



SOUTH AYRSHIRE COUNCIL

**(Ayr Road, Grangemuir Road, Links Road, St Nicholas Road,
St. Ninian's Road and Shawfarm area, Prestwick)**

(Waiting Restrictions)

Order 2014.

Lesley Bloomer
Executive Director of Economy,
Neighbourhood
and Environment



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St. Ninian's Road and Shawfarm area, Prestwick)
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Statement of Reasons for Proposing to Make the Above Order.

It is considered necessary to make the above Order to introduce parking restrictions "to facilitate the safe passage of pedestrians and vehicles", in the various streets referred to in the Schedules.

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St Ninians Road and Shawfarm area, Prestwick)
(Waiting Restrictions) Order 2014**

South Ayrshire Council, ("the Council"), in exercise of the powers conferred on it by Section 1(1), 2(1) to (3), 3, 4, 32, 45, 99, 101, 102 and 124 of the Road Traffic Regulation Act 1984 ("the 1984 Act") as amended, and the Road Traffic Act 1991 ("the 1991 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 makes the following Order:-

Citation and Commencement

1. This Order may be cited as the "South Ayrshire Council (Ayr Road, Grangemuir Road, Links Road, St Nicholas Road, St Ninians Road and Shawfarm area, Prestwick) (Waiting Restrictions) Order 2014 ", and shall come into operation on Monday 30th June 2014.

Interpretation

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

"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 Persons) (Scotland) Regulations 2000.

"local authority" means the South Ayrshire Council, a Council constituted in terms of the Local Government etc. (Scotland) Act 1994;

"local roads 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;

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

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

"penalty charge notice" means a notice issued or served by a parking attendant pursuant to the provisions of Section 63 and 66 of the Act of 1991;

"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;

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

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

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

Prohibition of Waiting (Schedule 1)

5. Save as provided in Articles 6 & 7 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, or any person duly authorised by the local authority, cause or permit any vehicle to wait at any time in any of the lengths of roads specified in Schedule annexed and executed as relative 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 road referred to in that Article -
 - (i) for so long as is necessary to enable a person to board or alight from the vehicle or to load thereon or unload therefrom his personal luggage;
 - (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 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, a Postal Delivery Service 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 being unloaded therefrom are being delivered or while postal packets are being collected from premises or posting boxes adjacent thereto;
 - (vi) for the purposes 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, or any person authorised by the local authority 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 any disabled person's vehicle which is not causing an obstruction and which displays a disabled person's badge issued by a local authority in exercise of its powers under Section 21 Chronically Sick and Disabled Persons Act 1970, as amended, notwithstanding, the driver of a vehicle waiting shall move the said vehicle on the instruction of a police constable in uniform, a parking attendant in uniform or any other person duly authorised by the local authority, whenever such moving may be reasonably necessary for the purpose of preventing an obstruction or danger to others.

Alteration of Position of a Vehicle

8. Where any vehicle is standing in contravention of the provisions of Article 5, 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

9. 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 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

10. Any person duly authorised by the local roads authority, 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


11. If a vehicle is left in a prohibited or restricted road or 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.
12. The particulars given in the penalty charge notice attached to a vehicle in accordance with Article 11 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.
13. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 11 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 keeper of the vehicle.

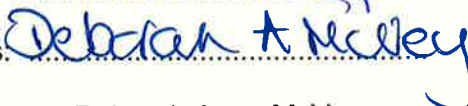
14. Where a parking attendant has removed or caused to be removed a vehicle in accordance with Articles 9, 10 or 11: -
- (a) he/she shall provide for the safe custody of the vehicle;
 - (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
 - (c) the provisions of the Act of 1984 as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.

Abandoned Vehicles

15. Subject to Article 16, the Council may as respects a vehicle which has been removed from a prohibited or restricted road or parking place in pursuance of Articles 9, 10 or 11, 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.
16. 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 15 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.

This Order together with the Schedule and plans annexed and signed as relative hereto are signed on behalf of the said South Ayrshire Council at Ayr by Karen Boyd Briggs, Legal and Licensing Manager, one of their Officers authorised to sign deeds.

