



SOUTH AYRSHIRE COUNCIL

(Arthur Street, Ayr)

(Waiting Restrictions) Order 2014

Lesley Bloomer
Executive Director of Economy
Neighbourhood and Environment
South Ayrshire Council
County Buildings
Ayr
KA7 1DR

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Statement of Reasons for Proposing to Make the Above Order

It is considered necessary to make the above Order in the interests of road safety.

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South Ayrshire Council in exercise of the powers conferred on them by Section 1(1), 2(1) to (3), 3, 4, 5, 99, 101, 102, 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 as amended, and the Road Traffic Act 1991 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.

Citation and commencement

1. This Order may be cited as the "South Ayrshire Council (Arthur Street, Ayr) (Waiting Restrictions) Order 2014" and shall come into operation on Monday 8th September 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 Persons ('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;

"dual purpose vehicle" has the same meaning as in Regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986 as originally enacted

"emergency service vehicle" means a vehicle being used by the Police, Fire Brigade or Ambulance Services in an emergency;

"goods vehicle" means a vehicle constructed or adapted for the use for the conveyance of goods or burden of any description, but not including a dual purpose vehicle;

"local authority" means the South Ayrshire Council;

"local roads authority" means the South Ayrshire Council;

"owner" in relation to a vehicle, has the same meaning as Section 111(3), (4) and 142(1) of the 1984 Act;

"parking attendant" means a person employed in accordance with Section 63A of the Act of 1984 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;

"pedal cycle" means a unicycle, bicycle, tricycle or cycle having four or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle of such class as is to be treated as not being a motor vehicle for the purposes of the Road Traffic Regulation Act 1984;

"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;

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

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

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

"universal postal service" has the same meaning as in the Postal Services Act 2000;

"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. 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 and Loading (Schedules 1 & 2)

5. Save as provided in Article 6 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 at any time 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 road referred to in those Articles -
 - (i) 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 electronic communication apparatus as defined in the Communications Act 2003;
 - (ii) 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;
 - (iii) 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;
 - (iv) if the vehicle is in the service of, or employed by a universal postal 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;

- (v) 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;
 - (vi) 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. Save as provided in Article 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 at any time in any of the lengths of roads specified in Schedule 2 to this Order.
8. Nothing in Article 7 of this Order shall apply so as to prevent any goods vehicle from being driven so as to enter, proceed or wait in any of the lengths of roads referred to in that Article provided that no vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait for a longer period than 30 minutes in the same place and no such vehicle shall wait for a longer period than 10 minutes in the same place without goods being loaded onto or unloaded from the vehicle.

Prohibition of Waiting (Schedule 3)

9. Save as provided in Articles 10, 11 and 12 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 at any time in any of the lengths of road specified in Schedule 3 to this Order.
10. Nothing in Article 9 of this Order shall -
- (a) prevent any person from causing or permitting a vehicle to wait in any of the lengths of the roads 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 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 electronic communication apparatus as defined in the Communications Act 2003;
 - (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 universal postal 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 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.

11. Nothing in Article 9 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 of the 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 or a parking attendant in uniform, whenever such moving may be reasonably necessary for the purpose of preventing an obstruction or danger to others.

12. Nothing in Article 9 of this Order shall prevent any person from causing or permitting a vehicle to wait at the kerb in any of the lengths of the roads referred to in that article -
 - (a) 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 and no such vehicle shall wait for a longer period than 10 minutes in the same place without goods being loaded onto or unloaded from the vehicle; and
 - (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 in uniform or a parking attendant in uniform, whenever such moving may be reasonably necessary for the purpose of preventing an obstruction.

Alteration of Position of a Vehicle

13. Where any vehicle is standing in contravention of the provisions of Articles 5, 7 or 9 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

14. 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 Articles 5, 7 or 9 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

15. 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.

Designated Disabled Persons Parking Places (Schedule 4)

16. Each area of a road which is designated in Column 2 of Schedule 4 to this Order is hereby designated as a disabled persons parking place.
17. The disabled persons parking places designated in Article 16 of this Order shall only be used for the leaving, for a period not exceeding two hours, of disabled persons vehicles displaying 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.
18. The number of parking bays in each disabled persons parking place shall not exceed the number specified in Column 3 of Schedule 4 to this Order.
19. The limits of the disabled persons parking places designated in Article 16 of this Order and the limits of each parking bay in a parking place shall be indicated on the carriageway in such a manner as the local roads authority may determine by signs, carriageway markings, lines or other indications.
20. Every disabled persons vehicle left in a parking place designated in Article 16 of this Order shall so stand such that no bay is occupied by more than one disabled persons vehicle and that every part of the vehicle is within the limits of a parking bay provided that, where the length of a disabled persons vehicle precludes compliance with this paragraph, such disabled persons vehicle shall be deemed to be within the limits of a parking bay if -
 - (a) the extreme front portion, or, as the case may be, the extreme rear portion of the disabled persons vehicle is within 300mm of an indication on the carriageway provided under Article 19 of this Order in relation to the parking bay; and
 - (b) the disabled persons vehicle, or any part thereof, is not within the limits of any adjoining parking bay.

