	Motor cycles Private cars Commercial vehicles up to 30 cwts.	Monday to Sunday inclusive	10.00 a.m. to 5.00 p.m.	Unlimited
<u>BARNS PARK AND CRESCENT</u> Along both kerbsides of Barns Park extending from 50 metres east of its junction with the east-side kerb of Alloway Place to its termination and along both kerbsides of Barns Crescent from its junction with Barns Park to 34 metres north of its junction with the north-side kerb of Millar Road.	do.	do.	do.	do.	do.
<u>BELLVUE CRESCENT</u> Along both kerbsides from 6 metres east of the east-side kerb of Racecourse Road to Park Circus and Bellevue Street.	do.	do.	do.	do.	do.
<u>BRUCE CRESCENT</u> Along the south kerbside from 6 metres east of the east-side kerb of Cassillis Street to 6 metres south of the south kerb of Citadel Place.	do.	do.	do.	do.	do.
<u>CROMWELL ROAD</u> Along both kerbs from 46 metres west of the north-side kerb of Charlotte Street to Queens Terrace.	do.	do.	do.	do.	do.

Parts of road authorised to be used as Street Parking places	Position in which vehicles may wait	Classes of vehicles	Days of operation of parking place	Hours of operation of parking place	Maximum period for which vehicles may wait
<u>DONGOLA ROAD</u> Along the east kerb from 6 metres south of the south-side kerb of Holmston Road to 6 metres north of the north-side kerb of Ashgrove Street. Along both kerbsides from 6 metres south of the south-side kerb of Ashgrove Street to 6 metres north of the north-side kerb of St. Andrews Street. Along both kerbsides from 6 metres south of the south-side kerb of St. Andrews Street to 6 metres north of the north-side kerb of St. Phillans Avenue.	Parallel to the kerb with the nearside of the vehicle adjacent to the kerb. do. do.	Motor cycles Private cars Commercial vehicles up to 30 cwts. do. do.	Monday to Sunday inclusive do. do.	10.00 a.m. to 5.00 p.m. do. do.	Unlimited do. do.
<u>EGLINTON PLACE</u> Along the west kerb from 6 metres north of the north-side kerb of Ailsa Place northwards a distance of 122 metres or thereby.	do.	do.	do.	do.	do.
<u>EGLINTON TERRACE</u> Along the west kerb from the line of the north-side kerb of Bruce Crescent, to the end of the street.	do.	do.	do.	do.	do.
<u>FAIRFIELD ROAD AND PARK</u> Along both kerbsides from 6 metres west of the west-side kerb of Racecourse Road to the end of the street. In the Park section serving the flats, parking is confined to the lay-bys provided for the purpose.	do.	do.	do.	do.	do.

Parts of road authorised to be used as Street Parking places	Position in which vehicles may wait	Classes of vehicles	Days of operation of parking place	Hours of operation of parking place	Maximum period for which vehicles may wait
<u>MONTGOMERIE TERRACE</u> Along the east and north kerbside from 6 metres north of the north kerb of Citadel Place to Seabank Road.	Parallel to the kerb with the nearside of the vehicle adjacent to the kerb.	do.	do.	do.	do.
<u>PARK CIRCUS</u> Along both kerbsides from 6 metres east of the east-side kerb of Racecourse Road Bellevue Crescent and Street.	do.	do.	do.	do.	do.
<u>PARK TERRACE</u> Along both kerbs from 6 metres west of the west-side kerb of Alloway Place Lane to the end of the street.	do.	do.	do.	do.	do.
<u>QUEENS TERRACE</u> Along both kerbs from 6 metres north of the north-side kerb of Bath Place to 6 metres south of the south-side kerb of Charlotte Street. Along both kerbs from 6 metres north of the north-side kerb of Charlotte Street to 6 metres south of the south-side kerb of Cromwell Road.	do. do.	do. do.	do. do.	do. do.	do. do.

Parts of road authorised to be used as Street Parking places	Position in which vehicles may wait	Classes of vehicles	Days of operation of parking place	Hours of operation of parking place	Maximum period for which vehicles may wait
<u>ST. ANDREWS STREET</u> Along both kerbs from 6 metres east of the east-side kerb of Castlehill Road to 6 metres west of the west-side kerb of Dongola Road.	Parallel to the kerb with the nearside of the vehicle adjacent to the kerb.	Motor cycles Private cars Commercial vehicles up to 30 cwts.	Monday to Sunday inclusive	10.00 a.m. to 5.00 p.m.	Unlimited
<u>SEABANK ROAD</u> Along both kerbs from Montgomerie Terrace to a point 40 metres west of the west-side kerb of Arran Terrace.	do.	do.	do.	do.	do.
<u>UN-NAMED STREET LINKING EGLINTON TERRACE AND MONTGOMERIE TERRACE</u> Along both kerbs from 6 metres east of the east-side kerb of Eglinton Terrace to 6 metres west of the west-side kerb of Montgomerie Terrace.	do.	do.	do.	do.	do.

Wynne S Coulaw

This is Schedule 1 referred to in the foregoing Order.

SCHEDULE 2

ORDER TO BE REVOKED

Name of Order

Extent of revocation

South Ayrshire Council
(Town of Ayr) (Residents-Only Parking Streets)
(Consolidation) Order 2011

Entire order

Wynne S Cawlaw

This is Schedule 2 referred to in the foregoing Order.