Signed:  Date: 16th May 2014

Witness: 

Full Name; Deborah Anne McVey

Designation: Legal Services Officer

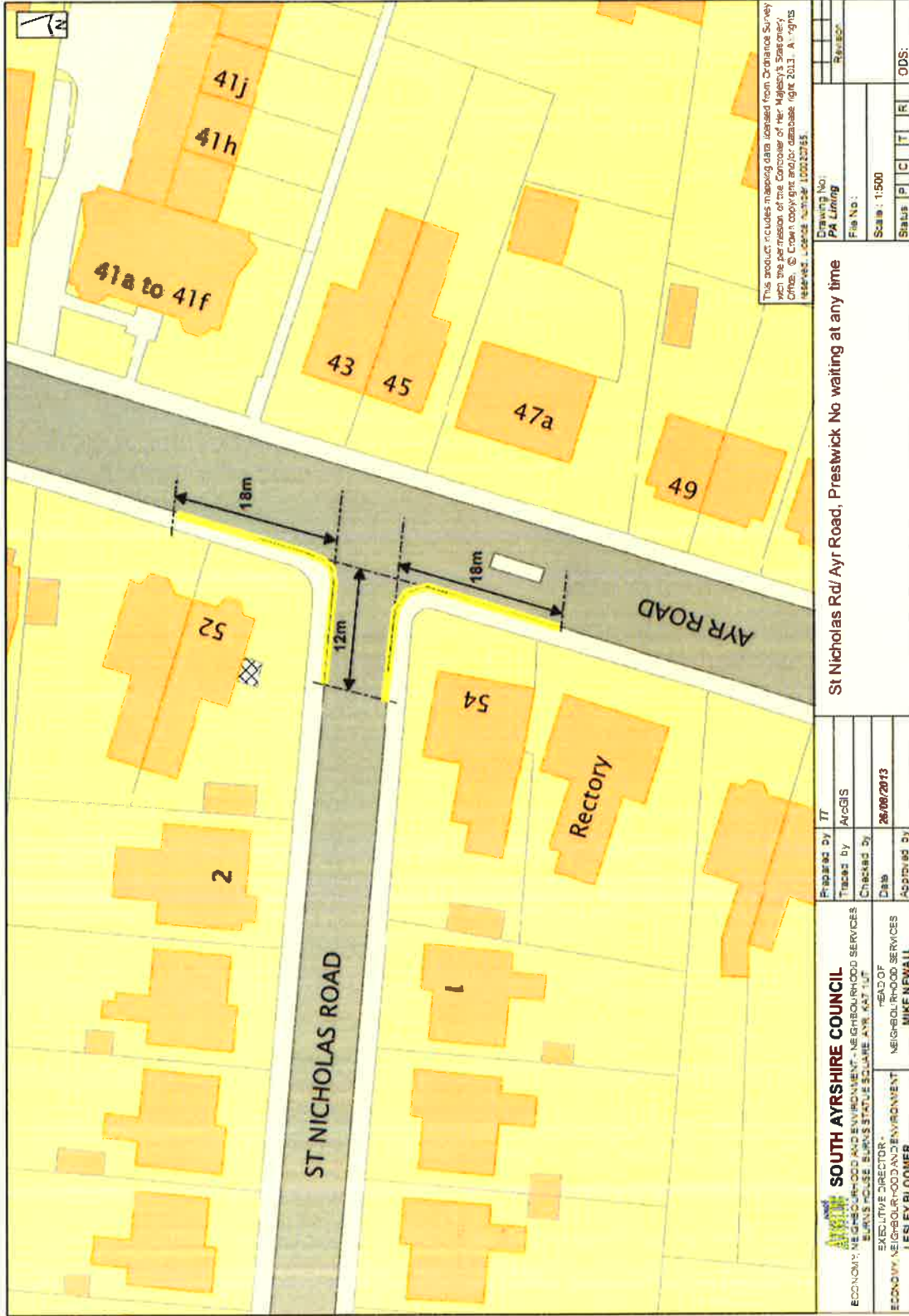
Address: County Buildings, Wellington Square, Ayr