Alteration of Position of a Vehicle

21. Where any vehicle is standing in a disabled persons parking place in contravention of the provisions of Article 17, 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

22. 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 Articles 17 or 20 have been contravened or have not been complied with in respect of a vehicle left in a disabled persons parking place designated by this Order, he or she may remove the vehicle, or cause the vehicle to be removed, from the parking place and, where it is so removed, shall provide for the safe custody of the vehicle.

Movement of a Vehicle in an emergency

23. 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, disabled persons vehicles left in a parking place.

Power to suspend parking places

24. (a) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever such suspension is considered necessary -
- (i) for the purpose of facilitating the movement of traffic or promoting its safety; or
 - (ii) 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

of any telecommunication apparatus, traffic sign or parking ticket machine; or

- (iii) 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; or
 - (iv) on any occasion on which it is likely, by reason of some special attraction, that any street will be thronged or obstructed; or
 - (v) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.
- (b) A police constable in uniform may suspend for not longer than twenty four hours the use of a parking place or part thereof whenever such suspension is considered reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

Contraventions

25. 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.
26. The particulars given in the penalty charge notice attached to a vehicle in accordance with Article 25 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.
27. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 25 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.
28. Where a parking attendant has removed or caused to be removed a vehicle in accordance with Articles 14, 15, 22, 23 or 25: -

- (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

29. Subject to Article 30, the Council may as respects a vehicle which has been removed from a prohibited or restricted road or parking place in pursuance of Articles 14, 15, 22, 23 or 25, 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.
30. 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 29 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 plan annexed and signed as relative hereto are signed for and on behalf of South Ayrshire Council at Ayr by

Karen Boyd Briggs, Legal and Licensing Manager, one of their officers authorised to sign deeds.

Signed: *Karen Boyd Briggs* Date: 24/7/14
Witness: *Deborah A McVey*

Full Name: Deborah Anne McVey
Designation: Legal Services Officer
Address: County Buildings, Wellington Square, Ayr

SCHEDULE 1

NO WAITING AT ANY TIME

NO LOADING AT ANY TIME

**Length of Road in the
South Ayrshire Council
within the Town of Ayr**

**Side of Road to which
Restriction Applies**

Arthur Street

- | | | |
|----|--|-----------|
| 1. | From the extended northeast kerbline of Boswell Park northeastwards then eastwards for a distance of 96 metres or thereby. | Southeast |
| 2. | From the extended northeast kerbline of Boswell Park northeastwards for a distance of 5 metres. | Northwest |
| 3. | From a point 80 metres northeast of the extended northeast kerbline of Boswell Park eastwards for a distance of 13metres. | North |

This is Schedule 1 referred to in the foregoing Order



SCHEDULE 2

NO WAITING AND NO LOADING
AT ANY TIME
EXCEPT GOODS VEHICLES

Length of Road in the
South Ayrshire Council
within the Town of Ayr

Side of Road to which
Restriction Applies

Arthur Street

From a point 10.5 metres northeast of the extended northeast kerbline of Boswell Park northeastwards for a distance of 19.5 metres.

Northwest

This is Schedule 2 referred to in the foregoing Order

A handwritten signature in black ink, appearing to read 'Gordon R. ...', is written below the text.

SCHEDULE 3

NO WAITING AT ANY TIME

**Length of Road in the
South Ayrshire Council
within the Town of Ayr**

**Side of Road to which
Restriction Applies**

Arthur Street

- | | | |
|----|---|-------|
| 1. | From a point 43 metres northeast of the extended northeast kerbline of Boswell Park northeastwards then eastwards for a distance of 36 metres or thereby. | North |
|----|---|-------|

This is Schedule 3 referred to in the foregoing Order



SCHEDULE 4


DISABLED PERSONS VEHICLES

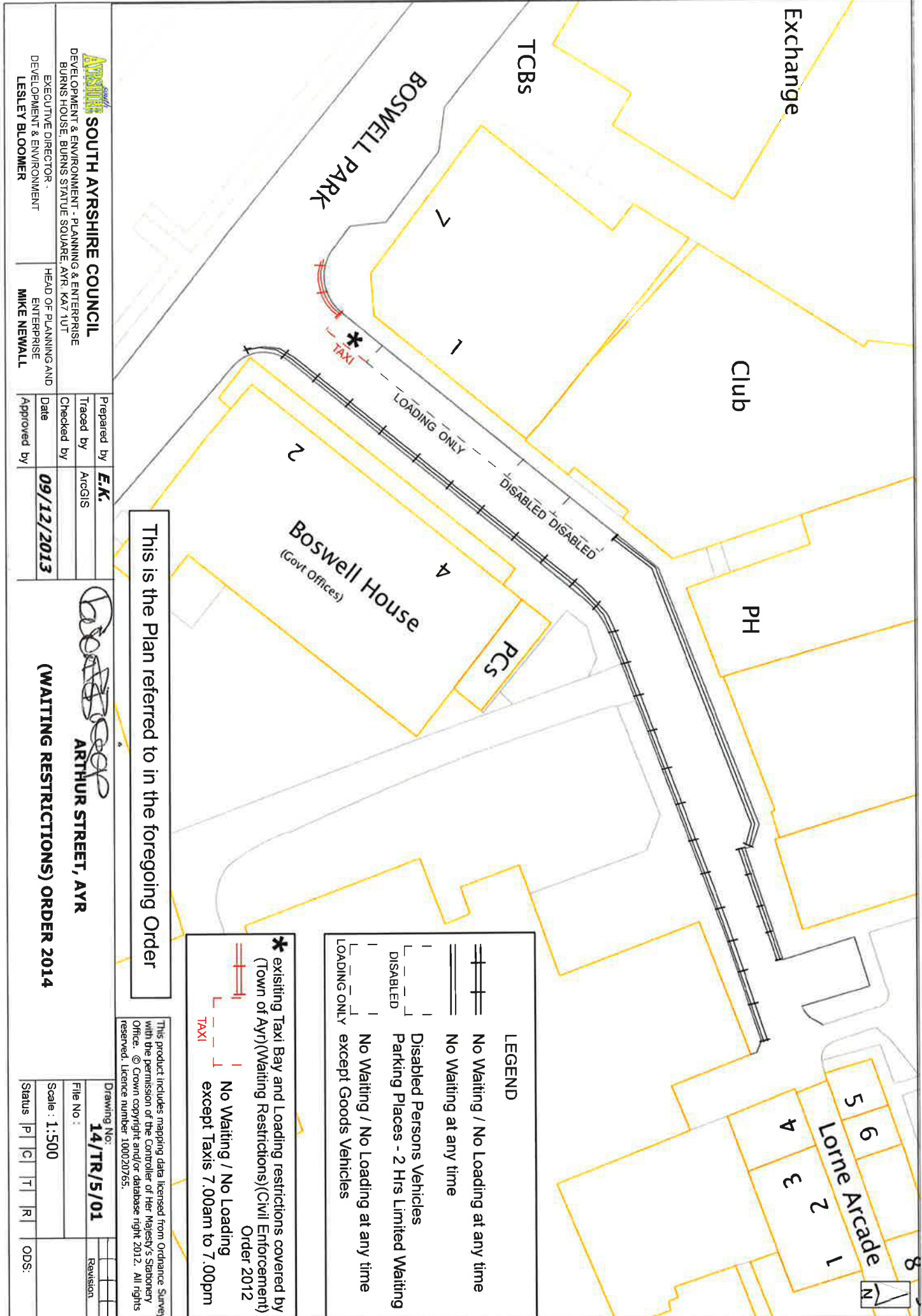
DESIGNATED PARKING PLACES

WAITING LIMITED TO 2 HOURS

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>
Parking Places Ref Nos	Areas of Roads Designated as Parking Places Within the Town of Ayr	Maximum Number of Parking Bays	Minimum Unoccupied length in metres	Special Manner of Standing in parking Place
39.	That part of the northwest side of Arthur Street which is bounded on the northwest by the edge of the carriageway, which has a width throughout of 2.5 metres and which extends from a point 30 metres northeast of the extended northeast kerblines of Boswell Park northeastwards for a distance of 13 metres.	2	-	Parallel to the kerblines

This is Schedule 4 referred to in the foregoing Order





This is the Plan referred to in the foregoing Order

LEGEND

- No Waiting / No Loading at any time
- No Waiting at any time
- Disabled Persons Vehicles Parking Places - 2 Hrs Limited Waiting
- No Waiting / No Loading at any time except Goods Vehicles

*** existing Taxi Bay and Loading restrictions covered by (Town of Ayr)(Waiting Restrictions)(Civil Enforcement) Order 2012**

- No Waiting / No Loading except Taxis 7.00am to 7.00pm
- TAXI**

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AYRSHIRE SOUTH AYRSHIRE COUNCIL
 DEVELOPMENT & ENVIRONMENT - PLANNING & ENTERPRISE
 BURNS HOUSE, BURNS STATUE SQUARE, AYR, KA7 1UT

EXECUTIVE DIRECTOR -
 DEVELOPMENT & ENVIRONMENT
LESLIE BLOOMER

HEAD OF PLANNING AND ENTERPRISE
MIKE NEWALL

Prepared by **E.K.**
 Traced by **ArGIS**
 Checked by **09/12/2013**
 Date **09/12/2013**
 Approved by

ARTHUR STREET, AYR

(WAITING RESTRICTIONS) ORDER 2014

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