<u>SCHEDULE</u>	
<u>NO WAITING AT ANY TIME</u>	
<u>Length of Road within South Ayrshire Council in the Town of Prestwick</u>	<u>Side of Road to which Restriction Applies</u>
<u>Ayr Road (Map A)</u>	
1. From a point 18 metres south of the extended south kerbline of St Nicholas Road to a point 18 metres north of the extended north kerbline of St Nicholas Road.	West
<u>Grangemuir Road (Map B)</u>	
1. From the extended east kerbline of St Ninians Road eastwards for a distance of 12 metres or thereby.	South
<u>Links Road (Map C)</u>	
1. From a point 12 metres east of the extended east kerbline of the North Esplanade car park access road westwards then northwards to a point 10 metres north of the extended north kerbline of Links Road.	East and north
2. From a point 40 metres east of the extended east kerbline of the North Esplanade car park access road westwards then northwards to a point 10 metres north of the extended north kerbline of Links Road	West and south
<u>Shawfarm Court (Map D)</u>	
1. From the extended south kerbline of Shawfarm Road southwards then eastwards to its termination.	West and South
2. From the extended south kerbline of Shawfarm Road southwards then eastwards for a distance of 23 metres or thereby.	East and North
3. From a point 48 metres east of the extended east kerbline of Shawfarm Court eastwards to a point 63 metres of the extended east kerbline.	North and including the turning area
<u>Shawfarm Place (Map E)</u>	
1. From the extended south kerbline of Shawfarm Road south for 26 metres then west for a distance of 9 metres or thereby.	West and North
2. From the extended south kerbline of Shawfarm Road south for 26 metres then east for a distance of 9 metres or thereby.	East and North
3. From a point 9 metres west of the extended west kerbline of Shawfarm Place eastwards to a point 9 metres east of the extended east kerbline of Shawfarm Place.	South

<u>SCHEDULE (Continued)</u>	
<u>NO WAITING AT ANY TIME</u>	
<u>Length of Road within South Ayrshire Council in the Town of Prestwick</u>	<u>Side of Road to which Restriction Applies</u>
<u>St Nicholas Road (Map A)</u>	
1. From the extended west kerbline of Ayr Road westwards for a distance of 12 metres or thereby.	Both
<u>St Ninians Road (Map B)</u>	
1. From the extended south kerbline of Grangemuir Road southwards for a distance of 6 metres or thereby.	East

This is the Schedule referred to in the foregoing Order.

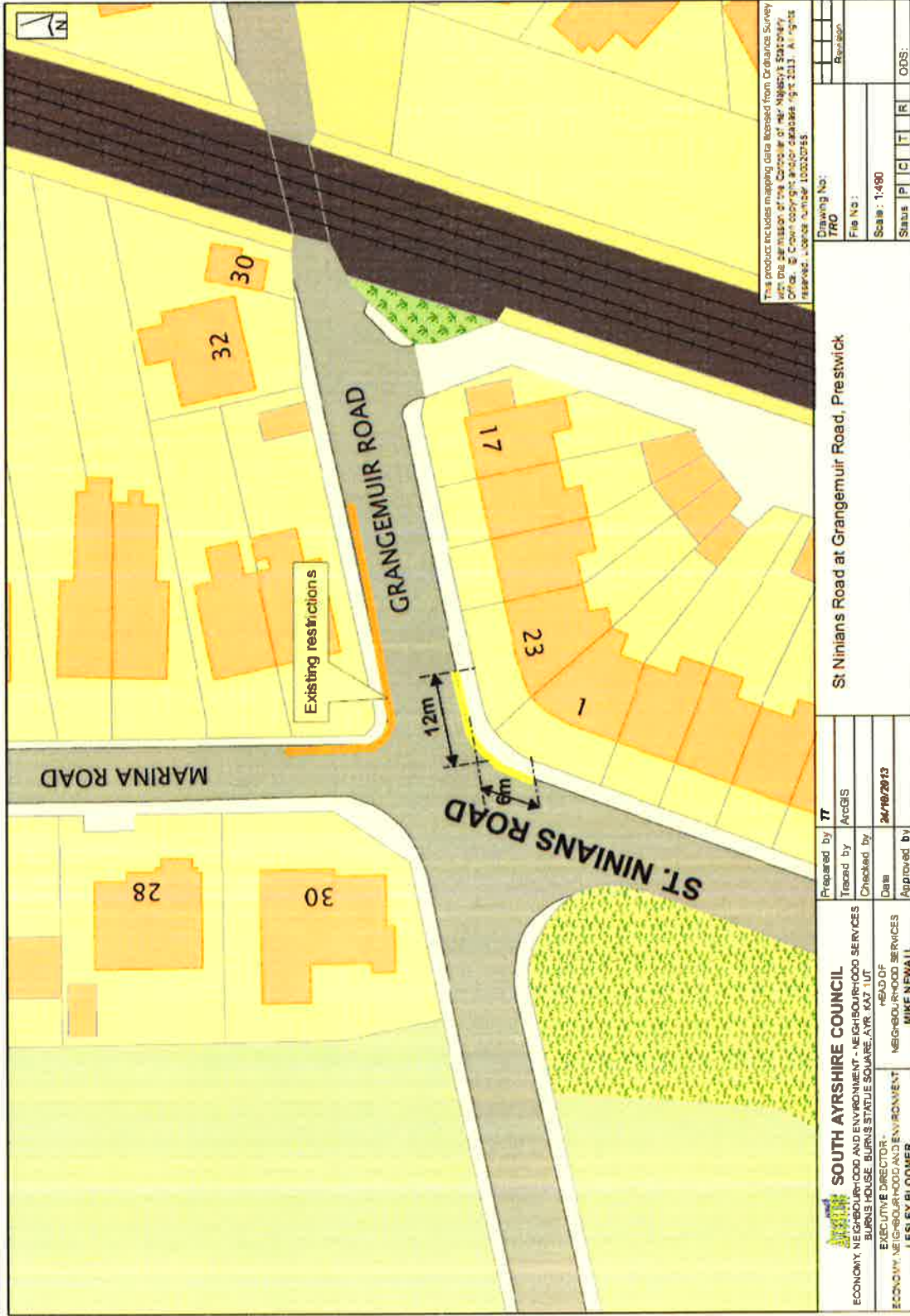


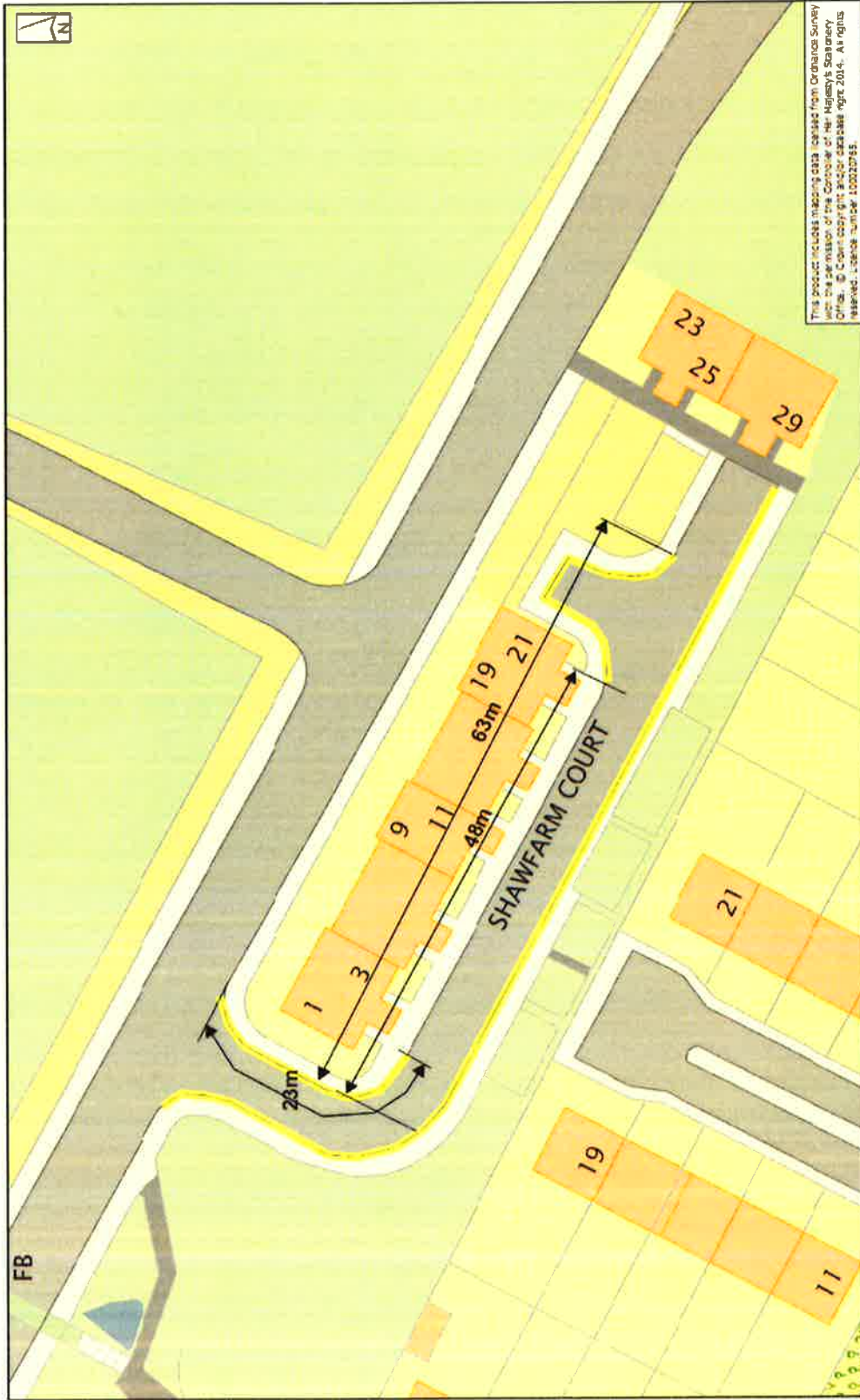
SOUTH AYRSHIRE COUNCIL <small>ECONOMY, HOUSING AND ENVIRONMENT - NEIGHBOURHOOD SERVICES</small> <small>2000, THE GARDENS, BURKES SQUARE, AVE, KAT 1, 1/1</small>		Prepared by: IT Traced by: AUGIS Checked by: Date: 26/08/2013 Approved by:	Drawing No: PA Lining File No.: Scale: 1:500 Status: P C T R ODS:
EXECUTIVE DIRECTOR - NEIGHBOURHOOD SERVICES LESLIE BLOOMER		HEAD OF NEIGHBOURHOOD SERVICES MIKE NEWELL	

St Nicholas Rd/ Ayr Road, Prestwick No waiting at any time

Plan A

Plan B



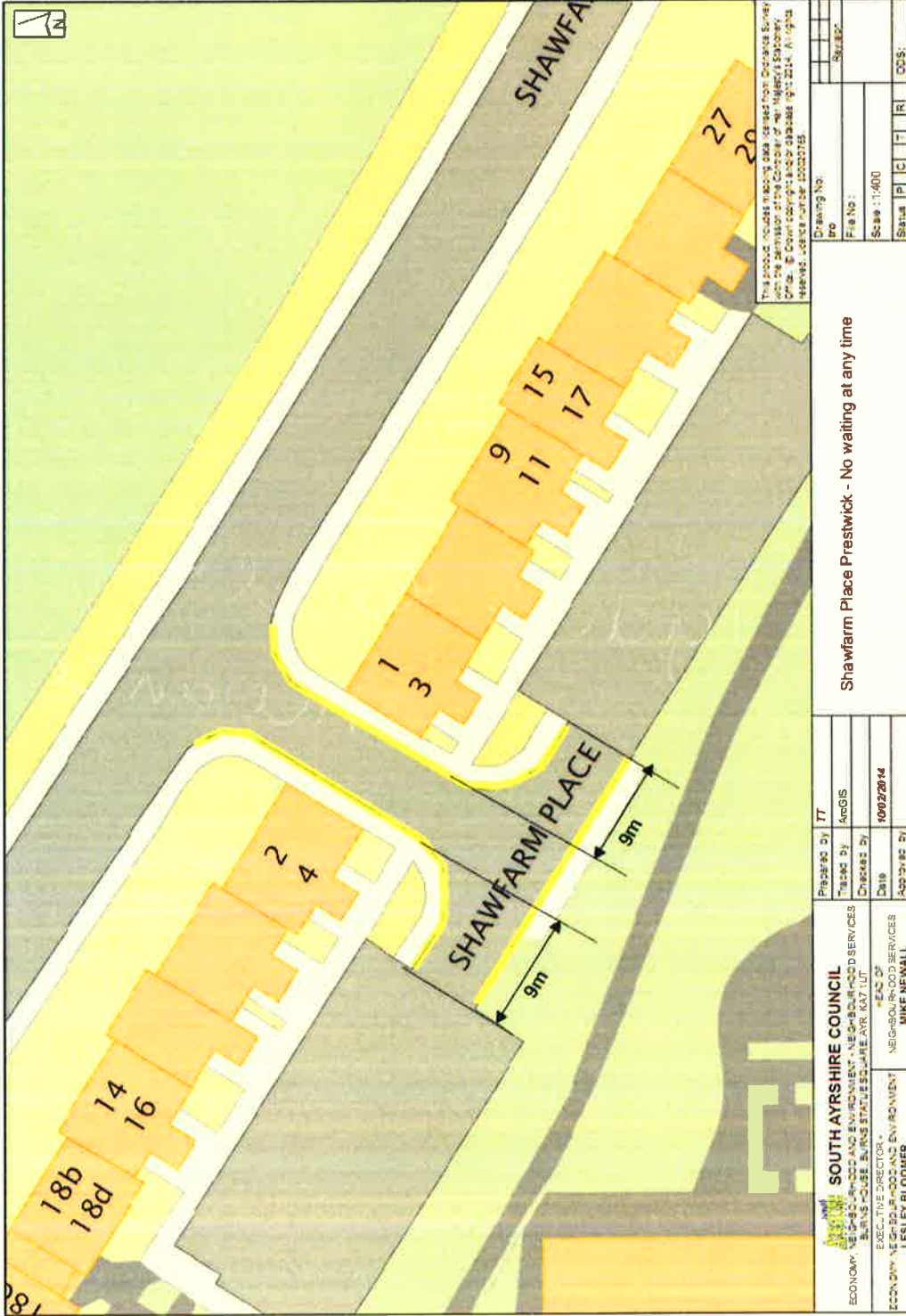
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SOUTH Ayrshire Council ECONOMY, NEIGHBOURHOOD AND ENVIRONMENT - NEIGHBOURHOOD SERVICES BURNS HOUSE, BURNS STATION SQUARE, Ayr, KA7 1JT EXECUTIVE DIRECTOR - NEIGHBOURHOOD SERVICES LESLEY BLOOMER	Prepared by: TT Traced by: ArGIS Checked by: 10/02/2014 Date: Approved by:	Drawing No.: File No.: Scale: 1:500 Status: <input type="checkbox"/> P <input type="checkbox"/> C <input type="checkbox"/> T <input type="checkbox"/> R <input type="checkbox"/> ODS:
	Shawfarm Court Prestwick - No waiting at any time	

Lesley Bloomer

Plan D

Lesley Bloomer



Plan E

